Food Act 2006 passed by State Parliament

The Food Act 2006 has arrived! In what was a landmark day for food regulation and the food industry the Food Act 2006 was passed in State parliament on Thursday 16th February 2006.

The Food Act 2006 means Queensland now has a contemporary piece of food legislation which is equal to the world’s best practice. It is also good news for the Australian food industry as it is a step closer to all States and Territories having the same or equivalent food laws across the country.

The new Food Act 2006 manages food safety based on the level of risk that a food business presents to the community. Many hours of work has been put in from committed government and industry stakeholders. Queensland Health would like to acknowledge the Food Safety Stakeholders forum and its working groups for contributing their time and expertise to the development of the Act.

The majority of the Food Act 2006 will commence in Queensland on 1st July 2006. It introduces a simplified licensing system for food businesses and exemptions from licensing for most non-profit activities. However, some key provisions will commence on 1st July 2007.

For those businesses designated high-risk, such as aged care, hospitals and food businesses that conduct defined types of catering, a food safety program that documents how the business will manage their food safety will be required. This requirement will commence on 1st July 2007. Child care centres are not presently included in the Act as requiring a food safety program but may be subject to a regulation after further industry consultation.

To strengthen our food safety laws there will be a requirement for a licensed food business to have a food safety supervisor who has demonstrated skills and knowledge in food safety matters. This requirement will also commence on 1st July 2007.

While the onus in on the food business to produce safe and suitable food, there is more flexibility and guidance for food businesses to achieve their goals. Local government has responsibility for enforcement of the food safety standards and will have wider enforcement powers with the introduction of on-the-spot fines and improvement notices for food businesses found not complying. Queensland Health will be responsible for ensuring food and packaging complies with the standards and investigating food poisonings and foreign objects in food.

Heavier fines also apply to food businesses that continue to not comply with new food laws including penalties of up to two years imprisonment.

Food safety program trial for catering industry

Queensland Health, Restaurant and Catering Queensland, South East Queensland Councils and local catering businesses have commenced a trial to test the implementation of food safety programs within the catering industry. Each of the catering businesses involved will develop a food safety program for their business. The food safety programs will be developed using a template supplied by Queensland Health. The councils, which include Brisbane, Gold Coast, Logan, Toowoomba Cities and Maroochy Shire will then accredit and audit the programs. Each of the catering businesses and local governments will provide valuable feedback to Queensland Health on the process of implementing and evaluating the programs. The trial is an excellent example of Queensland Health, local government and industry working together to improve knowledge, resources and processes.
Non-profit organisations & the Food Act 2006

The non-profit sector provides vital services to the community. These services include caring for the aged, accommodation for women in crisis, outreach services for youths, providing meals and light refreshments to victims and official workers during times of disaster or crises, providing for the homeless, and those with drug, alcohol and gambling problems.

The cost of delivering these services to members of the community is increasing and the non-profit sector unlike commercial industry has limited capacity to pass these increases on to their clients.

The Food Act 2006 limits a non-profit organisation’s exposure to regulatory fees, for example, licence fees and administration burdens while maintaining standards of food safety.

The legislation defines the term ‘non-profit organisation’ to mean an organisation that is not carried on for the profit or gain of its individual members and is engaged in activities for a charitable, cultural, education, political, social welfare, sporting or recreational purpose.

Community non-profit organisations will not require a licence where they do not sell meals, as defined in the Act, on more than 12 or more occasions each year.

The Act defines the term ‘meal’ to mean food that is intended to be eaten by a person sitting at a table, using cutlery and the food is of an adequate substance to be normally considered to a meal. Sandwiches, hamburgers, sausages and cakes are not considered to be a ‘meal’. A non-profit organisation that only sells this type of food would not be required to be licensed.

There are further exemptions from the licensing requirement for non-profit organisations that sell meals. These include:

- meals where the consumer participates in the meal’s preparation
- meals prepared as part of an educational or training activity conducted by the organisation involving food preparation, hospitality or catering
- pre-prepared food that is heated or prepared in accordance with the manufacturer’s instructions
- low-risk food such as cereal, fruit or toast.

For those non-profit organisations that are required to be licensed, the Act enables local governments to waive or reduce the applicable licence fee.

Some non-profit organisations that are required to be licensed may be required to implement food safety programs. These programs will help the organisation to effectively manage food safety hazards. It should be noted that the food safety program requirements will not commence until 1st July 2007.

While non-profit organisations may be eligible for exemptions to the licensing provisions of the Act, they still must provide safe food to their customers.

National auditing policy development

In recognition of the need for a consistent national approach in the management of the new food safety program and auditing requirements, Commonwealth, State and Territory governments have agreed to develop a national implementation policy for the management of food safety auditors and audits. This work is being undertaken by a national Implementation Sub Committee Audit Working Group chaired and managed by Queensland Health.

Quick News

Food Standards Australia New Zealand (FSANZ) is undertaking a review on nutrition, health and related claims on food product labels. Proposal P293 – Nutrition, Health and Related Claims is currently available for comment. Written submissions are invited from interested individuals and organisations to assist FSANZ in completing its review. Submissions are due on 31st March 2006. FSANZ proposals are available on their website at: www.foodstandards.gov.au/standardsdevelopment/proposals/index.cfm

The agreement between Queensland Health and Southbank Institute of TAFE regarding the delivery of QLFA100 Certificate IV in Health (Food Safety Programs and Auditing for Authorised Officers) expired on the 31 December 2005. Queensland Health will not be seeking to further extend the accreditation of the course or the agreement, as the national auditing policy will determine the approval criteria for food safety auditors.

The Food Regulation Standing Committee is seeking comments from all interested persons on the ‘Addition to Food of Substances other than Vitamins and Minerals Policy Options Consultation Paper’. The Consultation Paper is seeking community views on the policy options. Submissions close on 7th April 2006. The consultation paper can be accessed through the Food Regulation Secretariat website www.health.gov.au/foodsecretariat or by telephone on 02 6289 5128.
Gladstone oil spill impacts food safety

The Gladstone oil spill occurred just before midnight on the 24th January 2006 after a tug boat collided with a bulk carrier during berthing operations in Gladstone harbour. Approximately 25 tonnes of heavy fuel oil (bunker plus kerosene or diesel) were spilled into the harbour.

The waters affected by the spill are a boating area and port, and has an established aquaculture industry involving fish, prawns and crabs.

Queensland Health led the State Government’s response to the food safety aspects of the spill. Paul Florian, Director of Environmental Health at the Rockhampton Population Health Unit, coordinated the Queensland Health response in Gladstone. Over 80 samples have been analysed. All analysis of the fish stocks were undertaken by Queensland Health Scientific Services.

Further information is available at:

Food safety supervisors

From the 1st July 2007, the Food Act 2006 will require all food businesses to have a designated food safety supervisor. The food safety supervisor will be required to:

- have staff supervisory responsibilities
- know how to recognise and prevent food safety hazards
- have skills and knowledge relating to food hygiene which are relevant to the food business.

The Food Safety Stakeholders Forum has a working group addressing what skills and knowledge requirements will be necessary for Food Safety Supervisors. Significant progress has been made and the working group will be meeting again in March to further progress this issue.

One in three meat samples fail

Queensland Health is warning retail and wholesale butchers to comply with the Food Act 1981 and the Food Standards Code, or risk facing fines and prosecution.

Queensland Health’s Brisbane North Population Health Unit has been undertaking a sampling program of butcher shops. Samples have been obtained from butchers located in shopping centres, strip shops and supermarket butchers.

To date 64 samples have been obtained from 34 butcher shops. 23 (36%) of the samples taken failed to comply with the Food Standards Code. These failures have resulted in 15 butchers being prosecuted for breaches of the Food Act 1981 and Food Standards Code. Failures included labelling food in a way that falsely described the food, beef sausages containing species other than bovine and excess sulphur dioxide in meat products.

The location of butcher did not influence the level of compliance with the Food Standards Code. The rate of failure was found to be approximately even between butchers located in shopping centres, strip shops and supermarket butchers.

Individuals who sell food that fails to comply with the Food Standards Code or engage in misleading conduct relating to the sale of food may face fines of up to $52,500.

Information on the food standards can be found at:
www.foodstandards.gov.au

Newsletter survey

The Food Reform Implementation Team would like to thank those people who took the time to respond to the survey on this newsletter. Valuable comments and suggestions were provided.

The Team has commenced reviewing the suggestions provided and where possible future editions will incorporate the proposals.
Frequently asked questions

The Food Reform Implementation Team (FRIT) has received a variety of questions about the Food Act 2006. As reported in newsletter 26 a Frequently Asked Questions resource for Environmental Health Officers is being developed. The following questions and answers are an extract from this resource:

Q. How will authorized persons be able to access the register of licensed mobile food businesses?
A. It is intended that the register will be available on Queensland Health’s website. Alternatively, the information will be available by contacting the Environmental Health Unit or Population Health Units. The register will commence on 1st July 2007 to allow development that considers how local government can provide the information to Queensland Health.

Q. Is there a requirement for local governments to keep a register of fixed licensed premises in the same manner as Queensland Health is required to maintain a register of licensed mobile food businesses?
A. There is no requirement within the Act to maintain a publicly available register of licensed food premises.

Q. Can a proprietor apply for one licence to operate three food premises that are located on separate parcels of land?
A. No. The proprietor would need a licence for each premises.

Q. Can an auditor who writes a food safety program for a food business also accredit the program?
A. No, as accreditation of food safety programs must be undertaken by local government.

Q. Can an auditor employed by a local government who accredits a food safety program also audit the program?
A. Yes. However, the auditor employed by a local government must not have written the program for the business.

Food Act training workshops

Queensland Health’s Food Reform Implementation Team (FRIT) are currently planning the first of a series of ‘roadshows’. They will consist of a series of training workshops throughout Queensland. The workshops are intended to provide Environmental Health Officers with the knowledge necessary to be able to implement the Food Act 2006.

It is currently anticipated that the workshops will commence it late April and be completed by mid June.

Workshops* are being planned to be held at:
- Cairns
- Mackay
- Rockhampton
- Hervey Bay
- Toowoomba
- Gold Coast
- Townsville
- Mt Isa
- Longreach
- Sunshine Coast
- Roma
- Brisbane

* Workshops being held will depend on numbers attending.

Further information can be obtained by contacting FRIT on 07 3234 0938.

Preparing for the Food Act

With the majority of the Food Act 2006 commencing on the 1st July 2006, there are a number of tasks that local governments need to undertake prior to its commencement.

These include:
- review and replace the current licence and registration system with a license only system
- review and update the local government’s fees and charges relating to the issuing of licences and associated services under the Act
- review the existing register of delegations
- update every Environmental Health Officer’s instrument of appointment, so that the authorised person is able to perform their duties upon commencement of the Act
- replace existing identity cards with new cards showing that the Environmental Health Officer is an authorised person under the Act.

Each of the above tasks needs to be completed and ready for implementation on the 1st July 2006. Should they not be implemented when the Act commences, any monitoring or enforcement activities undertaken may be illegal.
### The requirement

<table>
<thead>
<tr>
<th>Standard 3.1.1</th>
<th>Where we are at</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretation and application</td>
<td>Became law in Queensland on 1 July 2001</td>
<td>Requires all food businesses to own a thermometer accurate to ± 1°C</td>
</tr>
<tr>
<td>Standard 3.2.2 Food Safety Practices and General Requirements</td>
<td>Became law in Queensland on 1 July 2001</td>
<td>Requires food handlers to have the appropriate skills and knowledge in food safety and hygiene to do their job</td>
</tr>
<tr>
<td>− Clause 3 Skills and Knowledge</td>
<td>Became law in Queensland as of 1 July 2002</td>
<td>Australian Standard 4674 - Design, construction and fit-out of food premises has been approved and can be used as a guide to Standard 3.2.3 requirements</td>
</tr>
<tr>
<td>Standard 3.2.3 Food Premises and equipment</td>
<td>Became law in Queensland as of 1 July 2001</td>
<td>Requirements of this national standard are incorporated into the Food Bill 2005</td>
</tr>
<tr>
<td>Standard 3.2.1 Food Safety Programs</td>
<td>Development under way in Queensland Government hospitals and aged care</td>
<td></td>
</tr>
</tbody>
</table>

### Food Act 2006

**Food Act 2006**

The Food Act 2006 was debated and passed by parliament on 14th February 2006.

The Food Act 2006 will commence on 1st July 2006. Provisions commencing on this date include offences and defences, licensing of food businesses, powers of authorised officers, emergency powers, reviews and appeals and repeal and transitional provisions. Provisions relating to food safety supervisors, food safety programs, auditors, undertaking audits and mobile food premises register will commence on 1st July 2007.

### Food Standards Code

**Australia New Zealand Food Standards Code**

The only set of food standards as of 20 December 2002

The Code, fact sheets, user guides and nutritional information is available from www.foodstandards.gov.au

### Primary Produce

**Food Production (Safety) Act 2000**

Major provisions became law in Queensland as of 25 October 2000

Legislation that governs primary produce, enforced by Safe Food Production Queensland

Phone 1800 300 815 or www.safefood.qld.gov.au

**Food Safety Schemes**

- **Meat**
  - Became law as of 1 January 2003

See the Food Production (Safety) Regulation 2002

- **Eggs**
  - Egg food safety scheme became law on 1/1/05.
  - Seafood scheme still being developed.

For more info on the Food Safety Schemes contact Safe Food Queensland on 1800 300 815 www.safefood.qld.gov.au
### Upcoming events...

<table>
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<tr>
<th>Event</th>
<th>Contact</th>
<th>When</th>
<th>Where</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Act 2006 Training Sessions for Enforcement Agencies</td>
<td>Food Reform Implementation Team (07) 3234 0938 <a href="mailto:ehu@health.qld.gov.au">ehu@health.qld.gov.au</a></td>
<td>April-June 2006</td>
<td>Various metropolitan and regional locations throughout Queensland</td>
</tr>
<tr>
<td>International Federation of Environmental Health World Congress</td>
<td>Waikay Lau (07) 3711 3308 <a href="mailto:waikay.lau@aieh.org.au">waikay.lau@aieh.org.au</a></td>
<td>17-23 June 2006</td>
<td>Trinity College Dublin, Ireland</td>
</tr>
<tr>
<td>Australian Institute of Environmental Health (Qld Division) Annual State Conference</td>
<td>Jo Rolls (07) 3000 2299 <a href="mailto:qld@aieh.org.au">qld@aieh.org.au</a></td>
<td>15-19 October 2006</td>
<td>Ocean International Resort Mackay</td>
</tr>
<tr>
<td>Reaching At-Risk Audiences and Today’s Other Food Safety Challenges 2006 Food Safety Education Conference</td>
<td>Susan Conley +1 301 504 9605 <a href="mailto:Denver2006@nsf.org">Denver2006@nsf.org</a></td>
<td>25-29 September 2006</td>
<td>Adam’s Mark Hotel Denver, Colorado United States</td>
</tr>
<tr>
<td>International Conference on Molluscan Shellfish Safety</td>
<td>Ann-Maree Patterson +64 4463 2500 <a href="mailto:anne-maree.patterson@nzfsa.gov.au">anne-maree.patterson@nzfsa.gov.au</a></td>
<td>18-23 March 2007</td>
<td>Marlbourgh Centre Blenheim New Zealand</td>
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### International news

#### Review of the Treaty between Australia and New Zealand

The review of the Food Regulation Agreement (FRA) triggers a review of the Treaty between Australia and New Zealand. The treaty establishes the joint food system between the two countries. The Treaty Review is scheduled to commence in early 2006 and will be completed prior to the completion of the Review of the FRA.

*Source: The Newsletter of the Food Regulation Secretariat, Issue No. 4*

#### Chocolate cheese popular in Asia

New Zealand dairy co-operative, Fonterra, has introduced a chocolate flavoured cheese in Taiwan. It has been reported that the chocolate flavoured cheese has captured 10 per cent of Taiwan’s entire cheese market within six months of it being launched.

The group is currently rolling out chocolate cheese slices in Malaysia, Indonesia and Thailand, and has already had early success in Singapore.

*Source: www.ap-foodtechnology.com/news/ng.asp?n=64659&t=m=2apfd18&tcc=rjcdmdjymeortjk*

#### Extortionists receive jail terms

A Californian couple who planted a severed finger in a bowl of Wendy’s chili in a scheme to extort money from the fast-food chain were sentenced to at least nine years in prison.

Anna Ayala, 40, who said she bit into the digit, was sentenced to nine years. Her husband, Jaime Plascencia, 44, who obtained the finger from a co-worker who lost it in a workplace accident, was sentenced to more than 12 years. The two pleaded guilty in September to conspiracy to file a false insurance claim and attempted grand theft with damages exceeding $2.5 million.

Forensic tests showed Ayala never bit on the finger and that the finger had not been cooked.

*Source: New York Times/AP from FSNet*
Food safety resource | Description
--- | ---
Health claims proposal and sugar levels of fruit | A fact sheet produced by FSANZ containing information on their intention to allow health claims on healthier foods such as fruit and vegetables. Available at: www.foodstandards.gov.au
Policy guideline: Fortification of Food with Vitamins and Minerals | A guideline which provides guidance on the development of permissions for the addition of vitamins and minerals to food. Available at: www.health.gov.au/internet/wcms/publishing.nsf/Content/foodsecretariat-policydocs.htm#policyguideline

Mailing list
join for free or change your details

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- Please correct my contact details as shown below.
- I no longer wish to receive the newsletter, please remove my contact details, as shown below.

Attn: Environmental Health Adviser, Food Reform Implementation Team

Name:
Address:
Postcode:
Company:
Phone No:
Email address:

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