

FOOD SAFETY LEGISLATION UPDATE

Summary for Councillors

The Food Amendment (Regulation Reform) Bill 2009 has been introduced into State Parliament to improve the way in which food safety is regulated in Victoria. This is the State's legislative response to the recommendations made in the Victorian Competition and Efficiency Commission (VCEC) 2007 report "Simplifying the Menu: Food Regulation in Victoria" and recommendations by the Auditor General in two reports in 2002 and 2006.

The Bill will have implications for local government, which registers about 45,000 food premises, and issues many thousands of permits for temporary events involving the sale of food to the public.

The State's intent is to strike a balance between reducing unnecessary red-tape for food businesses and community organisations, while ensuring appropriate food safety regulation for higher risk activities.

For many community groups and lower risk food businesses, the changes will reduce their regulatory requirements. Local businesses will benefit from the proposals to reduce duplication, such as greater consistency of inspection regimes, more varied auditing and assessment. The legislation will also be supported by additional non-statutory measures, such as the free voluntary on-line staff training.

For local government, the proposals address some concerns with the current 'one size fits all' classification system which imposes regulatory requirements that do not give enough consideration of the size or nature of the business. For example a small stall at a fair may be currently regulated in much the same way as a supermarket, which results in excessive regulatory burden and cost.

The proposals will involve a closer alignment between food safety regulation and risk, which will require a period of transition and adjustment for local government. Detailed preparations have already commenced, including technical and communication materials to be developed to assist in the transition phase.

A more comprehensive outline of the changes contained in the Bill is provided in a Members Brief which has been circulated to Chief Executive Officers.

What this means for Councils

The shift to a more graduated statutory framework will require local government to focus most of its food safety activities on those businesses handling and selling high and medium risk foods. This will require some administrative changes by councils in the way food safety regulation is applied, including:

- Re-classifying food premises to meet the new class definitions
- Developing new fee policies, for example deciding whether to charge extra fees for follow-up inspections when premises have failed to comply, or whether to continue to build this cost into overall registration fees.
- Providing reports to the Department of Human Services
- Adjusting IT systems to enable council systems to meet standard definitions
- Communicating with food businesses and community organisations to provide appropriate education and advice about the changes.

The reporting proposals are a new State requirement of councils. The MAV has previously accepted the need for reporting by councils because a lack of information has undermined the ability of all regulators, including councils, to focus attention on areas of highest need. For example, nobody currently knows how many businesses in Victoria are registered, how many get de-registered, how many prosecutions are undertaken, etc. Reporting by councils to DHS will fill this gap.

Technical IT support solutions are being investigated to enable council reporting to be undertaken as easily as possible. As the reporting provisions need to be set by Government Declaration (in consultation with local government), the implementation date can be adjusted to meet state and local government needs.

What this means for community organisations

The introduction of two additional classes of food premises with lower regulatory requirements will be welcomed by food businesses and community organisations that fall into these categories.

Safe provision of food to the public continues to be important and regulatory requirements for food safety programs will continue for food businesses providing higher risk food (such as aged care facilities and long day care) and also for some community groups where appropriate.

The details about how some activities of community groups will be classified are still being worked out by DHS, but the State has advised that sausage sizzles and cake stalls will be classified as Class 4 events. Broadly, if a community organisation is categorised as Class 4, it will no longer need to prepare a Food Safety Program. It will only need to notify councils of an event involving the sale of food to the public. A working group involving local government and DHS has been established to consider the classification issues.

The aim is to ensure that regulation is proportionate to the activities undertaken by community groups, that public health is protected, and that community groups are not deterred from undertaking safe fund raising events.

Further advice will be provided to councils to understand the implications of the changes for community organisations so these groups can be advised in preparation for implementation of the new framework.

Proposed timetable for all of the changes

Once the legislation is passed, the changes to the Food Act are proposed to be implemented over the next two years to give time to prepare systems and practices.

Next Steps

The Bill will be debated in Parliament over the coming months.

The DHS/MAV Food Safety Coordination Project is continuing over the coming year. It has provided unprecedented opportunities for local government views to be included in many of the Bill's proposals.

In addition, representatives from many councils have been co-opted to develop workable solutions and tease out implementation requirements for specific issues, including the tool that will support the new premises classification system. This assistance has proved invaluable, as their field experience has ensured that policy proposals are both practical and appropriate.

A key priority of the MAV over coming few months will be to ensure that the support mechanisms provided to councils are appropriate and sufficient to meet their needs. These will include:

- Working with DHS to develop guidelines and policies
- Exploring information technology solutions for reporting systems
- Providing summaries and updates about specific issues as appropriate
- Providing materials so councils can communicate effectively with food premises and community organisations.

More will information will be forthcoming over the next year as the tools are developed.

FURTHER INFORMATION

Visit the Department of Human Services (DHS) website: www.health.vic.gov.au/foodsafety

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