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| Food safety regulator planMarch 2018 – June 2019 |
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# Introduction

## Purpose of document

The Department of Health and Human Services (the department) administers numerous Acts and regulations aimed at promoting health and wellbeing, and protecting vulnerable clients. It has 11 internal business units and three statutory bodies that are recognised by the Department of Treasury and Finance as regulators of business and not for profit organisations.

An individual regulatory plan has been developed for each of the 11 internal business unit regulators. These documents are developed in line with the conceptual framework outlined in the department’s [*Better regulator practice framework*](https://www.dhhs.vic.gov.au/better-regulatory-practice-framework)<https://www.dhhs.vic.gov.au/better-regulatory-practice-framework>.

## Document content

This regulator plan relates to the Food Safety Unit. The structure of the regulator plan document includes:

* outcomes
* risk assessment and risk management strategy
* demonstrating impacts
* stakeholder engagement
	+ - overview of approach
		- key stakeholders (co-regulators)
			* key activities.

This is the first consolidated regulator plan that the unit has developed and published. If you have any feedback on the plan, please email Food Safety Unit <foodsafety@dhhs.vic.gov.au>.

The regulator plan will remain in place until 30 June 2019, and will then be reviewed and updated every two years, consistent with the timeframes for the Ministerial Statement of Expectations for regulators.

## Principles

In order to achieve the department’s outcomes, the regulators undertake their regulatory roles as informed by better regulatory practice principles. Consistent with better regulatory practice approaches interstate and internationally, the Food Safety Unit seeks to apply the following principles:

Table 1: Regulatory practice principles

| Principle | Commitment |
| --- | --- |
| **Collaborative** | Where the various departmental regulatory regimes, and those of other agencies, intersect, the regulators will work together to maximise effectiveness and minimise regulatory burden. Regulators will also cooperate and engage with internal and external stakeholders, including interstate counterparts and those representing various client groups within the Victorian community.  |
| **Consistent** | The regulators will work to provide a consistent experience for regulated entities and the community. Regulatory responses will be predictable (meaning that, to the extent possible, regulators provide similar responses in similar circumstances - consistent with policy) and where possible standardised, following clear processes and delivering consistent results. This will ensure that individuals / organisations are treated fairly, and that the regulators are objective in their decision-making.  |
| **Efficient** | The regulators will allocate resources in a proportionate way that aims to most efficiently achieve outcomes, considering the direct and indirect impacts on the relevant sectors. This includes minimising unnecessary administrative burden and any adverse impact of regulatory actions on businesses to a level that is not justifiable to achieve regulatory outcomes. |
| **Intelligence-led** | The regulators will analyse incoming intelligence and data in order to allow them to be responsive and accurate when assessing risk and undertaking compliance activities. |
| **Outcomes-focussed** | Processes and decision-making will be driven by outcomes, and the regulators will be effective in achieving their regulatory objectives. Progress against outcomes will be measured to ensure continuous improvement. |
| **Proportionate** | The work undertaken by regulators should be proportionate to the risk being addressed. The principle of proportionality should guide regulators decisions in relation to the level of resources assigned to manage a particular risk, the regulatory tools used and enforcement activities. |
| **Risk-based** | The regulators will be proactive in identifying, assessing and responding to risk, prioritising and targeting resources toward specific groups or behaviours that pose the greatest risk to the department’s outcomes. |
| **Transparent** | The regulators will be open in their decision-making and processes, documenting decisions appropriately, including the justification for decisions. The regulators will aim to assist regulated parties to understand the decision-making processes, areas of focus and performance. Regulators will follow standard reporting requirements, enabling the department to monitor and oversee the performance of its regulators. |

# Regulator’s context

This section outlines the context that the regulator operates within, including its regulatory framework and a brief overview of its activities.

The Department of Health and Human Service’s (the department) Food Safety Unit is part of the Health Protection Branch in the Regulation, Health Protection and Emergency Management Division.

The Food Safety Unit does not directly regulate food businesses under the *Food Act 1984* (the Act), that function is devolved to local governments. Instead, the Food Safety Unit has other statutory functions as outlined in the Act. These functions include promoting the objectives[[1]](#footnote-1) of the Act and its consistent administration through the provision of information and guidance to local governments, authorized officers and food safety auditors. The Food Safety Unit also approves food safety auditors, authorises analysts, provides basic food handling information, guidance and education for food businesses and the general community. The Food Safety Unit undertakes food safety risk assessments, incident investigations and responds where there are regional, state-wide or national food safety incidents. This includes food recalls and participation in the work of the National Food Safety Network and National Food Incident Response Working Group.

The Food Safety Unit has a statutory role to facilitate the Chief Health Officer to exercise his/her powers and functions under the Act, as delegated by the Secretary. This includes the power to mandate a company to recall food from the marketplace where a serious danger to public health has been identified. Therefore, where complaints come to the department which pertain to issues that are likely to result in a food recall, such as undeclared allergens in packaged food, the unit coordinates the investigative response. The Food Safety Unit also leads the food safety investigative response into food safety incidents, such as multi-jurisdictional foodborne outbreaks of illness, where the source is a Victorian food business.

The Food Safety Unit works closely with Agriculture Victoria, a Division of the Department of Economic Development, Jobs, Transport and Resources. This collaboration recognises that food safety starts in production, in the growing, rearing and cropping of food, and extends through transport, processing and manufacture to the food service and retail sectors and to the consumer. At any point in this supply chain, food can be contaminated, posing a risk to consumers, and this close working relationship contributes to the identification and management of food safety risks.

Together, the two departments support the Food Safety Centre, based at the University of Tasmania. This Centre contributes to the horizon scanning undertaken by the department. The Centre provides information on current and emerging risks, developing sophisticated predictive models that contribute to risk assessment and management by industry and regulators, and undertakes specific research activities to improve the safety of Australian food.

The Food Safety Unit supports public health through regulatory policy development and participation in a range of bi-national as well as directly with food manufacturers, businesses, educational institutions and consumers. This collaborative approach has the aim of influencing thinking, policy and programs to achieve a healthier Victorian community.

## Regulatory framework

### Food regulation system

The Australia and New Zealand joint food regulatory system is designed to protect the health and safety of consumers. It is a complex system of laws, policies, standards, regulation, rules, and guidance documents that inform a widely dispersed and varied industry and consumers about food safety, labelling, composition and food handling requirements. The system is designed to ensure consistency of regulation across all Australian states and territories and New Zealand, and that regulation is appropriate and proportionate to the food safety risk being managed.

In Australia, three levels of government share responsibility for developing and/or administering food laws. The Commonwealth, state and territory governments jointly develop national food standards, which together make up the *Australia New Zealand Food Standards Code* (the Code). The Food Safety Unit works with colleagues from the Department of Economic Development, Jobs, Transport and Resources and its statutory agencies PrimeSafe and Dairy Food Safety Victoria to provide whole-of-Victorian-government input into the process of making those standards. Once those standards are made they are automatically adopted as law in all Australian states and territories. In Victoria, like most other states and territories, those laws are administered by local government.

The Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) sits at the head of the bi-national food regulatory system and is supported in policy development by the Food Regulation Standing Committee and by the scientific and technical knowledge of Food Standards Australia New Zealand. The Food Safety Unit supports the Minister for Health in her role as Victoria’s lead minister on the Forum, including intra- and inter-departmental coordination of advice and activities, to provide a whole-of-Victorian-government response to national food regulation issues. The Implementation Sub-committee for Food Regulation, which is a subcommittee of the Food Regulation Standing Committee is charged with ensuring that implementation of the Code is undertaken consistently by all Australian and New Zealand regulators. Victorian representation is important at this level to ensure the protection of Victorian consumers and food businesses is adequately considered to maintain a strong Victorian food industry and a healthy community. The Food Safety Unit is a member of the Food Regulation Standing Committee, the Implementation Sub-committee for Food Regulation, and other national food safety committees established to promote the objectives of the binational food regulation system.

### Groups we rely on to undertake our regulatory function

The Food Safety Unit works with several co-regulators who have complementary objectives or functions. Those co-regulators are the Department of Economic Development, Jobs, Transport and Resources[[2]](#footnote-2), PrimeSafe[[3]](#footnote-3),Dairy Food Safety Victoria[[4]](#footnote-4), and Victoria’s 79 local governments. In Victoria, local governments are responsible for registration, compliance monitoring and enforcement activities for food businesses under the *Food Act 1984* unless responsibility lies with another regulator under Victorian legislation.

Cooperative activities between the Food Safety Unit and its co-regulators include sharing information, joint investigations, and cooperative delivery of guidance to regulated entities. When the Food Safety Unit receives any food safety-related complaints, those complaints are assessed and then referred to the relevant regulator for action. In the event that a complaint relates to misleading and deceptive conduct, the Food Safety Unit may, if the matter is of national relevance, refer the complaint to the Australian Competition and Consumer Commission for investigation. All laboratory notifications of pathogens in foods that are received by the Food Safety Unit are also assessed to determine necessary action which may include action with PrimeSafe or Dairy Food Safety Victoria or instigating a food recall through the national food recall process.

In the event of foodborne outbreaks of illness, the department’s Communicable Diseases Prevention and Control Unit leads investigations to determine the sources of those outbreaks. If an outbreak is linked to a local government-registered retail food business such as a restaurant, the Food Safety Unit supports the Communicable Diseases Prevention and Control Unit and the relevant local government regulator by, for instance, assisting in the coordination of food sampling, providing advice on food preparation processes and providing advice on specific enforcement issues such as food safety programs.

## Regulatory activities

A key objective of the Act is to ensure that food for sale is both safe and suitable for human consumption. The Act:

* provides the means through which the Code is applied as the law in Victoria
* establishes enforcement powers, including emergency powers, for response where there are immediate threats to public health
* sets out offences for breaches of the food laws and the applicable penalties and defences
	+ establishes a food premises classification system and provides the means through which local governments regulate food businesses.

The Act applies to most food businesses in the state including manufacturers, retailers, cafés and restaurants, as well as facilities that serve food such as hospitals and aged care facilities. Under the Act, food business owners are legally responsible for ensuring that the food they sell to customers is safe and suitable to eat.

The Act facilitates a proportionate approach to the regulation of the sale of food by enabling the application of the least burdensome intervention reasonably necessary to achieve the outcome sought.

To support the objectives of the Act including its consistent administration by Victoria’s 79 local governments, the Food Safety Unit undertakes a range of key activities such as:

* providing support to businesses and local governments to facilitate compliance with their regulatory activities
* maintaining vigilance and undertaking research on emerging food trends
* working with key stakeholders including local government to develop solutions in response to changes in the food sector
* undertaking food safety risk assessments, incident investigations and responding where there are regional, state-wide or national food safety incidents
* maintaining the Streatrader online registration IT system for community groups or businesses selling food from temporary and mobile premises, and vending machines including guidance and support for local government
* participating in the binational food regulation system as a member of the Food Regulations Standing Committee, the Implementation Sub-committee for Food Regulation, and other national committees
* coordinating data collection and analysing those data
	+ procuring and managing state-wide data systems including coordinating and undertaking food surveillance and publishing an annual report of food safety activities.

The Food Safety Unit also undertakes direct regulatory activities comprising:

* approval of food safety auditors
* authorization of food analysts
* registration of food safety program templates
* provision of guidance and tools for stakeholders
* provision of professional development opportunities for local government Environmental Health Officers and food safety auditors
* declaration of annual local government food surveillance requirements
	+ maintenance of the state-wide register of convictions for offences under the Act.

## Complementary activities

The Food Safety Unit undertakes activities which support public health through strategic policy development, improvements to food safety data-related systems and the provision of basic food safety information to the Victorian community.

Examples of non-regulatory activities which are priorities for the Food Safety Unit include:

* The Victorian Salmonella Reduction Strategy: The strategy is a collaborative, cross departmental, strategic framework which has been developed to reduce the public health risk attributed to Salmonella contamination of food produced and consumed in Victoria. The focus of the strategy is predominately, but not exclusively based on reducing salmonellae contamination of eggs and poultry meat by implementing interventions at varying sectors of the food supply chain. The strategy also addresses identified gaps in knowledge and skills of regulators, businesses and consumers. It also addresses the use of molecular technologies such as Whole Genome Sequencing to improve understanding the microbial ecology of these pathogens in the Victorian food chain and provide evidence for epidemiological investigations of outbreaks.
* The Food Safety Unit has identified food allergen management in Victorian food premises as a priority area and is in the process of developing a Victorian Food Allergen Strategy which brings together a number of regulators to elevate the importance of food allergen management and control in the food manufacturing and handling environments. The Food Safety Unit is currently leading a number of projects supporting the Victorian Food Allergen Strategy, including a pilot evaluation of food allergen management in Victorian hospitals, working with local government environmental health officers to develop resources to assist the enforcement of laws relating to food allergen labelling and management, and a review of the department’s free online food handler training, Do Food Safely, to improve food allergen management.

# Defining outcomes

This section includes a summary of the outcomes to which the Food Safety Unit contributes.

Table 2: Defining outcomes

| Regulatory scheme | Outcomes |
| --- | --- |
| **Regulation of food safety** | To facilitate the sale of food that is both safe and suitable for human consumption and reduce the likelihood of misleading conduct in connection with the sale of food, through: Providing timely information and guidance to local government, food safety auditors and authorized analysts to facilitate the consistent administration of the ActDevelopment and registration of food safety program templatesApproval of food safety auditorsAuthorization of analystsResponding to food safety incidents and events in a timely manner.  |

# Risk overview

This section includes a risk assessment and risk management strategy which identifies and prioritises a small number of key risks to the achievement of stated regulatory outcomes. It should be noted that the Food Safety Unit recognises that the identified risks are not a comprehensive list associated with food safety management in Victoria. The Food Safety Unit identifies risk on a day-to-day basis and prioritises operational activities accordingly.

## Identified risks

1. Local governments are not informed of the broader learnings identified by the Food Safety Unit after an incident (such as a death that is related to food allergies) (cause), resulting in local governments being unaware of the potential food hazard and ongoing risk of a repeat event (event), which could increase the likelihood of illness, injury or death in the Victorian community (harm).
2. A food premises does not meet its requirements to identify all potential hazards and correct control points in relation to food handling operations at the premises (cause), resulting in staff at the business not handling food intended for sale in a safe manner (event), which could increase the likelihood of illness, injury or death (harm).
3. An auditor is certified by the department without the required competencies (cause), which results in the failure to identify risks when auditing food premises (event) which could increase the likelihood of illness, injury or death (harm).
4. An unqualified person is authorized by the department to analyse food samples in laboratories in accordance with the requirements of the Act (cause), resulting in incorrect data relied upon by the department (event) which could increase the likelihood of illness, injury or death (harm).
5. Local governments are not adequately informed by the department about a food recall (cause), resulting in local government environmental health officers not actioning the food recall to remove the food product from the Victorian food supply (event) which could increase the likelihood of illness, injury or death (harm).

## Assessing and treating risks

This section demonstrates how the Food Safety Unit assesses and responds to risk; the risk is assessed against the risk matrix (as shown below), and given a risk rating.

Table 3: Overall risk rating



| **Consequence** | Likelihood:Negligible (5%) | Likelihood:Minor (10%) | Likelihood:Moderate (20%) | Likelihood:Major (40%) | Likelihood:Extreme (80%) |
| --- | --- | --- | --- | --- | --- |
| **Extreme** | Medium | High | High | Critical | Critical |
| **Major** | Medium | Medium | High | High | Critical  |
| **Moderate** | Low | Medium | Medium | High | High |
| **Minor** | Low | Low | Medium | Medium | High |
| **Negligible** | Low | Low | Low | Medium | Medium |

## Identified risks

### Risk 1

| Likelihood | Consequence | Rating |
| --- | --- | --- |
| **Minor** | **Major** | **Medium** |

**Local governments are not informed of the broader learnings identified by the Food Safety Unit after an incident (such as a death that is related to food allergies), resulting in local governments being unaware of the potential food hazard and ongoing risk of a repeat event, which could increase the likelihood of illness, injury or death in the Victorian community.**

#### Extent of the risk

In 2016 there were 79 local governments in Victoria directly regulating food businesses under the Act. The Food Safety Unit uses a contact database to effectively communicate with and disseminates information to Victorian local governments in a timely manner.

Through the lens of continuous improvement the Food Safety Unit uses real-life events to inform local government officers of new and emerging issues such as new food safety risks, food handling controls and food products. The Food Safety Unit also monitors academic and unpublished literature, social media and maintains relationships with key food regulation stakeholders. The Food Safety Unit utilises learnings from incidents to inform improvements of state-wide food safety initiatives such as food safety program templates and communication with approved auditors. The likelihood of the Food Safety Unit not communicating with local governments or not identifying new and emerging food safety issues is minor.

The most extreme extent of harm is illness, injury or death.

#### Ongoing controls

The Food Safety Unit collaborates with co-regulators to identify new and emerging issues, and when there are a number of cases of foodborne illness across more than one state or territory and a Victorian food manufacturer is the source of the (multi-jurisdictional) outbreak, the Food Safety Unit leads the food safety investigation.

To ensure effective and efficient communication with local governments the Food Safety Unit maintains a local government contact database. The Food Safety Unit also communicates with local governments and approved auditors through organised forums, workshops and presentations.

#### Planned changes in controls for 2017-18

N/A

### Risk 2

| Likelihood | Consequence | Rating |
| --- | --- | --- |
| **Minor** | **Major** | **Medium** |

**A food premises does not meet its requirements to identify all potential hazards and correct control points in relation to food handling operations at the premises, resulting in staff at the business not handling food intended for sale in a safe manner, which could increase the likelihood of illness, injury or death.**

#### Extent of the risk

In 2016 there were 45,815 registered fixed food premises, with the majority being class 2 premises. All registered food premises are required to hold a food safety program which identifies all potential hazards and correct control points in relation to food handling operations at the premises. Food premises can use a departmental standard food safety program template or apply to the Food Safety Unit to register a food safety program. It is the responsibility of the proprietor of a food premises and the food safety supervisor to ensure that all potential food hazards have been identified and that staff are appropriately trained to handle food safely.

The Act requires all food premises in Victoria to be registered annually by the local government in which the premises is situated, and undergo an annual compliance check by an auditor or local government environmental health officer. Each food premises must have one compliance check in a 12 month period, except for class 1 premises which require two. If a food premises does not identify all potential hazards in their food safety program (or correct their food safety program if problems are identified), local government may not permit registration.

The most extreme extent of harm is illness, injury or death.

#### Ongoing controls

The Food Safety Unit manages the application and registration process for registered food safety program templates, in addition to developing and maintaining standard food safety program templates. A component of this is the management of a stringent two stage approval process for registered food safety program templates, which includes a quality technical review body and the Template Assessment Panel.

The Food Safety Unit supports approved auditors and local government environmental health officers to achieve consistency in compliance checks by communicating new and emerging food safety issues, and improvements to standard food safety program templates. Registration of food premises is managed by local government who ensure business obligations under the Act are met (including the presence of an accurate food safety program).

The Food Safety Unit supports food business through the provision of guidance and food safety information on the Food Safety Unit website, and access to expertise via the Food Safety Unit hotline.

#### Planned changes in controls for 2017-18

The process for food safety program template development, assessment and registration is currently under review to strengthen the role of the technical review body in the two stage approval process.

The Food Safety Unit annually reviews standard food safety program templates to ensure standard food safety program templates are up to date and reflect any changes to legislation (the Act and the Food Standards Code).

### Risk 3

| Likelihood | Consequence | Rating |
| --- | --- | --- |
| **Minor** | **Major** | **Medium** |

**An auditor is certified by the department without the required competencies, which results in the failure to identify risks when auditing food premises, which could increase the likelihood of illness, injury or death.**

#### Extent of the risk

Auditors are screened, assessed and approved by the Food Safety Unit under the Act. As part of the screening and assessment process, the application is reviewed to ensure the applicant has met all requirements. Therefore it is unlikely an approval would occur without the applicant meeting the required competencies.

The most extreme extent of harm is illness, injury or death.

#### Ongoing controls

The Food Safety Unit assesses auditor applications and approves successful candidates to ensure applicants meet all qualifying criteria. The Food Safety Unit investigates complaints made against approved auditors and deregisters auditors where poor performance is demonstrated.

To guide approved auditors, the Food Safety Unit maintains the Auditor Handbook and coordinates the Auditor Forum to ensure auditors maintain understanding of changes to the Food Standards Code and the Act.

#### Planned changes in controls for 2017-18

The auditor approval process is currently under review with consideration being given to include additional controls such as auditor induction course and an interview process as part of the application process.

### Risk 4

| Likelihood | Consequence | Rating |
| --- | --- | --- |
| **Minor** | **Moderate** | **Medium** |

**An unqualified person is authorized by the department to analyse food samples in a laboratory in accordance with the requirements of the Act, resulting in incorrect data relied upon by the department which could increase the likelihood of illness, injury or death.**

#### Extent of the risk

Analysts are screened, assessed and authorized by the Food Safety Unit under the Act. As part of the screening and assessment process, the application is reviewed to ensure the applicant has met all requirements. Therefore it is unlikely an authorisation would occur without the applicant meeting the required competencies.

The most extreme extent of harm is illness, injury or death.

#### Ongoing controls

The Food Safety Unit assesses analyst applications and authorizes successful candidates to ensure applicants meet all qualifying criteria. As part of this process, applicants may be asked to undertake a panel interview to demonstrate their ability to conduct analyses and report results in terms of compliance with the Food Standards Code and the Act. Authorized analysts are limited to authorization which acknowledges their specialist expertise. Additionally, the Food Safety Unit investigates complaints made against authorized analysts in a timely manner, and can revoke authorization in instances where an authorized analyst does not comply with their role under the Act.

The Food Safety Unit coordinates an annual Analyst Forum to ensure authorized analysts maintain understanding of changes to the Food Standards Code and the Act.

#### Planned changes in controls for 2017-18

N/A

### Risk 5

| Likelihood | Consequence | Rating |
| --- | --- | --- |
| **Minor** | **Moderate** | **Medium** |

**Local governments are not adequately informed by the department about a food recall, resulting in local government environmental health officers not actioning the food recall to remove the food product from the Victorian food supply which could increase the likelihood of illness, injury or death.**

#### Extent of the risk

The Food Safety Unit operates within a bi-national food regulatory system and, therefore, in accordance with relevant bi-national and national policies, processes and standard operating procedures. Food Standards Australia New Zealand is Australia’s national food recall co-ordinator and its role includes the communication of food recalls to state and territory food regulators. In 2016 there were 79 local governments in Victoria directly regulating food businesses under the Act. The Food Safety Unit communicates food recalls to local governments by email and phonecall using the contact database.

It is extremely unlikely that Food Standards Australia New Zealand would not communicate a food recall to states or territories; or that the Food Safety Unit would not receive or communicate the food recall to Victorian local governments.

The most extreme extent of harm is illness, injury or death.

#### Ongoing controls

The Food Safety Unit follows standard operating procedures to communicate a food recall to Victorian local governments and relevant retailers to ensure a recalled food product does not remain in the Victorian food supply. This is managed by the Food Safety Unit through:

Maintenance of a local government database

Operation in accordance with written standard operating procedures - national and internal

Participation in national food recall working group

#### Planned changes in controls for 2017-18

N/A

# Regulatory tools

Diagram 1 illustrates the full suite of enforcement tools available to the Food Safety Unit. The suite of regulatory tools and the enforcement framework that operates to support food safety in Victoria reflects the *Australia and New Zealand Food Regulation Enforcement Guideline*. These tools range from lower level interventions such as the provision of guidance and education (for example the development of food safety program templates) to higher level interventions such as criminal prosecution. The aim of all enforcement action undertaken is to increase compliance to prevent or remove a threat to public health.

The provisions in the Act allow the Department of Health and Human Services to undertake enforcement action where the department is of the opinion that:

* there is a non-compliance with the Act and the food premises has not complied with a directive, recommendation, or advice from the Department of Health and Human Services to rectify the breach; or
* there is a demonstrated or potential risk to public health that has state-wide or national implications; or
* there is deliberate misrepresentation or misleading conduct; or
* a business or individual has not complied with a notice issued by the Department of Health and Human Services.

Figure 1: Enforcement tools available to the department to achieve its food safety regulatory outcomes



# Measuring performance

This section sets out our understanding of how the activities that we undertake, as targeted by the identification and assessment of risks, contribute to achieving the desired outcomes for the Victorian community.

## Our contribution story

The Food Safety Unit strives to protect Victorians by reducing the risk to public health associated with the sale of food that is unsafe or unsuitable for human consumption, and to reduce the likelihood of misleading conduct in connection with the sale of food. This involves working with regulated entities, co-regulators, local government, peak bodies, other Australian and New Zealand jurisdictional food regulators and authorities.

Specifically the Food Safety Unit acts to:

* Provide timely information and guidance to local governments, food safety auditors and authorized analysts to facilitate the consistent administration of the Act
* Develop and register of food safety program templates
* Approve food safety auditors under the Act
* Authorize analysts under the Act,
	+ Respond to food safety incidents and events in a timely manner.

While the Food Safety Unit works to reduce the burden of disease associated with the sale of food, it is recognised that this contribution is part of a broader system of influencers. For example, in Victoria local governments are responsible for the direct regulation of food businesses under the Act. The Food Safety Unit works with co-regulators such as the Department of Economic Development, Jobs, Transport and Resources, PrimeSafe, and Dairy Food Safety Victoria. Although the Food Safety Unit does not have a direct enforcement role with regulated entities responsible for the sale of food, the activities of the Food Safety Unit support consistency in the interpretation, application and enforcement of the Act across Victoria. In addition to the food regulators, the Australian Consumer and Competition Commission may regulate food for sale under the *Competition and Consumer Act 2010* if a food is considered misleading or deceptive.

Demonstrating the impact of food regulatory activity on overall public health is a challenging task due to the fact that there is no single microorganism or disease associated with the overall burden of disease from the sale of food. Rather, there is a collection of many different diseases arising from many different potential sources. It is difficult to attribute trends in the number of cases of disease to success or failure of a food safety system alone as it is challenging to determine the exact source (foodborne or otherwise) of a single disease. Furthermore, the level of success is influenced by multiple external drivers such as the culture and practices of food industry participants and the fact that foodborne illness can be caused by other sources (for example person-to-person infection).

The indicators beyond the broad outcome indicators are linked to key activities of the Food Safety Unit and can be captured using both quantitative and qualitative evaluation techniques. For example, Food Safety Unit presentations are a channel of communicating new and emerging food safety issues to local government, auditors and analysts. Evaluation of satisfaction and knowledge from Food Safety Unit education activities can reflect the relevance and quality of such efforts to attendees. The results of qualitative measures will provide meaningful feedback to the Food Safety Unit and will be used to address gaps in knowledge or quality, and inform future planned activities.

## Direct indicators

In this section, we have outlined some indicators which can be used to guide our activity and evaluate our effectiveness. To the extent possible, our indicators demonstrate our contributions to the outcomes that we are trying to achieve, including specific key Food Safety Unit activities.

Table 4: Measures used to indicate success against outcomes

| Indicator | Current baseline | Target | 2015 actual | 2016 actual | 2017 actual |
| --- | --- | --- | --- | --- | --- |
| **Activity 1: Satisfaction of content breadth and quality by attendees at Food Safety Unit workshops, presentations and forums** | N/A | Self-reported satisfaction and quality target to be determined[[5]](#footnote-5) | N/A | N/A | N/A |
| **Activity 1: Increased knowledge (improved competency) by attendees of workshop topic for Food Safety Unit led food safety workshops** | N/A | Self-reported increase in knowledge target to be determined[[6]](#footnote-6) | N/A | N/A | N/A |
| **Activity 2: Percentage of food safety program template registration applications actioned within five business days** | N/A | 100% | N/A | N/A | N/A |
| **Activity 3: Percentage of approved auditors audited annually** | N/A | 10% | N/A | N/A | 8% |
| **Activity 5: Percentage of calls to the Food Safety Unit hotline answered** | 99% | 98% | N/A | 99% | 99% |
| **Activity 5: Percentage of enquiries and complaints actioned within one business day** | N/A | 100% | N/A | N/A | N/A |
| **Activity 5: Percentage of calls to Food Safety Unit hotline answered satisfactorily** | N/A | To be determined[[7]](#footnote-7) | N/A | N/A | N/A |

# Stakeholder engagement

As the regulation of food safety is multidimensional and shared across all three levels of government, the Food Safety Unit works with a range of partners in carrying out its functions. Those partners comprise of:

* regulated entities (such as food businesses, auditors and analysts)
* co-regulators (such as local governments, PrimeSafe, Dairy Food Safety Victoria and the Department of Economic Development, Jobs, Transport and Resources)
* peak bodies (such as Food Standards Australia New Zealand and the Municipal Association of Victoria)
	+ Australian and New Zealand food regulators and authorities.

The Food Safety Unit provides capacity building opportunities and guidance to local governments on the interpretation and application of the Act to support consistency in its enforcement across Victoria, and develops and maintains food safety program templates for food businesses to support their management of food safety.

The Food Safety Unit is a member of the national Food Safety Information Council Ltd., which aims to make food safety information broadly available to consumers, in simple and accessible forms. The Food Safety Information Council is particularly active during the annual food safety week, but also provides information ongoing via its website using interactive media such as videos, in relation to current food safety topics. The Food Safety Unit shares its food safety expertise by providing food safety guidance and basic education to the Victorian food businesses and consumers through the Food Safety Unit website and the department’s Better Health Channel, in addition to responding to enquiries received through the Food Safety inbox and Food Safety hotline.

## Ongoing communications

The Food Safety Unit undertakes day-to-day operational communication regarding regulatory activities and communication channels and frequency of those communications vary based on need and relationship with stakeholders. Communication with stakeholders includes:

### Seeking feedback from local government

The Food Safety Unit maintains a contact register for local government environmental health units and communicates regularly with environmental health officers on food safety matters as they arise via meetings, email and telephone. A password protected web portal specifically designed for environmental health officers is also administered by the Food Safety Unit and provides up-to-date bulletins, forums and templates, regulation guidance, information on training and development, and other quick links to assist environmental health officers in their regulatory role. Local governments are represented collectively by the Municipal Association of Victoria who meet with the Food Safety Unit regularly to discuss matters of food safety and provide formal feedback to the Food Safety Unit on matters of consultation. Senior Divisional Public Health Officers act as an interface between local government and the department. They are a key liaison when communicating key food safety information to local government, and provide a source of feedback to the Food Safety Unit.

### Monitoring approved auditors/authorized analysts

The Food Safety Unit maintains a register of approved auditors and authorized analysts which are publically accessible through the Food Safety Unit website. The Food Safety Unit supports the maintenance of skills held by approved auditors and authorized analysts by holding specialised forums annually.

## Planned communication activities

In 2017-18, the key stakeholder activity which we will undertake to address the risks to our outcomes will be:

* In February and August 2018 the Food Safety Unit will be holding Auditor’s Forums to advise of issues that require improvement, communicate emerging food safety risks, and educate on food regulatory changes.
* In March 2018 the Food Safety Unit will be holding the annual Analysts Forum to maintain approved auditors currency of skills and ensure consistency in interpretation of the Act and the Code.
* In February 2018 the Food Safety Unit is planning to contribute to the Environmental Health Forum as a channel to communicate new and emerging food safety issues with environmental health officers.

# Glossary

| Term | Definition |
| --- | --- |
| **Authorized analyst/analyst** | Analysts who are authorized by the Department of Health and Human Services under the Act to carry out analyses for the purposes of the Act. |
| **Approved auditor /auditor** | Auditors who are approved by the Department of Health and Human Services under the Act to audit food premises food safety programs. They may be independent private auditors or local government officers who are approved to conduct audits on behalf of their local government. |
| ***Australia New Zealand Food Standards Code (the Code)*** | The collection of bi-national standards designed to promote national consistency in Australia’s and New Zealand’s food laws. It lists requirements for food businesses in relation to food safety practices, general requirements and food premises set up and equipment. It also outlines the requirements for foods such as additives, labelling and genetically modified foods. |
| **Authorized officer** | A person authorized by the Department of Health and Human Services under the Act with powers to enter and inspect a premises, sample or seize any thing or matter that is believed to contravene any provision of the Act.  |
| **Department of Health and Human Services (the department)**  | The Victorian department responsible for ensuring that food sold in Victoria is safe, suitable and correctly labelled in the majority of food businesses; that is food manufacturers, retailers, cafés and restaurants, as well as premises that serve food such as hospitals and residential aged care services. Meat, seafood and dairy retailers are regulated by specialised regulators under their own industry-specific Acts. |
| ***Food Act 1984* (the Act)**  | The principal Act that controls the sale of food in Victoria. Under the Act, food business owners must ensure food sold to customers is safe and suitable to eat. In this report, unless otherwise specified, the terms the ‘Act’ refer to this Act. The Code is applied through the Act. |
| **Food business** | Under the Act, a business, enterprise or activity (other than those involved in primary production) that involves handling of food sold or intended for sale. |
| **Food manufacturers** | Businesses that produce products for distribution beyond the local area. Distribution may include regional, national or international markets. Foods manufactured are typically sold to wholesalers or retailers for distribution to the public. For the purposes of this report, in most cases this excludes manufacturers that primarily sell direct to the public from the premises, for example, bakeries that sell to the local community from their premises. |
| **Food Standards Australia New Zealand (FSANZ)** | A statutory authority operating under the *Commonwealth Food Standards Australia New Zealand Act 1991*. This authority develops, in conjunction with all states, territories and industry, standards for food composition, labelling and contaminants, including microbiological limits, that apply to all foods produced or imported for sale in Australia and New Zealand. These standards cover the food supply chain – from farm-gate to plate – for both the food manufacturing industry and primary producers. Under the Act, businesses are required to comply with these standards. |

Diagram text

**Figure 1: Regulatory tools**

This figure is an enforcement pyramid. The figure seeks to demonstrate that the unit will use the full range of tools available to it in line with the risks that they are seeking to manage. The enforcement pyramid illustrates a graduated and proportionate enforcement approach. The bottom of the pyramid outlines the lighter touch interventions such as guidance and support to regulated parties, through to prosecution at the top of the pyramid, where regulated parties deliberately work against intended outcomes and intend to evade compliance obligations.

1. The objectives of the *Victorian Food Act 1984* include ensuring food for sale is both safe and suitable for human consumption and preventing misleading conduct in connection with the sale of food. [↑](#footnote-ref-1)
2. The role of the Department of Economic Development, Jobs, Transport and Resources under the *Food Act 1984* is to promote its objectives in relation to primary food production and related activities and to enable the exercise of powers by its Secretary. In addition, the Department of Economic Development, Jobs, Transport and Resources regulates the primary production and processing of seeds sprouts and the primary production of eggs. [↑](#footnote-ref-2)
3. PrimeSafe is responsible for licensing, compliance monitoring and enforcement activities for meat processing facilities and meat transport vehicles under the *Meat Industry Act 1993* and seafood businesses under the *Seafood Safety Act 2003*. [↑](#footnote-ref-3)
4. Dairy Food Safety Victoria is responsible for licensing, compliance monitors and enforcement activities for persons operating dairy businesses as defined under the *Dairy Act 2000*. [↑](#footnote-ref-4)
5. Target to be determined after initial collection of baseline data. [↑](#footnote-ref-5)
6. Target to be determined after initial collection of baseline data. [↑](#footnote-ref-6)
7. Target to be determined after initial collection of baseline data. [↑](#footnote-ref-7)