

# Summary of Outcomes

## Food Regulation Forum

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Date: **Tuesday 26 November 2024**

Time: 10:00am-12:00noon

Members present:

Cr Claire Pontin (Chair)	
Mr Lachlan Porteous	NSW Food Authority
Mr Greg Vakaci	NSW Food Authority
Ms Sally-Anne Donahue	Development and Environmental Professionals' Association
Ms Erin Hogan	Environmental Health Australia
Mr Hugh Waters	Environmental Health Australia
Cr Dr Elizabeth Adamczyk	Local Government NSW
Mr Peter Fitzgerald	Local Government Professionals Australia

Guests present:

Mr Andrew Davies	NSW Food Authority
Ms Josie Rizzo	NSW Food Authority

Apologies:

Ms Fiona Stalgis	Development and Environmental Professionals' Association
Cr Jay Suvaal	Local Government NSW
Cr Phyllis Miller	Local Government NSW
Ms Geneveive Taylor	Local Government Professionals Australia

### 1. Welcome, introductions, apologies

Chair, Claire Pontin, welcomed all to the meeting and the apologies were noted.

#### Summary of Outcomes from last meeting (29 May 2024)

Sally-Anne Donahue would like it reflected that a discussion was held around Woolworths delivery trucks. Lisa Szabo had mentioned some new guidelines were in development.

Andrew Davies confirmed the Summary of Outcomes will be reissued, and that feedback has been provided outside of the meeting, and further discussion can be held off-line, about this issue, if required.

The remainder of the Summary of Outcomes document was confirmed as true and correct, moved Elizabeth Adamczyk, seconded Sally-Anne Donahue.

### 2. Information items

#### 2.1 NSW retail annual activity reporting 2023-24

Andrew Davies spoke to the Agenda Paper, which shows the details over the last 5-6 years, noting the impact by COVID, and highlighted some of the findings, including:

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- There has been an increase in the number of Authorised Officers (AOs)
- The average compliance rate is steady at 97%, above the target of 95%, and this reflects the strong work of enforcement agencies
- The importance of an educative approach, particularly in regional areas
- The slight increase in the use of statutory enforcement tools

The report also highlights the performance measures for enforcement agencies and the feedback mechanism in place. The feedback letters to agencies were distributed on 25 November 2024.

Discussions were held within the Forum around:

- Whether food safety complaints are geographically based – Andrew Davies answered that there is a reasonable level of consistency, noted that local government areas vary in size, and that there tends to be more enforcement in metropolitan areas.
- Resourcing:
  - There is an increase in AOs, but a decrease in the fulltime equivalent. Some enforcement agencies are using contractors, given AOs have other responsibilities.
  - Has there been any marrying up between the statistics and the enforcement agency's ability to resource the area.
  - Is there a way that information from the report could get more traction.
  - The value of having a narrative about other responsibilities of AOs, the ability to resource the need, and an understanding of the pressures, such as budgetary constraints, that are applied to local government, and the ability to get this feedback from councils.
  - A suggestion that resourcing be discussed at the upcoming Managers Forum.

Andrew Davies highlighted one measure is in place to assess the number of inspections per fulltime equivalent per week. Where that value exceeds the state average (for 2023-24 it is 10 inspections per week) enforcement agencies need to provide formal feedback to the Food Authority.

Managers have in the past used the report to advocate for an increase in resourcing to great effect. The issue of resourcing will be on the Managers Forum agenda, and comments are taken onboard in case other engagement opportunities allow for further conversation.

The Forum noted the food surveillance data and the feedback mechanisms in place.

## **2.2 State Liaison Group meetings 10 September and 10 December 2024**

Josie Rizzo spoke to the Agenda Paper. Representatives from each Regional Food Group (RFG) attended the 10 September meeting, which gave an update on:

- engagement activities
- reporting back from each RFG
- the upcoming and recently completed training program
- results of the 'Dishwasher education and compliance strategy'
- matters of concern, including Fast Choices, for which information was distributed to AOs.

The Forum noted the meetings are held, and action items are taken and reported back on at the next meeting.

### **2.3 Food Regulation Partnership – Portal**

Andrew Davies spoke to the Agenda Paper. The FRP Portal has been in use for over 10 years, and includes a range of resources for AOs, including training materials, legal advice, meeting minutes, and event information.

The issue of vulnerabilities in relation to cyber security was raised earlier in the year, which led to options for a better product being explored.

A page on the public-facing NSW Food Authority website is currently being developed. It will hold most of the existing information, excluding information that has any sensitivities, such as materials naming specific agencies or food businesses. Options for the best way going forwards about how best to share withheld materials is currently being considered.

Forum members discussed the opportunity to consider initiatives such as Street Trader, which is in use in Victoria, which will assist an effective regulatory oversight of mobile food businesses.

Andrew Davies confirmed initiative like this fall outside the scope of the FRP Portal project however confirmed the Food Authority continues to seek funding opportunities for a shared statewide food regulatory platform.

The Forum noted that it is a work in progress.

### **2.4 Training to Authorised Officers 2024/25**

Andrew Davies spoke to the Agenda Paper which provided details on the professional development and support programs provided to AOs in 2024.

The Notices Workshop received good feedback from attendees. The Plain English Allergen Labelling introduced the new legislation and also provided a refresher on allergen labelling.

NSW Food Authority issued updated formal Instruments of Appointment to agencies, and reconfirmed their responsibilities in May 2024; so the third and final round of training in 2024 provided an overview was to AOs..

The topics for 2025 have been nominated, and are open to suggestion/comments from the Forum:

- Round 1 – Enquiries received from enforcement agencies; the types and the resources available.
- Round 2 – Collaborative work with volunteering councils around childcare services, based on new legislation that was introduced in 2023 and 2024.
- Round 3 – higher risk food businesses (eg Kebab shops) and a model approach to inspections.

The Forum was invited to make comments/suggestions, with discussion around:

- Resourcing of staff is reported as being a problem, and the Authorised Officer training is again over-subscribed.
- The appointment of enforcement agencies has a condition that staff are released to attend professional development eg.at the regional food group meetings. Could the enforcement agency scorecard reflect training attendance?
- Noted that there are staff in a range of roles being nominated

- Are university students undertaking training? Is there an opportunity to upskill them and build capacity from another angle?

Andrew Davies confirmed that there have been a few initiatives in the past, including resource sharing between like-minded councils to upskill staff. Some councils use their own programs to build capacity for their staff and the Food Authority supports these efforts.

For the Authorised Officer training, the application process confirms the prospective participants are or will be involved in food surveillance to ensure the finite resource is shared fairly.

Attendance at training has to be balanced against the business needs of the enforcement agency, and, while it may not be used as a formal performance measure, it could be used as an indicator that staff are being given the opportunity to attend Food Authority regional meetings.

The Forum noted the completed and proposed professional development activities.

### **3. Discussion items**

#### **3.1 FRP Workshop 2025**

Josie Rizzo spoke to the Agenda Paper and provided an update on the upcoming workshop themed 'Outside the Square – plating up new perspectives. The FRP Workshop provides opportunity for ongoing professional development, networking, opportunity to showcase what local councils are doing, and to learn about the latest food safety initiatives.

An update was provided on:

- Working Group – was formed and looked at how to get best value for money within budget.
- Regular promotional activities are occurring – including a letter sent last week to General Managers encouraging them to make staff available for this ongoing professional development opportunity.
- Call for abstracts – a couple have been received and included in the program
- Supported places (which includes complimentary registration, accommodation and travel for two AOs) – a few applications have been received
- FRP Champion Awards – including the need for a small Forum Working Group to undertake a not onerous task in the new year of judging the submissions against the relevant categories.

Discussion included:

- Whether any barriers to attendance exist, such as other priorities and resourcing.
  - Budget is a big consideration, particularly for regional councils, even with the subsidising by the NSW Food Authority, along with resourcing and conflicting major events.
  - Training in this area is not mandatory so is not a high priority over something like building surveyors that must undertake ongoing mandatory training to maintain certification.

The Forum noted the upcoming FRP Workshop, and a sub-committee was formed to assess and determine winners of the FRP Champion Awards (Claire Pontin, Liz Adamczyk, Peter Fitzgerald).

#### **3.2 Retail and food service information sessions for 2025**

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Andrew Davies spoke to the Agenda Paper which detailed the continued collaboration with local councils on these engagement opportunities with local retail food businesses.

Following distribution of the Expression of Interest (EOI), nominations have been received, and, based on factors such as where events have been held in previous years, recommended locations for 2025 and early 2026 have been made.

Forum members confirmed the recommended locations for 2025. Both successful and unsuccessful nominees will be contacted shortly.

## **4. Standing items**

### **4.1 Organisation updates**

Erin Hogan advised that the EHA NSW's Environmental Health Forum is taking place on 27 November at WSU. It will cover a range of fields in Environmental Health and is shaping up to be great networking and learning event.

Greg Vakaci advised that the Food Incident Response Team have been following up on a frozen acai berry foodborne illness case in the Ku-ring-gai Council area. Following investigation and testing of product being undertaken, it was identified the importer has concerns around processing. The product has been recalled due to contamination. NSW Food Authority distributed information to local councils on the issue, including a reminder around temperature control and cleaning of premises and equipment. The NSW Food Authority website also contains information on the issue.

## **5. General business**

### **5.1 Any other business**

Erin Hogan (EHA) raised the Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024 - <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18693> .

The Bill indicates that an officer authorised under the Food Act can also undertake inspections for FOGO recycling.

Lachlan Porteous has met with both internal and Environmental Protection Authority (EPA) legal representatives around this, with discussions around the implications on AOs and NSW Food Authority Compliance staff. There has been consideration and consultation to date, with the last touch points being that there is more to come around considering the practicalities of it. He believes the proposal is that it is just adding to the existing inspections under enforcement of dual powers, rather than requiring separate inspections.

Andrew Davies advised that the EPA had attended a State Liaison Group meeting in 2023 to seek feedback on the FOGO proposals direct from attendees.

Sally-Anne Donahue attended the meeting and noted local councils were against it.

Draft Food Regulation 2025 – Andrew Davies advised that NSW Food Authority is seeking feedback on the Draft Food Regulation 2025. The consultation period is from 25 November until 22 December 2024.

The website information is located at: <https://www.foodauthority.nsw.gov.au/about-us/legislation/draft-food-regulation-2025-have-your-say>

## **5.2 Next meeting**

The next Food Regulation Forum will be in May 2025. The date will be communicated early in 2025.

## **6. Close of meeting**

Meeting closed at 11:22am.