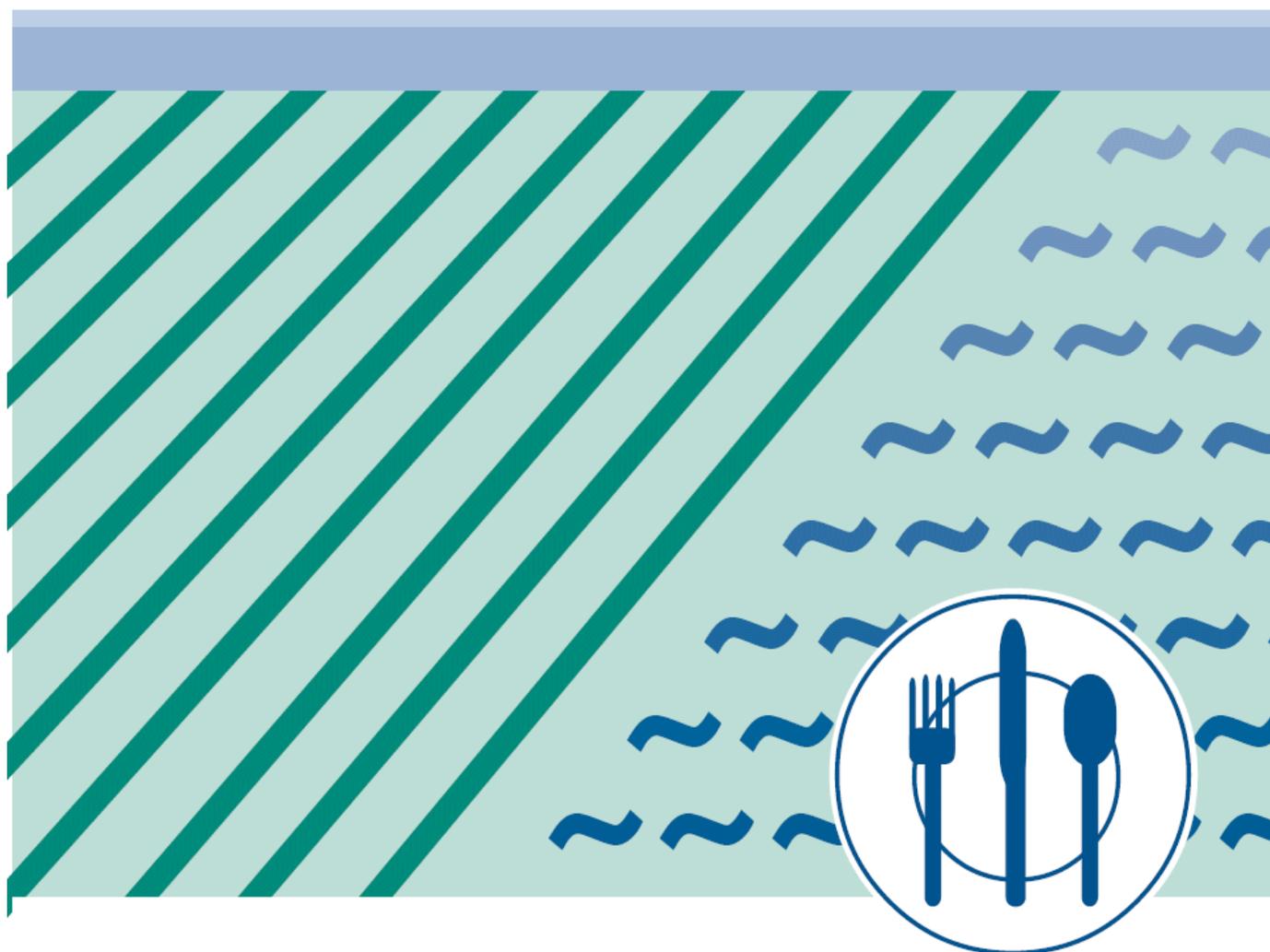


NSW Food Regulation Partnership – Issues and Options



October 2004

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Prepared by the NSW Food Regulation Partnership:

- Australian Institute of Environmental Health, NSW Division
- Development and Environmental Professionals Association
- Local Government and Shires Associations of NSW
- NSW Department of Local Government
- NSW Food Authority
- NSW Health

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Abbreviations

AIEH	Australian Institute of Environmental Health
EDAP	Environmental Development Allied Professionals – Western Group
EHO	Environmental Health Officer
ELG	Enforcement Liaison Group
FSANZ	Food Standards Australia New Zealand
IT	Information Technology
NAFSIS	Notification and Food Safety Information System
P1	Priority 1
P2	Priority 2
P3	Priority 3
P4	Priority 4
VicFIN	Victorian Food Information Network

Summary

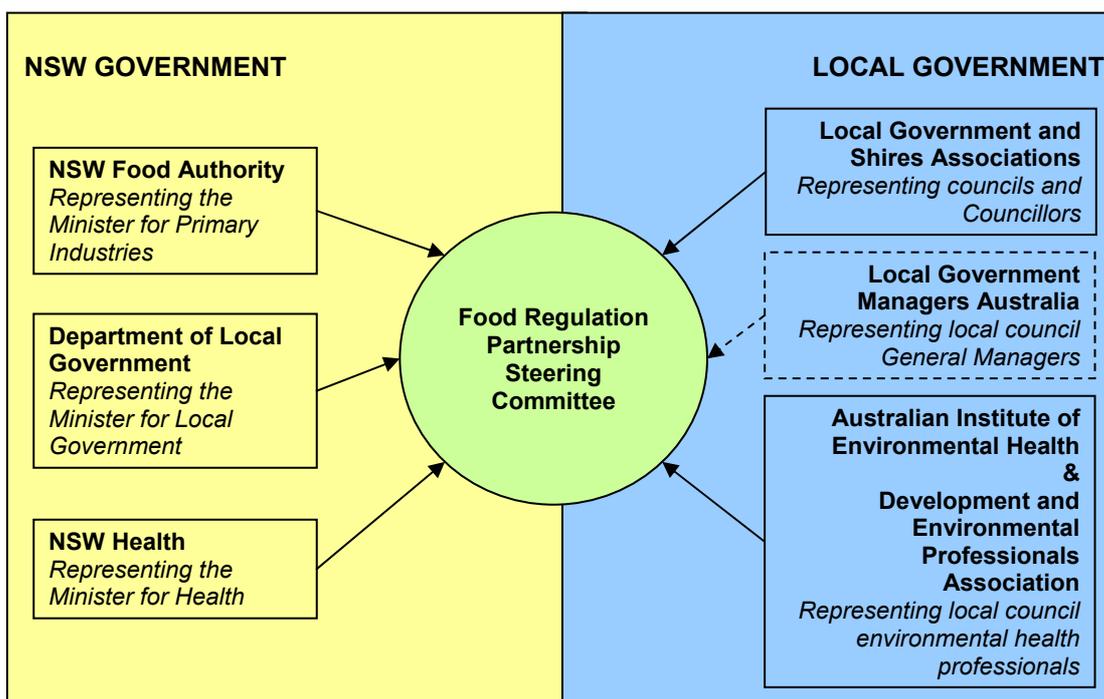
Both the NSW Food Authority and local government play significant roles in food regulation in NSW. To provide NSW with the best food regulation system in Australia a strong and genuine partnership between the Authority and local government is essential.

Food Regulation Partnership

The NSW State and local governments have agreed to work together to explore a model which would clearly define and appropriately resource local government’s role in food regulation. The Minister for Primary Industries and Presidents of the Local Government Association of NSW and Shires Association of NSW have appointed a Steering Committee (Figure 1) to drive the work.

The Food Regulation Partnership Steering Committee is comprised of representatives from three State government agencies and four local government associations. The Local Government Managers Australia – NSW Division are also contributing, on a ‘by correspondence’ basis.

Figure 1: Food Regulation Partnership



Issues and Options Paper

The Food Regulation Partnership is committed to ensuring that all stakeholders have their say. This paper seeks feedback on key questions in five areas (below). Written submissions are due **24 December 2004**. The Steering Committee will also conduct a series of workshops in metropolitan and regional areas to discuss this paper with interested stakeholders.

Consultation Questions

Defining roles:

- A. *What should be the base/minimum role for local government in food regulation?*
- B. *How could flexibility be provided for some local councils to do more than the base/minimum role?*
- C. *Are there other factors that should be taken into consideration in defining future roles?*
- D. *How should the agreed local government role be mandated?*

Funding:

- E. *What is the cost to local government of providing food regulatory services?*
- F. *How should local government's role be funded?*

Support and Assistance:

- G. *How could the NSW Food Authority improve current communication and consultation arrangements with local government?*
- H. *How could NAFSIS¹ provide a benefit to local government?*
- I. *What tools and/or training should the NSW Food Authority provide for local government?*
- J. *Are there other activities that would support and assist local government?*

Coordination Framework:

- K. *What should coordination achieve?*
- L. *What are the elements of coordination frameworks?*
- M. *How should the NSW food regulatory system be coordinated?*
- N. *How could local government be engaged in managing the coordination framework?*

Other Issues:

- O. *Are there other issues which should be considered in developing the model for local government's future role in food regulation?*

KEY DATES

October 2004	This Issues and Options Paper is released. Consultation period starts – stakeholders can make submissions from this date.
November 2004	Local government workshops conducted across the State
24 December 2004	Consultation period ends. Final date for submissions.
February 2005	Model for local government's future role in food regulation drafted.
March – May 2005	Further stakeholder consultation regarding suitability of the draft model.
June 2005	Model presented to NSW Government as the agreed position of stakeholders

¹ Notification and Food Safety Information System

1. Introduction

The NSW Government is committed to making NSW a leader in food safety by establishing an effective through-chain system of food regulation.

In working toward this goal, a major milestone was the establishment of the NSW Food Authority on 5 April 2004. The NSW Food Authority is the sole agency responsible for food regulation at the NSW State Government level.

Local government also plays an important role in food regulation in NSW. The NSW Government recognises the need for this role to be more clearly defined and appropriately resourced.

1.1 Current arrangements

Regulatory framework

Australia and New Zealand have established a joint food regulatory framework. Food Standards Australia New Zealand (FSANZ) drafts food safety standards and other requirements related to food labelling and composition. The draft standards may be amended or rejected by a Ministerial Council – Ministers from each State and Territory – before they take effect. Once agreed the standards are incorporated into the *Food Standards Code*. The *Food Standards Code* is implemented and enforced by State and Territory agencies together with local government.

NSW Food Authority

The NSW Food Authority is the sole agency responsible for implementing national food standards at the NSW State Government level. The Authority was formed by merging SafeFood NSW with the food regulatory activities of NSW Health.

The Authority was established by the *NSW Food Act 2003*.

In addition to implementing and enforcing the *Food Standards Code*, the Act confers a number of other functions on the NSW Food Authority including establishing regulations known as ‘Food Safety Schemes’. Schemes are grounded in a scientific assessment of risk. Schemes have been implemented for the dairy, meat and seafood industries, and are currently being developed for priority sectors in the plant products, eggs, hospitals and aged care, and catering industries. In accordance with national agreements, schemes for long day care (childcare) centres and delivered meals organisations are also planned.

Local Government

All local councils in NSW have ‘enforcement agency’ status under the *Food Act 2003*. This enables, but does not require, councils to enforce the requirements of the Act (and national *Food Standards Code*). These arrangements continue local government’s long-standing, non-mandatory role in food regulation in NSW.

Despite their non-mandatory role, most local councils operating in NSW appoint ‘authorised officers’ to enforce the requirements of the Food Act. A NSW Health survey of councils in 2001 indicated that approximately 344 council staff, most of whom are Environmental Health Officers, have part-time responsibilities for food, with the total resource being equivalent to 92 full time staff. These are a substantial portion of the total food regulatory resource in NSW - the NSW Food Authority employs approximately 60 full time officers to undertake compliance and enforcement work.

The current activities of many local councils include:

- approval of food premises
- monitoring compliance with the *Food Standards Code* and enforcement actions;
- food recalls;
- advising food business operators on food safety practices;
- investigating complaints; and
- conducting education and training for food handlers.

1.2 Future direction

The NSW food safety system was independently reviewed in 2002 by the Hon. John Kerin (the Section 73 Review)². The Review identified opportunities for improving the NSW food regulatory system. In relation to local government, the Review recommended that:

“The responsibility of local government for food regulation should be clearly defined and appropriately resourced. The NSW Government should explore with local government the implementation of a model which would mandate a local government role:

- *commensurate with the skills, expertise and range of responsibilities of local government Environmental Health Officer;*
- *involving activities for which cost recovery would be appropriate;*
- *funded by a mechanism for cost recovery such as an annual administration fee;*
- *assisted by the NSW Food Authority through the provision of tools and/or training as appropriate;*
- *coordinated by the NSW Food Authority through mechanisms such as approved local plans or service level agreements; and*
- *supported by robust strategic liaison arrangements.”* (Recommendation 8)

The NSW Government agreed that the NSW Food Authority should take this recommendation forward as a priority.

² Kerin, J (2002) *Integration of the NSW Food Safety System*. NSW Government.

1.3 Developing the model

The NSW State and local governments have agreed to work together to develop a model which would mandate local government's role in food regulation.

In November 2003 the Food Regulation Partnership proposed general directions for the model by publishing a paper, *Toward a strong food regulation partnership. A Directions Paper for State and Local Government* (available on request from the NSW Food Authority, Tel: 1300 552 406).

It is now time for more detailed discussions about how responsibility for food regulation could be shared between the NSW Food Authority and local government.

Recommendation 8 (above) identifies the main issues which need to be considered. These issues are explored and options for ways forward are identified in the following Chapters:

- Chapter 2: Defining roles
- Chapter 3: Funding
- Chapter 4: Support and assistance
- Chapter 5: Coordination framework
- Chapter 6: Other issues

2. Defining roles

The Section 73 Review recommended that the responsibility of local government for food regulation be clearly defined. This would avoid duplication and gaps between local government and NSW Food Authority services. It would also ensure the most efficient use of NSW' limited food regulatory resources and minimise regulatory burden for industry.

2.1 Food Regulation Matrix

In defining local government's role there are two variables:

- for which food regulatory activities/services could local government take lead responsibility?
- and in which food industry sectors/businesses?

The Food Regulation Partnership has developed a Food Regulation Matrix (Figure 2) as a tool to facilitate these considerations.

The Food Regulation Matrix is comprised of a list of regulatory activities/services (defined in Appendix 1) and priority classifications of food businesses. The NSW Food Authority intends to classify businesses on the basis of food safety risk. It is proposed that businesses will be classified according to a 4 tier system. Under the system, highest risk businesses are classified Priority 1 (P1). Subject to the outcomes of further risk assessment and cost-benefit work, the NSW Food Authority intends to mandate food safety programs for all 'P1' businesses. Lowest risk businesses are classified Priority 4 (P4). The risk status of Priority 2 (P2) and Priority 3 (P3) businesses is intermediate between these extremes. Example priority classifications for a range of food businesses is provided in Appendix 2. These are indicative classifications – the Authority is yet to finalise its priority classification system.

Figure 2: Food Regulation Matrix

Regulatory activity/service	Food Business Priority Classification			
	P1	P2	P3	P4
Building approvals				
Notification (database management)				
Notification (data collection/entry)				
Licensing				
Food Safety Standards Compliance				
Food Safety Standards Enforcement				
Food Standards Enforcement (basic)				
Food Standards Enforcement (complex)				
Food Safety Scheme Compliance				
Food Safety Scheme Enforcement				
Sampling (incident response)				
Sampling (programmed survey)				
Food Recall (coordination)				
Food Recall (operational)				
Complaints (non foodborne illness)				
Foodborne illness investigation				
Industry support program				
Emergency response				

In considering how food regulatory roles could be shared between local government and the NSW Food Authority the following discussion focuses on ‘lead’ responsibility. This does not preclude both parties playing some role. For example, local government currently has, and is likely to continue to have, carriage of building approvals. However, some Food Safety Schemes, developed by the NSW Food Authority, prescribe special requirements (eg. meat retail premises). In these cases the NSW Food Authority could be responsible for setting such special requirements and informing local councils of the requirements. Local government would be responsible for confirming the requirements are met through development approval and similar processes. Such arrangements could be specified in guidance documents (see Chapter 5).

2.2 Roles categories

The Food Regulation Matrix (Figure 2) identifies 18 food regulatory activities/services to be delivered to 4 categories of food businesses – that’s 72 roles which could be shared between local government and the NSW Food Authority. To provide an orderly way to consider this large number of possible roles the list of 18 food regulatory activities/services has been divided into 3 categories:

- Activities/services where lead responsibility is already clearly indicated by legislative or other restrictions.
- Activities/services for which centralised delivery may be most efficient and effective.
- Activities/services for which carriage by either local government or the NSW Food Authority or joint carriage may be appropriate.

It is proposed that most discussion about future roles focus on the activities/services in the third category.

Further differentiation of roles is then possible by priority classifications of food businesses and food industry sectors (primary production, manufacturing, storage/distribution, retail or food service).

Activities/services where lead responsibility is already clearly indicated by legislative or other restrictions.

Local councils are consent authorities under the *Environmental Planning and Assessment Act 1979* for the purposes of determining development applications. Local government, sometimes in conjunction with private certifiers, have carriage of the ***building approval*** process for all food premises.

Activities/services for which centralised delivery may be most efficient and effective

Food Safety Schemes

As indicated in Chapter 1, establishment of Food Safety Schemes is an important function of the NSW Food Authority. Schemes are implemented on the basis of food safety risk. Currently there are Food Safety Schemes covering a range of P1 and P2 businesses. It is the NSW Food Authority's intention, subject to the outcomes of further risk assessment and cost-benefit work, that there will be Food Safety Schemes for all businesses in the P1 category. Centralised control and delivery of regulatory activities/services (except building approvals) for all P1 businesses and those P2 businesses under Food Safety Schemes may be the best option due to the high potential risk to public health that those businesses present.

It is important to note that NSW Food Authority lead responsibility would not preclude future involvement of local government in delivery of audit services to businesses under Food Safety Schemes. Current legislation requires audit by NSW Food Authority officers against Food Safety Scheme requirements. In the future, for businesses meeting certain performance requirements, it is likely that audit by third parties will be permitted. The auditors would be approved by the NSW Food Authority under section 87 of the *Food Act 2003*.

When the required legislative changes are made, local councils with qualified auditors on staff may choose to provide audit services. Councils who choose to provide such services would compete in the open market with other 3rd party audit providers. These councils would be subject to the same conditions as other 3rd parties (eg. reporting of audit outcomes to the NSW Food Authority and funding arrangements).

Other activities/services

The NSW Food Authority is also interested in providing some activities/services for all NSW food businesses:

- ***Notification (database management), Food Recall (coordination) and Sampling (programmed surveys)*** – which by their very nature lend themselves more readily to centralised delivery.
- ***Food Standards Enforcement (complex)*** – traditionally complex food standards (eg. health claims) have been enforced by the responsible State Government agency. There are scale economies in centralising the specialist expertise required to undertake this work. It would be difficult to justify maintaining these resources in separate local councils.
- ***Foodborne illness investigation*** – must be jointly undertaken by NSW Health and food regulatory professionals. NSW Health and the NSW Food Authority have formally agreed their respective roles. NSW Health is responsible for epidemiological investigation and response to foodborne disease where it relates to human health. The NSW Food Authority is responsible for ensuring that all foodborne disease inspections, including testing, required for outbreak investigation and response is undertaken. This includes food and

environmental sampling and sample analysis and reporting. So that it can fulfil its obligations under this agreement the NSW Food Authority has a strong interest in taking lead responsibility for field investigation, within the food chain, of foodborne illness.

Centralised delivery would also ensure; that surveillance and investigation are undertaken by a specialist team; linkages to national surveillance systems like OzFood Net (of which State government agencies are members); and that single, isolated complaints (or cases) are identified and analysed for a potential common source food or business. Outbreaks, and clusters of single cases, frequently cross local government boundaries and would be more easily investigated by an agency with statewide responsibility.

Activities/services for which carriage by either local government or the NSW Food Authority or joint carriage may be appropriate:

Carriage by either local government or the NSW Food Authority or joint carriage may be appropriate; in P2, P3 and P4 businesses (except where Food Safety Schemes apply); for:

- *Notification (data collection/entry)*
- *Food Safety Standards Compliance and Enforcement*
- *Food Standards Enforcement (basic)*
- *Sampling (incident response)*
- *Food Recall (operational)*
- *Complaints (non foodborne illness)*
- *Industry support program*
- *Emergency response*

The following discussion about future roles focuses on these activities/services.

A) What should be the base/minimum role for local government in food regulation?

Options for the base/minimum role for local government in food regulation are proposed below. In developing these options possible roles were assessed against the following criteria:

- Must protect public health as a priority – the base/minimum role should include services/activities where the involvement of local government is critical to protecting public health.
- Must be commensurate with the skills and expertise of local government EHOs – the base/minimum role should not impose unrealistic costs on local councils for up-skilling of current food regulatory personnel.
- Must be cost effective and efficient – division of responsibilities (between local government and the NSW Food Authority) should not introduce inefficiencies for food businesses.

Options for the base/minimum role for local government in food regulation:	
Option 1	Current statutory requirements (i.e. building approvals) and emergency response.
Option 2	Above (i.e. Option 1) plus, for P2, P3 and P4 retail and food service businesses (excepting those businesses for which a Food Safety Scheme applies): <ul style="list-style-type: none"> - Notification (data management) - Food Safety Standards compliance and enforcement - Food Standards Enforcement (basic) - Sampling (incident response) - Food recall (operational)
Option 3	All of the above (i.e Options 1 and 2) plus for P2, P3 and P4 retail and food service businesses (excepting those businesses for which a Food Safety Scheme applies): <ul style="list-style-type: none"> - Complaints (non foodborne illness)
Option 4	All of the above plus for P2, P3 and P4 retail and food service businesses (excepting those businesses for which a Food Safety Scheme applies): <ul style="list-style-type: none"> - Industry support program

Rationales for the proposed options are that:

- The unconditional availability of all food regulatory personnel to address an emergency incident is critical to protecting public health (compared to, for example, local councils running training programs for food handlers).
- Local councils have traditionally played a greater role in monitoring compliance with and enforcement of food safety standards in the retail and food service sectors (compared to primary production, processing and manufacturing).
- During a single inspection of a food premises it is possible to check for, currency of food business notification details, and compliance with food safety standards and food standards.

B) How could flexibility be provided for some local councils to do more than the base/minimum role?

Defining a base/minimum role is a priority for the development of a model for local government’s future role in food regulation. However, the current commitment of some local councils to food regulatory work is greater than the options proposed for the base/minimum role. The model should not unnecessarily limit such council’s activities but must ensure duplication between local and State government services is avoided. Flexibility within the model to

accommodate councils willing and able to do more than the minimum would therefore be an advantage.

<p>Ways in which flexibility could be provided for some local councils to do more than the base/minimum role:</p> <ul style="list-style-type: none"> • Negotiation of service agreements between individual councils and the NSW Food Authority. • Establishment of a series of enforcement agency ‘bands’ (Figure 3) where councils nominate, to the NSW Food Authority, the band in which they wish to participate.
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Negotiation of service agreements between individual councils and the NSW Food Authority would provide most flexibility. However it would be resource intensive. The service bands approach may be a more efficient option. Detailed consideration of service bands is not possible before agreement of a base/minimum role. However, indicative service bands are provided in Figure 3. These would require further work to confirm which services should be included in each band, appropriate service standards and reporting.

Figure 3: Possible enforcement agency service bands

Band 1	For P2, P3 and P4 retail and food service businesses (excepting those for which a Food Safety Scheme applies): <ul style="list-style-type: none"> - Notification (data management) - Food Safety Standards compliance and enforcement - Food Standards enforcement (basic) - Complaints (non foodborne illness) - Sampling (incident response) - Food recall (operational)
Band 2	Band 1 plus for P2 , P3 and P4 processing and manufacturing businesses (excepting those for with a Food Safety Scheme applies): <ul style="list-style-type: none"> - Notification (data management) - Food Safety Standards compliance and enforcement - Food Standards enforcement (basic) - Complaints (non foodborne illness) - Sampling (incident response) - Food recall (operational)
Band 3	Band 1 plus for businesses where Food Safety Schemes apply: <ul style="list-style-type: none"> - Food Safety Scheme compliance

C) *Are there other factors that should be considered when defining future roles?*

2.3 Workforce flexibility

Local council's food regulatory work may currently be undertaken by:

- Council employees;
- Contractors engaged by councils; and/or
- Resource sharing between neighbouring councils

Section 114 of the *Food Act 2003* gives enforcement agencies the power to appoint persons as authorised officers. The only condition on such appointments is that the enforcement agency considers the person has the appropriate qualifications or experience. There are no conditions on who employs the person.

Authorised officers may undertake the vast majority of the food regulatory activities/services being considered for inclusion in local government's minimum role. The exception is in relation to enforcement action. Authorised officers may, for example, issue penalty and improvement notices. But they cannot issue prohibition orders. Delegations for issuing prohibition orders are restricted to council employees.

It is proposed that the current flexible arrangements by which local government can undertake food regulatory work be maintained.

2.4 Urban and rural/remote

Councils are categorised using the Australian Classification of Local Governments (ACLG) methodology. In 2001-02³, urban councils serviced 90.8% of the NSW population in just 11.2% of the total land area. Conversely rural councils serviced 9.2% of the population which is spread across 88.8% of the total incorporated land area.

Greater numbers and higher densities of food businesses in urban areas make providing food regulatory services more viable than in rural areas. Difficulties in attracting qualified staff to the country is another challenge faced by rural councils.

There may be a case for different base/minimum roles for urban and rural local councils. An alternative view is that resource sharing between neighbouring councils and use of consultants could substantially address the difficulties faced by rural councils.

Ideally all local councils would fulfil whatever base/minimum role is finally agreed. To achieve this, in practice, special consideration and support may need to be provided by the NSW Food Authority to councils in very remote areas.

³ NSW Department of Local Government (2003) *Comparative Information on New South Wales Local Government Councils 2001-2002*.

2.5 Unincorporated areas

Some areas of NSW are unincorporated. Food businesses operating in these areas are not within the jurisdiction of any local council. Arrangements for provision of food regulatory services to these businesses will be required. Responsibility for delivering base/minimum food regulatory service would default to the NSW Food Authority.

Some councils which adjoin unincorporated areas have indicated an interest in providing food regulatory services in those areas. This would be possible if the Food Act was amended to permit the prescribing of consenting councils as enforcement authorities in unincorporated areas outside their boundaries.

2.6 Conflict of interest

Some councils are the proprietor of food businesses (eg. childcare centres). This, and other circumstances (eg. where a Councillor or council employee is the proprietor of a food business) gives rise to possible conflicts of interest, or the perception of a conflict.

There may be a case to have the facility for councils/council employees to declare such conflicts of interest to the NSW Food Authority. A joint decision could then be made on whether the possible conflict is such that responsibility for delivering base/minimum food regulatory services for those businesses should be undertaken by the Authority.

D) *How should the agreed local government role be mandated?*

The Section 73 Review recommended that local government's role should be mandated. This would ensure certainty about responsibilities. A mandated role could be achieved by a range of mechanisms:

- service agreements between individual councils and the NSW Food Authority;
- a Memorandum of Understanding between peak representative bodies and the NSW Food Authority; or
- legislation.

If a legislative approach is taken, this would be most appropriately addressed through amendment to the *Food Act 2003* rather than by amendment to the *Local Government Act 1993*.

3. Funding

Simply defining local government's role is not enough – local government must be adequately resourced. Lack of resources constrains the capacity of local governments to carry out the tasks required of them, including regulatory functions⁴. Funding mechanisms for the future role of local government must be addressed.

E) What is the cost to local government of providing food regulatory services?

There is a paucity of data concerning the cost to local government of providing food regulatory services. Information that will assist the Food Regulation Partnership to determine costs (e.g. on a per business basis) is needed. Persons making submissions are strongly encouraged to provide relevant data, including:

- number of food businesses in your local government area
- number of times/year businesses are visited
- number staff in attendance at each visit
- amount of time per visit, including travel time
- hourly cost of staff (including on-costs)

The activities/services to which the cost data relates should be identified.

F) How should local government's role be funded?

3.1 Funding principles

The principles which should apply to the funding of regulatory activities have been considered by several major reviews in recent years, including a Commonwealth inquiry on cost recovery (Productivity Commission, 2002) and, in NSW, the Food Safety Funding Review undertaken by the Hon. John Kerin (2001). These reviews sought to identify the circumstances in which specified regulatory activities should be funded by cost recovery, either from the regulated industry or from consumers of the regulated products, or directly by Government (i.e. through taxes or rates).

In 2001, the NSW Government adopted the Kerin recommendations and provided SafeFood NSW with Government funding for certain activities, including policy and standards development, Ministerial and Parliamentary support, and some aspects of food law enforcement. Under the Kerin model, SafeFood continued to fund its direct regulatory activities in the food industry through cost recovery, principally by licence fees and charges for audits and inspections. The NSW Food Authority is funded under similar arrangements.

⁴ Anon (2002) *The Role of Local Government in Public Health Regulation*. National Public Health Partnership, Melbourne, Australia.

The funding arrangements to support local government’s food regulatory role will need to be based on similar principles. Accordingly, the focus should be on mechanisms which enable regulatory costs to be recovered from food businesses equitably and with minimal administration. State Budget funding is highly unlikely to be provided for routine food regulatory activities. It is also assumed that local councils will not wish to fund these activities through general rate income.

3.2 Funding sources and mechanisms

Cost recovery from food businesses could be by one or more of the following mechanisms:

- **Service fees**

Many local councils currently charge fees for services that they provide, including food premise inspections. This power is provided by section 608 of the *Local Government Act 1993*. Fees payable are approved by resolution of council. Fees payable by like food businesses currently differ among local government areas.

Cost recovery by service fees could be charged for direct services including the updating of food business notification data in NAFSIS, food premise inspections and industry support programs, such as food handler training courses.

Cost recovery for some enforcement activities may also be possible. A potential mechanism is provided by the *Protection of the Environment Operations Act 1997* (POEO Act). Under that Act the power to issue notices is a key regulatory tool for councils. ‘Clean-up’ notices are for quick responses to pollution incidents. ‘Prevention’ notices address more systemic pollution and waste management problems. Councils are entitled to charge a fee (currently prescribed as \$320) where a clean-up or prevention notice is issued. Reasonable costs associated with monitoring and ensuring compliance with notices can also be recovered. The *Food Act 2003* provides powers to serve notices of a similar nature – improvement notices. Currently there is no legislative power for the charging of fees upon issue of improvement notices. Application of the cost recovery approach provided by the POEO Act in the area of food regulation would require further consideration at both State and local government levels and legislative amendment.

Service fees could be prescribed (Statewide) to address consistency and equity issues. Owing to different cost structures among local councils prescribed fees may not reflect true cost recovery. An alternate view is that the cost of efficiently delivered food regulatory services should not vary substantially between councils. Prescribed service fees may need to be scaled to take account of both business risk and business performance.

- **Administration fees**

Annual administration fees provide a mechanism by which the cost of food regulatory activities that are not a direct service to food businesses (eg. enforcement action, food recall and complaint investigation) can be socialised across the food industry.

Precedent exists for the charging of administration fees. The NSW Food Authority currently collects licence fees from businesses regulated by Food Safety Schemes. Licence fees fund specified services (eg. a number of routine audits) and indirect costs.

- **Fines**

Revenue generated from penalties and fines imposed on offenders – either by Penalty Notice or court order – is not a sound or secure funding base for any regulatory activity. Nonetheless, monies generated by fines can offset part of the cost of enforcement activities.

State Government funding for certain aspects of local government’s future role may also be possible:

- **Sampling (incident response):** The NSW Food Authority currently has a contract with the Division of Analytical Laboratories (NSW Health) for the testing of food samples. A portion of this budget could be set aside for testing food samples submitted by local government.
- **Emergency response:** In an emergency situation (eg. extortion or terrorist threat) it is likely that there will be a need to mobilise large numbers of food regulatory personnel on short notice. The NSW Food Authority has set aside an emergency funding reserve for use under strictly defined situations. The Authority may be able to reimburse councils from this fund for any local government resources used in responding to an emergency.

3.3 Funding model

On the basis of the preceding discussion the following funding model (Figure 4) is put forward for discussion. Under the model, local government’s role in food regulatory services would be largely funded by the food industry from administration and service fees. Revenue raised from fines could offset part of the cost of enforcement action. A limited range of activities may be funded from State Budget.

If this model were accepted in principle, additional data collection and analysis would be needed to determine:

- appropriate distribution of cost centres among the various funding sources and mechanisms; and
- fee levels that both reflect food business risk and provide a secure funding base for local government.

It is assumed that councils would continue to collect fees directly from food businesses operating within their area.

Figure 4: Possible funding model for local government's role in food regulation

INDUSTRY	<p>Annual Administration Fee</p> <p><i>Funding:</i></p> <ul style="list-style-type: none"> • indirect services (eg. food recall) • specified direct services (eg. 1 x NAFSIS update; 2 x premise inspections) <p><i>Part Funding:</i></p> <ul style="list-style-type: none"> • enforcement activities
	<p>Service Fees</p> <p><i>Funding:</i></p> <ul style="list-style-type: none"> • additional direct services (eg. extra premise inspections; food handler training) <p><i>Part Funding:</i></p> <ul style="list-style-type: none"> • enforcement activities (issue of notices)*
	<p>Fines</p> <p><i>Part Funding:</i></p> <ul style="list-style-type: none"> • enforcement activities
STATE GOVERNMENT	<p>In Kind</p> <p><i>Funding:</i></p> <ul style="list-style-type: none"> • analysis of food samples • support and assistance for local government (refer Chapter 4)
	<p>Reimburse</p> <p><i>Funding:</i></p> <ul style="list-style-type: none"> • local government resources engaged in responding to an emergency

*No legislative power at present. Would require further consideration at State and local government level.

4. Support and Assistance

The Section 73 Review identified the need for local government's role in food regulation to be supported and assisted by the NSW Food Authority. It recommended:

- robust strategic liaison arrangements; and
- provision of tools and/or training, as appropriate.

G) *How could the NSW Food Authority improve current communication and consultation arrangements with local government?*

4.1 Communication

Currently the NSW Food Authority communicates with local government by a variety of mechanisms. Food recall notices are transmitted by facsimile. Local council EHOs may log enquiries with the NSW Food Authority Contact Centre and subscribe to the Authority's electronic newsletter, *Food S@fety Bytes*. Many officers employed by the Authority are responsible for day-to-day liaison and supporting local council EHOs. The Authority is also actively participating in regular liaison meetings with local council food regulatory personnel across the State.

These arrangements endeavour to enhance, and build on, existing networks established by Public Health Units.

In addition, the NSW Food Authority recently undertook an internal review of its structure and functions. This review recommended appointment of a Local Government Liaison Officer. Responsibilities for this position may include:

- uniform communication with councils on the activities and policies of the NSW Food Authority, legislative arrangements, legislative interpretation, and technical advice sheets;
- maintaining a register of contact points within, and communication mechanisms for each council;
- maintaining and distributing a register of contact points within the NSW Food Authority responsible for day to day communication with councils;
- facilitating and coordinating a training program for council EHOs; and
- coordinating meetings between council EHOs and regional staff of the NSW Food Authority.

H) How could NAFSIS provide a benefit to local government?

4.2 NAFSIS

The Notification and Food Safety Information System (NAFSIS) is a database of contact details and information about the food handling activities of NSW food businesses. Local councils may currently access the notification records for businesses within their jurisdiction.

A complete and current NAFSIS database could be a powerful planning tool for councils.

Internally the NSW Food Authority is exploring how existing record keeping systems, the licensing system in particular, can assist in keeping NAFSIS records up-to-date. The possibility for the licence management system to automatically transfer and update data held in NAFSIS is being investigated. Similar relationships between local council databases and NAFSIS may be possible.

I) What tools and/or training should the NSW Food Authority provide for local government?

The Section 73 Review recommended that the NSW Food Authority provide tools and training to support local government's role in food regulation. Some example tools and training initiatives are described below. Persons making submissions are encouraged to comment on these and recommend others.

4.3 Tools

With support from AIEH, Queensland Health has produced a CD-ROM tool for EHOs. The tool, *Queensland foodNET*, includes resources that assist environmental health professionals to:

- monitor compliance with, and enforce, food standards
- increase food businesses' awareness of their obligations
- answer the public's frequently asked questions

On an *ad hoc* basis the NSW Food Authority has published some tools to assist EHOs (eg. template/example Improvement Notices, Prohibition Orders and Seizure Forms. A series of Fact Sheets has also been published on the Authority's website).

Queensland foodNET may be an appropriate model for a future, more deliberate and coordinated effort by the NSW Food Authority.

4.4 Training

An effective food regulation system is underpinned by appropriately trained food regulatory personnel. Many organisations provide relevant training including universities, TAFE and professional associations.

The NSW Food Authority has personnel with particular expertise in the interpretation and application of the *Food Act 2003* and *Food Regulation 2004* (including the *Food Standards Code*). The sharing of this expertise with local government EHOs would facilitate a more consistent approach to food regulation across NSW.

To date, training has been provided by the Authority, and its predecessor organisations, to local government on an *ad hoc* basis. For example, the Authority, in partnership with AIEH and EDAP, recently ran a series of workshops, for EHOs, on the new Food Act. If there is sufficient demand, the NSW Food Authority could take a more deliberate and coordinated approach to providing training of this nature (eg. quarterly or annual training calendar).

J) *Are there other activities that would support and assist local government?*

There may be other activities that the NSW Food Authority, either alone or in partnership with others, could provide to support local government. Awards for excellence is one example. Persons making submissions are encouraged to comment on this suggestion and recommend others.

4.5 Awards for Excellence

The Local Government Excellence in the Environment Awards has been run by the Local Government and Shires Associations of NSW since 1998. The awards recognise outstanding achievements by NSW local councils in managing and protecting the environment. A similar awards program for local government excellence in food regulation could:

- encourage excellence and innovation in delivery of food regulatory services by local government
- provide best practice models
- increase public awareness of, and confidence in, food regulatory services provided by local government.

5. Coordination Framework

The Section 73 Review recommended that local government's role in food regulation be coordinated by the NSW Food Authority.

K) What should coordination achieve?

5.1 Principles

Public and food industry monies are used by the NSW Food Authority and local councils to fund food regulatory services. The NSW community and food industry are therefore concerned that the services are effective and efficient.

The coordination framework should therefore:

- eliminate duplication and gaps between services provided by local government and the NSW Food Authority;
- minimise industry compliance costs;
- improve regulatory efficiency;
- facilitate consistent service delivery among local government areas;
- demonstrate accountability to the general public and regulated food industry; and
- **not** impose an onerous administrative burden on local government or the NSW Food Authority.

5.2 Coordination, past and present

Before the creation of the NSW Food Authority a number of State level agencies were involved in food regulation:

- a central branch of the NSW Health Department, the Food Branch;
- 17 Public Health Units located in Area Health Services of NSW Health; and
- SafeFood Production NSW.

This lack of integration at the State level has, to date, limited the capacity for coordination to extend to the local government level.

Mechanisms which operated with a view to state-wide coordination included quarterly networking meetings of senior Public Health Unit food regulatory personnel with staff from the Food Branch. Discussion at these meetings focussed on consistent interpretation and application of food laws. Also, the Food Branch maintained a database of all prosecutions made under the Food Act (including those by local councils).

More concerted efforts at coordination have been made in regions. For example, many Area Health Services had agreements with local councils in their area about the respective roles of local council EHOs and Food Inspectors employed by Public Health Units. The longest standing of these arrangements is the Hunter Food Surveillance Group – made up of 13 councils in the Hunter and Central Coast regions and now the NSW Food Authority. The Group meets regularly to

discuss issues ranging from national trends and initiatives to local enforcement matters. It has also prepared codes of practice to guide EHOs in their food regulatory work.

The nationally agreed Model Food Act, enacted in NSW as the *Food Act 2003*, could also inform the development of a coordination framework. The Model Act gives certain powers to the “relevant authority” in each State. As the relevant authority in NSW, the NSW Food Authority may:

- impose conditions or limits on the exercise of functions by “enforcement agencies” (eg. local councils) under the Food Act (after consultation);
- require enforcement agencies to adopt national guidelines about how they exercise their functions under the Food Act; and
- require enforcement agencies to submit reports on the exercise of functions under the Food Act.

L) What are the elements of coordination frameworks?

Coordination frameworks often include:

- service standards and guidelines;
- performance indicators;
- reporting;
- verification; and
- a feedback/continuous improvement loop.

5.3 Service Standards and Guidelines

Service standards and practice guidelines for the planning, management and delivery of food regulatory services are the mechanism by which local government and the NSW Food Authority could ensure:

- that respective roles and responsibilities are clearly defined and understood; and
- consistent service delivery among local government areas.

Service standards would pertain to issues that are critical to the effective operation of the coordination framework and local government’s (future) role in food regulation. Compliance with service standards would be obligatory.

Guidelines, on the other hand, would be advisory in nature.

Ideally nationally agreed service standards and guidelines would be adopted. But national guides do not currently exist. NSW service standards and guidelines would, therefore, need to be developed.

5.4 Performance indicators

There is a trend toward formal performance measurement by governments. In NSW, most State Government agencies are required to prepare Results and Services Plans. The Plans must include performance measures.

There are two types of measures:

- service (or output) measures; and
- results (or outcomes) indicators.

Service measures indicate the level of activity (eg. % of premises inspected per annum). Results indicators focus on how successful regulatory activities have been (eg. decrease in foodborne illness). While results indicators are more meaningful than service measures, it is widely accepted that they are more difficult to quantify.

5.5 Reporting

Reporting is the mechanism by which the NSW Food Authority and local councils can provide accountability to the general public and regulated food businesses.

Options for reporting the outcomes of the NSW food regulatory system are:

- independent reporting by each local council; or
- a single report compiled by the NSW Food Authority (based on data submitted to the Authority by local councils).

Councils must already meet a range of statutory reporting requirements. Independent reporting by local councils on their food regulatory services would represent an increase on this already significant burden. The burden could be minimised by incorporating reporting into current requirements (eg. State of the Environment reporting or, future, reporting against Public Health Plans).

Independent reporting by each council would not readily indicate Statewide outcomes and achievements of the NSW food regulatory system. This could only be achieved by centralised reporting.

Some relevant data on local government food regulatory activities would be available to the NSW Food Authority from external sources. For example the number and nature of Penalty Notices issued will be directly accessible from the Infringement Processing Bureau (IPB). To facilitate centralised reporting, other data would need to be submitted by councils to the NSW Food Authority.

Relevant information might include:

- food premises inspection activity (eg. number/proportion of food businesses inspected, re-inspected);
- food law enforcement activity (eg. improvement notices, prohibition orders, seizures, prosecutions);

- food premises inspection outcomes (eg. proportion of good, acceptable, marginal or unacceptable inspection ratings)
- complaints (eg. number and nature of complaints made by the general public against food businesses).

Electronic submission of this data would be essential to minimising administrative burden. This could be by enhancement of an existing system (eg. NAFSIS⁵ or VicFIN⁶) or development of a new system. Compatibility with the various electronic record keeping approaches of councils would be an essential consideration.

5.6 Verification

An audit program could be implemented to determine the conformance of local council's food regulatory services with agreed service standards. The NSW Food Authority or a third party could audit the food enforcement services of local councils. This could:

- help to protect public health by promoting effective local enforcement of food law;
- assist in the identification and dissemination of good practice to aid consistency; and
- provide information to aid improvement of the coordination framework.

A verification program is likely to be resource intensive.

5.7 Evaluation and improvement cycle

Feedback loops that drive continuous improvement of systems are important. These operate by a cycle of activities which keep frameworks under continual review. Activities include:

- collation and analysis of relevant data on the operation of the framework;
- development of options/recommendations for improvement
- consultation with stakeholders of the framework; and
- implementation of agreed improvements.

⁵ Notification and Food Safety Information System, the NSW Food Authority's database of food businesses notification details.

⁶ Victorian Food Information Network, Food Safety Victoria's web-based system for communicating with local councils – including the collection of food enforcement data.

5.8 Existing coordination frameworks

In the United Kingdom there is a framework in place which includes each of the elements described above. The central Food Standards Agency is the coordinator of the food regulatory system; 499 local authorities enforce food standards in over 600,000 food businesses. The coordination framework includes:

- a **Food Law Enforcement Standard** which sets out the requirements for the planning, management and delivery of local authority food law enforcement services. The Standard is supported by interpretive material provided in a **Code of Practice and Practice Guidelines**;
- a **Monitoring Scheme** under which local authorities submit quarterly and annual returns on food law enforcement activity to the Food Standards Agency; and
- an **Audit Scheme** under which the Food Standards Agency conducts audits of the food enforcement services of local authorities.

Based on the data submitted under the Monitoring Scheme the Food Standards Authority prepares **annual reports** on local authority food law enforcement. This provides both accountability to regulated businesses and the community as well as valuable benchmarking information for local authorities. The Food Standards Authority also publishes reports on its findings under the Audit Scheme.

A joint government/local authority group, the **Enforcement Liaison Group (ELG)**, oversees the operation of the coordination framework. The ELG developed the Food Law Enforcement Standard and Monitoring and Enforcement Schemes and keeps these under continual review.

Currently there is no comprehensive model operating in Australia. The Victorian Auditor General identified opportunities in this regard for that State. A 2002 review of management of food safety in Victoria found that state-wide coordination could be improved by:

- documenting roles, responsibilities, key strategies and relationships among key food safety stakeholders (including the central Food Safety Unit within the Department of Human Services and local government);
- clarifying the Food Safety Unit's responsibilities and establishing protocols for its monitoring of local government's fulfilment of its legislative obligations;
- developing a suite of relevant and appropriate performance indicators and targets which measure achievements against the key objectives of the food safety regulatory framework at both a council and State level; and
- publicly reporting performance.

Some other States and Territories have adopted elements of a coordination framework. For example in South Australia the Department of Human Services guides local councils about the exercise of their food enforcement functions. It issues circulars, fact sheets etc., and runs seminars. The Department collects food

enforcement data annually, and tables a report in Parliament. A new IT system is being developed that will replace the annual questionnaire and allow councils to submit enforcement data on-line.

M) *How should the NSW food regulatory system be coordinated?*

N) *How could local government be engaged in managing the coordination framework?*

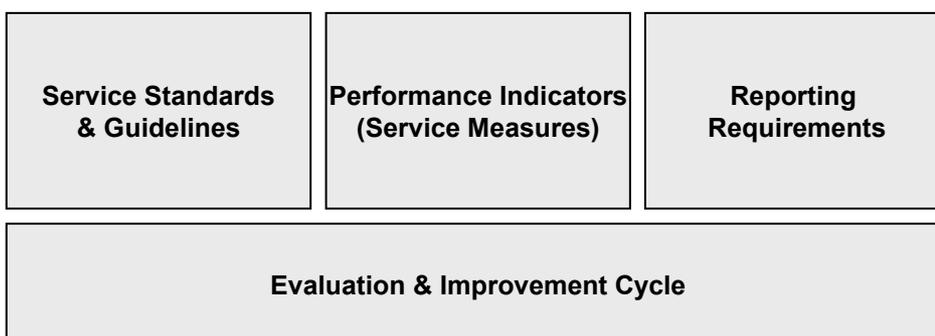
5.9 Coordination model

On the basis of the preceding discussion the following coordination model is proposed. The model is comprised of 4 elements:

- **Service standard and guidelines** – which would document respective roles and responsibilities of local councils and the NSW Food Authority;
- **Performance indicators** – focussing, at least in the first instance, on service measurement;
- **Reporting requirements;** and
- **Evaluation and Improvement Cycle** – which would keep the operation of the other elements under continual review.

A program to verify fulfilment of local government’s obligations under the model is not included. It is unlikely that an audit scheme or similar, would be of value in relation to agreed base/minimum roles. There may however, be a need for a verification program for councils which choose to provide audit services for food business covered by Food Safety Schemes. A verification program already operates for Authority staff in this regard and is likely to apply to all future 3rd party audit providers.

Figure 5: Possible coordination framework for the NSW food regulatory system



If this model was accepted in principle, a process to develop the detail would be needed. This would need to be done with regard to the principles outlined at section 5.1 and in partnership with local government. The consultative arrangements used by the NSW Food Authority for development, implementation and review of Food Safety Schemes may be appropriate.

Food Safety Schemes statutorily establish Industry Consultative Committees. The committees include representatives of the various stakeholders for the Scheme. The Minister (for the NSW Food Authority) establishes the committees after receipt of nominations from relevant peak bodies and government departments. The Authority consults with the committees on the operation and review of Food Safety Schemes.

A Local Government Consultative Committee could include representatives of:

- Councillors
- local council General Managers
- environmental health professionals
- NSW Food Authority

Functions of the Local Government Consultative Committee could include:

- Advising the NSW Food Authority on a program to support and assist local government's role in food regulation;
- Development and review of service standards and guidelines, performance indicators and reporting requirements
- Providing input to reports compiled by the NSW Food Authority on the NSW food regulatory system

6. Other Issues

O) *Are there other issues which should be considered in developing the model for local government's future role in food regulation?*

Comment on any other issues relevant to the development of the model for local government's future role in the NSW food regulatory system is invited.

6.1 Food Standards Code

Authorised officers, both council and Authority appointed, sometimes note practical difficulties associated with enforcement of some aspects of the *Food Standards Code*.

The present consultation cannot change these requirements. But it should provide a framework by which the NSW Food Authority and local councils can:

- ensure consistent interpretation of such requirements within NSW; and
- collaborate on providing NSW input to national standards development and review processes.

6.2 Penalty Notices

Section 120 of the *Food Act 2003* provides for the service of Penalty Notices by authorised officers for offences under the Act or subordinate regulations. In practice Section 120 is not in effect because a regulation that prescribes the offences for which a Penalty Notice may be served; and amounts of penalties payable has not been made. The NSW Food Authority is responsible for making this regulation.

Penalty Notices are a useful regulatory tool and many local councils have indicated a need for s120 to be in effect as soon as possible. The NSW Food Authority has initiated a separate project to undertake this work. It is estimated that the requisite amendments to the Food Regulation 2004 will be made by December 2004.

7. The Consultation Process

Key Dates

Oct2004	This Options Paper is released. Consultation period starts – stakeholders can make submissions from this date.
Nov 2004	Local government workshops conducted across the State
24 Dec 2004	Consultation period ends. Final date for submissions.
Feb 2005	Model for local government’s future role in food regulation drafted.
Mar – May 2005	Further stakeholder consultation regarding suitability of the draft model.
Jun 2005	Model presented to NSW Government as the agreed position of stakeholders

How do I respond to the Issues and Options Paper?

Individuals, business, government and industry/consumer/professional associations are invited to respond to this paper. You can respond to this paper by:

- writing to: Food Regulation Partnership
PO Box 6682
Silverwater NSW 1811
- sending an e-mail to lgmodel@foodauthority.nsw.gov.au

How do I structure my response?

It is not necessary to respond to all issues raised in this paper. You may comment on as many or as few as you wish.

Chapters 2-6 identify the issues and options to be considered and provide some background material to assist you when making your response.

Please structure your response in a way that clearly identifies the issue/option you are responding to. It will assist if you support your comments or opinions with reasons and any available evidence. Please feel free to attach supporting documents.

You may find the submission cover sheet provided below useful for summarising your position (note submissions will be accepted with or without the coversheet).

How else can I participate?

In parallel to the submission process, members of the Food Regulation Partnership will be conducting 13 workshops across NSW during November and December. Workshop venues/dates will be advertised shortly. Contact lgmodel@foodauthority.nsw.gov.au or call Marita Cudmore (02) 9741 4864 for further information.

SUBMISSION COVER SHEET

Contact Details:

Name: _____ Tel: _____
Organisation: _____ Fax: _____
Address: _____ Mobile: _____
_____ E-mail: _____

Submission Summary:

1. The base/minimum role for local government in food regulation should be (*circle one*):

Option 1 Option 2 Option 3 Option 4 (refer page 13)

2. Councils should be able to elect to do more than the base/minimum role:

Yes/No

If yes this should be by (circle one):

A. Service agreements between councils and the NSW Food Authority

B. Establishment of a series of enforcement agency 'bands' (refer page 14)

3. Councils should be able to discharge the base/minimum role using (*circle one*):

A. Council employees

B. Contractors

C. Resource sharing with neighbouring councils

D. All of the above

4. Councils should be exempt from the base/minimum role where there are mitigating circumstances (eg. rural/remote)

Yes/No

5. Councils should be able to apply to the NSW Food Authority to become enforcement authorities in unincorporated areas:

Yes/No

6. The NSW Food Authority should provide base/minimum food regulatory services where councils identify a conflict of interest that cannot be managed by council's internal processes:

Yes/No

7. When agreed, local government's role should be mandated by:

A. Service agreement between councils and the NSW Food Authority

B. Memorandum of Understanding between peak bodies and the NSW Food Authority

C. Legislation

8. Local government's role in food regulation should be funded according to the model described on page 20:

Yes/No

If no please attach reasons and alternatives separately.

9. Local government's role in food regulation should be coordinated according to the model described on page 29:

Yes/No

If no please attach reasons and alternatives separately.

Appendix 1: Regulatory activities/services definitions

Building approvals	Formal approval for construction and, where required, fit-out of food premises. Includes Development Applications and Construction Certificates
Notification (database management)	Maintaining the NAFSIS database.
Notification (data collection/entry)	Checking and updating the completeness and currency of food business notification data.
Licensing	Administration of licences to carry on a food business required by regulations made under the <i>Food Act 2003</i> (approvals for mobile food vans issued by local councils under the <i>Local Government Act 1993</i> are not included).
Food Safety Standards Compliance	Inspections conducted for the purpose of determining compliance with Food Safety Standards 3.2.2 and 3.2.3.
Food Safety Standards Enforcement	Investigation and, where appropriate, issuing of notices/orders and prosecutions for breaches of Food Safety Standards 3.2.2 and 3.2.3.
Food Standards Enforcement (basic)	Investigation and, where appropriate, issuing of notices/orders and prosecution for breaches of basic requirements under the Food Standards Code (other than the requirements of Food Safety Standards). Examples are date marking and other labelling requirements that do not require submission of samples to a laboratory.
Food Standards Enforcement (complex)	Investigation and, where appropriate, issuing or notices/orders and prosecution for breaches of complex requirements under the Food Standards Code (other than requirements of the Food Safety Standards). Examples include health claims and accuracy of nutrition information panels.
Food Safety Scheme Compliance	Audits conducted for the purpose of determining compliance with Food Safety Schemes made under the <i>Food Act 2003</i> .
Food Safety Scheme Enforcement	Investigation and, where appropriate, issuing of notices/orders and prosecutions for breaches of Food Safety Schemes.
Sampling (incident response)	Sampling and testing conducted to confirm(or deny) breaches of the requirements detected as a result of routine compliance and or complaint investigation work.

Sampling (programmed survey)	Sampling and testing conducted as part of programmed surveys.
Food recall (coordination)	Coordination of NSW response to Food Recall issued by FSANZ, including circulating Food Recall Notices.
Food recall (operational)	Site visits and other actions required to confirm that products recalled under the FSANZ Recall Protocol have been removed from sale.
Complaints (non foodborne illness)	Investigation of complaints (other than complaints of foodborne illness) made by the public against food businesses.
Foodborne illness investigation	Investigation of foodborne illness complaints.
Industry support program	Delivery of a planned program of activities designed to support food businesses by providing, for example, tools and training which assist those businesses in improving compliance with requirements. Advice provided by food regulatory personnel during inspections/audits, while important and valuable, for the purposes of the Food Regulation Matrix do not qualify as a planned 'industry support program'.
Emergency response	Site visits and other actions required to mitigate serious threats to the safety of the food supply (eg. terrorist, extortion or very serious food safety incident).

Appendix 2: Food Business Priority Classifications

PRIMARY PRODUCER

Business Type	Extra Details	P1	P2	P3	P4
Aquaculture			✓		
Cow Dairy Farm			✓		
Egg Farm				✓	
Egg Grader			✓		
Fisher			✓		
Fruit & Vegetable Farm				✓	
Goat Dairy Farm	Unpasteurised	✓			
Honey				✓	
Seedsprouts	Including wheat grass	✓			
Shellfish		✓			

PROCESSOR/MANUFACTURER

Business Type	Extra Details	P1	P2	P3	P4
Abattoir		✓			
Alcoholic Drinks				✓	
Baby Food		✓			
Bakery 1	Flour products only			✓	
Bakery 2	Other (eg. custard tarts, meat pies)	✓			
Biscuits				✓	
Boning Room		✓			
Bottled Water			✓		
Canned Food		✓			
Carbonated Beverages				✓	
Caterer		✓			
Cereal Products				✓	
Chocolate				✓	
Cook chill		✓			
Crisps				✓	
Egg Processing	eg. pulping, egg power, hard boiled eggs	✓			
Fish Processing		✓			
Fish Smoking		✓			
Food Additives				✓	
Fruit & Vegetable Processing 1	Ready-to-eat (eg. cut lettuce)	✓			
Fruit & Vegetable Processing 2	For further cooking (eg. frozen vegetables)		✓		
Fruit Juice 1	Unpasteurised	✓			
Fruit Juice 2	Pasteurised	✓			
Meat Products 1	Fermented	✓			
Meat Products 2	Manufactured	✓			
Milk & Milk Products		✓			

PROCESSOR/MANUFACTURER cont...

Oils and Fats				✓	
Sandwiches and Salads		✓			
Shellfish		✓			
Sweets/Sugar Confectionary				✓	
Vegetables in oil		✓			

DISTRIBUTORS AND TRANSPORTERS

Business Type	Extra Details	P1	P2	P3	P4
Alcoholic Drinks					✓
Bulk Milk Collection			✓		
Bulk Flour Storage				✓	
Dry Goods					✓
Fish & Fish Products			✓		
Frozen Foods				✓	
Fruit and Vegetables				✓	
Meat and Meat Products			✓		
Milk and Milk Products				✓	

MANUFACTURERS SELLING PRIMARILY DIRECT TO THE FINAL CONSUMER

Business Type	Extra Details	P1	P2	P3	P4
Bakery 1	Flour products only			✓	
Bakery 2	Other	✓			
Butcher 1	Raw meat only		✓		
Butcher 2	Mixed products	✓			
Fruit Juice	Unpasteurised		✓		
Ice Cream		✓			

RETAILERS

Business Type	Extra Details	P1	P2	P3	P4
Bread Shop				✓	
Bottle Shop					✓
Cake Shop			✓		
Delicatessen			✓		
Fishmonger	Assuming both RTE (eg. oysters, cooked prawns) and non-RTE sold		✓		
Greengrocer				✓	
Health Food Shop				✓	
Newsagent/Sweet Shop					✓
Vending Machine 1	Perishable food		✓		
Vending Machine 2	Shelf-stable food				✓

FOOD SERVICE

Business Type	Extra Details	P1	P2	P3	P4
Aged care		✓			
Bed & Breakfast			✓		
Boarding School		✓			
Caterer		✓			
Childcare 1	Serving meals	✓			
Childcare 2	Serving snacks			✓	
Correctional Centre		✓			
Delivered Meals Organisations		✓			
Holiday Camp		✓			
Hospital		✓			
Nursing Home		✓			
Restaurants 1	Pre-prepare RTE food	✓			
Restaurants 2	Express order		✓		
Take-Away			✓		