

**DIRECTOR SUSTAINABLE DEVELOPMENT
SERVICES REPORT**

14 June 2005

DSDS9	NSW FOOD REGULATION PROPOSED PARTNERSHIP LOCAL GOVERNMENT AND NSW FOOD AUTHORITY FILE: 128 JGR
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SUMMARY:

Council has been requested to review and comment on the Draft Model – NSW Food Regulation Partnership – A Blueprint.

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Background

Council's role and responsibility in Food Surveillance is currently under review.

Initially Local Government and the NSW Health Department were the key providers in respect to the regulatory requirements of food legislation.

As from the 5th April 2004, the NSW Food Authority became the sole agency responsibility for food regulation in NSW.

Historically, Local Government (Councils) have been involved in food regulation since 1896. In 1908 with the implementation of the Pure Food Act the State Government requested that all Councils appoint local food inspectors.

The NSW Food Authority wish to utilise Council's level of knowledge and resources to form a partnership with Local Government (Councils).

Council has been requested to comment on a Model Policy for the partnership between the NSW Food Authority and Local Government.

This model has been developed by a Committee of Local and State Government representatives appointed by the Minister for Primary Industries, Presidents of the Local Government and Shire Associations. It also reflects the findings through consultation with individual Councils. A regional meeting for local Health Surveyors was held at Port Macquarie in October 2004 and again on 6th May 2005.

The model seeks to:

- clearly define the respective roles of councils and the NSW Food Authority;
- provide a dedicated program to support and assist Council's roles in food regulation;
- establish arrangements for coordination of the NSW food regulatory system (eg. protocols, guidelines and reporting arrangements); and
- provide a secure funding base for Council's food regulatory work.

Local Council's have been requested to determine the extent to which they wish to participate in the partnership. Each Council is to decide which Category or Level they wish to participate, from the following categories:

- Category A
- Food premises approvals
 - Emergency response
 - Urgent food recalls

- Category B
- Category A, plus:
For retail and food service businesses (excepting those businesses for which a Food Safety Scheme applies):
- Premises inspections (to determine compliance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 and basic Food Standards matters and including taking samples as appropriate).
 - Investigating complaints (including single cases of foodborne illness).
 - Enforcement action (including serving notices, orders and taking court action).

- Category C
- Category A and B, plus:
Any other role negotiated directly between councils and the NSW Food Authority, for example (but not limited to):
- Premises inspections for manufacturers.

Category A

If Council adopted this level it could mislead people that the Council is ensuring the community are safe guarded in terms of food premises and food handlers hygiene. This would also be an under utilisation of Council's expertise and resources, as well as a reduction of income that is currently available to Council through inspections.

Category B

Should Council elect to undertake food regulatory work to Category B level there would be no change to the regulatory function and the level of service provided to the community in respect to food service that currently is being undertaken by the Shire's Health and Building Surveyors.

Category C

This level could place an added burden on Council which would require major staff reorganisation and the addition of new staff to undertake the role.

At the meeting at Port Macquarie on 6th May 2005 where representatives were present from Mid North Coast Councils and Mr Phillip Bird Senior Technical Officer – Local Government Liaison Coordinator, information was given that most Councils were nominating Category B with exception of larger city Councils who have qualified staff to undertake Category C and large western Councils who do have technical staff who were electing Category A.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

The community has a perception that Council has a role in the regulation of food related matters. Council has authorised officers which work within the district, have local knowledge and can utilise Council's data base in respect to the food premises.

- *Economic (Financial)*

Fees and Charges for inspections will be set by Council which will provide a source of funding for food regulatory work.

- *Policy or Statutory*

Council appoints authorised officers to undertake food premises inspections, Council would enter into a service agreement with NSW Food Authority.

- *Director's Review*

Given that public perception is that Council should be providing a service when it comes to ensuring that the community are safe guarded in terms of Food Premises and Food Handlers Hygiene, it is essential that Council maintains its current level of service in respect to food premises. It would seem Category B best fits our Department.

RECOMMENDATION:

That Council adopt Category B as its level of participation with the NSW Food Authority.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES