



Government of **Western Australia**
Department of **Health**
Public Health Division
Environmental Health Directorate

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
Australia
Email: submissions@foodstandards.gov.au

Submission DUE by 6pm on 12 September 2014

SUBMISSION ON PROPOSAL P1025 – CODE REVISION

The Department of Health Western Australia (DOHWA) would like to thank Food Standards Australia New Zealand (FSANZ) for seeking 2nd Round comment on Proposal P1025 – Code Revision. This submission has been prepared by the Food Unit of the Environmental Health Directorate of DOHWA.

After careful consideration, DOHWA substantially supports the adoption of the "draft food regulatory measure" as provided in attachment A of the 2nd Call for Submissions – Proposal P1025 – Code Revision (10 July 2014).

DOHWA is of the opinion that the changes relating to "...enforceability and interpretation of the Code and consistency of application of the Code across jurisdictions..." align with the provisions of the Food Act 2008 here in Western Australia. However, DOHWA also recognises that a number of matters identified in the initial review have not been able to be addressed due to time constraints or because of scope of proposal limitations. DOHWA is of the opinion that it is important that these outstanding matters be addressed in a timely fashion and would support arrangements for their prompt consideration and resolution.

During the review of the "draft food regulatory measure" DOHWA has identified a small number of largely grammatical and editing errors and omissions that, if rectified, would improve the document. These matters are detailed in the table below for your consideration.

Section in "draft regulatory measure"	Comment
Page 1, "Part 1 Preliminary" Title and header	There is a misalignment with the numbering of the title "Part 1 Preliminary" as it appears on page 1 and the numbering shown in the Table of Contents "Part 1.1 Preliminary". Similarly the in the header of pages 3 to 47 inclusive, have a similar misalignment showing "Part 1 Preliminary" as opposed to "Part 1.1 Preliminary" as shown in the Table of Contents. This should be rectified.
Clause 1.1.1-4	Remove the double "in". Clause has a double "in" it reads: <i>"This Code is to be interpreted in accordance with the rules of interpretation in:</i> (a) <i>in Australia—the Acts Interpretation Act 1901 (Cth); and</i> (b) <i>in New Zealand—the Interpretation Act 1999 (NZ)."</i> Remove one "in" to read: <i>"This Code is to be interpreted in accordance with the rules of interpretation:</i> (a) <i>in Australia—the Acts Interpretation Act 1901 (Cth); and</i> (b) <i>in New Zealand—the Interpretation Act 1999 (NZ)."</i>
Clause 1.1.2-3, Definition of spirit	The definition of spirit (p38) includes the term 'food stuff'. Given the broad definition of 'food' as adopted in clause 1.1.2-2 and the lack of definition of the term 'food stuff' itself, it would be appropriate to substitute the word 'food' for the term 'food stuff' to provide greater clarity and consistency.
Clause 1.1.2-3, Definition of	The definition of vinegar (p39) in (a) includes the term 'food sources'. Given the broad

vinegar	definition of 'food' as adopted in clause 1.1.2-2 and the lack of definition of the term 'food sources' itself, it would be appropriate to substitute the word 'food' for the term 'food sources' to provide greater clarity and consistency.
Clause 1.1.1-14 Other requirements related to food	<p>The Exposure Draft now includes 'handled' for sale, and in the absence of a definition in the Code takes on the meaning in the various application Acts. This definition is very broad including many activities related to food for sale including 'preparation'.</p> <p>Clause 1.1.1 – 14 Other requirements for food – continues with the word 'preparation' and does not use the word 'handled'. In order to maintain consistency and to capture a broader range of activities related to food clause 1.1.1-14 should be amended by deleting the word 'preparation' where it occurs and replacing it with the word 'handling' and deleting the word 'prepared' where it occurs and replacing it with the word 'handled'.</p> <p>As a result the clause should read:</p> <p>"1.1.1—14 Other requirements relating to food <i>Requirements for handling of food</i> (1) If this Code sets requirements for the handling of food, the food must be handled in accordance with those requirements. <i>Requirements for record-keeping</i> (2) If this Code sets requirements for record-keeping in relation to food, those requirements must be complied with."</p>
Clause 1.1.2-2 Definition of label	To improve consistency, replace the words 'a food being sold' with the words 'food for sale'.
Clause 1.1.2-2 Definition of labelling	To improve consistency, replace the words 'a food being sold' with the words 'food for sale'.
Page 48 "Part 2 Labelling and other information requirements" Title and header and other similar occurrences	<p>There is a misalignment with the numbering of the title "Part 2 Labelling and other information requirements" as it appears, on page 48, and the numbering shown in the Table of Contents "Part 1.2 Preliminary".</p> <p>Similarly in the header of pages 48 to 102 inclusive have a similar misalignment showing "Part 2 Labelling and other information requirements" as opposed to "Part 1.2 Labelling and other information requirements" as shown in the Table of Contents .</p> <p>A similar editing issue arises with Part 1.3, 1.4, 1.5 and 1.6 and throughout Chapter 2 as well.</p> <p>A consistent approach should be taken in the numbering of these labels to ensure that they match.</p>
2.7.5-2 Definition of spirit (p176)	See comment Clause 1.1.2-3, Definition of spirit above.
2.9.5-11(b)	This clause includes the term 'foodstuffs'. Given the broad definition of 'food' as adopted in clause 1.1.2-2 and the lack of definition of the term 'foodstuffs' itself, it would be appropriate to substitute the word 'food' for the term 'foodstuffs' to provide greater clarity and consistency.
2.10.1-2 Definition of vinegar	See comment Clause 1.1.2-3, Definition of vinegar above.
S15-5....0.3 Flavourings (p335-336)	In the conditions column of this schedule the term 'final food' appears twice. In the interests of consistency is it appropriate to replace the term 'final food' with the term 'food for sale' in these cases?

Thank you for considering the above comments. Should you wish to discuss any of these comments please do not hesitate to contact myself on (08) 9388 4920 or email stan.goodchild@health.wa.gov.au.

Yours sincerely



MANAGER
FOOD UNIT
ENVIRONMENTAL HEALTH DIRECTORATE

11 September 2014