

# **Food Act 2008 Regulatory Guideline No. 4**

## **Application of section 8 of the *Food Act 2008* - Approach to be adopted by Department of Health in regards to Export Activities – Prescribed Goods for Export**

**The Chief Executive Officer (CEO) of the Department of Health, under section 120 of the *Food Act 2008*, has adopted the following guideline and requires that the guideline be adopted and implemented by Department of Health in Western Australia:**

### **Purpose**

To outline the Department of Health's (DOH) position to local government enforcement agencies and food businesses in relation to section 8 (appropriate enforcement agency) of the *Food Act 2008* in regards to "Export Activities" of food from Western Australia and Department of Agriculture, Fisheries and Forestry (DAFF) and the delivery arrangements agreed under a "Letter of Exchange" between the DOH and DAFF

### **Policy Goal**

To reduce the regulatory burden on industry by minimizing the number of enforcement agencies involved in the exporting of food products from Western Australia without compromising food safety. To provide a centralized contact for the DAFF, DOH and industry

### **Commencement**

This regulatory guideline is operational from the date signed by the CEO, or the delegate of the CEO, until revoked

### **Part 1 – Application of section 8 of the *Food Act 2008***

For the purposes of the definition of **appropriate enforcement agency** in section 8 of the *Food Act 2008*, the CEO is the appropriate enforcement agency for the purposes of a provision to the extent to which the provision has effect in relation to food businesses engaged in export of foods:

- Prescribed goods for export on DAFF's behalf; and
- Goods produced at export establishments for the domestic market on DOH's behalf in order to rationalise the provision of services pertaining to the goods nominated in table 1

## Part 2 – Preliminary Matters

- The DOH and DAFF (the Parties) agree to work in co-operation in their approach to the arrangements established under a “Letter of Exchange”. The Parties agree to share information and implement a practical approach to resolving problems
- Currently the **appropriate enforcement agency** for export activities undertaking exporting of prescribed goods for poultry, red meat (State Regulated Export Activities Abattoir – Tier 1 and DAFF Regulated Export Activities Abattoir – Tier 2), fish handling and processing, fishing vessels, and eggs is **local government**.
- The number of food business that this guideline affects is approximately 61.
  - 1 – Poultry
  - 2 – Red meat – Tier 1
  - 7 – Red meat – Tier 2
  - 46 – Fish handling and processing
  - Not known – Fish vessels
  - 5 – Eggs
- The Letter of Exchange also extends to dairy processing and dairy stores, however, the DOH is the relevant enforcement agency and consequently these food businesses are outside the scope of this Regulatory Guideline
- The consequences of not complying with this guideline will be in line with the *Food Act 2008*

## Part 3 - Definition

*Tier 1* for the purposes of this guideline is a State Regulated Export Activities Abattoir

*Tier 2* for the purposes of this guideline is a DAFF Regulated Export Activities Abattoir

*Export Activities* for the purposes of this guideline is a registered establishment which has the same meaning given in the *Export Control Act 1982* (Commonwealth) section 3

**Approved on:** 26 June 2013

**Approved by:** **SIGNED**

Jim Dodds  
**Director Environmental Health Directorate**  
Public Health Division  
As delegate of the Chief Executive Officer

# Table 1

## Commodities/categories and the respective responsibilities of organisations

| <b>DOH</b>  | <b>DAFF</b>   |
|---|---|
| <b>Dairy processing</b>   |   |
| <b>Dairy stores (shared responsibility as agrees and nominated on responsibility spreadsheet)</b> | <b>Dairy stores (shared responsibility as agrees and nominated on responsibility spreadsheet)</b> |
| <b>Shellfish estuary and harvest management</b>   | <b>Fish handling and processing</b>   |
|   | <b>Fish vessels</b>   |
| <b>Poultry</b>  | <b>Eggs</b>   |
| <b>Red meat – Tier 1</b>  | <b>Red meat – Tier 2</b>  |