



Australia and New Zealand Ministerial Forum on Food Regulation (Forum)
Food Regulation Secretariat
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30 April 2020

Dear Senator the Hon Richard Colbeck and Forum members

Allergy & Anaphylaxis Australia (A&AA), the Australasian Society of Clinical Immunology and Allergy (ASCIA), the National Allergy Strategy (NAS) and the Centre for Food Allergy and Research (CFAR) are concerned the Australia New Zealand Food Standards Code (FSC) does not address food handling in the food service sector with respect food allergy issues, beyond labelling and declaration requirements. In particular we are concerned that the latest proposal from Food Standards Australia New Zealand (FSANZ) on 'Food safety management tools for the food service and closely related retail sectors – P1053' makes no reference to food allergy management despite A&AA, ASCIA and the NAS and others communicating the critical need for food allergen management inclusion, in our individual organisation submissions *Review of Food Standards Code chapters 3 and 4 - Food Safety Management requirements*, in June 2019. We request that the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) consider recommending that FSANZ address this deficiency as a priority.

We note the Communiqué of outcomes from the meeting (the Forum) held on 29 June 2018, and in particular the key outcomes on Food Safety Management for General Food Service and Closely Related Retail Sectors. The following year FSANZ released its 'Information paper – review of Food Standards Code chapters 3 and 4—Food Safety Management requirements' (3 May 2019). The paper was to provide 'an opportunity for stakeholders to provide general comment on the proposed scope and approach to the review', but referenced earlier outcomes from 2011 and April 2017, rather than those of the Forum held in June 2018.

ASCIA, NAS and A&AA individually and independently provided 'general comment' as requested. Concern was raised over the rapid increase in incidence of severe food allergy and urged the inclusion in FSC chapter 3 of measures to address food allergy issues in the food service sector. Copies of those submissions are attached.

Subsequently in 21 February 2020 FSANZ released a 'Discussion paper – Proposal P1053: Food safety management tools for the food service and closely related retail sectors', again inviting submissions.



The proposal cites the Forum's June 2018 recommendations and now seeks to consider whether to amend the Australia New Zealand Food Standards Code (Code) to mandate the use of these food safety management tools in the food service and retail sector. Again, there was no reference to food allergy issues. ASCIA, NAS and A&AA have again made submissions expressing our concerns.

It would seem obvious that a review of chapter 3 should include all matters of significance in relation to the handling of food. It is critical that food allergen management is considered a food safety issue. If food allergy management in food service is not included in this FSANZ review, we believe that this is a lost opportunity to initiate a discussion on food allergy in relation to food handling and food safety. It is evident that FSANZ has previously recognised the importance of allergies in relation to food handling. The FSANZ publication '*Safe Food Australia, 3rd edition November 2016, A guide to the Food Safety Standards, Chapter 3 of the Australia New Zealand Food Standards Code*' includes the following:

'While allergens are not specifically covered as a hazard, food businesses should be aware of, and proactively manage, issues associated with allergens and allergen management.'

The guide includes undeclared allergens in reference to food recalls, and also references the following:

- Australian Food and Grocery Council 2007. Food Industry Guide to Allergen Management and Labelling. http://allergenbureau.net/wp-content/uploads/2013/11/Allergen_Guide_2007.pdf
- Food allergen portal (resources) (www.foodstandards.gov.au/consumer/foodallergies/foodallergenportal/Pages/default.aspx)
- Allergy & Anaphylaxis Australia (<https://www.allergyfacts.org.au>)

The inclusion of these references in the guide to the Food Safety Standards, over three years ago, and in the absence of any actual provision in chapter 3 of the FSC would seem to highlight a critical deficiency.

In Victoria, legislation mandating the reporting of anaphylaxis presentations to hospitals was introduced in November 2018. The reporting captures information on all triggers of anaphylaxis presenting to emergency departments. Data from the Victorian Anaphylaxis Notification Scheme (1st November 2018 – 1st May 2019) reports that the majority of anaphylaxis events to unpackaged food from a food premises, are in the 10-19 year age group (71 anaphylaxis events) and the 20-29 year age group (64 anaphylaxis events).

Alongside these figures we have evidence that the majority of coronial investigations of deaths from food anaphylaxis in Australia since 1990 are a result of food served at cafes, restaurants, schools, school or sport camps and early childhood education/care and not packaged foods. We are aware of just two fatalities as a result of packaged food (one appropriately labelled and the other contained an undeclared allergen) since 1990. Food allergen safety is a serious issue in Australia and the fact that it affects a minority should not mean it is seen as a lesser food safety issue compared to microbial food contamination in food service and closely related retail sectors.



Finally, we note that Chapter 3 of the FSC applies to Australia only, and not to New Zealand. We also note that the Forum’s June 2018 communique included the observation that the “Forum Ministers noted that a template is already available in New Zealand for use by the food service and food retail sector to implement requirements of the Food Act.” The template can be viewed at <https://www.mpi.govt.nz/dmsdocument/16684-simply-safe-and-suitable-food-control-plan-template>. It includes multiple detailed provisions on allergy management.

We look forward to receiving a response from you indicating what action will be taken.

Yours sincerely,

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