

Comments from the Victorian Departments of Health & Human Services and Economic Development, Jobs, Transport & Resources

Due date of submission – 12 June 2018

The Victorian Departments of Health and Human Services and Economic Development, Jobs, Transport and Resources (the departments) welcome the opportunity to provide comments on Proposal P1048 – Code Revision (2018).

From the Food Standards Australia New Zealand assessment report it is understood that the purpose of the proposal is to make a range of minor amendments to the Food Standards Code (the Code) including the correcting of typographical errors; improving consistency in the use of defined terms; addressing formatting issues; and updating references to reflect more recent international publications where required.

The departments support the progression of the amendments included in Proposal P1048.

The departments have additional comments about how the Code references external documents and the implications for ongoing Code Revision work.

We note the inclusion of an update of the reference in P1048 to the Generally Recognised as Safe lists of flavouring substances publication (to 2017, edition 28) set out in Standard 1.1.2 (currently listed to 2015, edition 27).

There are other references in the Code that remain out of date and it appears an adhoc approach is undertaken to update reference documents. Out of date references pose a significant problem for food businesses and testing laboratories that would have to use current methods of analysis for day to day operations but outdated methodology for the Code compliance purposes. For example:

- Standard 1.6.1, Clause 1.6.1-3 (5) (a) (iii) (B) refers to ISO 16140:2003 but should be replaced with ISO 16140.2:2016. Testing laboratories are required to use the latest approved Standards Australia method of analysis to be accredited. However, using a method not referred to in a standard could be considered a technical breach of the Code;
- Standard 4.2.3, clauses 4.2.3-3 and 4.2.3-4 refer to AS4696-2002 but should be replaced with AS4696-2007. The editorial note to Division 2 of Standard 4.2.3 correctly refers to AS4696-2007.

There is a need to set up a systematic mechanism to ensure all references in the Code are updated in a timely fashion. The Code references a small number of publications and so the task of keeping abreast of updates would not be onerous. The departments would also support in principle a process that would enable FSANZ to reference certain publications 'as updated from time to time' consistent with the approach taken in the EU.