

Mr Gary Banks
Chairman
Productivity Commission
Via e-mail FoodSafety@pc.gov.au

Dear Mr Banks

I write in response to your invitation to examine and provide comments on the *Performance Benchmarking of Australian and New Zealand Business Regulation: Food Safety*, Draft Research Report.

Queensland offers the following comments for your consideration.

Page XXIX, paragraph 2 and page 130, paragraph 4

The sentence *Queensland...councils classify nearly two thirds of food businesses as high risk* requires a statement of additional qualification that the majority of food businesses are classified within the legislative framework of the *Food Act 2006* as medium risk, i.e. licensable food businesses. However, within this risk category local governments may make additional classifications for the purpose of the application of their regulatory resources to ensure that businesses are regulated according to the relative risk they pose to consumers based on their individual standards of operation.

Page XXXI and page 197 Coordination between core agencies and local government

The statement *the power to mandatorily obtain such information is currently available only in New South Wales* is incorrect. Section 28 of Queensland's *Food Act 2006* enables the State to require a report from local government on the administration and enforcement of the Act. Queensland is currently finalising the framework for reporting, with the first report expected to be completed by February 2010.

Page 287, dot point 1 and table 12.6 page 291

The sentence *in 2008-09, seafood businesses in Queensland were only required to have an FSP if they were a processor of bivalve molluscs or were a food businesses that handled food that was 'reasonably likely to pose a risk to public health'* is incorrect and should be removed from the Draft Report.

Processors of bivalve molluscs were not required to have a FSP prior to the commencement, on 1 July 2009 of the Seafood Food Safety Scheme under the *Food Production (Safety) Act 2000*.

While the *Food Act 2006* does make provision in section 99(1)(e) to require a FSP from a business that is *reasonably likely to pose a risk to public health*, this only applies if a regulation has been made defining those food businesses. To date, no such regulation has been made.

Yours sincerely

John Piispanen
A/Senior Director
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25/11/09