

Purpose

The Dairy Authority of South Australia is seeking comment from stakeholders and interested parties on proposed changes to the dairy food safety regulations.

Background

The Dairy Authority of South Australia is an independent statutory authority operating under the *Primary Produce (Food Safety Schemes) Act 2004* and the *Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005* (the Regulations). The Authority reports to the Minister for Agriculture, Food and Fisheries.

The prime functions of the Authority are to administer the dairy industry food safety scheme established by the Regulations and to monitor and enforce compliance by accredited dairy businesses with the national dairy food safety standard and the Regulations.

The national standard is Standard 4.2.4 in the Food Standards Code, developed and approved by Food Standards Australia New Zealand (FSANZ).

Proposed Changes

The Authority has undertaken a review of the Regulations in consultation with the Department of Health and the Department of Primary Industries and Regions (PIRSA).

The proposed changes are to;

1. require commercial milk producers that are producing products not for human consumption, where there is evidence of diversion for human consumption, such as bath milk or pet milk, to become accredited and pasteurise their milk.
2. require all producers of milk to be accredited for any species producing milk, not just cows, buffalo, goats and sheep;
3. require publication of the fees set by the Authority on the web and in the annual report;
4. update the definition of transport so it is clear that the Authority only accredits transporters of raw milk, milk derivatives and unpackaged bulk dairy products;
5. seek improved clarity in the Regulations regarding the requirements and exemptions for accreditation of raw goat's milk.
6. include a reference to milk broker within the interpretation of an accredited producer

Accreditation of producers

The national food safety policy implemented in legislation in all States and territories is to allow the sale of pasteurised cow's milk and not allow the sale of unpasteurised (raw) cow's milk to the public.

In recent times some producers have sought to evade this restriction by selling raw cow's milk as not for human consumption, eg described as 'bath milk' or 'pet milk', knowing that it is being purchased by consumers for human consumption.

This was tragically highlighted with the death of a toddler in Victoria linked to the consumption of a product labelled as pet milk.

Public health, food safety and consumer protection authorities in all jurisdictions have reaffirmed the national policy on raw cow's milk and that further action should be undertaken to reduce the public health risk from raw milk sold as not for human consumption.

To assist this public health initiative it is proposed that commercial producers of milk not for human consumption, where there is reasonable evidence of diversion of raw milk for human consumption, will be required to become accredited or cease producing the product. For example, there is clear evidence of diversion of products described as bath milk or pet milk.

Commercial producers of milk not for human consumption in South Australia will be required to provide an annual written declaration confirming their activities and intended product use. False declarations to be penalised.

It is estimated that in South Australia there are one to five operators participating in the commercial production, processing and sale of milk not for human consumption. These operators are believed to be using the milk for recognised commercial non-human purposes, eg selling for calf milk. Therefore, the regulatory impact of this proposal on these producers would be minimal.

Although there is no evidence in South Australia of the types of risky commercial operations that have occurred interstate (and overseas), this initiative will help ensure these operations do not become established in South Australia.

The impact on the public will be positive in reducing the potential risk of harm from the consumption of unpasteurised milk.

Accreditation of all species

For many years in Australia, milk sold to the public, has been supplied from a limited number of animal species. However, in recent times, new species have either been proposed or are being assessed for production of milk, eg camel milk.

Under the current Regulations milk could be produced and sold to the public from a non-listed species without appropriate regulatory oversight or verification of food safety systems by the Authority.

To minimise risk to the public, it is proposed to require all species producing milk to be accredited, not just cows, buffalo, goats and sheep. This will require a change to the definition of Dairy produce and the definition of milk in the Regulations.

The Authority would work closely with a new producer to assist them in developing and implementing appropriate food safety systems and practices as part of their accreditation.

At this stage there is believed to be a limited number of producers that would become accredited.

Publication of Fees

To improve transparency and provision of information to current and prospective accredited businesses, it is proposed to require the publication of the fees set by the Authority on the web and in the annual report.

Also amend *the Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005*; ref. Schedule 1 – Application fees; Remove item 1 ‘*Application for accreditation*’ and associated fee \$100.

Most fees are already listed on the Authority website. Fees will be reviewed annually.

Update definition of Transport

A number of years ago accreditation of transporters of packaged dairy products from processors to consumers and retail premises was removed, as the public health risk from pasteurised and sealed dairy products in modern vehicles is negligible. The Regulations were amended to reflect this change. These transporters are now captured under the Food Safety Act 2001, with regulatory oversight by Local Government.

However the definition of transport in the Regulations still includes transport of packaged dairy products between processors. Given the negligible food safety risk, these vehicles are not accredited by the Authority.

The proposed amendment is to make it clear that the Authority only accredits transporters of raw milk and unpackaged bulk dairy products from producers to processors and between processors.

This change will have no direct impact as it is an update to reflect the current situation of accreditation of transporters.

Raw Goats milk

The current exemptions and requirements applying to raw goat’s milk are located in a number of sites in the Regulations and also in the Food Regulations. eg SA Food Regulations 2007.

It is proposed to seek improved clarity in the Regulations so prospective raw goat milk businesses are able to easily identify their potential activities and obligations when reading the dairy food safety regulations.

Milk Broker

The Authority has recently approved a Milk Brokerage business who assumes responsibility for the collection of milk from a primary producer and delivery to a number of processors. In addition to requirement of being accredited, the milk broker also assumes the responsibility for the collection and payments of fees. The Authority seeks to capture this business model within the regulations.

Recommendation;

Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005 (the Regulations) 2005; Part 1. No.3 Interpretation; *accredited producer* to include a reference to ‘a milk broker’ {d}

Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005 (the Regulations) 2005; Part 5 section 20, Determination of monthly rate and annual fee, no1, part {a} to include a third reference. {iii} Milk Broker.

Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005 (the Regulations) 2005; Part 5 section 22, Monthly fee and return – large scale processors, no.1 ‘accredited producer carrying on a large scale dairy business’ to include a reference to milk broker.

Next Steps

On concluding the public consultation process, the Authority will provide advice to the Minister on the results of the consultation process and make recommendations for changes to the Regulations.

The Minister will then decide on the changes to the Regulations for which approval will be sought from Cabinet.

The time from conclusion of public consultation until gazettal of changes to Regulations would be expected to be at least 4-6 months.

Any affected businesses would be notified and assistance provided by the Authority in meeting any new requirements.

Inquiries and Submissions

Any queries on the proposed changes can be directed to

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Submissions in writing on the proposed changes can be made by email, fax or posted to:

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