

IFN 09-17 – Proposed changes to the inspection and analysis of imported foods – Request for Comment

Issued: 31 May 2017

Who does this affect?

This notice is a request to provide comment on **proposed** legislative changes that would change how some imported foods are inspected and analysed by the Department of Agriculture and Water Resources. The details of these proposed changes are available on the [public consultation web page](#).

What is proposed?

The proposed legislative changes relate to amendments to the Imported Food Control Order 2001 (the Order). The Order is the legislation that classifies 'risk foods'. Under imported food legislation, these risk foods are subjected to a higher rate of inspection and analysis than other foods.

The department is **proposing** legislative changes that would affect the inspection and analysis of the following foods.

- Cooked crustaceans (other than prawns) to reduce their rate of inspection and analysis
- Foods containing either bivalve molluscs (bivalve mollusc products) or cooked prawns (cooked prawn products) to increase their rate of inspection and analysis
- Dried coconut, spices (pepper, paprika, chilli), sesame seeds and sesame seed products to reduce the scope of foods that need to be inspected and analysed
- Plants and fungi that are specified in [Schedule 23](#) of the Australia New Zealand Food Standards Code to increase their rate of inspection and analysis.

The department is also **proposing** a further legislative change that would result in government certification being required for bivalve molluscs and bivalve mollusc products.

The department is **proposing** some other legislative changes that would clarify the kinds of foods that currently need to be inspected and analysed as risk foods. These changes relate to the following foods:

- Ready-to-eat finfish
- Cheese, including raw milk cheese
- Cooked and processed meat, and beef and beef products
- Seaweed
- Foods containing peanuts and pistachios.

As part of making these changes, the department is proposing other legislative changes to clarify 'ready-to-eat' foods and to clarify that 'canned' foods are those foods that are both retorted and shelf stable, as defined in biosecurity legislation.

The department proposes that all these legislative changes would commence in September 2017, except for the certification of bivalve molluscs and bivalve mollusc products, which would not apply until 12 months following the legislative changes.

An [Exposure Draft](#) of the proposed legislative changes and associated [Explanatory Notes](#) are now available.

Why are the changes being proposed?

The department is proposing these changes to align the risk foods in the Order with the foods that have the potential to pose a medium or high risk to public health as described in the [risk statements](#) published by Food Standards Australia New Zealand.

The department is proposing mandatory government certification of bivalve molluscs and bivalve mollusc products to ensure these foods have through chain food safety controls in place consistent with Standard 4.2.1 – Primary Production and Processing Standard for Seafood of the Australia New Zealand Food Standards Code.

What would be the effect of the proposed changes?

Other than the proposed government certification for bivalve molluscs and bivalve mollusc products, these changes would not restrict trade.

The effect of the proposed changes for bivalve molluscs and bivalve mollusc products would be that in 12 months' time, these foods could not be imported into Australia unless covered by a foreign government certificate the department has negotiated with the exporting country.

The effects and implications of the other changes vary and are described in the consultation paper on the public consultation web page.

How would the proposed changes be implemented?

The changes would only be implemented if the Order is amended and the changes would commence four weeks after the amending Order is made.

The department would publish specific notices about the implementation of any changes and provide a minimum of two weeks' notice before these changes commence.

Changes to inspection and analysis would be implemented by:

- referring the foods using the relevant tariff codes in the Harmonized Commodity Description and Coding System developed by the World Customs Organization (WCO) and
- the use of Community Protection questions (lodgement questions) that would ask brokers to identify relevant goods.

Next steps

Any person can comment on the proposed changes, including how the department is proposing to implement them.

Please use the email address below if you require more information to assist you in providing comments.

The department requests that any comments are received by **5:00pm AEST Monday 31 July 2017**. The department may not be able to consider any comments received after this time.

Comments should be addressed to:

The Director
Imported Food
Compliance Division
Department of Agriculture and Water Resources.

Comments can be provided to [Food Imports](#).