



Australian Government
Department of Agriculture,
Water and the Environment

Guidelines for determining recognised food safety management certificates

Imported Food Control Act 1992, Section 18A(2)

16 September 2020



© Commonwealth of Australia 2020

Ownership of intellectual property rights

Unless otherwise noted, copyright (and any other intellectual property rights) in this publication is owned by the Commonwealth of Australia (referred to as the Commonwealth).

Creative Commons licence

All material in this publication is licensed under a Creative Commons Attribution 4.0 International Licence except content supplied by third parties, logos and the Commonwealth Coat of Arms.

Inquiries about the licence and any use of this document should be emailed to copyright@awe.gov.au.



Cataloguing data

This publication (and any material sourced from it) should be attributed as: Department of Agriculture, Water and the Environment 2020, *Guidelines for food safety management certificates under section 18A of the Imported Food Control Act 1992*, Department of Agriculture, Water and the Environment, Canberra. CC BY 4.0.

ISBN 978-1-76003-328-6

This publication is available at awe.gov.au/import/goods/food/safety-management-certificates.

Department of Agriculture, Water and the Environment

GPO Box 858 Canberra ACT 2601

Telephone 1800 900 090

Web awe.gov.au

The Australian Government acting through the Department of Agriculture, Water and the Environment has exercised due care and skill in preparing and compiling the information and data in this publication. Notwithstanding, the Department of Agriculture, Water and the Environment, its employees and advisers disclaim all liability, including liability for negligence and for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying on any of the information or data in this publication to the maximum extent permitted by law.

Preface

Section 18A(1) of the *Imported Food Control Act 1992* (Act) provides:

The Secretary may determine, in writing, that, for food of a specified kind, a specified certificate issued by a specified person or specified body is a *recognised food safety management certificate*.

Note 1: The regulations deal with when food of such a kind is taken to be failing food because the food is not covered by a recognised food safety management certificate.

Note 2: See section 35B for how a determination may refer to a kind of food.

Note 3: For variation and revocation of the determination, see subsection 33(3) of the Acts Interpretation Act 1901.

Note 4: For specification by class, see subsection 33(3AB) of the Acts Interpretation Act 1901.

Section 18A(2) of the Act provides that the Secretary of the Department of Agriculture, Water and the Environment must, in writing, make guidelines that the Secretary must have regard to before making a determination under section 18A(1) of the Act.

The Guidelines may be updated from time to time, including to take into account changes in the Act, other legislation and court decisions.

These Guidelines were made on 16 September 2020 by the Secretary of the Department of Agriculture, Water and the Environment.

The publication of these Guidelines on the department's website is required under section 18A(5)(b) of the Act.

1 Purpose

These Guidelines have been made under section 18A(2) of the Act.

The Secretary must have regard to the Guidelines before determining that, for food of a specified kind, a specified certificate issued by a specified person or specified body is a *recognised food safety management certificate* (s 18A(2) of the Act).

The Act allows for regulations to set out particulars identifying food of particular kinds as food that must be covered by a *recognised food safety management certificate* (section 16(2)(a)(ia) of the Act). The Minister may make orders identifying food of particular kinds as food that must be covered by a *recognised food safety management certificate* (s 10(c) of the *Imported Food Control Regulations 2019*). These particular kinds of food are identified in the *Imported Food Control Order 2019* (s 7).

A *recognised food safety management certificate* demonstrates that a food producer operates a food safety management system consistent with internationally agreed food safety principles known as *Hazard Analysis and Critical Control Point* (HACCP) established by the *Codex Alimentarius Commission*.

2 Guidelines under section 18A(2)

In determining whether, for food of a specified kind, a specified certificate issued by a specified person or specified body is a recognised food safety management certificate under section 18A(1) of the Act, the Secretary must have regard to the following:

- 1) Whether the specified certificate for food of a specified kind is issued by a specified body, which is a *Certification Body* (CB) that is accredited by:
 - a) an *Accreditation Body* (AB), or
 - b) a *Certification Program Owner* (CPO) benchmarked by the *Global Food Safety Initiative* (GFSI), or
 - c) a private organisation recognised by the relevant competent authority in the exporting country under a *government recognised certification program*¹; and
- 2) Whether the specified certificate is a *recognised foreign government certificate*; and
- 3) Whether the specified certificate is limited to one food producer; and
- 4) Whether the specified certificate provides evidence that:
 - a) the food of a specified kind is produced under a food safety management system consistent with the Codex Alimentarius Commission General Principles of Food Hygiene (CXC 1-1969) including Chapter 1: *Good Hygiene Practices* and Chapter 2: *Hazard Analysis Critical Control Point (HACCP) System and Guidelines for its Application*, and
 - b) the HACCP based food safety management system identifies and effectively controls food safety hazards that are reasonably expected to occur during the primary production and processing of the food of a specified kind; and
- 5) Whether a specified certificate issued by a CB that is accredited under 1(a) or 1(b) can be validated through a web-accessible database administered by the relevant AB or CPO to confirm that:
 - a) the specified certificate was issued by the specified body; and
 - b) the specified certificate is current.
- 6) Whether the certificate meets the general requirements for documentation as set out in the department's Minimum documentary and import declaration requirements policy.

¹ Before accepting a third-party certificate issued under a *government recognised certification program*, the Secretary will determine suitability against food safety management certificate criteria.

Glossary

Term	Definition
Accreditation Body (AB)	<p>An authoritative body that performs accreditation of <i>Certification Bodies</i> (CBs) through conformity assessment. ABs are established in many countries with the primary purpose of ensuring that CBs are subject to oversight by an authoritative body. ABs are not-for-profit organisations that derive their authority from government to accredit CBs against one or both of the following International Organization for Standardization standards:</p> <ul style="list-style-type: none"> • ISO/IEC 17065 – Conformity assessment – requirements for bodies certifying products, processes and services • ISO/IEC 17021-1 – Conformity assessment – requirements for bodies providing audit and certification of management systems. <p>ABs are also subject to oversight and strict conformity standards administered by the International Accreditation Forum (IAF). Once an AB is a signatory of the IAF Multilateral Recognition Arrangement (MLA) it is subject to peer evaluation against ISO/IEC 17011 – General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies.</p>
Certification Body (CB)	<p>An organisation that undertakes third-party audits and issues certification of conformity against specified requirements.</p> <p>Certain CBs may undertake audits of food operations and issue certifications of conformity against internationally agreed General Principles of Food Hygiene (CXC 1-1969). These principles are established by the <i>Codex Alimentarius Commission</i> and embodied within various international certification programs and food safety standards.</p>
Certification Program Owner (CPO)	<p>An organisation that is responsible for the development, management and maintenance of a standard or set of standards.</p> <p>CPOs can apply to the GFSI to undergo a benchmarking process. Alternatively, CPOs can apply to a government’s competent authorities for recognition under a <i>government recognised certification program</i>.</p>
Codex Alimentarius Commission	<p>The international food standards setting body established by the Food and Agriculture Organisation and the World Health Organisation.</p>
Food Safety Management Certificate	<p>a) a recognised foreign government certificate; or</p> <p>b) a certificate issued by a third party and covered by a determination in force under subsection 18A(1) of the Act.</p>
Food Safety Management System	<p>A systematic and documented approach to identifying and controlling food safety hazards reasonably expected to occur during primary production and processing of food.</p>
Global Food Safety Initiative (GFSI)	<p>The international organisation that maintains a scheme to benchmark food safety standards across CPOs.</p>
Government recognised certification programs	<p>Certification programs developed and managed by private organisations can be recognised by a government’s competent authorities. Recognition by a relevant competent authority in the exporting country provides assurance that the certification program administered by a private organisation aligns with international food safety standards.</p> <p>To achieve government recognition, CPOs may be required to undergo a benchmarking process that involves a technical review or a comparative assessment.</p>
Hazard	<p>Means a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.</p>
Hazard Analysis and Critical Control Point (HACCP)	<p>A system which identifies, evaluates, controls and monitors hazards relating to food safety as specified by the <i>Codex Alimentarius Commission</i>.</p>
International Accreditation Forum (IAF)	<p>The world association of conformity assessment for Accreditation Bodies.</p>

Term	Definition
Recognised foreign government certificate	A certificate issued by an instrumentality of a specified foreign government stating that food of a specified kind meets applicable standards and does not pose a risk to human health that is covered by a determination in force under subsection 18(1) of the Act.
