NSW GOVERNMENT | Department of Primary Industries

Biosecurity and Food Safety Compliance

Regulatory Framework

Introduction

The NSW Department of Primary Industries Biosecurity and Food Safety Compliance Branch (BFS Compliance) protects our economy, industry, the environment and community from:

- pests, diseases, weeds and contaminants
- food safety risks across the entire NSW food industry supply chain, and
- poor treatment and conditions of exhibited and research animals.

We have responsibility for ensuring compliance[1] with the following Acts and their associated regulations:

- *Animal Research Act 1985*
- *Biosecurity Act 2015*
- *Exhibited Animals Protection Act 1986*
- *Food Act 2003*
- *Hemp Industry Act 2008*
- *Poppy Industry Act 2016*
- *Stock Medicines Act 1989*
- *Public Health Act 2010.*

We also investigate complaints and reports of foodborne illness, and have a role in responding to natural, biosecurity or food safety related emergencies.

This document sets out our regulatory principles and the way we approach our responsibilities. These principles support a risk-based, outcome-focused approach to regulation, and provide accountability and transparency to our stakeholders.

Our regulatory programs

BFS Compliance is responsible for a range of regulatory and non-regulatory programs. We seek to effectively regulate and educate stakeholders by understanding and managing the risks associated with our programs. These programs include:

- Biosecurity:
  - Alkaloid Poppy
  - Beekeeper Compliance
  - Cattle Tick
  - Low THC Hemp
  - Manufactured stock food
  - National Livestock Identification System
  - Plant Certification Assurance
  - Plant Interstate Certification Assurance

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[1] Compliance includes any activity that delivers knowledge, assistance, education or extension services, audits and inspections and enforcement actions taken to address offending

- Food safety:
  - Labelling
  - Foodborne illness investigations
  - Food Safety Supervisor
  - Food Regulation Partnership
  - Food Safety Schemes covering the Dairy, Meat, Seafood, Egg, Plant Products and Vulnerable Persons sectors
  - Manufacturer and Wholesaler Inspections
  - Third Party Auditor
- Animal welfare:
  - Exhibited Animals Compliance
  - Research Animals Compliance
- Emergency management responses
- Stakeholder and community education and training
- Licensing and accreditation of regulated businesses.

Regulatory principles

The way we operate is underpinned by a set of regulatory principles which support and influence the way we perform our functions, exercise our powers and engage with industry and the community.

The principles complement Regional NSWs core values of service, integrity, trust and accountability and Code of Ethics and Conduct, and relate to our workforce, and how we regulate and engage with businesses, industries and the community.

Our workforce

We invest in our staff to ensure we have the skills and knowledge to competently and confidently undertake our functions.

We educate and train third party auditors and authorised officers from across the Department, Local Land Services and NSW Police on their responsibilities.

How we regulate

We apply a risk-based, outcome-focused approach to our programs. We make consistent, lawful, evidence-based and timely decisions. We value accountability and transparency, procedural fairness and natural justice and our officers work within their statutory powers.

We employ a graduated and proportionate approach to risk and compliance. We use information, data and intelligence to support our decision-making processes and measure, review and report on our performance, striving to continually improve the way we operate.

How we engage

We educate our stakeholders to ensure they can comply with requirements, using guidance materials that are current, easy to understand and readily accessible.

We work with our staff and stakeholders to develop policies, procedures and resources to support effective implementation of requirements. We provide credible and timely service delivery to ensure our stakeholders receive quality advice and assistance.

Our stakeholders

We aim to be trusted, professional, respectful and consistent in our dealings with stakeholders. In return, we expect our stakeholders to:

- understand and comply with relevant legislation
- protect the economy, environment and community from the negative impacts of pests and diseases, weeds and contaminants as biosecurity is a shared responsibility in NSW
- draw our attention to emerging trends and risks
- be open and honest with us, importantly during audits, inspections and investigations
- treat our staff with respect
- provide a safe working environment for our staff who attend their premises.

Our stakeholders are diverse and include:

- licensed food businesses and alkaloid poppy and low THC hemp growers
- retail, manufacturing and wholesale food businesses
- primary industries, including apiary, plant health and stock food production
- licensed animal exhibitors and accredited animal research facilities
- local, state, territory and commonwealth agencies
- the community, peak bodies and organisations
- third party auditors and registered training organisations
- authorised officers from across the Department, Local Land Services and NSW Police.

Our regulatory model

BFS Compliance licence biosecurity, food, exhibited animals and animal research businesses. We conduct audits, inspections, targeted compliance programs, and investigate complaints. We undertake educational and training activities, manage third party audit programs and the NSW Cattle Tick Program and assist in emergency management responses.

Our model for administering our regulatory programs includes:

- understanding our program risks
- developing a risk-based, outcome-focused approach
- defining and documenting outcomes

- assessing and monitoring to ensure requirements are being complied with
- strategically reviewing our programs by engaging with stakeholders and evaluating our performance
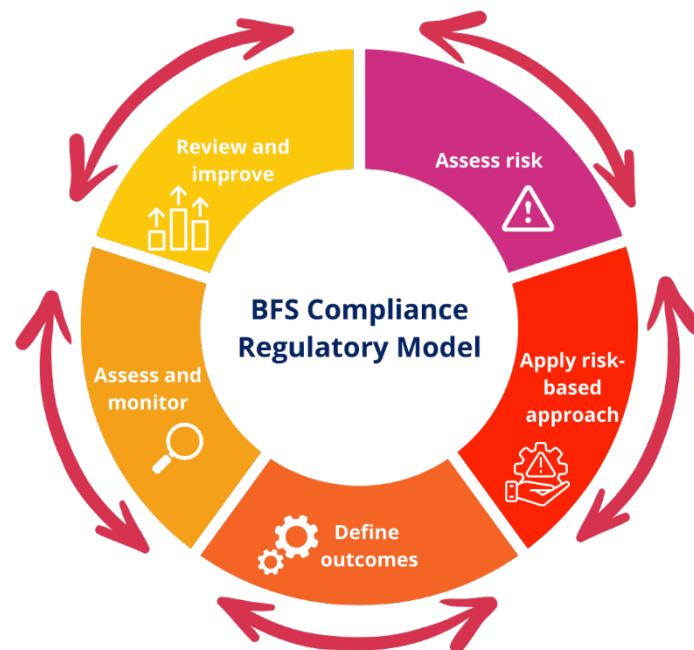

Figure 1: Our regulatory model

Understanding our risks

- preventing, mitigating or eliminating those identified in legislation
- those pests, diseases, weeds and contaminants that have a biosecurity impact on the economy, environment or community
- those posed by regulated businesses and other stakeholders
- those arising from changing political, economic, social, technological, legal and environmental factors.

Biosecurity, food safety and animal welfare risks are also assessed and coordinated at a national level. Biosecurity risk management is underpinned by the Intergovernmental Agreement on Biosecurity (IGAB) between all Australian governments. The IGAB aims to strengthen and support Australia's biosecurity system and enhance collaboration between Australian governments. Food Standards Australia New Zealand have published their approach to conducting risk analysis in food regulation, which is based on the internationally accepted Codex Risk Analysis Framework. National standards and guidelines have been developed to address animal welfare risks which are adopted in NSW through legislation.

Our regulatory approach

This is informed by government policy, strategic priorities, and an evidence-based risk assessment of our program risks.

We have adopted a risk-based, outcome-focused approach to our programs, which ensures our finite resources are allocated to areas of greatest risk to the government, economy, environment and community. This approach also gives us with the flexibility to assist with emergency response operations and reduces regulatory burden for individuals and businesses that undertake low risk activities.

Our teams deliver:

- critical core biosecurity and food safety functions (e.g. licensing, plant health certificates)
- monitoring programs under national and interstate agreements (e.g. export)
- oversight of high risk activities (e.g. animal welfare, low THC hemp and poppy industries)
- verification activities in lower risk industries (e.g. seafood, transport vehicles, stock feed)
- specific targeted compliance operations (e.g. game meat, goat depots, bee operations).

Ensuring compliance is fundamental to protecting the health of the community and maintaining market access. It also ensures the delivery of credible cost-effective regulation. We escalate our response according to risk, the seriousness of offending, compliance history and the attitude of a particular business or operator.

Our outcomes

Our broad strategic outcomes are outlined in the NSW DPI Strategic Plan 2019-2023.

We have defined our branch level outcomes as:

1. Undertaking risk-based, outcome-focused audits, inspections and investigations to improve industry behaviour with biosecurity, food safety and animal welfare requirements
2. Increasing community confidence in the NSW biosecurity, food and animal welfare industries by providing credible and timely advice and assistance and publishing compliance outputs and investigation reports

We determine our outcomes, routine compliance activities, strategic projects and targeted operations on an annual basis to ensure our activities are complementary and in line with the NSW DPI Strategic Plan 2019-2023. These activities are documented in our business plan, where intelligence may be sourced from stakeholder and community feedback, industry monitoring data, national forums, and market and offence trends to prepare work for the year ahead.

We also publish a Plan on a Page on the DPI website to highlight annual strategic projects and key performance indicators (KPIs) to achieve our regulatory objectives.

Assess and monitor

We clearly communicate how we expect regulated businesses to comply. We conduct routine audits and inspections of businesses to monitor compliance. We also authorise third party auditors to undertake these activities provided they meet certain conditions and standards. We conduct investigations in response to complaints or external intelligence about non-

compliant activity. Complaints are triaged based on the risks associated with the alleged activity and responses are monitored using well established KPIs.

We promote voluntary compliance and detect and deter non-compliant activity. In the event of continued non-compliance, we apply proportionate and escalated enforcement actions to achieve regulatory compliance. These actions are applied transparently, consistently and fairly.

We access accurate, timely and reliable information about whether regulated businesses are complying with the requirements. Working closely with our stakeholders and licensees ensures that non-compliance is reported and responded to in a timely manner.

We annually publish our outputs and outcome reports on the DPI website and in the Food Authority Annual Report. These measures are a combination of metrics that allow for insights and decisions to be made for future resource and activity planning.

Strategic review

We review our programs regularly, assessing our effectiveness, driving improvements in program delivery and enabling us to refocus our efforts to address emerging risks.

We actively engage with peak industry bodies and stakeholder groups when developing policies to support and drive shared responsibility and improved compliance.

We provide educational material and training to authorised officers and key stakeholders, including regulated businesses and third party auditors.

We use the following tools to evaluate our performance:

- After Action Reviews
- by metrics and trend analysis
- project reports and recommendations
- stakeholder surveys
- the annual planning process and achievements.

We update our planning tools quarterly and review and assess our performance metrics and outcomes for forward planning.

Version Control

Version	Authorised by	Date	Changes made
2.0	Director Compliance & Integrity Systems	10/01/2022	Updated to reflect our regulatory principles and approach
2.1	A/Director Compliance & Integrity Systems	21/02/2022	Minor erratum