

19 September 2008

Standards Management Officer – P1007  
Food Standards Australia New Zealand  
PO Box 7186  
Canberra BC  
ACT 2610

Dear Standards Management Officer

**RE: Safe Food Production Queensland Submission on Discussion Paper for Proposal P1007 – Primary Production and Processing Requirements for Raw Milk Products**

I refer to FSANZ's invitation for submissions to assist in the assessment of *Proposal P1007: Primary Production and Processing Requirements for Raw Milk Products*. Safe Food Production Queensland (SFPQ) welcomes the proposal to consider the status of raw milk products under the Australia New Zealand Food Standards Code ('the Code'), including public health, economic, social and environmental impacts.

SFPQ supports the clear objective of Standard 4.2.2 which is to ensure all milk and milk products for human consumption are pasteurised or treated with an equivalent process. SFPQ also supports nationally applicable Standards rather than State-based provisions for raw milk and raw milk products and therefore support the clear objective of Standard 4.2.2 of the Code.

The current and previous drafting of the standard contains a fundamental flaw enabling jurisdictions to permit the sale of unpasteurised milk. This has resulted in aberrations across States and Territories with the application of inconsistent policies and standards by enforcement agencies. As such clause 15(1) of Standard 4.2.4 does not reflect the intention of the COAG Food Regulation Agreement which aims to provide a consistent regulatory approach across Australia through nationally agreed policy, standards and enforcement procedures.

It is strongly suggested that this aberration be remedied to meet the original objective of the standard and intent of the Food Regulation Agreement, that is provisions to manage primary production and processing should be in national standards and not subject to exemption provisions.

Milk by its nature is a highly perishable product and is an ideal media for the growth and multiplication of harmful micro-organisms that can cause disease. However, the production and sale of raw milk and raw milk products is very contentious and there has been evidence in Queensland of the continuing sale of this product. This has resulted in legal proceedings having been initiated and currently being initiated relative to this issue. In such proceedings we usually

have an involvement with persons who wish to consume raw milk or raw milk products or who are ill informed and well down the supply chain.

Although not permitting the sale of raw cow's milk, Queensland does permit the limited production of raw goat milk for sale for human consumption under strict testing and holding production criteria. The three accreditations are 'grandfathered'. In addition, packages containing unpasteurised goat milk produced in Queensland must carry the following statement in standard type of at least 3mm: *Caution — This milk is an unpasteurised product and may contain organisms that could be injurious to health.*

In February 2008, four prescribed pathogen notifications of *Salmonella zanzibar* were detected in raw goat milk from one producer. This occurred as a result of a failure in standard operating procedures in the cleaning and sanitising of udders and herd health issues. This resulted in a suspension of milk supply from this supplier in April 2008 until August 2008 when corrective actions were closed out and milk approved for resupply. This one example of pathogen detection with one producer indicates the utilisation of extensive resources by both producer and regulator. If this concept were to be extended to other raw milk, such as raw bovine milk, the impact on industry and regulatory resources could well be substantial and additional resources would need to be considered.

SFPQ believes that appropriate risk assessments are required to be conducted with respect to the inclusion or exclusion of raw goat milk in the Code to ensure industry is appropriately regulated where required and any potential to seriously impact on public health is addressed.

From our information the demand for raw milk and related products has always been championed by a minority group and is based on the belief that such products have not been 'adulterated' or 'denatured' by the pasteurisation process. Evidence to hand suggest that such consumers will go to extreme lengths to obtain raw milk products, such as investing in 'herd share' or 'share-a-cow' arrangements and purchasing and consuming bath milk, pet's milk and body butter. This has to date cost government considerable resources to try to enforce the current restrictions on the supply and sale of raw milk.

Given the difficulties and resources required to enforce the current restrictions Queensland welcomes FSANZ's consideration of alternative mechanisms based on sound risk assessment, management and communication principle which ensure public health and safety.

As part of FSANZ's consideration we also suggest that the holding of raw milk and raw milk products before sale be investigation as a risk management step. This approach is currently required for the sale of raw goat milk in Queensland, as stipulated under the *Food Production (Safety) Regulation 2002*. It is recognised that such a requirement will impose an additional cost to manufacturers and government.

It is acknowledged that the Ministerial Council have permitted an equivalence process in the Code to allow the importation of French Roquefort cheese and three raw milk Swiss cheeses.

However, these permissions have been based on the outcomes of rigorous assessment processes which included an assessment of product safety and detailed on-site assessments of production processes. Any further importation of raw milk products should be subjected to the same stringent assessments.

As highlighted in the discussion paper, the reference to the legislation of other countries relative to permissions for imported cheeses is not useful since there is no involvement in review of amendment to the documentation. As such, the overseas legislation references need to be replaced with specific local control measures.

As is currently the case under the Code, Australian cheese manufacturers should be able to continue to manufacture similar products if they can demonstrate they have the necessary systems and controls for such products. Accordingly, SFPQ supports retaining the principle of equivalence in food standards where it can be demonstrated that the same level of food safety can be achieved by applying alternative hazard control measures.

Should raw milk and/or raw milk products be explicitly permitted under the Code, considerable liaison and communication will be required with manufacturers, retailers and consumers, in particular vulnerable sectors of the population. In addition, to implement any new primary production and processing provisions in Queensland the Queensland government, via SFPQ, will need to undertake a Regulatory Impact Statement in accordance with the *Statutory Instruments Act 1992*.

Should you require any further information in relation to this matter, please do not hesitate to contact Mr Kerry Bell, Manager – Strategic Evaluation and Assessment, SFPQ on telephone number (07) 3253 9803 or at [kerrybell@safefood.qld.gov.au](mailto:kerrybell@safefood.qld.gov.au).

Yours sincerely,

**Phil Pond**

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Safe Food Production Queensland