



Western Australia

Smart Lunch Initiative Act 2019

Explanatory Memorandum

Childhood obesity is a growing concern in Western Australia where one in four children are put into this category. This stems from multiple factors, the most obvious being the quality of food; changes in food supply and the increased availability and promotion of cheap, processed foods high in energy but low in nutrients. Quantity as well as upbringing are other contributing factors.

These habits result in any number of undesirable outcomes, including but not limited to bullying and social isolation, low self-esteem and depression, high cholesterol, high blood pressure and heart disease. Such problems often last into adulthood and are exacerbated by a rising sedentary lifestyle brought on by technology use.

The basis of this bill, subsidised school meals have been implemented around the world to alleviate concerns not only of obesity, but also as a tool to ensure students learn these healthy habits from a young age in an informative yet engaging way. The idea also lends itself to low-socioeconomic communities, fostering a health-conscious and beneficial learning environment in the early years of schooling where some of the most important foundations in learning are taught.

The program seeks to allot scaffolded funding to government schools and independent schools at their request. Through the bill, the government seeks to establish a body to operate and oversee the program, comprised of but not limited representatives, nutritionists, food specialists, kitchen staff and educators.

The reality is, healthy ingredients are affordable though require significant preparation. Thus, the funding will be given to schools to finance the necessary facilities and assets. A menu reflecting diverse dietary requirements will be designed by to attract appeal within existing regulations. Meals will be prepared daily with a short but informative lesson before mealtime commences with material taught as part of a teaching plan devised under the supervision of the Department of Education.

Western Australia has never had an official government program of this nature, though schools have set up their own independent meal provisions in the past. Food is provided by school canteens, who, in government schools, operate through the Western Australian School Canteen Association (WASCA) in partnership with the Department of Education to regulate the food to be sold. This bill upholds the same regulations of the policy's 'traffic light' policy but extends a legal guarantee that eligible students receive a free, balanced lunchtime meal.



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Western Australia

Smart Lunch Initiative Bill 2019

A Bill for —

An Act to completely subsidise lunchtime meals of a high nutritional standard to Western Australian primary schools as part of an effort to curb the growing threat of childhood obesity as well as encouraging smart eating habits thereafter through immersive food education, and for related matters.

Part 1 — Preliminary

1. Short title

This Bill may be cited as the *Smart Lunch Initiative Bill 2019*.

2. Commencement

This Bill commences on the day on which this Act receives Royal Assent.

3. Interpretation

In this Bill, unless the contrary intention appears —

“**Committee**” means the Healthy Eating in Schools Committee.

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“Dietary requirements” means a set of restrictions on a person’s diet based on medical, cultural, religious, or ethical grounds

“Healthy” means containing nutrients to ensure a good personal standard of health and energy.

“HESC” means the Healthy Eating in Schools Committee.

“Lunch” means the meal eaten in the middle of the day; the main meal eaten collectively during school hours.

“Member” refers to an authorised person chosen by the Minister for Education to be a member of the Healthy Eating in Schools Committee.

“Positive role model” refers to a person whose dietary choices reflect the goals of the Nutrition Policy and Regulations.

“Primary School” refers a school that focuses on primary education consisting of Years 1 to 6.

“Program” refers to the Smart Lunches Initiative.

“Socioeconomic status” means a measure based on economic and social development in relation to others; qualified by determinants like education, income and occupation.

“Traffic light policy” refers to a three-tiered guideline system by the Department of Education based on nutritional value where ‘green’, ‘amber’ and ‘red’ foods correspond to the respective intended level of consumption- permitted, permitted in moderation and prohibited.

Part 2 — Administration

4. The Healthy Eating Committee

- (1) A Healthy Eating in Schools Committee (HESC) is to be established;
- (2) The HESC will be an agent of the State and will thus have the status, immunities and privileges of the state;
- (3) HESC will be a corporate body and will have legal succession and therefore have the legal status of a corporate body.

5. Membership of the Committee

The committee will consist of twelve (12) members appointed by the Minister of Education:

- (a) Two (2) members with a degree associated with child developmental psychology;
- (b) Two (2) members with a degree associated with nutrition and/or food science;
- (c) Two (2) members with a degree in or with public health or health promotion;
- (d) Two (2) members with a degree associated with primary education;
- (e) Two (2) members who demonstrate an understanding of the contemporary issues surrounding youth health and nutrition, including experience with educating youth on best practises for healthy eating; and
- (f) Two (2) members from the Department of Education.

6. Chairperson of the Committee

- (1) The committee will elect a current member of the Committee to act as Chairperson.
- (2) The term of Chairperson is two (2) years.

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- (3) A chairperson may only be elected to a maximum of two (2) terms.
- (4) A member who has exceeded the four (4) year term limit may remain a member of the Committee.

7. Roles of the Committee

The HESC will perform the following functions -

- (a) Determine eligibility and review funding of schools within the program;
- (b) Administer, review and lead the creation of a curriculum for each year group regarding healthy eating;
- (c) Provide documents and relevant materials to schools to carry out the curriculum to students;
- (d) Administer, oversee and regulate the content and distribution of foodstuffs for the free lunch program;
- (e) Take action against schools who do not comply with the Program;
- (f) Assist and work with schools to provide avenues to ensure compliance;
- (g) Invite guests with relevant experience or expertise to attend committee meetings, so as to propose changes to the HESC Committee; and
- (h) Review the Bill and Program in pursuant to Part 7.

8. Minimum Meetings of the Committee

The Committee must have a minimum of four (4) meetings per year spread over quarterly periods.

9. Quorum

A Quorum is established as being eight (8) Committee members.

10. Members Unable To Act

- (1) If a member is unable to act as a result of illness, absence or insolvency, the member must appoint a proxy to attend the relevant meeting in their place;
- (2) If that member is unable to act at subsequent meetings thereafter, the Minister for Education will appoint another person to that Committee position
- (3) If a conflict of interest arises, the member of Committee to whom it relates shall notify the Chairperson in writing no less than one (1) business day after the conflict of interest has arisen, or has become known to the member
- (4) The Chairperson will determine if a member with a conflict of interest shall be permitted to contribute to and remain in discussion about the matter to which the conflict of interest relates.

11. Termination of Membership

A member of the committee may be terminated by the Minister for Education on the advice of the Public Sector Commissioner on the grounds of –

- (a) Misbehaviour;
- (b) Incapacity;
- (c) Illegal behaviour of actions, and/or
- (d) Behaviour or actions which bring the Department or Program into dispute

12. Remuneration

Members of the committee will receive remuneration and other allowances as determined by the Minister for Education on recommendation of the Public Sector Commissioner.

Part 3 — Eligibility

13. Eligibility to Participate in Program

- (1) A school is considered eligible if it is –
- (a) A government funded school in Western Australia; and
 - (b) A primary school.
- (2) A school is considered ineligible if it –
- (a) Classifies as a non-government school; and
 - (b) Does not teach primary education.

14. Degree of Participation

All eligible schools will participate in the program –

- (a) They are a government run school and choose to opt out;
- (b) They are an independent school in which case they must opt in;
and
- (c) They currently have a similar or equivalent program in place which they prefer and complies with the new standards outline in this Bill.

15. Exemptions

Schools may apply for an exemption from the program under the following conditions:

- (a) A culturally specific or sensitive, including Indigenous Australia, program currently exists;
- (b) The remote location of the school; and
- (c) Any future exemption categories determined by the Committee.

Part 4 — The Smart Lunch Initiative

16. Implementation of School Lunches

- (1) Schools must participate in and promote a good healthy eating program for students from Pre-Primary through to the last year of Primary education:
 - (a) The lunch program will be administered during the existing lunch period of participating schools of the state.
- (2) Schools will be provided with recipe cards by the committee or may alternatively seek approval of their own menus on a term-to-term basis;
- (3) It is the responsibility of the school to store, prepare and serve the lunches in compliance with –
 - (a) *The Food Act 2008*;
 - (b) *Food Regulation 2009*; and
 - (c) Any other relevant legislation and regulations as determined by the Department of Food and the Department of Health.
- (4) Any instances of food poisoning or contamination must be reported to the Committee and the school is to re-evaluate the condition of their storage and preparation facilities.
- (5) Schools without appropriate storage and preparation facilities will complete an application to the Committee for additional funding and support in creating these spaces within the school.

17. Ingredients and Produce for Lunch Program

- (1) The committee will provide participating schools with a budget for purchasing the necessary ingredients for school lunches.

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- (2) The budget will be calculated based on factors including but not limited to –
 - (a) The number of student enrolments;
 - (b) The location of the school in relation to where produce can be purchased; and
 - (c) The socio-economic circumstances of the students and the school community.
- (3) Schools will be encouraged to source ingredients from local growers, farmers and markets.

18. Staffing Requirements

- (1) The committee will make available to school's professional development workshops for their canteen staff in preparation of this program.
- (2) School staff are to understand and support the 'traffic light' ethos of healthy foods promoted by the Department of Education.
- (3) Canteen staff must all possess a valid Working With Children's Card as the program will encourage student participation in the preparation and serving of lunches.
- (4) All staffing costs will be covered by the Department of Education.

19. Food Preparations and Service

- (1) Schools are required to prepare lunches fresh each day where practically possible
- (2) The food preparations are to be inclusive of student participation
- (3) Schools are required to create their own rosters on a term to term basis for all year groups or classes to ensure all students play an active role in the service of food;
- (4) The participation of students must have adequate supervision from school staff
- (5) Where practicable, utensils and equipment used by students must ensure the safety of the students from any hazards

20. Compositions of Lunches

- (1) All lunches are required to meet the following criteria –

- (a) Be between 550 and 700 calories;
 - (b) Contain a minimum of one (1) serving of fruit;
 - (c) Contain a minimum of two (2) servings of vegetables; and
 - (d) Contain less than 1000 milligrams of sodium.
- (2) Any additional or updated food standards as determined by the Committee

21. Nutritional Requirements of Lunches

Lunches and accompanying drinks and/or snacks are to be in accordance with the healthy food and drink traffic light policy that is promoted by the Department of Education. This includes:

- (a) 'GREEN' foods will be readily available in the lunch program during every meal.
- (b) Any 'AMBER' foods must first gain committee approval and are to only be present in minorities.
- (c) If schools are found to be administering the lunch program utilising any form of 'RED' food products, they will be placed under review by the committee and can have their funding revoked.
- (d) Any accompanying drinks served during the lunch program will only be water or 100% fruit and/or vegetable juice with no added sugar.

22. Catering for Dietary Requirements

- (1) Schools are required to cater to all student's dietary requirements.
- (2) The Committee will provide options and support for schools in catering for specific dietary requirements.

Part 5 — Healthy Eating Education

23. Nutrition Education

- (1) All government Primary Schools must work with the Department of Education, Department of Health and other community partners to promote the further development and enhancement of current, relevant nutrition education curriculum and enhance the resources available to teachers to support their nutrition education activities.
- (2) Schools must use a comprehensive approach to nutrition education involving the whole school community which includes but is not limited to –
 - (a) Parent and Community (P&C) groups, or equivalent;
 - (b) Parents and/or guardians;
 - (c) Local community organisations and clubs; and
 - (d) Local community growers and/or markets.
- (3) When possible, schools should incorporate nutrition education into other subject areas and outside classroom activities.

24. Promotion

- (1) The Committee will work with schools to develop a learning environment that promotes healthy eating habits by –
 - (a) Advertising and promoting only healthy food choices (“GREEN”) for students;
 - (b) Banning the promotion of advertising of unhealthy food choices (“RED”) in classrooms or anywhere on the school premises;
 - (c) Where practically possible schools must display attractive, current promotional visual materials related to healthy eating habits throughout the school; and
 - (d) Ensuring that at all times schools possess materials that support the Nutrition Policy and Regulations in school resource centres.

- (e) Distributing materials that explain the program and its benefits to parents and/or guardians
 - (f) Ensure that materials explaining and promoting the program are made available on request in languages other than English
- (2) All school staff, when working during school hours and within the premises of the school must act as positive role models to promote healthy eating within the classroom and school environment.

Part 6 — Feedback System

25. Complaints Process

Complaints from any individual or party, who is not a child receiving the Healthy Lunch Initiative, in regard to any aspect of the program must be submitted in writing either online or in a physical form.

26. Feedback Process for Schools

Feedback is to be collected at the end of every school term from canteens and schools in regard to the application and effectiveness of the program.

27. Student Feedback System

- (1) Students receiving lunches as part of the Smart Lunch initiative must complete a compulsory survey at the end of each school year.
- (2) The feedback will take the form of an online survey which will be written and administered by the Committee.
- (3) The survey will ask questions with the specific aim on the following areas –
 - (a) Student satisfaction with the program; and
 - (b) Their understanding of healthy food and eating concepts.
- (3) Individual student names and identities are to be kept confidential.
- (4) Results of the survey will be collated and provided to the Committee who will use the feedback to comprehend any issues that need to be resolved to improve in the program.
- (5) The survey will keep the names and identities of students confidential.
- (6) For children with disabilities or different learning needs, the Department of Education will provide appropriate alternate arrangements.

Part 7 — Review of the Bill

28. Review of Bill

- (1) A review of the *Smart Lunch Initiative Bill* is to be undertaken by the Committee every three (3) years from the day on which this act gains royal assent.
- (2) The Review is to include the productivity, efficiency and effectiveness of the program set out by the HESC.
- (3) A timeframe for subsequent and/or additional reviews will be decided by the Committee during the course of the review.
- (4) The Committee is to submit a report to the Minister of Education within six (6) months at the conclusion of each review.