

C259

**LEGISLATIVE COUNCIL**  
**Question Without Notice**

**20 March 2024**

**Hon Martin Aldridge MLC to the Parliamentary Secretary representing the Minister for Health.**

My question without notice of which some notice has been given is to the Parliamentary Secretary representing the Minister for Health.

I refer to food and beverages offered in public hospitals to both patients, staff and visitors, and I ask:

1. Please table the relevant policies that restrict or guide the sale of food and beverage or supply of same to patients;
2. Does the Department of Health apply a traffic light system to food and beverage in health facilities in a similar way to which it's WA School Food and Drink Criteria applies to schools;
3. Do pies, sausage rolls, pastries, ham and cheese sandwiches (whether toasted or not), and hot potato chips sold or supplied in public hospitals comply with the 'nutrient criteria' expected of schools;
4. If no to (3) does the Minister support the Department of Health's hypocrisy by telling school canteens to do one thing, whilst public hospitals do another?

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**Answer**

1. The Department of Health's Healthy Options WA Food and Nutrition Policy applies to retail outlets and vending machines in public healthcare facilities. This policy does not apply to hospital inpatient and aged care resident meals or food and drinks brought in by staff members, patients and visitors for personal consumption. I table the policy.
2. Yes.
3. The criteria used to classify food and drink in schools underpins the Department of Education's Student Health in Public Schools Procedures, Appendix B, Healthy Food and Drink. The Department of Health has a separate policy, with its own criteria, that applies to retail outlets and vending machines in public healthcare facilities.
4. The policy that applies to schools is set by the Department of Education.





# Healthy Options WA Food and Nutrition Policy

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## 1. Purpose

The *Healthy Options WA Food and Nutrition Policy* aims to maintain and improve the health of staff members and the broader community by providing environments that support and model nutritious and healthy eating options. It supports staff members, outpatients and visitors to make healthier choices by promoting and increasing access to affordable and nutritious food and drinks.

The objectives of the Policy are to ensure that on all WA health system entity premises:

- the majority of food and drinks available for purchase are healthy choices that are consistent with health promoting initiatives and messages supported by the Department of Health
- unhealthy food and drinks are not promoted or displayed in ways that encourage their consumption, with priority placed on limiting the impact of unhealthy food and drink on children
- all business catering purchased using WA health system entity funds align with health promoting initiatives and messages supported by the Department of Health
- all fundraising initiatives align with health promoting initiatives and messages supported and promoted by the Department of Health.

This Policy aligns with the *Western Australian Health Promotion Strategic Framework* and the *National Health and Medical Research Council Australian Dietary Guidelines*.

The Policy is a mandatory requirement under the *Public Health Policy Framework* pursuant to section 26(2)(c) of the *Health Services Act 2016*.

This Policy is a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

This Policy supersedes OD 0627/15 *Healthy Options WA: Food and Nutrition Policy for WA Health Services and Facilities*.

## 2. Applicability

This Policy is applicable to all WA health system entities as defined in this Policy.

The Policy is relevant to:

- all retail outlets and vending machines that sell food or drinks of any kind on WA health system entity premises

- all business catering funded by a WA health system entity
- all fundraising initiatives occurring on WA health system entity premises.

The Policy does not apply to:

- hospital inpatient and aged care resident meals
- food and drinks brought in by staff members, patients and visitors for personal consumption.

To the extent that the requirements contained within this Policy are applicable to services

- purchased from contracted health entities
- provided by other contracted entities e.g. retail outlets, vending providers

WA health system entities are responsible for ensuring these requirements are accurately reflected in the relevant contracts and managed accordingly.

WA health system entities must take steps to encourage institutes and other relevant non-contracted entities that are co-located on their premises to adopt this Policy.

### 3. Policy Requirements

The Policy uses a 'traffic light' classification system based on nutrient criteria that support recommendations in the *Australian Dietary Guidelines*. Under this system all food and drinks are classified as Green, Amber or Red (healthiest to least healthy, respectively) in accordance with *Healthy Options WA: Making Healthy Choices Easier: How to Classify Food and Drink Guide*.

WA health system entities must ensure that they have local procedures which facilitate adherence to the following minimum requirements:

#### 3.1 Retail outlets and vending machines

The Policy is relevant to all retail outlets and vending machines that sell food or drink of any kind on WA health system entity premises, including but not limited to:

- cafes and coffee shops
- kiosks
- staff cafeterias and canteens
- ward trolleys and coffee/tea carts
- gift shops, florists, newsagents, pharmacies, convenience stores.

The offer, display, placement, and promotion of food and drinks in all individual retail outlets and vending machines must comply with all of the following whenever they are operational:

##### 3.1.1 Offer

- (i) A minimum of 50% of food and drinks offered are Green food and drinks.
- (ii) No more than 20% of foods offered are Red foods.
- (iii) The remainder of food and drinks offered may be Amber items.
- (iv) Red drinks are not permitted for sale in any retail outlet or vending machine.
- (v) A maximum of 25% of all drinks offered may be intensely sweetened drinks.

### **3.1.2 Display**

- (i) Green food and drinks must make up at least 50% of all items on display.
- (ii) Red foods must not make up more than 20% of all items on display.
- (iii) The remainder may be Amber food and drinks, with no more than 25% of all drinks on display being intensely sweetened drinks.

### **3.1.3 Placement**

Red and Amber items must not be displayed in prominent locations, that is:

- (i) beside or within arm's length of cash registers or the point of sale
- (ii) positioned at the top or middle section of fridges, freezers, shelves, free standing displays, vending machines or any other type of display unit
- (iii) in display units immediately next to entrances or exits to retail outlets
- (iv) on reception desks or tables in waiting areas.

### **3.1.4 Promotion**

- (i) Only Green items may be promoted.
- (ii) Red and Amber items must not be included in any marketing or promotional activity or material e.g. meal/drink promotion, discount, incentive, vending machine decal.

## **3.2 Business catering**

All food and drink purchased for business catering using WA health system entity funds must comply with the following requirements:

- (i) a minimum of 50% of items offered are Green food and drinks
- (ii) the remainder may be Amber food and drinks, with no more than 25% of all drinks offered being intensely sweetened drinks
- (iii) no Red food or drinks are permitted.

Upon written request and at the discretion of the Chief Executive of a Health Service Provider or the Director General of the Department of Health, select events may be granted exemption from part 3.2 (iii) of this Policy however, no more than 20% of food and drink provided may be Red. All requests for exemption including the purpose of the select event and reason for exemption must be recorded by the WA health system entity in accordance with the *State Records Act 2000* and be made available to the Chronic Disease Prevention Directorate, Department of Health when requested for audit purposes.

## **3.3 Fundraising initiatives**

All fundraising initiatives that provide food or drink on WA health system entity premises must comply with the following:

- (i) a minimum of 50% of items offered are Green food and drinks
- (ii) the remainder may be Amber food and drinks, with no more than 25% of all drinks offered being intensely sweetened drinks
- (iii) no Red food or drinks are permitted.

This includes but is not limited to fundraising through social clubs, events, drives, or raffles that involve the provision of food or drink on WA health system entity premises.

Food, drinks or meals (including vouchers) provided as prizes or through sponsorships must also comply with these requirements.

Upon written request and at the discretion of the Chief Executive of a Health Service Provider or the Director General of the Department of Health, select events may be granted exemption from part 3.3 (iii) of this Policy however, no more than 20% of food and drink provided may be Red. All requests for exemption including the purpose of the select event and reason for exemption must be recorded by the WA health system entity in accordance with the *State Records Act 2000* and be made available to the Chronic Disease Prevention Directorate, Department of Health when requested for audit purposes.

#### 4. Compliance Monitoring

Health Service Providers are responsible for ongoing monitoring and ensuring compliance with this Policy.

The Department of Health is responsible for conducting periodic audits of policy compliance on behalf of the system manager. Health Service Providers are required to participate in and assist the Department with these audits. The primary measure of compliance will be the proportion of all retail outlets and vending machines on an individual Health Service Provider premises that meet all of the minimum requirements of the Policy.

The Department of Health (Chronic Disease Prevention Directorate), as a Department of State, is responsible for monitoring and reporting Department of Health compliance with this Policy to Executive.

#### 5. Related Documents

The following documents are mandatory pursuant to this Policy:

- [Healthy Options WA: Making Healthy Choices Easier: How to Classify Food and Drink Guide \(PDF format\)](#)
- [Healthy Options WA: Making Healthy Choices Easier: How to Classify Food and Drink Guide \(Excel format\)](#)

#### 6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this Policy:

- [Healthy Options WA Food and Nutrition Policy Request for Exemption for Select Business Catering or Fundraising Event](#)
- [Healthy Options WA Food and Nutrition Policy website](#)

#### 7. Definitions

The following definition(s) are relevant to this Policy.

Term	Definition
Amber food and drinks	These food and drinks should be chosen carefully and eaten in moderation. They provide some nutritional value but may contain moderate amounts of saturated fat, and/or added sugar, and/or salt, and can contribute to excess energy intake.

Intensely sweetened drinks	These include any drinks with added non-nutritive sweeteners from artificial or natural sources (excluding dairy-based and dairy-free milk drinks). These are often labelled 'diet', 'low-joule', 'no sugar', 'sugar-free', or 'low sugar'. These drinks often have a high acid content which can cause dental erosion leading to dental disease. Intensely sweetened drinks are therefore not recommended for consumption by children.
Business catering	Food and drink catering that is purchased using WA health system entity funds, not including inpatient or aged care resident catering.
Contracted health entity	Has the meaning given in section 6 of the <i>Health Services Act 2016</i> : a non-government entity that provides health services under a contract or other agreement entered into with the Department CEO on behalf of the State, a health service provider, or the Minister.
Display	Means the product is visible to the consumer. Display relates to the total number of times an item is observable in the whole retail outlet or vending machine.
Green food and drinks	These food and drinks are part of a healthy diet, are the healthiest options, and should be eaten every day. They are an excellent source of key nutrients and are needed for optimum health and wellbeing. They include one or more of the five food groups defined by the <i>Australian Dietary Guidelines</i> and the <i>Australian Guide to Healthy Eating</i> . Food and drinks classified as Green are generally lower in energy, saturated fat, added sugar, and/or added salt, and higher in fibre.
Offer	Means offered for sale or available for purchase in all retail settings; relates to the total range and number of different types of food and drink options made available at any one time.
Placement	Refers to product location, accessibility, and visibility to the consumer. For example, products placed at eye level are more likely to be seen and selected by consumers.
Promotion	Refers to the marketing of food and drinks to encourage purchasing, examples include, but are not limited to: <ul style="list-style-type: none"> <li>• 'meal deals', discounts, special offers, or incentives</li> <li>• static or digital marketing material displays</li> </ul> master-branding i.e. use of any visible promotional or advertising materials such as vending machine skins/decals.
Red food	Red foods are typically high in energy, saturated fat, added sugar and/or salt. They should be eaten only sometimes and in small amounts. According to the Australian Dietary Guidelines they are not an essential part of a healthy dietary pattern or a part of the five food

	groups.
Red drinks	<p>These are sugar sweetened drinks (drinks to which sugar has been added) that have low or no nutritional value, including but not limited to:</p> <ul style="list-style-type: none"> <li>• drinks with added sucrose (commonly referred to as sugar), fructose, glucose, honey, fruit sugary syrups and deionised fruit juices</li> <li>• carbonated soft drinks, energy and sports drinks, flavoured mineral waters, cordials, fruit drinks, vegetable drinks, and iced teas with added sugar, and some flavoured milks.</li> </ul> <p>These drinks provide excess energy that contributes to overweight, obesity and chronic diseases like type 2 diabetes and cancer. Sugar sweetened drinks are a major cause of dental caries.</p>
Staff member	<p>For the purposes of this Policy, a staff member means:</p> <ul style="list-style-type: none"> <li>• A staff member pursuant to section 6 of the Health Services Act 2016 <ul style="list-style-type: none"> <li>◦ an employee in the health service provider</li> <li>◦ a person engaged under a contract for services by the health service provider.</li> </ul> </li> </ul> <p>An Employee pursuant to section 3(1) of the Public Sector Management Act 1994 is a person employed in the Public Sector by or under an employing authority, which, for the purposes of this Policy is the Department of Health.</p>
WA health system entities	<ul style="list-style-type: none"> <li>• all Health Service Providers as established by an order made under section 32(1)(b) of the Health Services Act 2016;</li> <li>• the Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the Public Sector Management Act 1994.</li> </ul> <p>Note: Contracted health entities are not considered WA health system entities.</p>

## 8. Policy Contact

Enquiries relating to this Policy may be directed to:

Title: Policy Officer

Directorate: Chronic Disease Prevention

Email: [HealthyOptions@health.wa.gov.au](mailto:HealthyOptions@health.wa.gov.au)

## 9. Document Control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0142/20	30 September 2020	1 February 2021	February 2024	Original version
MP 0142/20 v.2.0	5 July 2021	5 July 2021	February 2024	Related document <i>Making Healthy Choices Easier: How to Classify Food and Drink Guide</i> amended to clarify the classification of specific products.
MP 0142/20 v.3.0	14 November 2022	14 November 2022	February 2024	Related document: <i>Making Healthy Choices Easier: How to Classify Food and Drink Guide</i> amended for clarity.

## 10. Approval

Approval by	Nicole O'Keefe Assistant Director General, Strategy and Governance Division, Department of Health
Approval date	2 July 2021



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