



Food Standards Australia New Zealand  
PO Box 5423  
KINGSTON ACT 2604

By email: [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au)

Dear Sir/Madam,

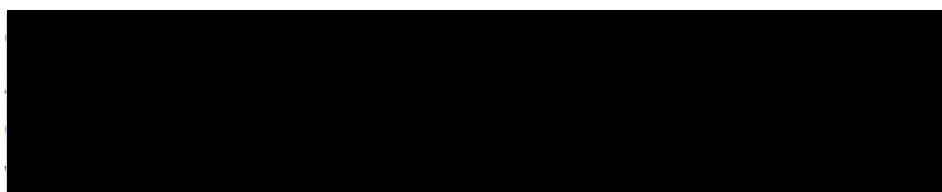
**SUBMISSION TO PROPOSAL P1053- FOOD SAFETY MANAGEMENT TOOLS**

Liverpool City Council's Environmental Health Section was invited to provide comments regarding Proposal P1053- Food Safety Management Tools recently exhibited by Food Standards Australia New Zealand (FSANZ). It is understood that FSANZ is seeking feedback on proposed Standard 3.2.2A applicable to category one and two food businesses. According to the supporting document titled 'Draft Implementation Guidance- Proposal P1053', category one food businesses involve the preparation and service of potentially hazardous food, whilst category two food businesses comprise the minimal handling (but not preparation) of potentially hazardous, ready-to-eat food prior to retail sale.

As part of the proposed changes, category one businesses must implement three proposed Food Safety Management Tools (Food Handler Training, Food Safety Supervisor (FSS) and Evidence), whereas category two food businesses would be required to implement Food Handler Training and FSS requirements. Activities that are not classified as category one or two food businesses must continue to comply with the *Food Act 2003* and Australia New Zealand Food Standards Code.

In terms of food safety regulation, Liverpool City Council currently applies the NSW Food Authority's 'Advisory Guideline for Enforcement Agencies Risk-Based Inspection Frequency' (Version 4) published October 2017. The inspection frequency is based on the risk classification of the business and its compliance history. According to this Guideline, the risk classification is either determined as low, medium or high-risk. These risk classifications do not correspond with the food business categories proposed by FSANZ.

For example, both medium and high-risk food businesses may involve the preparation and service of potentially hazardous food. Due to the misalignment of these classifications, it is likely to be a time-consuming task for regulatory authorities to review their records to identify which businesses are required to address the specific Food Safety Management Tools applicable to category one or two food businesses. This process could be simplified if the food business categories proposed by FSANZ aligned directly with the risk classifications established by the NSW Food Authority.



The purpose of this letter is to highlight opportunities for the further refinement of the Food Safety Management Tools and existing FSS provisions to ensure that food handlers are equipped with appropriate skills and knowledge to facilitate the preparation and handling of safe and suitable food for sale.

## **Food Handler Training**

Food safety training is an important method for ensuring that acceptable food hygiene practices are followed in retail food businesses. The proposed Food Handler Training tool will require food handlers at category one and two food businesses to complete a food safety training course before they commence any prescribed activities. However, this requirement is compromised as proposed Standard 3.2.2A would also enable a food handler to engage in prescribed activities without undergoing Food Handler Training if they can demonstrate that they already have appropriate skills and knowledge.

It will be extremely difficult for Council's Authorised Officers to determine during inspection whether food handlers at category one or two food businesses bear adequate skills and knowledge equivalent to those gained from a recognised food safety training course. Councils have a broader focus on improving environmental health standards within their jurisdiction, which extend beyond enforcement of the *Food Act 2003* and Australia New Zealand Food Standards Code. As food safety regulation is a competing priority for Local Government Authorities, Authorised Officers have limited time and resources to determine whether food handlers have adequate skills and knowledge commensurate with their work duties.

Consequently, it is strongly recommended that the Food Handler Training tool is strengthened to require food handlers at category one and two food businesses to complete compulsory food safety training before they undertake any prescribed activities. The Food Handler Training tool must not enable food handlers to avoid participation in a recognised food safety training course as this will complicate regulation of proposed Standard 3.2.2A and prevent food handlers from developing and refining their food safety skills and knowledge.

Training methods must also consider the economic and socio-cultural factors that influence food safety practices. Liverpool City comprises a culturally and linguistically diverse community with approximately 40% of the population born overseas and 50% of its residents speaking a language other than English. Therefore, FSANZ must assist with translating training content into multiple languages to enhance comprehension and ensure that the Food Handler Training is more accessible and effective.

Liverpool City Council currently provides food handlers with free and unlimited access to 'I'M ALERT Food Safety' which is an online food safety training program. This program is presented in an interactive, easy to follow and entertaining format and includes the ability for the user to print off an acknowledgement form and a certificate upon completion of the program. The supporting document titled 'Draft Implementation Guidance- Proposal P1053' mentions 'I'M ALERT Food Safety' as an example of an existing training course that would fulfil the requirements of the Food Handler Training tool.

In addition to online training, FSANZ indicated that internally developed food handler training programs may be implemented by the Food Safety Supervisor. Whilst in-house professional development is important, it is likely that the Food Safety Supervisor would need to undertake additional training to develop the required skills to train others in the workplace. In these circumstances, it may be more beneficial for Food Handler Training to be delivered by Registered Training Organisations (RTOs) to ensure that participants experience the best learning outcome.

FSANZ should also consider whether food handlers would benefit more from face-to-face training and workplace assessments as part of the Food Handler Training. To assist Organisations in

delivering Food Handler Training, FSANZ must establish a curriculum for the course and develop comprehensive training material such as PowerPoint presentations, handouts and other resources. Standardised Food Handler Training certificate templates should also be developed by FSANZ to improve consistency in the training and accreditation process. Funding opportunities or prescribed training fees and charges also require further consideration by FSANZ to ensure that Organisations can effectively deliver Food Handler Training and implement the remaining Food Safety Management Tools.

The supporting document titled 'Draft Implementation Guidance- Proposal P1053' does not currently prescribe training frequency requirements. To facilitate continued professional development, it is recommended that the proposed Food Handler Training tool requires periodic refresher training every twelve months for food handlers working at category one and two food businesses. Provisions should also be included in proposed Standard 3.2.2A to ensure that food handlers are not obligated to requalify if they have already completed equivalent training within a twelve-month period prior to the implementation of the Food Handler Training requirement. Furthermore, proposed Standard 3.2.2A must confirm whether a person holding FSS certification is exempt from undertaking additional Food Handler Training. The Standard must require food handlers to present a copy of their Food Handler Training certification for inspection upon request by an Authorised Officer.

### **Food Safety Supervisor (FSS)**

On 1 October 2011, food businesses in New South Wales that prepare ready-to-eat, potentially hazardous foods not sold in the supplier's original package were required to appoint a trained FSS in accordance with the *Food Act 2003*. An FSS: holds an FSS certificate that is not more than five years old; is not an FSS for any other food premises; and has the authority to supervise food handlers and food handling practices. The proprietor of the food business must also appoint a trained FSS within thirty days of the FSS leaving or ceasing to act in that role.

Candidates are required to attend training in nationally recognised units of competency presented by a RTO. If attendees satisfy the training requirements, RTOs are approved under the FSS program to issue the participant with a FSS certificate. To be considered for approval under the FSS program, RTOs are required to meet defined criteria and comply with conditions of approval stipulated by the NSW Food Authority. It is noted that the NSW Food Authority audits courses provided by registered training organisations. However, training providers will vary in their ability to deliver adequate hygiene training. Therefore, improved training outcomes would be delivered with the implementation of more stringent approval criteria for RTOs.

The current limitations of FSS provisions have signalled a need for its continued development. Food safety awareness methods should utilise all educational delivery modes. In this regard, food handlers may benefit from workplace-based assessments and demonstrations that are more likely to influence employee behaviours as part of the FSS training program. In addition, exemptions granted to eligible food businesses currently undermine the effectiveness of the FSS program.

Consideration should be given to similar initiatives in Queensland and Victoria which extend beyond the requirements imposed by NSW. Neighbouring States have stipulated minimum competency standards for each food industry sector and mandated training requirements for food industries serving vulnerable populations. Consequently, the FSS requirement should include all food sectors, including those that use a whole-of-business food safety program.

In New South Wales, FSS currently play an important role in maintaining food safety standards at retail food businesses. The FSS requirement in NSW must be extended to include: food processors such as manufacturers; health and community organisations including but not limited to hospitals; childcare; aged care facilities and school canteens; and food transport and distribution businesses.

Although all food handlers are responsible for managing food safety risks, FSS are not necessarily liable for a breach. In addition, there is no requirement for the FSS to rectify food safety breaches or report ongoing non-compliance to the regulatory authority. Therefore, it is recommended that the accountability of FSS is increased to improve food safety standards across the entire sector. Effective supervision of food hygiene practices is also reliant upon the presence of trained personnel.

The supporting document titled 'Draft Implementation Guidance- Proposal P1053' suggests that FSS must be 'reasonably available' as a point of contact for food handlers and Authorised Officers'. This requirement is not currently reflected in the *Food Act 2003* or 'Guideline to the Food Safety Supervisor Requirements' published by the NSW Food Authority. As a result, attendance hours are not prescribed for FSS and the extent of supervision is immeasurable. Food safety standards would improve with the practical application of hygiene principles and the implementation of minimum attendance hours for FSS at retail food businesses.

Refresher training plays an integral role in ensuring that food handlers' skills and knowledge are adequately maintained. Food handlers are required to reattend FSS training every five years. Due to the infrequent nature of this training program, it is likely that the skills and knowledge gained from FSS training would decline substantially before the refresher training is completed. Therefore, the frequency of refresher training should be re-examined to ensure that FSS are capable of imparting food safety knowledge, transforming food handler behaviours and improving food safety inspection outcomes.

Misleading information was included in the gap analysis of FSS requirements across all jurisdictions (Table 3) of the document titled 'Consultation Regulation Impact Statement-P1053 Food Safety Management Tools'. This gap analysis states that all food businesses in NSW must be licenced. Licences only apply to selected types of food businesses regulated by the NSW Food Authority. In this case, licences aren't required in NSW for retail food businesses regulated by Category B enforcement agencies. Instead, these retail food businesses are required to satisfy food business notification requirements imposed by Section 100(1) of the *Food Act 2003*.

## **Evidence**

The supporting document titled 'Draft Implementation Guidance- Proposal P1053' confirms that the Evidence requirement would only apply to category one businesses. In accordance with these requirements, food businesses would need to maintain records or demonstrate via other suitable means to Authorised Officers that specific prescribed provisions in Standard 3.2.2 of the Australia New Zealand Food Standards Code (temperature control, processing of potentially hazardous foods and cleaning and sanitising) are being managed or met. The proposed Standard 3.2.2A requires records to be kept for at least three months.

It is concerning that Proposal P1053 would enable category one food businesses to also comply with this requirement by physically demonstrating an activity and any other method deemed appropriate by an Authorised Officer. In these circumstances, the use of alternative evidence introduces subjectivity into the assessment process and limits an objective performance evaluation based on quantifiable evidence.

The use of alternative evidence would lead to inconsistencies in food safety regulation, unnecessary complexity and additional burden for Authorised Officers who would be responsible for determining whether alternative methods are an appropriate means of complying with the proposed Standard. Furthermore, it is probable that Authorised Officers would require additional time at the business to complete their inspection which may result in increased fees and charges for proprietors.

Evidence requirements outlined by proposed Standard 3.2.2A are not an entirely new concept as food businesses are currently required to implement a documented system such as a set of work instructions or maintain records to demonstrate compliance with the 2-hour / 4-hour rule. Although the proposed Evidence requirement is a simplification of the record-keeping obligations imposed by Standard 3.2.1, it is believed that sole traders and small category one food businesses may find these additional evidence requirements too onerous.

For example, the NSW Food Authority permits retail sushi businesses to display sushi at temperatures greater than 5°C for no more than 4 hours, provided that the food business maintains records demonstrating adherence with the NSW Food Authority's 'Food Safety Guidelines for the Preparation and Display of Sushi' dated November 2020. During food safety inspections, it is not uncommon for Council's Authorised Officers to observe that sushi businesses have not continued to keep pH records or maintained a system for monitoring the length of time that sushi can be displayed at greater than 5°C.

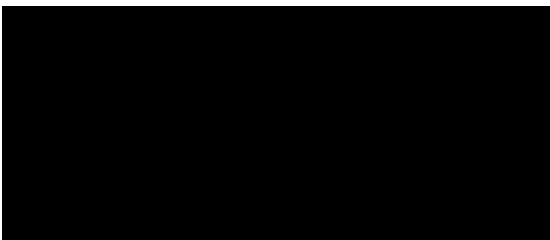
These food businesses often commence record-keeping with the best intentions before becoming distracted by other administrative, food handling and customer service responsibilities. Extending evidence requirements to all category one food businesses may be laborious and time consuming, thereby resulting in an onerous administrative burden for category one food businesses and Authorised Officers. If introduced, evidence requirements must enable category one food businesses to be conducted in an orderly, efficient and accountable manner.

Training of food handlers is vital to alleviate food safety hazards, improve hygiene practices and encourage the preparation of safe and suitable food. A holistic approach to food safety management must ensure that food handlers receive adequate training commensurate with their work activities. Food Safety Management Tools comprising Food Handler Training, FSS training and Evidence requirements present a significant opportunity to improve food hygiene practices and standards within NSW. However, proposed Standard 3.2.2A and existing FSS provisions require further refinement to ensure that foodservice employees possess the necessary skills and knowledge required for the safe preparation and handling of potentially hazardous foods.

The success of proposed Standard 3.2.2A is reliant upon its: continued evaluation and development; ability to remain responsive to contemporary food safety issues and capacity to transform food handler behaviours. Cooperation between policymakers, regulatory authorities, food industry and registered training organisations is therefore essential to the achievement of improved food safety outcomes.

Your consideration of the abovementioned matters prior to finalising proposed Standard 3.2.2A is greatly appreciated. Please do not hesitate to contact Neil Ramsay, Senior Environmental Health Officer on [REDACTED] if you wish to discuss this further.

Yours faithfully,

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