

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Food Standards,

Thank you for the opportunity to comment on the proposal.

To be transparent I run a small food safety company selling eLearning courses in Australia.

I support much of what is proposed as it brings Australia closer to International/CODEX levels of food safety/consumer safety.

However, I offer the following comments for consideration and indeed request a considered response to these points;

1. The proposal is looking to make evidence mandatory for higher risk food businesses (Cat 1). It is good to make a business responsible. Surely the evidence should be commensurate with the risk and different levels of evidence should be specified for cat 1, cat 2 and cat 3. To say cat 2 and 3 don't supply evidence and to say its risk based is a poor interpretation of risk. Other models/templates exist around the world that are tried and tested and don't rely on food businesses having to develop their own system against overly simplistic templates. This puts an unnecessary burden onto small and medium sized businesses and a hidden cost re compliance. I appreciate that 'evidence' should be appropriate and proportional to the risk and size of the business. Most food business I have inspected/audited/advised would rather have a simple templated solution perhaps with guidance and support from local council EHO that they can easily follow. This will separate the good intentioned food businesses from the bad and could help the good intentioned offer a due diligence defence if anything went wrong. This also helps remove the different approached taken by different regulator/council environmental health officers and help in time to standardise compliance requirements across Australia. Something along the lines of Safer Food Better Business from the UK is a comprehensive system that is well respected by both businesses and regulators alike.
2. Experiencing different approaches by different jurisdictions is also a complaint made by businesses operating across different jurisdictions. Transparency and consistency across council and jurisdictions would be easier to achieve making compliance a much more streamlined process. Good food businesses want clear guidance and supported by the local council regulator in an informal/education role. This allows enforcement to be focused on the non-compliant business. Food businesses pay 'inspection fees' and have an expectation that advice and support from regulators/council EHOs would be part of the service provided. Systems like UK Safer Food Better Business have been adopted and rolled out without any hesitancy or resistance from food

businesses the packs are freely available online and in several languages. The UK Food Authority is happy for other jurisdictions to adopt and adapt the SFBB to local needs along with the guidance and training material. What is stopping FSANZ collaborating with UK Food Authority to introduce a tried, tested and respected scheme with minimal cost to Australian businesses.,

3. Additional training requirements could be introduced for business owners/responsible people (as well as food handlers and supervisors on a risk-based approach). We have the opportunity to introduce training for owners/managers to help them build/monitor and manage food safety management system. Such training should, in my opinion, be at a prescribed ASQA level i.e. level 3 or level 4. We expect OHS managers to have a cert IV and a security guard has cert II or III. Should we not expect the same from a high-risk food business owners/manager? Everyone within a food business should be able to demonstrate both skills and knowledge spending on the risk with food handlers to managers having the same requirement. This is true for cat 2 and cat 3 but the skills and knowledge would be risk based and thus less onerous. This does not need to be expensive especially if the courses were standardised and made available to RTOs. For instance, a standard food courses could be produced for \$50,000 that RTOs and larger business could teach at nominal costs.
4. This is also the opportunity to propose specialist training for food businesses that use high risk procedures i.e. suis vide / cook chill, vacuum packing of raw and cooked foods, raw egg products and sushi. Standard specialist training could also be produced for the regulators that jurisdictions could cascade to the council EHO. By collaborating with organisations such as environmental health Australia (the peak professional organisation representing environmental health practitioners in Australia ... not a union as some would classify it), regulators and businesses would be able to work together to continue to improve food safety and cut the cost of doing business which is especially important due to the impact of COVID.
5. My reading of the proposal as it stands is that it will introduce two levels of food handler training; free training such as DoFoodSafely for all food handlers and Food Safety Supervisor Training (which exists in some jurisdictions already). The former is an entry level food safety training product adopted by several jurisdictions and it is offered in different languages, from a learning/training perspective, it is limited in its value and application. The training is not mapped against AQIF standards and is a collection of simple material which looks as if it has been downloaded from web sources. Such passive/web-based material has a value but only to the lowest risk food handlers. Also, it doesn't seem fair that State authorities introduce low level training outside of the RTO or other frameworks then writes legislation saying that is acceptable to protect the public health and business in Australia without an independent evaluation of training needs or the effect /impact of the training material on needs and knowledge gain. It would be a simple to carry out an academic evaluation of DoFoodSafely and to be able to assess where such 'free' courses sit on the learning/ ASQA spectrum and thus gauge any value to food businesses. If food safety training is important in terms of protecting the public then it needs to be appropriate and commensurate with the risk and regulated as in other Countries. Food Safety Supervisor training courses should be standardised across jurisdictions as part of a wider review and prescribing of training i.e. introduce training at year 12 level, ASQA levels 1 -4 depending on the responsibility of food handler this could be something similar to DoFoodSafely, full time food handlers (operating in Cat1 premises) may require a more comprehensive level 1 training of 60mins, full time food preparation in Cat 1 may require additional training at level 2 with additional specialist modules if they are carrying out high risk activities, (2-4 hours), level 3 food safety supervisor training should be 4-6 hours and responsible person training should be 8-12hours). This model is not made up but based

on good practice from other international jurisdictions that have successfully reduced food poisoning associated with food service.

6. We have the opportunity to regulate and standardise the qualifications of council food auditor/inspectors/environmental health officers. Surely it is not acceptable that this key workforce is unregulated with some councils allowing unqualified staff to inspect cat 1 food premises. Other areas of Australia employ qualified staff on short contracts to do such inspections. The fact that inspection charges are recoverable means that Councils have no excuse for not using qualified staff. The UK food authority regularly carries out national consistency training and auditing of councils to ensure the staff are current and competent. The UK food authority also regularly issues training and regulation update/newsletters to maintain the highest levels of competency and provide resources to business operators and regulators. What is stopping FSANZ adapting and adopting such training after all we all come under the same CODEX requirements.
7. We have the opportunity to introduce risk-based training or training of staff working in food premises commensurate with the risk associated with their tasks and responsibilities, this would include training such as DoFoodSafely as well as other training. Other Countries have similar training requirement as Australia i.e. a requirement to demonstrate skills and knowledge, they also say that the knowledge should be commensurate with the risk. For instance, UK offers 4 general training courses and a number of specialist courses ranging from basic food safety for all food workers, level 2 for those working in cat 1 equivalent premises, level 3 for higher risk operations / supervisors and level 4 for managers/person in control of the business. Additional training for those carrying out high risk activities and or vulnerable people (young/old/immune compromised). Food Safety Supervisors currently have little or no responsibilities (other than to show a certificate). If we want them to be FSS then they should be responsible for providing the business owner/person responsible with completed monitoring forms in the form of evidence.
8. The proposal rightly considers the cost of training. I would argue the cost of not training would be higher. Whether we like it or not civil action and no win no fee court cases are driving the cost off insurance upwards. Training is often tax deductible and well training employees have been argued to reduce insurance premiums and also Council inspection charges. Councils could prioritise training by offering fee reductions where staff have completed training commensurate with the business risks and that they have supervisors and responsible person training. Perhaps fees and charges should be increased where training is not maintained?
9. Council EHOs should have a duty to offer advice on how to comply with the legal requirements and provide local educate/training opportunities to those business that request it. Councils should have the ability to adjust inspection fees to reflect business needs/requests/risks.
10. If the goal of this proposal is to reduce food bourn illness through food safety management then I suggest training commensurate with the role of the employee and risks inherent in the business activities should be mandated and monitored (i.e. management, practices, training, supervision, age of premises, processes, procedures monitoring and record keeping etc). To help business operators and regulators 'evidence' should be standardised, this reduced Council EHO offering different advice in different council jurisdictions.

11. This is an opportunity to embed mandatory training in allergens and prescribe a duty of care to ensure food handlers, food safety supervisors and responsible persons in a food service business are complying with their duty of care in regards to allergens.
12. This is an opportunity to set down a national Food safety management system (similar to SFBB) that can have cat 1, 2 and 3 requirement in terms of 'evidence' commensurate with the risk. Certainly, evidence should be provided for cat 1 and 2 and it is reasonable to expect cat 3 to produce minimal evidence of say maintaining ready to eat foods at a safe temperature. Equally FSS requirements could be clarified/codified against ASQA level 2-4 depending on the risk in the business. FHT could also be defined as unregulated (in house or free training which is not set against ASQA ) and regulated ASQA 1-2 depending on the risk in the business.
13. Why not take the opportunity to mandate food businesses providing 'evidence' to Councils or third party monitors on a regular basis mandatory like Tax and Rego? Food business could submit quarterly evidence (to a standard and format to be agreed) that Councils could review and file and adjust risk rating/inspection frequency based on the evidence supplied. Some small, medium and large food business already have auto monitoring devices fitted and monitored remotely by third party providers who provide regular feedback/alerts to management of potential problems which again helps evidence due diligence defence should something go wrong outside the proprietors control.

Yours sincerely,

[Redacted signature]

[Redacted text]



Proud sponsor of Food Safety Week 2020 and 2021

[Redacted text]

[Redacted text]