

Food Standards Australia New Zealand
submissions@foodstandards.gov.au

Submission to proposal P1053 – Food Safety Management Tools

Kernow Environmental Services Pty Ltd (**Kernow**) has a long and proud history in the Environmental Health Industry. Kernow was established in 1995 and for over 25 years has been providing Environmental Health and Immunisation services to Councils in metropolitan and regional areas of Victoria. Kernow prides itself on its innovative and best practice approach to providing Environmental Health services.

Kernow currently employs over 45 Environmental Health Professionals plus 25 immunisation and administrative support staff. Kernow provides contracted Environmental Health services, including food education and regulation, to the following Councils across metropolitan and regional areas in Victoria.

- Casey City Council (since 1997);
- Brimbank City Council (since 1998);
- Cardinia Shire Council (since 1999);
- Mitchell Shire Council (since 2015);
- Pyrenees Shire Council (since 2018);
- Moira Shire Council (since 2019);
- Wangaratta Rural City Council (since 2019);
- Bass Coast Shire Council (since 2021);
- Ararat Rural City Council (since 2021); and
- Moyne Shire Council (since 2022).

Kernow's response to the Review of Proposal 1053 is based on knowledge, skills and practical application of food standards from an education, regulation and enforcement perspective.

- We acknowledge that this paper provides an opportunity for general comment on the potential impact of these measures on businesses, including whether and how these tools could improve food safety outcomes, and
- Any gaps between current practices and practices under the proposed tools.

Kernow's combined response provides feedback as follows:

| Area Of Proposal | Comments |
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| Aim of the proposal | Kernow supports the aim of a single, nationwide risk-based approach in relation to food safety. |

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| Scope of the proposal | The proposed category system (3 categories) is similar to Victoria's current 4 Class system and is in many ways aligned. |
| Food Safety Management Tools risk management options | Kernow agrees that Option 3.2 is the most effective option combining FSS, FHT and E elements. Kernow agrees that a multidisciplinary approach is needed to have measurable positive outcomes on food safety. Kernow also agrees that it is appropriate for different options to be applied for differing categories of premises. |
| Food safety supervisor (FSS) | Kernow supports the requirement for an FSS within food businesses. Clarification around the meaning of 'reasonably available to advise and supervise' should be considered and further defined. Further detail is provided below. |
| Food handler training requirement (FHT) | Kernow supports the proposal that food handlers must undergo minimum training. Kernow recommends that: <ul style="list-style-type: none"> - a time period for re-training be considered - a standard of the training is required - documentation of training is required and linked to the evidence requirement |
| Keeping evidence of critical process management | Kernow supports the evidence requirement in principle as it aligns well with the principle that the business/food handler is ultimately responsible for proving the safety of the food. Kernow is concerned that the evidence requirements may be too onerous, complicated and highly open to interpretation. To establish a nation wide approach, standards and guidance about how businesses will achieve this must be established at a nation level. Further detail is provided below. |
| Transition Period | Operating in Victoria, Kernow believes the proposed requirements will impose minimal additional burden on food businesses who already operate under a requirement to have Food Safety Programs. We are hopeful that any changes in Victoria will be supported by the DHHS. Therefore, the proposed 12-month transition is supported. |

CATEGORISATION

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| Proposed categories of businesses | The proposed categories (1, 2 and 3) essentially encompasses the current classes of premises in Victoria. The proposed |
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| | <p>requirements are similar to existing requirements therefore should not be an onerous or difficult transition.</p> <p>Kernow wishes to highlight the follow categories of premises for further consideration as part of this proposal due to their high proportionate risk.</p> <ul style="list-style-type: none"> - Aged care, child care and hospitals serving to vulnerable groups (Class 1 premises in Victoria); and - Meal delivery services as a growing service area, currently largely unregulated. |
| Not-for-profit organisations and fund-raising events | <p>Kernow would like to recommend not-for-profit organisations and fund-raising events remain on the FSANZ food regulation agenda and not necessarily handed to the wider regulatory system where it may become lost.</p> <p>Educational programs especially for volunteers at fundraising events should be a consideration as part of the proposed non-regulatory solutions.</p> |

FOOD SAFETY SUPERVISORS

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| FSS Definition | <p>Is there an opportunity to clarify and strengthen the intent of “reasonably available to advise and supervise” in the standard itself as described in the guide per Supporting Document 3? The standard should be at least as strong and clear as the guide, the guide should not be stronger than the standard.</p> <p>For example the guide states “it is not reasonable for a business to appoint a non-food handler or non-onsite employee to the role of FSS”. Presumably this is to ensure that the supervisor has enough time onsite to adequately supervise food handling activities, processes and compliance. An FSS appointed across multiple sites may not be adequately able to supervise food safety at any one of the sites.</p> <p>If it is intended that a non-food handler or non-onsite staff member cannot be an FSS, then this should be explicit in the standard, not just the guide, and the intent of that requirement made clear.</p> <p>Further, if the requirement is for the FSS to be “reasonably available to advise and supervise” it may be appropriate for more than one FSS be appointed per business. This would allow for absences, leave, movement of FSS staff, size of the</p> |
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| | <p>business particularly in relation to food volumes and the overall number of food handling staff.</p> <p>It is suggested that the definition of the role of the FSS could be strengthened to include developing & maintaining adequate procedures and records and directing corrective actions.</p> <p>The current definition for FSS in Victoria is quite clear and should be considered.</p> |
| FSS Training | <p>There is a question of whether the position description of the FSS and the training requirements meet the skills required to comply with the evidence requirements eg. writing adequate standard operating procedures, developing and maintaining adequate records and risk-based decision making.</p> <p>The five-year renewal of certification of the FSS training is a welcome and necessary step forward.</p> |

| FOOD HANDLER TRAINING | |
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| | <p>Currently in Victoria, there is only a requirement for certified training for Food Safety Supervisors. Many food handlers do not possess adequate skills and knowledge reflective of their food safety responsibilities. Kernow supports the requirement for all food handlers to require basic training, such as standardised accessible online training.</p> <p>Recognition of prior learning for food handling should only be via other means of education or training.</p> <p>Regular refresher training would also be beneficial particularly because the food service industry tends to have a high turnover of staff and due to the many new and emerging trends in food safety. This regularity would need to consider the proposed changes to FSS re-training requirements. For example, is it appropriate for <i>annual</i> refresher training for food handlers if FSS training is every 5 years? Kernow believes yes due to the risk food handlers pose, even under the guidance of an FSS who is not able to supervise every food handler, every activity, every day.</p> <p>Consideration should be given to a requirement for documentation of staff training by the FSS (such as is required under Tobacco legislation) as part of the evidence recording.</p> |

| EVIDENCE | |
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| | <p>Kernow supports the need for evidence to substantiate key high-risk processes as a tool for Cat 1 food premises. It is also agreed that the evidentiary interventions must be multi-faceted and flexible. It is however imperative these be practical and realistic and match the level of skills and training requirements and the nature of the food service industry.</p> <p>Kernow proposes a reduction in the evidence requirements, eg daily or weekly recording rather than every batch, can still serve as a good indicator that a food business is monitoring critical processes, identifying when they fail and taking corrective action over time.</p> <p>In addition, the burden to develop SOPs could be reduced by providing standardised SOP templates for relevant prescribed provisions like cleaning and sanitation, thawing, cooling, reheating, product display and transport. Effectively SOPs which would otherwise be provided within a Food Safety Program.</p> <p>Kernow would welcome more ready-to-use tools in one package because our field experience tells us the average food business is not necessarily equipped nor has the time/ investment to develop and verify adequate operating procedures or record volumes of data (at times at product and batch level) throughout the day.</p> <p>Kernow reflects of Victoria's experience where it was found prohibitive and difficult to implement and regulate a high level of documentation. Increased documentation did not necessarily affect food safety outcomes or the food safety culture within businesses as forecast. In recognition of this, the requirement for evidence has been reduced over time.</p> |
| 3.2.2A-13(3) | <p>Kernow would like to recommend added guidance and education for Authorised Officers to promote consistency in approach to ways to substantiate compliance.</p> |

| SD1 | |
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| Gap Analysis | <p>Kernow suggests there is a medium gap to large gap for monitoring 9 key processes for Category 1 businesses in Victoria. Whilst businesses have been required to have FSPs, in many cases these have been provided in the form of pre-written templates. This does not therefore automatically</p> |

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| | translate into knowledge about development of SOPs or provision of evidence by business operators. |
| Cost to Cat 1 | <p>Implementation of Evidence has been costed at approx. \$323. This equates to approx. 13 hours at \$25/hr which Kernow feels is understated.</p> <p>Many Cat 1 businesses, and particularly home businesses, caterers, take aways and small family businesses often do not have the time and skills required. The burden consequently will fall on the regulators to provide “on the spot” or “in-field” education when gaps are identified as consultancy services are economically out of reach for many businesses.</p> |

| SD3 | |
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| A Guide to proposed Standard 3.2.2A | <p>Kernow supports that an Implementation Guide that aims to assist businesses understand their obligations is necessary.</p> <p>An implementation guide for the registering/regulatory authority would be useful to achieve consistency of application at a national level.</p> |
| Table & Working Examples | <p>The table is an effective means of displaying the evidence requirements against the 9 prescribed provisions.</p> <p>The working examples are also very useful. They could be presented more concisely and in an easy-to-read format for food business operators. Likewise, Authorised Officers would benefit from supplementary guidance to minimise misinterpretation and inconsistent application.</p> <p>There are some ambiguities across the table and the working examples that could be clarified, for example: An Authorised Officer can observe a process to negate the need to record keep or even have an SOP; Or they can observe a physical demo but there needs to be a validated SOP; However, “well established procedures” or “standard process known to work” do not need to have an SOP; Yet, procedures that are “common practice” should be recorded or be demonstrated by an SOP.</p> |

All comments in this submission have been collated from Kernow's focus group established to respond to the proposed food safety management tools.

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We are pleased to be able to provide this response to Proposal P1053.

Kinds Regards,

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