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11 April 2022

Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604

Dear Sir/Madam,

Penrith City Council Submission – Proposal P1053 Food Safety Management Tools

Thank you for the opportunity to provide comment on Proposal P1053 – Food Safety Management Tools.

It is noted that 77% of food borne illness, up to 3.2 million cases per year, at a cost to the Australian economy of 1.5 billion are linked to the food service and food retail sectors.

Accordingly, we concur that further measures are needed to reduce the incidents of foodborne illness within these sectors. In particular, that food skills and knowledge within these sectors need to be improved with a greater emphasis on food safety controls to mitigate key risks. Local Government Environmental Health Officers (EHOs) have key responsibilities in the regulation of food businesses as Authorised Officers under the Food Act 2003, and under the Food Regulation Partnership with the NSW Food Authority and an integral stakeholder in any ongoing enforcement of new food safety obligations in the retail hospitality sector.

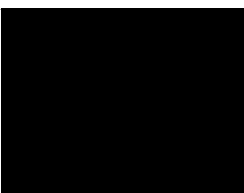
We support the risk-proportionate regulation approach and categorising of food businesses into three categories. Likewise, the 12-month implementation time, after gazettal, allowing food businesses and food regulators time to introduce changes is supported.

It is understood that that other issues such as allergen management, new technologies, and technical issues will be considered as part of a wider review of chapter 3 of the 'Code.' It is also assumed that childcare centres, before and after school care, and school canteens are not specifically mentioned as their risk profile was considered low.

Regarding the three (3) proposed new tools the following comments are made:

1. Food Safety Supervisor

Already a requirement in NSW, the success of this requirement in our experience has been mixed. Improvements in food skills and knowledge of food handlers after completing training are not always observable. In fact, it is not uncommon to inspect a food business where a person has recently completed a FSS course and find they have little knowledge around sanitising and other critical controls.





Registered Training Organisations (RTOs) who provide the training seem to have varying backgrounds and skills and knowledge in food safety and handling themselves and this is part of the problem. In NSW there needs to be a more robust process in place to ensure that RTOs do not provide an inferior or inadequate education and there needs to be an assessment process in place that ensures Food Safety Supervisors have the necessary food skills and knowledge to work in the industry and supervise others.

Another issue in NSW is that there isn't a central register for Food Safety Supervisors that EHOs can access. Therefore, a Food Safety Supervisor Certificate can be used in multiple venues and this tends to happen where a person or company owns multiple food businesses.

As part of introducing a national requirement for Food Safety Supervisors consideration should be given to a national Food Safety Supervisor data base.

We support proposed section 3.2.2A-11 that a food safety supervisor is 'reasonably available' however would like 'reasonably available' defined in the standard. It has been out team's experience on a number of occasions, including in poor performing businesses, where the current Food Safety Supervisor is rarely at the business, not involved in the food handling perspective of the business or others have completed the training on their behalf.

By providing more robustness around reasonably available and accredited RTOs and how they administer and assess the competency of the Food Safety Supervisor, it will result in a more meaningful outcome of the intended requirement.

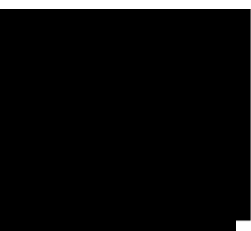
We would also like to see Childcare Centres, Before and After School Care Centres, and School Canteens have a Food Safety Supervisor to maintain the standards in these sectors.

2. Food Handler Training

Our Council provides Food Handler Education Seminars to food business at no cost.

Attendance is voluntary and while a successful program, does not always reach those that perhaps need the training the most. Making this type of training, and other online training, with specified content mandatory is therefore supported. It is also considered that maintaining skills and knowledge is important and there should be mandatory training for this also.

It is noted that there is an exemption to Food handler Training in the draft standard (3.2.2A-10 b) where completing a food safety training course is not mandatory when the food handler or food business believes the food handler has adequate skills and knowledge commensurate with their specific prescribed activity. This could be very contentious and difficult for the food handler to demonstrate or for regulatory authorities to disprove in the event of regulatory action. It is considered that some clear guidance is required in this area.





In this regard, we would ask how often is the FHT required and ask that you consider is this just intended as a one off training course or will there be a yearly/every five year refresher component, which we would encourage. We feel that there should be a defined period and also a defined number of subjects covered in the training for broad categories of businesses/operational staff – eg Wash staff – cleaning, sanitising; Wait staff – allergen management; Food handler – temperature control, contamination. This is similar to RSG and RSA where specific roles are covered.

We also ask you consider the regulatory component of this proposal and it's enforceability for EHOs. Whilst we appreciate why a clause would be proposed to allow for alternative compliance via the 'ability to demonstrate adequate skills and knowledge', it would be clearer for both food businesses and EHOs, to make it mandatory for all food handlers to undertake food handler training.

3. Evidence to Substantiate Food Safety Management

It is understood that this tool will require businesses to have evidence to substantiate that key processes, including temperature control, food processing, and cleaning and sanitising are managed. It is proposed that businesses will demonstrate this by recording information in templates.

Will the NSW Food Authority or another entity provide standard templates or will this be up to each individual food business? Many small operators will not have SOPs like the larger food businesses/multi-national chains may and, if left to the EHO/food business owner, this can also lead to inconsistent approaches such as already occurs with temperature logs for displaying food out of temperature control.

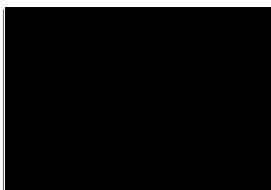
We support this initiative, however it must be considered that auditing these documents as part of an inspection will add time to the inspection for regulators. Ultimately, any cost associated with this may likely need to be passed on to food businesses.

Not-for-Profit Organisations and Fund-Raising Events

FSANZ considers in its assessment that not-for-profit organisations and food businesses working at fund raising events, whether they are not-for-profit or commercial food businesses working at a fund-raising event, be exempt from the proposed additional food safety tools.

While this is mainly supported it is considered that commercial food businesses working at a fund-raising event should not be exempt from these requirements given that they are likely to be engaged to handle and prepare higher risk foods. The research within the proposal states that commercial caterers attribute to 7% of all foodborne outbreaks therefore it is not clear why the proposed food safety changes would not be required for commercial businesses at fund raisers.

In summary, we consider that the proposed tools are necessary to address the lack of skills and knowledge within the industry and associated foodborne illness.





Implementing the tools will go a long way to providing a nationally consistent suite of food management tools that will minimise foodborne illness rather than just reacting with regulatory tools when an incident occurs. While additional costs may be incurred by category 1 and 2 food businesses and regulators, proposal P1053 is considered a very balanced approach and should provide a strong benefit if implemented correctly.

If you have any questions or would like to discuss this matter further, please contact Council's Acting Environmental Health Coordinator [REDACTED]

- Yours faithfully,

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