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Draft Implementation Guidance – Proposal P1053

Preamble

The foodservice sector is indeed a significant sector in the Australian economy, and whilst most operators are successful in managing food safety there has been a large growth of smaller operator preparing different food types and presentations over the past few years. I believe the need to understand food service operator types are critical in understanding the risks of that food being safe and suitable for the intended consumers.

Category one businesses are business that make and serve potentially hazardous foods to consumers for immediate consumption

Category two businesses are those that minimally handle, but do not make, potentially hazardous ready-to-eat food before its retail sale

Category three businesses are those that serve RTE foods that have been received packaged and sold to the consumer in that same packaging.

Category four businesses (as a suggestion) are the food delivery platforms that have the responsibility of handling and transporting all of the above food types to the end consumer.

Introduction

The proposed Standard Proposal P1053 would apply to all food businesses in Australia, and does require a definition and a scope for the types of food businesses.

Within the proposal the segmentation of food businesses that handle unpackaged potentially hazardous food and sell it as ready-to-eat (RTE) potentially hazardous food via retail sale or food service.

For Category One businesses - I would further look at a further definition/or sub-segment which would have their own food safety programmes, like that as described for hospitals, aged care facilities. In this category this I assume we could include international/national quick service restaurants chain restaurants, such as McDonalds, KFC et al – which have their own well established and global standards for food safety for processes and staff in their operations.

A quick review of McDonalds website for food safety advises the importance and scope of how they manage food safety:

<https://corporate.mcdonalds.com/corpmcd/our-purpose-and-impact/food-quality-and-sourcing/food-safety.html>

For PepsiCo, one can take from their website:

“To deliver on this promise, PepsiCo is committed to maintaining comprehensive food safety management systems. We follow rigorous global food safety standards that are aligned to industry codes, organizational standards and customer requirements. These standards are applied appropriately in each local market and comply with all applicable legal and regulatory requirements.

Risk based controls are fundamental to PepsiCo’s food safety management systems and are designed to mitigate potential hazards and risks. These controls are critical to our manufacturing and support processes.

Our products are traceable, which enables us to quickly investigate and address any potential concerns in the marketplace.”

Further these establishments would also in most cases be 3rd party audited by organisations such as BRC and GFSI

The requirement for a Food Safety Supervisor, I would assume would be covered by the corporate protocols established within these restaurants would be well developed and operating in a consistent manner, globally. One would also assume that operator training would indeed be managed and validated by the restaurant procedures for Food Safety. Such restaurants also have 3rd party auditing to ensure compliance with food safety and other operational requirements. Such auditing would be carried out by organisations such as British Retail Consortium. Therefore, this proposal should not force an additional level or form of food safety management to such well developed and established restaurants.

In essence I would agree for the need within any food business for the as detailed in the Proposal P1053:

Food Safety Supervisor

The proposed food safety supervisor (FSS) tool requires both category one and category two businesses appoint a food safety supervisor before they engage in prescribed activities.

Food Handler Training (FHT)

The proposed food handler training (FHT) tool requires both category one and category two businesses to ensure all food handlers have completed a food safety training course before they undertake any prescribed activities, or that they have appropriate skills and knowledge before they start handling high risk foods

As there is a review of food businesses, I would extend this to include the food delivery operations. These certainly came into their own during the past few years with COVID lockdowns. Currently there are no controls on these services, and if we are wanting to manage and control food poisoning, we would need to consider these operations. Is there a logic in having food delivery operations as an additional category since this activity is entirely unregulated, unlike food transport vehicles, which are licensed by the state government organisation such as the NSW Food Authority.

Given these delivery services and are operated by drivers on motorcycles, cars or electric bicycles, such drivers are unlikely to have had any food handling or food safety handling. Additionally, there are questions that could be asked regarding food security; is the food being delivered in a secure/sealed form of packaging, and not subject to tampering, sampling, or any other risk?

Overall, it is probably fair to say a focus on safety in the changing food system is required.

Food Delivery Platforms – Category Four

What is the impact of the evolving food service businesses and online providers of food on food safety and associated regulations? Third party platforms for food ordering, online marketplaces, direct-to-consumer options, and rapid delivery solutions. With all this happening the responsibilities for food safety and consumer protection are becoming blurred, and it is therefore important to have this review at such a time where regulators and industry can still influence and manage the business as it continues to grow and further develop.

The risk of untrained operators, particularly small and local “family” businesses, which tend to operate under the radar of the appropriate food regulators, where these operators may get away with selling foods without production regulations or worse, compliance with food hygiene principles.

In some countries there is a growing pressure to change the status of food platforms from technology companies to food business operators and shifting or sharing the responsibilities from the vendor of the food listed on the platforms to the platforms themselves for issues such as allergens (labelling), food hygiene and overall food safety.

Studies in the UK organised by Foods Standards Agency, found that platforms like Deliveroo and Uber Eats are able to have an influence, such as specifying minimum requirements for food safety and licensing/registration of the delivery drivers, and working with the food vendors.

All of this can mean for consumers it can be difficult to see how the food has reached them, and the safety and cleanliness of the delivery hardware and driver.

Food delivery services really came to the fore during COVID lockdown providing a very useful and diverse ability to have something from the normal local restaurant delivery or pickup.

Other reasons for the success of the food delivery would be:

1. Menu and food options can be selected from an app
2. It is easy to personalise orders
3. Most apps provide real-time tracking of the delivery
4. Most app provide 24/7 customer support

But who is responsible for food safety and delivery?

Whilst most food businesses understand HACCP, perhaps it is now required for restaurants and any operation providing RTE foods to consumers.

This is all fine, but once the restaurant hands the food order to the delivery operator there are questions, which should be reviewed and managed – perhaps by regulation:

1. How do they maintain safe temperature for the food delivery?
2. Is the vehicle or food compartment clean and can contamination be eliminated
3. Is it in a dedicated compartment/container or just sitting on the seat next to the driver (of a car)
4. Is the food able to be tampered with?

Is there room for a food delivery set of guidelines or regulations to ensure the safety of the platform, operator, ensuring safe food is delivered to the consumer.

Conclusion

The aim to reduce the total number of foodborne outbreaks in Australia is something that we in the food industry must achieve. What does surprise me is most of such outbreaks are associated with foods from food service and related food retail such as restaurants.

One must then conclude there are current failings in the controls that many food businesses have in place and so the time is right to address this and propose some regulation.

The aim for have established in all such businesses the role of a Food Safety Supervisor is highly recommended and one would agree as being needed. Suitable Food Handler training is also highly recommended, and one would also agree.

These roles or positions, I feel would be warranted if they were also extended into the Food Delivery Platforms, since I see that area has no controls or food safety for the operator, the procedures and management of the delivery of RTE foods.

I appreciate your time and opportunity to submit to this proposal.

Regards

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