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To whom it may concern,

I write to submit comment in relation to Proposal P1053 Food Safety Management Tools. This submission is offered by the Environmental Health Team at the City of Mitcham, a local council situated in metropolitan Adelaide. Council regulates approximately 400 food businesses of which more than 320 will be impacted by the measures proposed.

Summary: The proposal to introduce food safety management tools encompassing food safety supervisor, food handler training and evidence is **supported**. A proportionate, risk based approach to category 1, 2 and 3 business is supported. The proposed requirements will assist regulators to gain compliance with Food Safety Standard 3.2.2. The requirements, evidence in particular, will be a significant imposition on small business. The resource commitment required from Council is expected to increase during the phase of implementation and to a lesser degree, in the longer term. An effective communication strategy and implementation resources will be critical to lessen the impact for regulators and businesses, especially businesses with proprietors and staff who predominantly speak a language other than English.

The following comments are offered.

Option 1

- Not supported
- No national consistency, uneven playing field in regulation across Australia
- Fewer requirements imposed on South Australian businesses, meaning SA businesses benefit from reduced cost of compliance
- Would not lead to improved food safety.

Option 2

- Not supported
- No consistency amongst businesses
- May see improvement in minimum standards however unlikely to see best practice improvements
- Those that generally do well & comply are more likely to make improvements however those that don't are less likely to improve practices voluntarily
- Business, especially small business, often perceive regulation as best practice rather than the minimum standard. Self-regulation can't be relied upon given the likelihood and consequence of harm to unsuspecting consumers.

Option 3

- Generally supported however some reservations regarding particular elements
- Generally agree the proposed requirements would assist regulators to gain compliance with FSS, thereby improving food safety outcomes
- Support the proportionate risk-based approach with Category 1,2,3 type businesses.

Food Safety Supervisor (FSS)

- Support this requirement for Category 1 & 2

- Support person completing FSS training to be appointed. Concerns raised how regulators determine whether training completed is appropriate
- Support food safety supervisor training competencies to address risk identification and management, rather than basic food handling controls
- What is 'reasonably available'? This requires clear definition/explanation/guidance on how regulators assess this. Potential for inconsistent interpretation.
- What does 'oversee' mean – physical presence onsite required?
- Strongly agree the nominated FSS should spend some hours working onsite (preferably when most at risk food handling is occurring) and undertake food handling activities themselves. Do not believe it would appropriate to have an 'office based' person nominated as FSS
- Consideration should be given to 'chain' food premises with multiple sites – could they nominate one FSS to oversee multiple sites? If so, how would this work and how would they demonstrate being reasonably available?
- Has consideration been given to imposing the requirement for minimum 1 FSS per premises?
- Agree the FSS training to be renewed every 5 yrs.

Food Handler Training (FHT)

- Strongly support this proposed requirement for Category 1 & 2.
- Would like to see this requirement imposed on Category 3 as these businesses and food handlers still require skills and knowledge in food safety/food handler hygiene to comply with FSS
- The option for food handlers to have skills and knowledge commensurate with a prescribed activity is not an advancement upon Std 3.2.2. This has proven difficult to regulate and permits informal on-the-job training. It is preferred that the word 'or' in the draft clause is replaced with 'and'.
The food business must ensure that each food handler who engages in a prescribed activity has, before engaging in that activity:
 - *completed a food safety training course; and*
 - *skills and knowledge of food safety and hygiene matters commensurate with that specific prescribed activity.*
- Requires assessment by regulator – eg adequacy/suitability of training completed (potential issues if business does not supply training course outline), review of staff training certificates (how many staff they have, who's been trained, who hasn't, who requires skill assessment etc placing trust in the business).
- Many training courses available including in-house programs, eg McDonalds – could there be some national consistency indicating in-house training program for staff is appropriate?
- Would like to see a time period placed on FHT like FSS. Repeat/Refresh training every 2-3 years? Business may change their food handling practices, new risks identified?

Evidence

- Generally supported, some concern raised over the time commitment required by business and regulator. Will be a significant imposition on small business
- Additional time needed during inspection to review records
- Records Vs SOP – in some instances how do we know staff are following SOP (eg cooling) if regular records are not kept? Agree there should be a balance between records and the option to have SOPs in place.
- Enforcement options available? If officer believes business is not following specified SOP, can officer require business to implement record to demonstrate compliance
- Time required by Officer to read SOP and determine whether SOP is suitable for the process and premises
- Support the availability and use of record templates
- Repeated non-compliance is commonly identified with the prescribed provisions of Std 3.2.2 in particular cooling and sanitising. Voluntary use of a record has been a useful tool to help a business improve ineffective temperature control practices eg: cooling.
- Evidence together with the above requirements (FSS & FHT) would in general provide the greatest opportunity to improve food safety. Evidence allows skill to be demonstrated.
- The proposal will be more effective in reducing food borne illness with its inclusion.

Concerns

- Significant implementation effort will be required to inform businesses, provide resources etc.

- Inspection time will increase in the first few years of implementation to explain new requirements, provide information and support.
- Inspection time will increase in the long term to assess training, certificates, records, SOPs, skills and knowledge
- The need for follow up inspections will very likely to increase
- Significant challenge for operators of non-English speaking businesses - translated resources will be required
- It will also be a challenge for regulators assessing businesses with non-English speaking staff – language barrier, records/SOPs in languages other than English
- Potential for inconsistencies without clear interpretation guidance eg FSS 'reasonably available', assessing how a business demonstrates compliance if not using records, assessing skills and knowledge of existing food handlers at the time of implementation if they haven't completed training course

Other comments

- Uncertain how SA will implement this and what resources will be available. Strongly support the opportunity for EHO input/consultation into this
- SA EHOs who are approved auditors have current skills and are well positioned to apply the requirements of the standard and support businesses. Consistency will be the key
- Inspection form will need to be amended
- What enforcement provisions will be available in SA?
- Council will need to update IT programs to record new data eg. Recording nominated FSS, Category etc

