



*Dedicated to a better Brisbane*

12 April 2022

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

Dear Sir/Madam

**Re: Proposal P1053 Food Safety Management Tools – Public Consultation**

I refer to the Consultation Regulation Impact Statement – P1053 Food Safety Management Tools and I appreciate the opportunity to make a submission in relation to the proposal. Brisbane City Council's (Council's) submission in relation to the proposal can be found in the attached pages.

Council acknowledges the importance of food safety and the critical role that food businesses play in preventing foodborne illness outbreaks in the community by implementing controls where potential food safety hazards exist. As such, in 2010, Council introduced the Eat Safe Brisbane program with the aim of improving food safety standards in the city and providing a more transparent and consistent audit program. The program has a display element where a business can choose to display their star rating, allowing customers to make informed dining choices. The star rating is based on compliance with the *Food Act 2006* and the Food Safety Standards, in addition to the business being able to demonstrate documented good management practices. A business that has no documented good management practices can still achieve a compliant star rating of three stars, while businesses that can demonstrate documented good management practices and compliance with food safety standards, can achieve a four or five star rating.

Eat Safe Brisbane demonstrates Council's commitment to ensuring that safe and suitable food is available for the Brisbane community. It also highlights that Council acknowledges the importance of good management practices to demonstrate a level of confidence in food businesses and their ability to mitigate food safety risks.

Brisbane currently has 7,388 licensed food businesses, the majority of which would be defined as a Category 1 business for the purposes of the proposal and, as such, are in a unique position to provide comment on the proposal and potential impacts and challenges associated with implementation.

It is also understood that any changes resulting in a new Food Safety Standard would require amendments to the Queensland Government's *Food Act 2006* to enact the new standard in Queensland.

Thank you again for the opportunity to provide comment on the proposal. Should you wish to discuss any of the information presented in this submission, please contact Ms [REDACTED]

Yours sincerely



## General Comments

### Food safety supervisors

As identified in the consultation documentation published by Food Standards Australia New Zealand (FSANZ), the requirement for a food safety supervisor for all licensed food businesses has been a legislative requirement in Queensland for many years.

In relation to the operationalisation of the proposed Food Safety Standard (FSS) 3.2.2A, Council has some learnings from the implementation of food safety supervisors in our jurisdiction that will be shared. During the initial implementation of the food safety supervisor provisions, Council's approach was to require a business to formally notify, via an application form and fee. This application had to be supported by certified evidence that the food safety supervisor had completed the recommended competencies. Notifications that did not meet these requirements were not accepted.

This approach created significant administrative burden for the food business licensee and Council. As part of a process of continuous improvement, this notification process was reviewed and subsequently streamlined to remove the application form, the fee and the requirement to submit evidence of completion of recommended competencies.

Other feedback in relation to food safety supervisor requirements include the following.

- Anecdotally, the requirement for a food safety supervisor has not made significant improvements to the food safety standards in the industry. A contributing factor may be that the relevant training competencies for food safety supervisors are not currently mandatory.
- There are compliance challenges associated with the term 'reasonably available' when trying to determine whether a business is compliant with their food safety supervisor responsibilities.

Overall, the proposal for a food safety supervisor to complete specific training and to undertake regular renewal of this training is supported. However, careful consideration should be given to the implementation of these provisions to reduce any administrative burden on businesses and regulators.

### Food handler training

Currently, under the Eat Safe Brisbane program, if a food business can demonstrate that they have staff training records for at least 50% of food handlers trained in a recognised training course, such as the 'I'm Alert' program, then they can receive points to assist in achieving a four or five star rating.

Extending the requirement to all food handlers would assist in improving their level of skills and knowledge in relation to food hygiene and safety matters, and is considered an easy and effective way to begin to improve food safety standards in the food service and retail sector. Council supports this initiative.

### Evidence

Of the 5,703 audits completed of food businesses in Brisbane in 2020-21, 38% of businesses were able to demonstrate they had implemented suitable documented good management practices. Although, outside of an accredited HACCP (Hazard Analysis Critical Control Point) plan or food safety program, food processing (FSS 3.2.2 s7) related documentation is not required to be kept for a business to achieve a four or five star rating. A list of documentation or evidence that can be used to support a four or five star rating under the Eat Safe Brisbane program can be found in Appendix A.

While 38% is a reasonable starting point, requiring good management practices for businesses in the food service and retail industry will require significant education, training and support to shift the benchmark and enable all businesses to meet this requirement.

Currently, in Brisbane, approximately 20% of businesses are rated zero to two stars, which means they are not complying with elements of FSS 3.2.2. Adding in another layer of documentation and compliance requirements is not likely to improve the standard of food safety in these businesses without investing further time and effort in supporting initiatives to improve the level of awareness and desire to commit to improving food safety practices.

While mandating the requirement to keep records may be an effective approach for businesses that are already generally in compliance with food safety standards, thus allowing them to focus extra attention to those critical points to prevent the likelihood of foodborne illness, those that are already struggling to comply may be at risk of falling further behind. It is questionable whether this approach will improve standards and levels of compliance within these businesses. Further consideration should be given to improving the baseline level of compliance within these businesses, including improving food safety culture to drive the desire to improve.

The implementation of this proposal will require a significant re-work of the current Eat Safe Brisbane program to ensure the new minimum standard for record keeping is accounted for. It is anticipated that this will be a challenging change for food businesses and, subsequently, local government, in the education and enforcement of new provisions.

#### Draft Implementation Guidance (Supporting document 3)

The provision of information for customers (food businesses) that describes the proposed changes and provides information on what food safety management tools apply to certain businesses, will be an important requirement in the successful implementation of any changes.

While the draft presented for consultation will be a useful tool to inform authorised persons of the changes, it is suggested that the guidance information provided for customers is targeted at the appropriate level, in terms of how much detail is provided, how the information is presented and the use of technical language.

While the examples provided are valuable, the information provided for the evidence section is particularly dense and may not be easily consumed by the target audience. There may be an opportunity to reconsider the structure of the information and provide a series of information sheets on individual topics. Further, it is recommended that any supporting information for customers is provided in several key languages.

In addition, regarding the section titled '*Other ways to demonstrate compliance to authorised officers*', there are concerns about how this is intended to work in practice. If the intention of the changes is for the business to provide evidence that they're complying with the existing standards, having a business demonstrate the activity, rather than show documented evidence is only demonstrating their compliance with the original FSS 3.2.2 provision. Using the example provided of FSS 3.2.2 10(b) for transporting food under temperature control, the business is already required to demonstrate that they comply with this. They could achieve this by providing the explanation as outlined in the draft guide. If the intention of the proposal is for a business to provide evidence that they are meeting this obligation, then the requirement should be beyond what is already required of the business in FSS 3.2.2.

It is Council's understanding that the intention of FSS 3.2.2A is to provide a greater level of scrutiny and certainty around how a business is complying with the original FSS 3.2.2 requirements. Removing the requirement for the business to provide the documented evidence that they're meeting their obligations under FSS 3.2.2 would defeat the purpose of the proposed FSS 3.2.2A.

## **FSANZ Consultation Questions**

### Option One – Maintain the status quo

**Stakeholders views are sought on the merits of this approach, particularly the following:**

**1. Are there any other costs or benefits that should be taken into account in considering the status quo?**

The status quo would allow for the industry to re-build after years of impacts on trading from the COVID-19 pandemic and, most recently, impacts from severe weather events, enabling the industry to be in a stronger position before additional regulatory requirements are implemented.

**2. What issues do businesses face in complying with the current food handling requirements?**

From a regulator's perspective, we see the following issues businesses face in complying with current food handling requirements.

- Costs – businesses are trying to break even and cut costs wherever possible.
- Staffing – finding and retaining the right staff.
- Desire to comply and a heavy reliance on regulators to provide direction and guidance on how to comply.
- Lack of understanding or comprehension of the outcome-focused requirements of the FSS, which can be ambiguous for uneducated small business operators.

**3. What difficulties, if any, do the differences in requirements between states and territories create for your business?**

Council has nothing further to add.

### Option Two – Self-regulation

Council currently incorporates elements of self-regulation into the existing Eat Safe Brisbane star rating program. While acknowledging there is no industry body representing the range of food businesses that Council regulates, the program was developed in partnership with industry groups such as Queensland Hotels Association, Clubs Queensland, Restaurant and Catering Queensland and the Baking Industry Association Queensland. The program supports self-regulation through encouraging compliance with the use of incentives for businesses that are documenting their good management practices, including reduced annual fees, self-audits and reduced audits by Council.

This approach to self-regulation also incorporates market driven incentives. Businesses can opt in to display their star rating onsite and online, allowing consumers to drive food safety through choosing higher rated food businesses or questioning businesses that aren't displaying their star rating.

Self-regulation can be an effective approach to regulation where businesses are appropriately incentivised or disincentivised to participate and comply.

**Stakeholders views are sought on the merits of this approach, particularly the following:**

**4. Are there any other costs or benefits that should be taken into account in consideration of self-regulation?**

Council has nothing further to add.

**5. What issues do you think businesses and the industry generally would face attempting to self-regulate?**

It is anticipated that businesses would face similar challenges with self-regulation as they do with compliance with the current food safety standards.

**Stakeholders views are sought on the following:**

**6. Do you agree with the characterisation of costs or benefits in tables 6 and 7? Are there any costs or benefits that you would suggest we add or remove?**

In relation to the characterisation of costs or benefits, Council would suggest the following.

- Food businesses – suggest consideration of increased barriers to market entry for food businesses. Operators may be priced out of the market with increased costs associated with new regulatory measures.
- Food consumers – the proposal would provide consumers with greater confidence in the industry.
- Government – the table does not delineate between the differing levels of government and does not adequately address the issue that the costs in relation to implementation, education and enforcement are borne by local governments (in Queensland), while cost savings in relation to health care are likely to be gained by State and Federal Governments. Further, if local government costs relating to enforcement increase, there may be a need to increase fees and charges to assist in recovering these costs. This would result in increased costs to businesses and potentially increased costs to consumers if this was to be passed on.

**7. Can you provide of any data, information or studies that would assist us to quantify any of the costs or benefits in table 6 that we are presently indicating are likely to be unquantified?**

Council has nothing further to add.

**8. With reference to this section and Appendix 1 can you provide any information, data or studies to either support, change or replace any of the assumptions or estimates that have been used to create this analysis?**

Council has nothing further to add.

**9. Can you provide of any other data, information, studies or comments to improve the quality of the cost benefit analysis for the DRIS?**

Council has nothing further to add.

**10. Do you think the criteria (table 9) to assess the appropriateness of the intervention are suitable? Are there any criteria you would add or remove?**

Council has nothing further to add.

## Appendix A

### Part B Requirements – Eat Safe Brisbane

#### Section B – Good management practices

Documented and Maintained Records (all records relevant to the business must be kept on site)		Points	Acceptable	
			Yes	No
B1	Accredited HACCP Plan or ISO 22000:2005 (See page 24 of Food Safety Made Easy Guide) (If YES, do not continue to check for other documentation)	14	<input type="checkbox"/>	<input type="checkbox"/>
B2	Accredited Food Safety Program (See page 25 of Food Safety Made Easy Guide) (If YES, do not continue to check for other documentation)	14	<input type="checkbox"/>	<input type="checkbox"/>
B3	Cleaning Program and Schedule (See page 27 of Food Safety Made Easy Guide)	3	<input type="checkbox"/>	<input type="checkbox"/>
B4	Temperature Record – Food Display/Storage (See page 29 of Food Safety Made Easy Guide)	3	<input type="checkbox"/>	<input type="checkbox"/>
B5	Transportation Temperature Control (See page 31 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B6	Products Received Temperature Record (See page 30 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B7	Greater than 50% of food handlers trained in a recognised Training Course (See page 31 of Food Safety Made Easy Guide)	2	<input type="checkbox"/>	<input type="checkbox"/>
B8	Staff Training Records (internal and external training) (See page 32 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B9	Maintenance Records (Structural and Equipment) (See page 33 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B10	Pest Control Schedule (by a licensed contractor) (See page 35 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B11	Waste Collection and Refuse Cleaning Record (See page 35 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B12	Stock Rotation Schedule (See page 36 of Food Safety Made Easy Guide)	1	<input type="checkbox"/>	<input type="checkbox"/>
B13	<b>NOTE:</b> If a food business <u>does not</u> receive, store, display or process Potentially Hazardous Foods (PHF), add 10 bonus points	10	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Results Section B – TOTAL Points Score</b>		<input type="text"/>		