

28 March 2022

Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604

Email: submissions@foodstandards.gov.au

Submission to Proposal P1053 – City of Casey

The City of Casey is a large metropolitan municipality located in Victoria and regulates just over 1500 food businesses registered under the Victorian Food Act 1984.

The City of Casey supports Food Standards Australia New Zealand's (FSANZ) proposed regulatory tools and the amendment of the Food Standards Code to apply these tools to certain food service businesses.

On behalf of the City of Casey, I wish to submit the following feedback in relation to the draft *Standard 3.2.2.A Food Safety Management Tools*:

Section 3.2.2 A – 2 Definitions

1. Definition of food safety supervisor

The definition of a food safety supervisor as it currently reads in the draft is as follows: *a person who (a) holds a food safety supervisor certificate that has been issued within the immediately preceding period of 5 years.....*'.

Though not explicitly stated, the requirement around the 5-year period implies that a food safety supervisor would have to redo the course every 5 years. This differs markedly from the current rules that exist in some jurisdictions. For example, in Victoria currently, once a person has completed a food safety supervisor training course, there is no standing requirement to complete it again or do a refresher course once a set period of time has lapsed.

Given the above, for the purposes of clarity, it is strongly recommended that further detail be added to the explanatory notes pointing out the implications of the phrase *'...within the immediately preceding period of 5 years....'*.

2. Definition of food safety training course

The definition of a food safety training course as it currently reads in the draft Standard is as follows: *'means training in food safety that includes training in each of the following:*

- (a) Safe handling of food; and*
- (b) Food contamination; and*

- (c) *Cleaning and sanitising of food premises and equipment; and*
- (d) *Personal hygiene*

It is very concerning that unlike the parameters added around acceptable food safety supervisor certificates and by implication, the course that you need to undertake to obtain the certificate (must be certified by either a registered training organisation or an organisation recognised by the relevant authority under the application Act), nothing similar has been included in relation to food safety training courses.

Given that the explanatory notes state that *'these food safety training requirements are intended to ensure that food handlers have the food safety skills and knowledge required to handle foods that support the growth of pathogenic microorganisms...'* it is counterproductive not to include quality controls around this training. For example, a requirement that the training must be delivered by a registered training organisation or a food regulatory agency. Doing this will ensure that a level of confidence can be had in relation to the quality of the information being imparted to food handlers. Additionally, it will also provide guidance for business operators when it comes to knowing what is and what is not acceptable in terms of recognition of prior learning.

Section 3.2.2 A-11 – Supervision of food handlers

The explanatory notes relating to this section state that a business must *'ensure that the food safety supervisor is reasonably available to advise and supervise each food handler engaged in [a] prescribed activity.'*

The requirement to be 'reasonably available' is an excellent requirement and should contribute to an improvement in the level of supervision a food safety supervisor provides to the food handlers for which they are responsible. Currently, for example, in Victoria, it is not an uncommon practice for chain stores to nominate the Area Manager as the Food Safety Supervisor for multiple stores.

Section 3.2.2 A – 12 Substantiating food safety management of prescribed activities

1. Length of time records are required to be maintained.

Subsection 2 of section 3.2.2 A – 12 states *'the food business must keep a record required by subsection (1) for 3 months after the business makes the record.'*

In Victoria, businesses that use the State Government's food safety program template are advised to keep their records for a period of at least 2 years. This enables an inspector to review records that were completed since the premises was last inspected. Three months is too short a timeframe.

2. Prescribed provisions – keeping of records

It is odd that clause 22 (temperature measuring device) from Standard 3.2.2 is not listed in the list of prescribed provisions. Having a temperature measuring device that a business can demonstrate is accurate to within $\pm 1^{\circ}\text{C}$ through a calibration record underpins the reliability of the data contained in records pertaining to storage temperature, cooling etc.

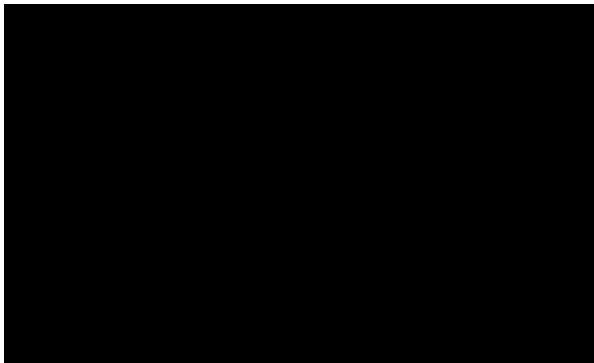
It is strongly recommended that the keeping of a calibration record for temperature measuring devices also be added to the list of prescribed provisions.

3. Prescribed provisions – alternative compliance options

The wording of this subsection is lacking clarity. If the intent of this subsection is to allow businesses the option of seeking approval for an alternative method of compliance, then it is recommended that either the wording of the subsection and/or explanatory notes be altered to make it clear that a business must seek this approval **prior** to implementation. This way if the alternative method of compliance proposed by the business proves to be unsatisfactory, the business would not have wasted needless time and potentially money as well as enabling better regulatory control.

Thank you for the opportunity for the provision of this feedback. Should you have any questions regarding the above, please contact me on [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

Yours sincerely,

A large black rectangular redaction box covering the signature area.