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Food Standards Australia and New Zealand
PO Box 5423
KINGSTON ACT 2606

submissions@foodstandards.gov.au

Call for submissions – Proposal P1053 – Food Safety Management Tools

The City of Newcastle (CN) is responding to the call for submissions in relation to the proposed changes to Chapter 3 of the Food Standards Code and the introduction of the Food Safety Management Tools.

The review covers the following four regulatory measures for food service businesses:

- priority risk classification system
- a certified food safety supervisor (FSS)
- food handler training (FHT)
- evidence to substantiate food safety management (E).

Priority risk classification

Supported. Agree with the principles of the risk categories and the regulatory measures applied to them subject to comments in (E).

Certified food safety supervisor (FSS)

Supported. Agree with the reasonably available requirement.

Food handler training (FHT)

Supported – CN would anticipate that both state and federal agencies would provide a targeted media campaign to raise awareness of the new mandatory requirements. It is felt that higher levels of government should consider subsidising or providing free online training courses (similar to I'm Alert) to meet the FHT requirement as this would markedly increase the uptake from businesses especially those with a low turnover or the time poor who won't have the skills or capacity to design in house tailored training.

CN would recommend consideration given to a requirement for the business owners to keep a register to summarise the level of staff training for each staff member. For example: Name / Food Handler Course / Skills & Knowledge Assessed / Date / Name of Course (if applicable)/ Signed. This would assist the owner in keeping track of employees training and will provide a quick snapshot of training of staff for authorised officer during inspections.

Clarity should also be provided on whether FHT has any time frame requirements for refreshing or will it be a once only requirement.

Evidence of substantiate food safety management (E)

CN recognises the positive food safety outcomes that have been demonstrated in other jurisdictions where additional requirements to support safe food handling have been implemented. In NSW a large proportion of national and international businesses have



already implemented a level of documentation that would largely satisfy the proposed record keeping demonstrating compliance with the proposed prescribed provisions.

However, CN is acutely aware of the struggles the hospitality sector in particular small businesses have experienced due to Covid and the restriction enforced by the Public Health Orders in the last two years. The set up and implementation of the is type of record keeping is a significant administrative burden on small businesses who are struggling to find sufficient staff to keep their doors open. Many owners are currently working on the floor 5-7 days a week and have limited time to implement significant changes and are suffering from change fatigue post Covid.

Small businesses with low turnovers have a limited financial capability to outsource new requirements to consultants or trainers to implement so this will be adding significant stress on a small business owner who is already feeling significant pressure due to the lack of qualified and trained staff in an industry of high employment churn. Many of these small businesses are barely keeping their doors open, unable to find any staff and the additional pressure of new requirements/legislation may just be the catalysts to convince them to close their doors permanently.

For many small businesses, whether a sole trader or a partnership with 5 Full Time Equivalent Food Handlers (FTE FH) or less with only 1-2 people working in the business at any given time there are already significant pressures and multiskilling required to perform a wide variety of tasks during service. Adding documentation to their list of responsibilities will impact of other activities such as cleaning. CN has experienced situations where alternate methods of compliance (sushi) requiring documentation has been doctored during a food handler's lunch break as they didn't have time during production.

CN would like consideration given to a phased approach in relation to E and would suggest targeting large and medium size businesses with more than 5 FTE FH first and leave small businesses with less than 5 FTE FH to a later date once a proven cost benefit analysis is conducted and templates are well bedded in.

General

It is recognised that additional inspection time will be required by the authorised officer to complete an auditing function of the new requirements. SC is concerned about the existing time pressures on authorised officers already at capacity and this additional time will limit some Council's capacity to complete all required inspections. In addition, the extra time will increase inspection fees charged to food businesses when these fees are charged on a time basis.

Further information is also sought in relation to enforcement of the new requirements. Will there be a proposed standardised enforcement policy or will the existing escalation of enforcement approach be followed.

Extensive education and guideline documents including examples and templates need to be developed for both food businesses and authorised officers to ensure consistency of requirements and ease of implementation. Consideration to be given to develop a downloadable day book or hard copy for small businesses to use for (E) requirements.

Clarification required on small retail manufacturers such as home-based businesses. Are they exempt as a manufacturer or should they be included in a Category 1 or 2 definition?

Should you require any further information on this matter please contact [REDACTED]

Yours faithfully