



Food safety in Queensland

Food safety supervisors

Food Act 2006

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Introduction

The *Food Act 2006* (the Act) requires every licensable food business in Queensland to have a food safety supervisor.

Every food business licensee must provide to the local government that issued the licence, certain information regarding the food safety supervisor for the business. This document provides guidance to local governments and the food industry on the legislative requirements for food safety supervisors.

1 What is a food safety supervisor?

A food safety supervisor, for a food business, means a person who:

- knows how to recognise, prevent and alleviate food safety hazards of the food business;
- has skills and knowledge in matters relating to food safety relevant to the food business;
- has the authority to supervise and give directions about matters relating to food safety to persons who handle food in the food business; and
- is reasonably available to be contacted by the local government that issued the licence and persons who handle food in the food business while the food business is being carried on.

2 Why is a food safety supervisor important?

A food safety supervisor adds an on site level of protection for day-to-day food safety, as they are required to have experience and expertise relevant to the licensable food business and be able to supervise and give directions about food safety to persons in the food business. Additionally, the presence of a food safety supervisor at the food business is an important point of contact for both the local government and persons who handle food in the food business.

3 Who can be a food safety supervisor?

A food safety supervisor must meet the requirements detailed in Section 1. The person must know about food safety hazards, have skills and knowledge relating to food safety, have authority to give directions in the food business and be reasonably available for food handlers and the local government. Anyone who meets those requirements may be a food safety supervisor, including the business owner, the licensee, a manager, an employee or an external contractor.

4 Does a food safety supervisor need training?

It is recommended that a person successfully completes training to demonstrate satisfaction of the skills and knowledge requirements of a food safety supervisor. A person who has a Statement of Attainment issued by a Registered Training Organisation (RTO) for the national competencies identified in Table 1 is likely to satisfy those points.

A Statement of Attainment from an RTO may be issued to a person following successful completion of a training course, or successful demonstration to the RTO that the person has existing skills, experience or training to meet the national competencies.

If a person has previously completed a national competency shown in Table 1, there is currently no requirement to renew the training after a set period of time.

Table 1 - Recommended competency standards for food safety supervisors

Food sector	National competency code	Competency title
Food processing	FDFFS2001A (or FDFCORFSY2A)	Implement the food safety program & procedures
Retail & hospitality	SITXOHS002A and	Follow workplace hygiene procedures
	SITXFSA001A	Implement food safety procedures
	or SIRRFSA001A	Apply retail food safety practices
Health & community services	HLTFS207B	Follow basic food safety practice
	HLTFS309B	Oversee the day-to-day implementation of food safety in the workplace
	HLTFS310B	Apply & monitor food safety requirements
Transport & distribution	SITXOHS002A	Follow workplace hygiene procedures
	SITXFSA001A	Implement food safety procedures

Note: Competency codes and titles are set by the National Skills Standards Council and may change from time to time. If a food safety supervisor has a different competency code to those shown above, but the same competency title, the training may still be relevant, and may simply be a superseded competency code. See the document *A guide to equivalence for recommended competency standards for food safety supervisors* for more information.

4.1 How do I determine the food sector for a food business?

When determining the food sector for a food business, consideration should be given to the predominant activity of the food business.

- *Food processing* includes food businesses that manufacture food (as defined in the Act)
- *Retail & hospitality* includes food businesses that prepare and sell food by retail
- *Health & community services* includes food businesses that prepare or sell food for consumption by vulnerable persons
- *Transport & distribution* includes food businesses that do not prepare food, but handle food by storing food in warehouses or transporting food

Examples of the types of food businesses in each food sector are shown in Table 2.

Table 2 – Examples of food businesses for each food sector

Food processing	Retail & hospitality	Health & community services	Transport & distribution
Airline caterers	Caterers for private functions	Catering for hospitals, nursing homes	Bulk food distribution
Wholesale bakers	Convenience stores	Childcare centres	Water carriers
Breweries	Delicatessens	Hospitals	Warehouses
Canneries	Grocers	Hostels	
Flour mills	Hotels	Meals on Wheels	
Ice manufacturers	Retail markets & stalls	Nursing homes	
Packers	Restaurants		
Pre-prepared meals	Supermarkets		
Wine production	Takeaways & cafés		

4.2 Where can the recommended training be completed?

The recommended training for food safety supervisors is conducted by Registered Training Organisations (RTOs). An RTO may be a TAFE college, adult and community education provider, private provider, community organisation, school, higher education institution, industry body or other organisation meeting the relevant registration requirements. Training may be completed face-to-face or online.

To find an RTO:

- Visit www.training.gov.au, scroll down to 'quick search', under 'nationally recognised training' enter the recommended competency code. In the search results, click on the code and then click on 'Find RTOs approved to deliver this unit', or
- Perform an internet search using keywords 'food safety supervisor training', or enter the recommended competency code. It may also help to include a geographical location or 'online' depending on the preferred delivery method.

Food business licensees are encouraged to confirm that their chosen training provider is a current RTO and will provide a Statement of Attainment on successful completion of the recommended competencies.

A Statement of Attainment from an RTO will display the following information:

- 'Nationally Recognised Training' logo (as shown on the right)
- name, details and registration particulars of the RTO
- details of the person being accredited
- date the training was conducted.



5 How do I determine if a person meets the skills and knowledge requirements to be a food safety supervisor?

While local governments do not approve or refuse food safety supervisor notifications, they may wish to assess if a person meets the definition of food safety supervisor under the Act.

5.1 Statement of Attainment for recommended training

If a person has completed the recommended training, a copy of his or her Statement of Attainment issued by the RTO should be provided to the local government.

If a person has completed a national competency that has a different code or title to those in Table 1, the document *A guide to equivalence for recommended competency standards for food safety supervisors* may assist a local government in deciding whether the completed competency may be equivalent to a recommended competency. This document does not replace the recognition of prior learning process.

It is important to note that having a Statement of Attainment for the recommended competencies (or superseded competencies) does not necessarily mean that a person will automatically satisfy all of the requirements of a food safety supervisor.

5.2 Recognition of prior learning or credit transfer for recommended training

RTOs approved to deliver the recommended competencies can conduct a Recognition of Prior Learning (RPL) assessment. RPL is the recognition of skills and competencies of an individual regardless of how, when or where the learning occurred.

An RTO will assess any previous formal or informal training or education, along with any relevant work or general life experience to determine if a person meets the required outcomes of the competencies. The RTO may issue a Statement of Attainment for the specified competencies, or provide a partial credit advising of any gap training required to obtain the recommended competencies.

Credit transfer is the process of an RTO recognising a previously completed course or unit as equivalent to a particular unit of competency. A credit transfer matrix was developed in 2008 to assist RTOs when assessing applications for RPL. The matrix identifies competencies that were deemed to be equivalent to the recommended competencies. An RTO may obtain this matrix by contacting the Food Safety Policy and Regulation Unit, Queensland Health on 3328 9310 or foodsafety@health.qld.gov.au.

Duration and costs for RPL or credit transfer can vary depending on the provider and the complexity of the level of assessment. However, previous reviews of RTOs suggest that an RPL assessment process is similar in time and resources to undertaking training in the recommended competencies.

5.3 Previous training or qualification

A person with a tertiary or trade qualification that included food safety and hygiene subjects could be considered to meet the skills and knowledge requirements for a food safety supervisor. Evidence of the subjects completed and the content of the subjects may be provided on request of the local government.

Examples of tertiary or trade qualifications that may include subjects that provide appropriate skills and knowledge for a person to be a food safety supervisor include:

- chef qualifications
- Certificate IV or higher (e.g. Diploma, Advanced Diploma, Bachelor degree) from a recognised institution in:
 - food science or equivalent
 - food technology or equivalent
 - food microbiology or equivalent
 - nutrition and dietetics or equivalent
- Environmental Health Australia (EHA) accredited environmental health degree or equivalent.

Other qualifications may also satisfy the skills and knowledge requirements for a food safety supervisor. A local government may wish to assess a person's skills and knowledge to be satisfied that they meet the requirements (see Section 5.4).

5.4 Substantial work experience

A person with substantial experience in the food industry who has acquired extensive skills and knowledge in matters relating to food safety and knows how to recognise, prevent and alleviate food safety hazards may not need to complete the recommended competencies.

Assessment of the skills and knowledge of a person with substantial work experience should be conducted against the requirements of the food safety standards in relation to the processes and associated food safety hazards for the food business in which he or she works. It is recommended that a structured assessment be conducted by the local government including both theoretical and practical aspects.

6 How do I determine if a person meets the supervisory requirements to be a food safety supervisor?

A person nominated to be a food safety supervisor for a food business must have the authority to supervise and give directions about matters relating to food safety to persons who handle food in the food business.

It could be considered that by nominating a person to be a food safety supervisor that the licensee is acknowledging or providing the authority to the person to supervise and give directions.

Local governments may choose to request details of a person's position within the food business e.g. manager, head cook, shift supervisor, etc, to assist in determining if the person meets the supervisory requirements to be a food safety supervisor. Further assessment may be conducted on site through observation of normal operating practices, or by discussing daily operations, responsibilities and reporting lines with food handlers.

7 What does 'reasonably available' mean?

The Act requires a food safety supervisor to be 'reasonably available' to be contacted by the local government and food handlers at the food business at all times that the food business is operating.

The following information on 'reasonably available' is provided to guide authorised persons in exercising professional judgment, whilst allowing flexibility. It is not a legally binding definition.

It is considered that an authorised person should apply the legal definition of 'reasonable' as being 'reasonable in the circumstance' in conjunction with the examples below in ascertaining whether a food safety supervisor is reasonably available. It is expected that local governments will use discretion as to what is 'reasonable in the circumstance' when considering what is reasonable for a particular food business.

7.1 Examples of reasonably available

A food safety supervisor should be located on the premises or should be able to be contacted by the local government or food handlers whenever food handling is being undertaken.

Example

A person works half days, commencing at midday each day and is not contactable outside his or her working hours. Breakfast is served from 8am and lunch preparations commence at 11am. This person would not be considered to be reasonably available to be contacted at all times while the food business is being carried on. However, subject to meeting other criteria, the person may be the food safety supervisor for the afternoon shift, with a different person nominated as the food safety supervisor for the morning shift.

There is no specific requirement to have one food safety supervisor for every store location, but a food safety supervisor must be reasonably available for each store.

Example

A licensee has two food businesses in neighbouring suburbs. Each food business has a separate on site manager and the licensee works out of either store depending on the spread of staff and customer demand. The licensee is contactable by mobile phone at all times that each food business operates. The licensee nominates him or herself as the food safety supervisor for both food businesses.

If the food safety supervisor is absent from a food business (such as on leave), there should be a documented mechanism (written procedures) to ensure directions about matters relating to food safety are available to persons who handle food.

Example

A food safety supervisor takes a one week holiday. Prior to commencing leave, the food safety supervisor prepares written guidance for temperature control measures for deliveries and cold storage for staff responsible for receiving food.

A food safety supervisor is not required to be available when the business is operating but no food handling is being undertaken.

Example

A sporting club kitchen closes at 9pm but the club remains open until 11pm for entertainment activities. A food safety supervisor would not be required for the period after 9pm even though the business is open.

7.2 What is a documented mechanism?

A documented mechanism is a written procedure that provides advice to persons in a food business on matters relating to food safety and handling in the food business. The procedures must be appropriate and relevant to the food business. A documented mechanism is not an accredited food safety program; it is a simple set of instructions on key food safety matters to enable staff to safely conduct all food handling activities in the absence of the food safety supervisor.

Local governments are not required to assess or approve documents developed or used by food business licensees or food safety supervisors.

8 How does a food business licensee notify the local government of their food safety supervisor?

A food business licensee must notify the local government that issues their licence of the name and contact details of their food safety supervisor.

A licensee for a new food business must notify the local government of the food safety supervisor's details within 30 days of the issue of their licence.

A licensee for an existing food business must, within 14 days, notify the local government:

- of a change in a food safety supervisor's contact details
- if a person stops being a food safety supervisor
- of the name and contact details of a new food safety supervisor.

Local governments may create a form and/or internal process for receiving notifications of food safety supervisors. Fees may be set in accordance with section 31 of the Act. The Act does not prescribe a limit on fees and it is the responsibility of each local government to set fees, however the fee cannot be more than the cost to the local government to receive and process food safety supervisor notifications.

It is important to remember that local governments cannot approve or refuse food safety supervisor notifications. If a local government considers that a food business licensee is not complying with the food safety supervisor provisions of the Act, they may choose to take enforcement action to ensure compliance (see Section 10).

9 Are other persons in a food business responsible for food safety?

The Act places obligations on food business licensees and food handlers in relation to the safe handling of food. Additionally, the food safety standards in chapter 3 of the Australia New Zealand Food Standards Code (the Code) set out health and hygiene requirements for food businesses and food handlers.

Clause 3 of food safety standard 3.2.2 of the Code requires a food business to ensure that all persons undertaking or supervising food handling have skills and knowledge in food safety and food hygiene matters commensurate with their work activities.

Example

A chef that prepares and processes food will need high level skills and knowledge in food safety and food hygiene; however a waiter or shop assistant that only handles packaged or ready-to-eat food may require a lower level of skills and knowledge.

The skills and knowledge requirement is in addition to the requirement for a food business to have a food safety supervisor.

Some local governments offer basic food handler training, or sponsor an online training course for food handlers, designed for all employees of a food business. This type of training does not usually provide the detailed knowledge required of a food safety supervisor, but may assist a licensee in complying with the requirement for all staff to have skills and knowledge appropriate to their work activities. Local governments should ensure that food business licensees are aware of the difference in the skills and knowledge requirements for all staff and those for a food safety supervisor.

10 What enforcement actions are available to local governments?

The food safety supervisor provisions in sections 86, 87 and 88 of the Act are offences that carry maximum penalties for non-compliance of 50 penalty units.

There are a number of options available to local governments to enforce the food safety supervisor provisions including:

- providing verbal instructions requesting compliance with the Act
- sending a warning letter requesting compliance with the Act and outlining possible further enforcement action
- issuing an improvement notice (for sections 86, 87 and 88, see section 209)
- issuing a prescribed infringement notice (PIN) (for sections 86 and 88)

- suspending or cancelling the food business licence (on the grounds of contravening the condition of the licence that requires the licensee to comply with the Act, see sections 69 and 78)
- prosecuting the food business licensee (for sections 86, 87 and 88).

For further information on enforcement options, please refer to the *Monitoring and enforcement* guideline.

11 Further information

The Food Safety Policy and Regulation Unit, Queensland Health produces resources to assist food business licensees and local governments in administering and complying with the Act. Feedback on any resources produced by the Food Safety Policy and Regulation Unit is welcomed and can be emailed to foodsafety@health.qld.gov.au.

11.1 Food business licensees

Food Safety Fact Sheet 18 – *Food safety supervisors* provides advice on the food safety supervisor requirements for food business licensees and can be accessed from the Queensland Health website at www.health.qld.gov.au/foodsafety.

Food business licensees are encouraged to contact their local government with any questions relating to food safety supervisor requirements, training for food safety supervisors, or training for food handlers. Contact details can be found in the White Pages or at www.dlqp.qld.gov.au/local-government-directory/.

11.2 Local governments

The document *A guide to equivalence for recommended competency standards for food safety supervisors*, the *Monitoring and enforcement* guideline, and other resources for local government officers administering the Act are available on the Queensland Health local government secure website at www.health.qld.gov.au/eholocalgov.

Local governments requiring further advice on the food safety supervisor provisions, or access for the local government secure site, are encouraged to contact Food Safety Policy and Regulation, Queensland Health on 3328 9310 or foodsafety@health.qld.gov.au.