

Queensland Health

Food safety supervisors

Food Act 2006



Queensland
Government

Food safety supervisors - *Food Act 2006*

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For more information contact:

Food Safety Standards and Regulation, Department of Health, Queensland Health, PO Box 2368, Fortitude Valley BC QLD 4006,
email foodsafety@health.qld.gov.au, phone (07) 3328 9310.

An electronic version of this document is available at

www.health.qld.gov.au/_data/assets/pdf_file/0027/813618/food-safety-supervisors.pdf

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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 that business.

This document provides guidance to Local Government and the food industry on the legislative requirements in relation to food safety supervisors and how these requirements can be achieved.

1 What is a food safety supervisor and what is their role?

A food safety supervisor is a person who has advanced food safety skills and knowledge and has the ability to oversee the food safety operations of the food business on a day-to-day basis.

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

- a) knows how to recognise, prevent and alleviate food safety hazards of the food business;
- b) has skills and knowledge in matters relating to food safety relevant to the food business;
- c) has the authority to supervise and give directions about matters relating to food safety to persons who handle food in the food business; and
- d) 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.

The role of the food safety supervisor is to make sure the business is handling food safely. They can do this through instructing staff, reviewing and updating business procedures, and inspecting food handling operations and the premises. Where potential hazards are identified, it is the role of the food safety supervisor to make sure risks are managed and issues are prevented or corrected. The business needs to make sure the food safety supervisor is able to fulfil these duties.

The food safety supervisor is expected to be involved in the day-to-day operations of the food business and they must be reasonably available to food handlers and the relevant local government.

The requirement for a food business to have a food safety supervisor under the Act is in addition to and does not change a food business' requirement under the Food Standards Australia New Zealand Food Standards Code (the Code), Standard 3.2.2 Food safety practices and general requirements, to ensure all persons undertaking or supervising food handling operations have skills and knowledge relating to food safety and food hygiene matters appropriate to their work activities.

2 Why is a food safety supervisor important?

The food safety supervisor has an important role in sharing skills and knowledge, and improving awareness of what can happen if food is unsafe – that is, foodborne illness and injury and its impacts. This helps foster a positive food safety culture, where food safety is a top priority in ‘the way things are done around here’.

In a business with good food safety culture, workers’ attitudes and behaviours result in food being handled in a way that keeps it safe (e.g., importance of adherence to the 2-hour/4-hour rule). If something goes wrong, food that may be unsafe to eat and is not processed further or served to consumers.

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 this guideline. 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 What training does a food safety supervisor need?

Under the Code, standard 3.2.2A Food safety management tools, food safety supervisors for category one and category two food businesses (excludes the handling of food for or at a fundraising event) must obtain food safety supervisor certification at least every 5 years.

A **category one** business means a food business that:

- (a) is a caterer or a food service; and
- (b) processes unpackaged potentially hazardous food into a food that is:
 - i. potentially hazardous food; and
 - ii. ready-to-eat food.

Examples of category one businesses include (but are not limited to) restaurants, takeaway outlets, caterers and bakeries.

A **category two** business means a food business that offers for retail sale food that is:

- (a) potentially hazardous food; and
- (b) ready-to-eat food; and

where that food:

- i. was received unpackaged by the food business or was unpackaged by the food business after receipt; and
- ii. was not made or processed (other than slicing, weighing, repacking, reheating or hot-holding the food) by the food business.

For example, category two businesses may include retail businesses such as delicatessens, market stalls, supermarkets with delicatessens, service stations, convenience stores and other food retailers.

It is recommended that food safety supervisors for all other licensed food businesses obtain the same certification to demonstrate that they have the required level of skills and knowledge to be a food safety supervisor.

A food safety supervisor certificate for category one and category two food businesses must be obtained from a registered training organisation (RTO).

A person who has a Statement of Attainment issued by an RTO for the national competencies identified in Table 1 satisfies this requirement.

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 (Recognition of Prior Learning).

Table 1 Food safety supervisor competency standards

Food sector	Competency code	Competency title
Food processing	FBPFSY2002	Apply food safety procedures
	OR FBPFSY1002	Follow work procedures to maintain food safety
Retail and hospitality	SITXFSA005 and SITXFSA006	Use hygienic practices for food safety Participate in safe food handling practices
	OR SIRRFSA001	Handle food safely in a retail environment

Food sector	Competency code	Competency title
Health and community services	HLTFSE001 and	Follow basic food safety practices
	HLTFSE005 and	Apply and monitor food safety requirements
	HLTFSE007	Oversee the day-to-day implementation of food safety in the workplace
Transport and distribution	SITXFSA005 and	Use hygienic practices for food safety
	SITXFSA006	Participate in safe food handling practices

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 the training may simply be a superseded competency code.

4.1 How to determine the food sector of 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 and hospitality - includes food businesses that prepare and sell food by retail.

Health and community services - includes food businesses that prepare or sell food for consumption by vulnerable persons.

Transport and 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 1 Examples of the types of food businesses that fall into defined food sectors

Food processing	Retail and hospitality	Health and community services	Transport and distribution
Airline caterers	Caterers for private functions	Catering for hospitals or nursing homes	Water carriers
Wholesale bakers	Convenience stores	Childcare centres	Bulk food distribution
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 & cafes		

4.2 Where can training be undertaken?

Food safety supervisor training 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 the Australian Government website <http://training.gov.au>:

1. Enter the recommended competency code in the search field.
2. In the search results select 'Find RTOs approved to deliver this unit of competency'.

Food business licensees are encouraged to confirm that the chosen training provider is a current RTO and will provide a Statement of Attainment on successful completion of the 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 to determine if the skills and knowledge requirements for a food safety supervisor are met

5.1 Statement of Attainment for training

If a person has completed the training, a copy of their Statement of Attainment issued by the RTO must be provided to the local government, if requested.

If a person has previously completed a national competency within the previous five years that has a different code or title to those listed in Table 1, it may be a superseded version of the competency. To check if a competency has been superseded, search for the code at <http://training.gov.au>.

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 automatically satisfies 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, 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.

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 often similar in time and resources to undertaking the training in the required 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 requested by 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.

Note that for category one and category two food businesses, the training qualification must have been completed within the past five years.

5.4 Maintenance of skills and knowledge

It is important to ensure that those in the position of food safety supervisor have relevant and consistent skills and knowledge. A food safety supervisor certificate is valid for five years for category one and category two food businesses. The certification will need to show that the participant has successfully completed the required units of competency.

A complete course will need to be repeated every five years for category one and category two food businesses. Alternatively, some RTOs may offer refresher food safety supervisor courses for those who have received the qualification previously.

6 How to determine if a person has the authority to supervise

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 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 onsite 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' as a point of contact by the local government and food handlers at the food business while the food business is operating. The food safety supervisor should be in a position where they can oversee food handling and be involved in the day-to-day food handling operations of the food business.

The following information on 'reasonably available' is provided to guide authorised persons in exercising professional judgment, whilst allowing flexibility. 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 whenever food handling of high-risk unpackaged foods is being undertaken or should be able to be easily contacted (e.g. by phone) if established food handling procedures are in place at the business.

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 themselves as the food safety supervisor for both food businesses.

If the food safety supervisor is absent from a food business (e.g., on a short holiday up to 30 days), there should be a documented standard operating procedure (written procedures) to ensure directions about matters relating to food safety are available to persons who handle food. For extended leave, another food safety supervisor would need to be appointed.

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.

8 What is a standard operating procedure?

A standard operating procedure is a written document 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 standard operating procedure is not an accredited food safety program, it is a simple set of instructions on key food safety matters to assist staff to safely conduct 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.

9 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. To find out whether there is a prescribed form or fee associated with food safety supervisor notification, contact your local government.

Local governments cannot approve or refuse food safety supervisor notifications, however 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 11 below).

10 How 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. The food safety standards in chapter 3 of the Code set out health and hygiene requirements for food handlers.

Clause 3 of 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 a high level of skills and knowledge in food safety and food hygiene; however, a waiter or shop assistant that only handles packaged or plated ready-to-eat food may require a lower level of skills and knowledge.

Standard 3.2.2A, clause 10 requires that food handlers need appropriate and adequate food safety skills and knowledge to handle potentially hazardous foods and keep them safe to eat. Food handlers must have completed a food safety training course or have skills and knowledge of food safety and hygiene matters commensurate with their work activities.

Category one and category two food businesses must ensure all food handlers have completed a food safety training course, or have appropriate skills and knowledge, before they start handling high-risk foods.

The food safety training course must include information on:

- (a) safe handling of food; and
- (b) food contamination; and
- (c) cleaning and sanitising of food premises and equipment; and
- (d) personal hygiene.

Businesses may use online food safety training programs (e.g. [I'm Alert](#) and [DoFoodSafely](#) are free and recognised by enforcement agencies), courses from vocational training providers, or training developed by the business. An internal program may be tailored to the business' own activities and procedures, but it must cover the information specified above.

It is important to note that online training courses available for food handlers will generally not provide the detailed level of knowledge required for a food safety supervisor.

11 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. Section 39 provides that a person must comply with a requirement imposed on the person by a provision of the food standards code, which includes standard 3.2.2A food safety supervisor provisions. The maximum penalty for noncompliance with the food standards code is 500 penalty units.

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

- 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 39, 86, 87 and 88, see section 209)
- issuing a prescribed infringement notice (PIN) (for sections 39, 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)
- prosecution of the food business licensee (for sections 39, 86, 87 and 88).

For further information on enforcement of the Act, please refer to the [Monitoring and enforcement](#) guideline.

12 Further information

A wide range of resources and guidance tools for food businesses and Local Government regarding the requirements of the *Food Act 2006* and the *Australia New Zealand Food Standards Code* as well as general food safety matters, are available on The Food Pantry, at www.qld.gov.au/foodpantry.

The FSANZ publication *Safe Food Australia - A guide to the Food Safety Standards* is a guide for government agencies who are responsible for enforcing the standards, although food businesses may also find it offers helpful information about the standards and food safety issues. *Safe Food Australia* is available at www.foodstandards.gov.au/publications/Pages/safefoodaustralia3rd16.aspx.