



FOOD STANDARDS
Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

12 December 2007
[8-07]

DRAFT ASSESSMENT REPORT

PROPOSAL P290

FOOD SAFETY PROGRAMS FOR CATERING OPERATIONS TO THE GENERAL PUBLIC

DEADLINE FOR PUBLIC SUBMISSIONS: 6pm (Canberra time) 5 March 2008
SUBMISSIONS RECEIVED AFTER THIS DEADLINE
WILL NOT BE CONSIDERED

(See 'Invitation for Public Submissions' for details)

For Information on matters relating to this Assessment Report or the assessment process generally, please refer to <http://www.foodstandards.gov.au/standardsdevelopment/>

EXECUTIVE SUMMARY

In response to a decision of the Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) FSANZ is proposing to mandate food safety programs for food businesses that undertake catering activities that serve food to the general population. The relevant Ministerial Policy Guidelines, *Food Safety Management in Australia: Food Safety Programs* (Ministerial Policy Guidelines), is at Attachment 4.

The proposed Standard will apply to food businesses in Australia only and does not apply in New Zealand.

An Advisory Group with representatives from industry, the Australian, State and Territory and New Zealand Governments and from consumer groups has assisted with the development of this Proposal.

In accordance with the Ministerial Policy Guidelines businesses that would be required to comply with the proposed Standard 3.3.2 – Food Safety Programs for Catering Operations would include those that undertake catering activities, either at the same location as where the food is processed (‘on-site catering’) or at a location other than where the food is processed (‘off-site catering’). In accordance with the Ministerial Policy Guidelines FSANZ proposes to exempt food businesses that occasionally undertake catering activities, those that provide ready-to-eat takeaways or food businesses where the only catering undertaken is producing the type of food for office lunches e.g. platters of ready-to-eat foods such as sandwiches or fruit platters.

The Proposal has identified two regulatory options:

- Option 1 – to maintain the *status quo* and not adopt Standard 3.3.2 to mandate compliance with Standard 3.2.1 – Food Safety Programs, by food businesses undertaking catering operations serving food to the general public.
- Option 2 – to adopt Standard 3.3.2 to mandate compliance with Standard 3.2.1 – Food Safety Programs, by food businesses undertaking catering operations serving food to the general public.

In order to implement the advice provided in the Ministerial Policy Guidelines, Option 2 is the only acceptable outcome. The proposed draft Standard 3.3.2 – Food Safety Programs for Catering Operations, is provided at Attachment 1. As the Standard refers to Standard 3.2.1 – Food Safety Programs, a copy is provided at Attachment 3. If the Code is amended as proposed, compliance with Standard 3.3.2 will be required no later than two years after gazettal.

FSANZ is seeking public comment in order to progress this Proposal to Final Assessment.

Purpose

The purpose of this Proposal is to vary the *Australia New Zealand Food Standards Code* (the Code) to mandate food safety programs for food businesses that undertake catering operations that serve food to the general public. This is in response to the advice provided by the Ministerial Policy Guidelines.

Preferred Option

FSANZ recommends the amendment of the Code to include Standard 3.3.2 – Food Safety Programs for Catering Operations. This Proposal is consistent with the Ministerial Policy Guidelines.

Reasons for Preferred Option

- The Ministerial Council, on 12 December 2003, made a decision that food safety programs should be mandated for specific high-risk sectors of the food industry, as set out in the Ministerial Policy Guidelines. This decision was on the basis that:
 - the National Risk Validation Project concluded that catering operations serving food to the general public was a high risk sector of the food industry; and
 - the Allen Report on the costs and efficacy of introducing food safety programs concluded that the benefits for high-risk businesses outweigh the costs of implementing, utilising and auditing a food safety program.
- Compliance with the proposed amendments to the Code should reduce the number of food poisoning incidents attributable to catering.
- The proposed amendments to the Code are consistent with the section 18 objectives of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act)¹ and the Ministerial Policy Guidelines.

Consultation

The Initial Assessment Report was available for public comment for eight weeks in May-June 2004. A total of twelve submissions were received in response to the Report and identified a number of issues including:

- the concern that further analysis of the evidence base was needed;
- the intent of terms provided in the Ministerial Policy Guidelines;
- the application of the proposed Standard to fundraising events;
- auditing requirements for food safety programs; and
- the need for support material to assist caterers comply with the proposed Standard.

These issues have been addressed in this report. A summary of the submissions received in response to the Initial Assessment Report is included at Assessment 5.

Following Initial Assessment, FSANZ established an Advisory Group comprising key industry and consumer stakeholders in Australia and New Zealand, to assist in the assessment of Proposal P290.

¹ The FSANZ Act can be accessed via the homepage of the FSANZ website www.foodstandards.gov.au

To address concerns with clarifying the intent of certain terms used in the Ministerial Policy Guidelines, FSANZ sought advice from the Food Regulation Standing Committee. The advice was received in late 2005.

FSANZ has used the advice of the Ministerial Policy Guidelines, the advice provided by the FRSC Policy Working Group, and consultations with the Catering Advisory Group, to develop the proposed draft Standard 3.3.2 for consideration.

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INVITATION FOR PUBLIC SUBMISSIONS

FSANZ invites public comment on this Report and the draft variation to the Code based on regulation impact principles for the purpose of preparing an amendment to the Code for approval by the FSANZ Board.

Written submissions are invited from interested individuals and organisations to assist FSANZ in further considering this Application/Proposal. Submissions should, where possible, address the objectives of FSANZ as set out in section 18 of the FSANZ Act. Information providing details of potential costs and benefits of the proposed change to the Code from stakeholders is highly desirable. Claims made in submissions should be supported wherever possible by referencing or including relevant studies, research findings, trials, surveys etc. Technical information should be in sufficient detail to allow independent scientific assessment.

The processes of FSANZ are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of FSANZ and made available for inspection. If you wish any information contained in a submission to remain confidential to FSANZ, you should clearly identify the sensitive information, separate it from your submission and provide justification for treating it as confidential commercial material. Section 114 of the FSANZ Act requires FSANZ to treat in-confidence, trade secrets relating to food and any other information relating to food, the commercial value of which would be, or could reasonably be expected to be, destroyed or diminished by disclosure.

Submissions must be made in writing and should clearly be marked with the word 'Submission' and quote the correct project number and name. Submissions may be sent to one of the following addresses:

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610
AUSTRALIA
Tel (02) 6271 2222
www.foodstandards.gov.au

Food Standards Australia New Zealand
PO Box 10559
The Terrace WELLINGTON 6036
NEW ZEALAND
Tel (04) 473 9942
www.foodstandards.govt.nz

Submissions need to be received by FSANZ by 6pm (Canberra time) 5 March 2008.

Submissions received after this date will not be considered, unless agreement for an extension has been given prior to this closing date. Agreement to an extension of time will only be given if extraordinary circumstances warrant an extension to the submission period. Any agreed extension will be notified on the FSANZ website and will apply to all submitters.

While FSANZ accepts submissions in hard copy to our offices, it is more convenient and quicker to receive submissions electronically through the FSANZ website using the Standards Development tab and then through Documents for Public Comment. Questions relating to making submissions or the application process can be directed to the Standards Management Officer at the above address or by emailing standards.management@foodstandards.gov.au.

Assessment reports are available for viewing and downloading from the FSANZ website. Alternatively, requests for paper copies of reports or other general inquiries can be directed to FSANZ's Information Officer at either of the above addresses or by emailing info@foodstandards.gov.au.

INTRODUCTION

The Food Regulation Standing Committee (FRSC)² developed the Ministerial Policy Guidelines: *Food Safety Management in Australia: Food Safety Programs* (Ministerial Policy Guidelines) that were endorsed by the Ministerial Council³ in 2003. The Ministerial Policy Guidelines proposed that food safety programs be mandatory for four high risk food industry sectors. One of these sectors is catering operations serving food to the general public. Therefore, in May 2004, FSANZ prepared Proposal P290 to develop a Standard for food safety programs for catering operations serving food to the general public in accordance with the Ministerial Policy Guidelines. This Standard will require businesses that conduct certain catering activities to comply with Standard 3.2.1 – Food Safety Programs.

FSANZ proposes to amend the *Australia New Zealand Food Standards Code* (the Code) to include Standard 3.3.2 – Food Safety Programs for Catering Operations. The proposed Standard will apply in Australia only and does not apply in New Zealand.

FSANZ has established an Advisory Group to assist with this Proposal. The Group consists of representatives from industry, consumers and government.

The Initial Assessment Report for P290 was released for public comment in May 2004. The comments received on this report identified issues that required further clarification from FRSC on matters relating to catering operations in the Ministerial Policy Guidelines. Advice was received from FRSC in late 2005.

Having regard to the further advice received, FSANZ has addressed outstanding issues with the Proposal and has subsequently prepared a draft version of the Standard for consideration.

The purpose of this Draft Assessment Report is to inform the catering industry, governments, consumers and other stakeholders of the results of the initial public consultation, to provide further detail on the Proposal and to provide opportunity for stakeholders to comment on the draft Standard.

The proposed amendment to the Code, Standard 3.3.2 – Food Safety Programs for Catering Operations (proposed Standard) can be found at Attachment 1, and an explanation of each of the clauses of the proposed Standard at Attachment 2.

1. Regulatory Problem

The Ministerial Council requested FSANZ to amend the Code to require specific ‘high risk’ businesses to implement Standard 3.2.1 in order to safeguard consumers from food-borne illness without creating undue impost on industry and community groups.

² FRSC is responsible for co-ordinating policy advice to the Ministerial Council and ensuring a nationally consistent approach to the implementation and enforcement of food standards. Membership of FRSC comprises senior officials of Departments for which the Ministers represented on the Australia and New Zealand Food Regulation Ministerial Council have portfolio responsibility, as well as the President of the Australian Local Government Association.

³ The Ministerial Council’s role is to develop domestic food regulation policy in the form of policy guidelines. The Ministerial Council comprises Ministers from all States and Territories, as well as Australian and New Zealand Governments.

Guidance was provided to FSANZ in the form of the Ministerial Policy Guidelines which were developed based on the findings of three projects:

- the National Risk Validation Project⁴;
- the Allen Report on Food Safety Management Systems – Costs Benefits and Alternatives⁵; and
- data from OzFoodNet⁶.

These projects concluded that catering operations serving food to the general public is a ‘high risk’ sector based on the incidence and estimated cost of food-borne illness associated with catering and that the benefits from implementing a food safety program requirement for this sector outweigh the costs.

The Ministerial Policy Guidelines state that, at a minimum, Standard 3.2.1 is to be implemented by businesses involved in catering operations serving food to the general public.

Currently, there are no mandatory requirements in the Code for Standard 3.2.1 to be implemented by businesses that undertake catering operations for the general public.

2. Ministerial Policy Guidelines

In December 2003, when the work on costs and benefits of food safety programs was finished, the Ministerial Council endorsed the Ministerial Policy Guidelines. The Ministerial Policy Guidelines identified those food businesses that should be required to have a food safety program as defined in Standard 3.2.1 based on the risk they pose and where the benefit of implementing a food safety program outweighed the costs. The four high-risk food industry sectors were:

- food service, whereby potentially hazardous food is served to vulnerable populations;
- producing, harvesting, processing and distributing raw oysters and other bivalves;
- catering operations serving food to the general public; and
- producing manufactured and fermented meat.

In determining the sectors that should be required to have a food safety program, the following was referred to:

- data from a national surveillance system called OzFoodNet that keeps track of and reports on outbreaks of food-borne illness, the incidence in Australia of this illness and its causes;

⁴ The National Risk Validation Project – Final Report (2002)
<http://www.health.gov.au/internet/wcms/Publishing.nsf/Content/health-pubhlth-strateg-foodpolicy-pdf-validation.htm>

⁵ The Final Report of Food Safety Management Systems – Cost , Benefits and Alternatives (Allen Report)
www.health.gov.au/internet/wcms/publishing.nsf/Content/health-pubhlth-strateg-foodpolicy-pdf-alternatives.htm

⁶ OzFoodNet website: www.ozfoodnet.org.au

- a report produced by the Allen Consulting Group entitled *Food safety management systems: costs, benefits and alternatives* (the Allen Report) that examined closely the costs for businesses in having a food safety program, the benefits for consumers of this approach and what other systems might deliver the same level of food safety; and
- the findings of the *National Risk Validation Project* that identified the food handling sectors in Australia that posed the greatest risk of food safety problems.

In accordance with the Ministerial Policy Guidelines, FSANZ has developed Standards that require food safety programs for three of the four high risk food industry sectors; production and processing of raw oysters and bivalves (Standard 4.2.1 – Primary Production and Processing Standard for Seafood), producing manufactured and fermented meat (Standard 4.2.3 – Primary Production and Processing Standard for Meat) and food service to vulnerable populations (Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons). The proposed Standard for catering will be the final Standard required by the Ministerial Policy Guidelines.

In May 2004, FSANZ prepared Proposal P290 – Food Safety Programs for Catering Operations for the General Public. The Ministerial Policy Guidelines identified, where appropriate, specific issues for the sector, including definitional matters and areas of exclusion from any requirements for particular sectors based on a low benefit to cost ratio. A copy of the section of the Ministerial Policy Guidelines that discuss catering has been included at Attachment 4.

The definition of catering proposed in the Ministerial Policy Guidelines is:

Businesses under this category that should have Food Safety Programs in place are:

- *those which serve potentially hazardous food⁷ at a location other than where it has been prepared; (‘serve’ – set out or present food for those about to eat it)*

OR

- *those whereby potentially hazardous food is provided **simultaneously to all customers** where the seating capacity of the food premises is 50 people or more.*

The Ministerial Policy Guidelines state that these definitions are intended to cover the two key areas of concern:

- (a) catering operations where there is a transport step between the preparation of the food and its sale; and
- (b) large caterers and function centres where a large amount of food is prepared and served at the same time.

⁷ The meaning of potentially hazardous food, as used in this definition, is defined in Standard 3.2.2 – Food Safety Practices and General Requirements as:

***Potentially hazardous food** means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.*

Further, the definition of catering was to be worded so that it did not capture eating establishments⁸ (e.g. restaurants, cafes, fast food businesses which have direct cook-serve operations) as the cost/benefit analysis for this sector indicated that mandatory food safety programs were **not** justified. This exclusion extends to restaurants that may conduct functions occasionally where food is served simultaneously and to buffets as they cannot be justified by the benefit to cost ratio.

Although community or charitable fund raising events that fall within the definition of catering are included in the high risk category, such events are specifically excluded in Standard 3.2.1 from the food safety program requirements of the Standard. Clause 6 of Standard 3.2.1 states that:

A food business does not have to prepare a food safety program in accordance with this Standard in relation to fundraising events conducted by the food business, that is, events that raise funds solely for community or charitable causes and not for personal financial gain.

The Ministerial Policy Guidelines state that consideration is to be given to alternative food safety management options that may be more appropriate for these groups. Support materials for such events have been described under section 12.1 of this Report.

3. Current Standard

3.1 Background

3.1.1 Food Safety Standards

In August 2000, the Code was amended to include a new Chapter of Food Safety Standards, for application in Australia only, to provide a nationally consistent set of food safety requirements for food businesses. This Chapter, Chapter 3, adopted three Standards that were required to be incorporated into State and Territory law. These are:

Standard 3.1.1 – Interpretation and Application

Standard 3.2.2 – Food Safety Practices and General Requirements

Standard 3.2.3 – Food Premises and Equipment

Food businesses that undertake catering activities must currently meet the requirements of these three Standards.

The fourth Standard, 3.2.1 (Attachment 3), was included in the Code in December 2000. This Standard requires food businesses to demonstrate that they are controlling food safety hazards in their businesses by developing and implementing food safety programs. However, the Ministerial Council deferred the application of Standard 3.2.1 to food businesses until sound data on food-borne illness in Australia and more information of the costs and benefits of food safety programs were available.

⁸ The National Risk Validation Project considered eating establishments as ‘direct cook-serve operations, home delivery/takeaway of hot foods anticipated for immediate consumption. On the basis of similar modes of operation this would include: restaurants; cafes; hotel/motel restaurants; clubs; takeaway; home delivery; fast food business.’

The intention of including the Standard in the Code before this information was available was to promote national consistency by providing a model for those States and Territories (such as Victoria), who wished to introduce food safety programs ahead of a national requirement.

3.1.2 Food Safety Programs

Under the proposed Standard, caterers will be required to have a food safety program. This is a documented food safety system that is defined in Standard 3.2.1 as a written document which:

- (a) systematically identifies the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;
- (b) identifies where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;
- (c) provides for the systematic monitoring of those controls;
- (d) provides for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;
- (e) provides for the regular review of the program by the food business to ensure its adequacy; and
- (f) provides for appropriate records to be made and kept by the food business demonstrating action in relation to, or in compliance with, the food safety program.

Standard 3.2.1 requires a food business to ensure that its food safety program is audited by a food safety auditor at the frequency determined by the enforcement agency.

The amount of information needed in a food business' food safety program will depend on the type and complexity of the food business. In a food safety program the business is also demonstrating how it is complying with Standard 3.2.2 and Standard 3.2.3.

4. Objectives

The specific objective of Proposal P290 is to protect public health and safety of the general population by reducing the incidence of food-borne illness attributed to catering operations.

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 18 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

SCIENTIFIC ASSESSMENT

5. Rational for mandating Standard 3.2.1

The National Risk Validation Project was undertaken in 2001. The project comprised of two parts. Part 1 identified potentially high-risk food industry sectors and used risk assessment principles to validate the categorisation of selected sectors as high risk. Part 2 of the project had two objectives: to determine the potential cost to the food industry, public and Government of food-borne illness associated with high-risk businesses and to determine the costs and benefits of implementing food safety programs in high-risk food industry sectors.

5.1 Risk Validation of High Risk Food Businesses (Part 1)

The National Risk Validation Project identified potentially high-risk food businesses through a review of both Australian and overseas data of food-borne disease outbreaks and examined the factors contributing to these outbreaks. The project concluded that catering operations serving food to the general population was the third highest risk sector. This followed food service to sensitive populations and producers, harvesters, processors and vendors of raw ready-to-eat seafood.

5.1.1 Catering operations serving food to the general population

Catering was defined by the National Risk Validation Project as any method of preparation and service of potentially hazardous foods which utilises an intended time period during preparation and service or when food is served to large numbers of people simultaneously. The project considered that such catering operations would include:

- defence catering;
- prison catering;
- boarding schools and school canteens;
- university and college catering;
- function catering;
- camp catering;
- fete / fair / festival / market catering; and
- airline and other tourist catering.

The food-borne illness data collected by the National Risk Validation Project showed that around 30% of outbreaks were associated with commercial catering operations.

5.1.2 *Factors contributing to food-borne illness*

The National Risk Validation Project found that the most important factors contributing to food-borne disease outbreaks continue to be the preparation of food in bulk, inadequate cooking or reheating, improper temperature control and the faulty personal hygiene of food handlers. These factors are more generally classified under the areas of ‘temperature misuse’ and ‘inadequate handling’. Food-borne illness outbreaks associated with catering are largely attributable to these factors.

5.1.2.1 Temperature misuse

When food that will support the growth of pathogenic microorganisms is produced in bulk (such as the case for large catering operations) for subsequent serving, it is more likely to suffer temperature misuse during cooling, storage or subsequent re-heating. Preparation well in advance and the inclusion of a transport step between preparation and serving provide an even greater opportunity for time/temperature abuse and pathogen growth.

5.1.2.2 Inadequate handling

Inadequate handling encompasses both cross contamination and contamination by a food handler. The nature of the activities and food handling operations involved in catering mean that ready-to-eat foods are liable to cross contamination by inadequately trained staff using either poor practice or poor personal hygiene.

5.2 Cost/Benefit Rationale (Part 2)

The Australian Government Department of Health and Ageing engaged The Allen Consulting Group to undertake a review of the costs and efficacy of introducing food safety programs, as defined in Standard 3.2.1, across *all* food businesses. The Final Report of this project, *Food Safety Management Systems – Costs, Benefits and Alternatives* (the Allen Report), found that the benefits of introducing Standard 3.2.1 outweighed the cost for ‘high-risk’ business.

The Allen Report considered that the requirements of Standard 3.2.1 involve a fundamentally different approach to food safety management, requiring a proactive evaluation of specific risks compare to a ‘rote learning’ reactive approach to general risk categories. The costs associated with this approach are largely time-based which businesses would absorb through longer hours of work or incorporation of the additional requirements, such as record keeping, within additional duties. The main cost drivers include implementation costs (training and development), the ongoing costs of record keeping, review and audit costs.

The main benefits of food safety programs reported by the Allen Report would arise from the reductions in food-borne illness. The extent of this benefit is hard to quantify and relates to judgements around:

- the current incidence and associated costs; and
- the size of any decrease in food-borne illness attributable to food safety programs.

The Allen Report calculated a median benefit of \$339 million per annum for the Australia population, based on a 15% reduction in food-borne illness.

Other likely benefits to businesses were reported to be difficult to quantify but included improved quality, reduced wastage, better staff awareness and moral, and improved routine.

The Allen Report concluded that the benefits for high-risk businesses outweigh the costs of implementing, utilising and auditing a food safety program.

The National Risk Validation Project (Part 2) further built on data from the Allen Report. It included a cost/benefit analysis of implementing food safety programs, specifically for the high-risk food industries identified in Part 1. The total cost of food-borne illness associated with catering operations serving food to the general population was estimated to be \$AUD540million per year or 49 cents per meal. A benefit cost ratio was calculated at 9.9 (for class 1 outbreaks⁹) and 10.4 (class 1 and 2 outbreaks).

Therefore the scientific justification and the cost/benefit analysis provided in the National Risk Validation Project supports the advice provided in the Ministerial Policy Guidelines to mandate food safety programs for catering operations serving to the general public.

Additionally, the Initial Assessment Report invited stakeholders to provide any additional information relevant to the scientific justification to require food safety programs for catering activities. There was no further information provided therefore it is the approach of FSANZ to progress the Proposal to Draft Assessment in accordance with the advice of the Ministerial Policy Guidelines.

RISK MANAGEMENT

6. Risk Management Strategy

FSANZ was given direction from the Ministerial Council to mandate food safety programs, as defined in Standard 3.2.1, for businesses involved in catering operations serving food to the general population. The risk management strategy of this Proposal has been to work in consultation with the Advisory Group, enforcement agencies and other stakeholders to ensure the Standard is consistent with the Ministerial Policy Guidelines and is enforceable.

6.1 Relevant Issues

Several issues have been raised through the standard development process, either through submissions to the Initial Assessment Report or by Advisory Group members.

The main issues were:

- the need for further analysis of the evidence base;
- general concerns with the definition of ‘catering’ provided in the Ministerial Policy Guidelines;

⁹ Class 1 outbreaks are those where it is reasonable to assume that the cause of illness would have been detected and remedied by measures put in place under a food safety program. Class 2 outbreaks are those where the information on the source of the outbreak is insufficient to make a judgement on the likely effectiveness of a food safety program.

- issues with the intent of definitions and terms provided in the Ministerial Policy Guidelines, including those used in the definition of ‘catering’ and the businesses that were to be exempt from the requirements;
- the application of the Standard to events organised by charity and community organisations;
- the requirement for auditing of food safety programs; and
- support materials to assist caterers comply with the proposed Standard, for example the Interpretive Guide to Standard 3.2.1.

The issues, and the approaches to resolve them, are discussed below.

6.1.1 The need for further analysis of the evidence base

It was considered that the evidence used to justify requiring food safety programs for certain catering activities may not be adequate and therefore a more detailed analysis of outbreak data and cost/benefit information is required.

6.1.1.1 Response to the issue:

The evidence used to propose food safety programs for certain high risk catering activities in the Ministerial Policy Guidelines was:

- data from OzFoodNet which showed that approximately two thirds of recorded outbreaks are associated with eating establishments and catering operations;
- the findings of the National Risk Validation Project that identified the food handling sectors in Australia that posed the greatest risk of food safety problems – one of which was catering; and
- the Allen Report that concluded that the benefit of requiring food safety programs for catering operations outweighed the benefit.

The Office of Best Practice Regulation¹⁰ has assessed the regulatory impact analysis of the Ministerial Policy Guidelines taking into account:

- whether the Regulatory Impact Statement guidelines were followed;
- whether the type and level of analysis are adequate and commensurate with the potential economic and social impact of the Proposal; and
- whether alternatives to regulation had been adequately considered.

¹⁰ The Office of Best Practice Regulation is part of the Productivity Commission and has a central role in assisting departments and agencies to meet the Australian Government's regulatory impact analysis requirements and in monitoring and reporting on their performance.

The Office of Best Practice Regulation considered that these matters have been adequately addressed¹¹. More information about the Impact Analysis is in section 8 of this Report.

FSANZ will not further consider the costs and benefits of requiring food safety programs for high risk catering activities with respect to the progression of this Proposal in accordance with the Ministerial Policy Guidelines. The former Australian Liberal Government was committed to conducting an independent review of the policy, as per recommendation 4.51 of the Banks Review¹², 2 -3 years after it comes into force (further details provided in section 12.2 of this Report).

6.1.2 *General concerns with the definition of 'catering'*

Many general queries and comments have been raised regarding the definition of catering provided in the Ministerial Policy Guidelines (see Attachment 5 for a summary of the comments received at Initial Assessment).

6.1.2.1 Response to the issue:

FSANZ has considered all comments and suggestions in drafting the proposed Standard.

FSANZ welcomes any comments on the proposed draft Standard, including the definitions included for 'catering event' and 'catering activities'. The proposed draft Standard is at Attachment 1 and an explanation of each clause is given in Attachment 2.

6.1.3 *The intent of definitions and terms in the Ministerial Policy Guidelines*

The intent of certain terms used in the definition of catering provided in the Ministerial Policy Guidelines were potentially open to various interpretations.

The proposed definition of catering provided in the Ministerial Policy Guidelines is:

Businesses under this category that should have Food Safety Programs in place are:

- *those which serve potentially hazardous food¹³ at a location other than where it has been prepared; ('serve' – set out or present food for those about to eat it)*
- OR
- *those whereby potentially hazardous food is provided **simultaneously to all customers** where the seating capacity of the food premises is 50 people or more.*

The terms that required clarification were 'serve', 'prepared', 'simultaneously to all customers' and 'seating capacity'. Questions were also raised as to the inclusion of '50' as the number in relation to the seating capacity.

¹¹ OBPR reference number 3339

¹² 'Rethinking Regulation: Report of the Taskforce of Reducing Regulatory Burdens on Business' by Mr Gary Banks, Chairman of the Productivity Commission.

¹³ The meaning of potentially hazardous food, as used in this definition, is defined in Standard 3.2.2 – *Food Safety Practices and General Requirements* as:

Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

Additionally, the Ministerial Policy Guidelines provided advice on the type of businesses that were to be excluded. However, submissions to the Initial Assessment Report and comments from the Catering Advisory Group sought clarification on whether the exclusion for restaurants that ‘occasionally’ cater was intended to exclude food businesses that catered but also had a restaurant business.

FSANZ sought clarification of the terms from the FRSC and has prepared the draft Standard based on the advice provided by the FRSC and the Ministerial Policy Guidelines.

6.1.3.1 Interpretation of the word ‘serve’

It was raised that the above definition applied only to businesses that ‘served’ food. ‘Serve’ was defined in the Ministerial Policy Guidelines as ‘set out or present food for those about to eat it’. It was considered that businesses preparing and transporting food needed to be included in the Standard as the preparation of food in advance, and its transport where applicable, has the potential for time/temperature abuse and is the main food safety issue. However, the use of the word ‘serve’ in the definition of catering did not necessarily capture businesses that carried out these activities.

There was agreement that the intention is that the Standard should apply to businesses that:

- prepare, and/or
- transport, and/or
- serve potentially hazardous food (i.e. all stages to be covered)

where serving takes place at a location other than where the food has been prepared.

In drafting the Standard 3.2.2, all three stages have been covered in the application of the Standard (Table to subclause 2(1)).

Additionally, it was agreed that by specifying that the Standard was to apply to businesses that prepare and/or transport food to be served at another location, it was not the intent to capture businesses that provide ready-to-eat takeaways (e.g. pizza) or platters of ready-to-eat foods such as sandwiches or fruit platters for office lunches etc.

Businesses that provide ready-to-eat takeaways, such as pizza shops, have been excluded from the draft Standard as they do not meet the definition of a ‘catering event’ (clause 1). A specific exemption has been included in the Standard for businesses where the only catering activity they are engaged in is the preparation and/or delivery of foods for office lunches or similar events (subclause 2(2)).

6.1.3.2 Interpretation of the word ‘prepared’

The word ‘prepared’ was not defined in the Ministerial Policy Guidelines and therefore was open to different interpretations. Clarification was sought on the extent of preparation that should take place where the food is first ‘prepared’.

The intent of ‘prepared’ is to mean that all steps have been taken that makes the food safe and suitable to eat – that is it is peeled and/or washed and/or cooked or other steps that make it safe and suitable to eat i.e. ‘ready-to-eat’.

Steps that are not intended to make the food safe could occur at the location other than where the food is 'prepared'. These are steps such as portioning, placing food onto serving platters, reheating, adding garnishes, finishing crème Brulee by caramelising sugar and similar 'presentation touches' that could be done after food has been transported to its serving location.

FRSC clarified that the intent of 'prepared' is that food is prepared to a ready-to-eat stage and that the Standard should clarify that garnishing and finishing are not part of preparing food.

The descriptions of 'catering activities' in the draft Standard refer to the food being 'ready-to-eat' to indicate that for catering the food is safe and suitable to eat and does not require further processing or preparation by the business to ensure its safety (Table to subclause 2(1)).

For the purposes of exempting businesses that only cater for office type lunches (subclause 2(1)), the food has been limited to the type that does not require any further preparation such as reheating, portioning or garnishing.

6.1.3.3 Interpretation of the word 'simultaneously to all customers'

There were concerns expressed by the Advisory Group and in submissions that food cannot be provided to all customers 'simultaneously'.

The intent was that the phrase 'simultaneously to all customers' meant that:

- at a function, all of the food is intended to be provided to customers at the same sitting; and
- in an institutional setting, food is provided at the same sitting.

i.e.: all the food has been prepared so that it is ready to be consumed at the same time, at the beginning and throughout the sitting

Advice from FRSC indicated that the words 'at the same sitting' would be keeping with the intent of the Ministerial Guidelines that food is provided simultaneously to all customers.

FSANZ has used the term 'at the same sitting' in the draft Standard instead of 'simultaneously to all customers' to define an on-site catering activity (Table to subclause 2(1)).

6.1.3.4 Interpretation of the words 'seating capacity'

The use of a 'seating capacity' in the Ministerial Policy Guidelines definition to describe the application of the Standard was questioned. For example, would the proposed Standard apply if a venue was used for a non-seated event?

The intent was to capture bulk food preparation (i.e. where the food is prepared in bulk in advance of it being served). It was not the intention to confuse the application by referring to the 'seating capacity' of the venue. Therefore, the reference to the number of people was sufficient and the reference to 'seating capacity' was unnecessary.

The draft Standard applies to businesses ‘processing food... for service at a catering event... for 50 or more persons at the same sitting’ (Table to subclause 2(1)).

6.1.3.5 Reference to ‘50’ people or more

Several submissions queried the use of the quantity of ‘50’.

The seating capacity of 50 has been included in the draft Standard in accordance with the Ministerial Policy Guidelines.

The draft Standard defines on-site catering as ‘processing food...for 50 or more persons at the same sitting’ (Table to subclause 2(1)).

6.1.3.6 Exclusion of food businesses that operate restaurants and other types of eating establishments

Concerns were raised that it was not clear whether the intent of the Ministerial Policy Guidelines was to exclude food businesses that operate eating establishments irrespective of whether they also undertake catering activities.

- **Application to eating establishments**

The Ministerial Policy Guidelines state that while eating establishments were also identified (in the National Risk Validation Project) as being in the highest risk group, the benefit to cost ratio was not considered significant enough to justify the application of Standard 3.2.1. The Ministerial Policy Guidelines include the description of ‘eating establishments’ used in the National Risk Validation Project: ‘direct cook-serve operations, home delivery/takeaway of hot food anticipated for immediate consumption. On the basis of similar modes of operations this would include: restaurants, cafes, hotel/motel restaurants, clubs, takeaway, home delivery, fast food businesses’.

The Ministerial Policy Guidelines also advised that restaurants that provide a buffet service should not be included in the definition of catering.

In accordance with the above, the draft Standard does not apply to eating establishments (including restaurants that offer a buffet service) by including a definition of a ‘catering event’ (subclause 1(2)) and only applies to activities carried out by caterers in the Table to subclause 2(1).

- **Application to eating establishments (including restaurants and similar establishments) that occasionally cater**

Some business that operate eating establishments hold functions such as weddings for groups of 50 or more and would be considered to be catering under the definition in the Ministerial Policy Guidelines. The Ministerial Policy Guidelines are clear that if these businesses ‘occasionally’ cater they are to be excluded from the definition of catering because it is not justified on a benefit to cost ratio.

The draft Standard does not apply to food businesses that have catered for less than twelve catering events during the previous twelve months of operations. These food businesses must continue to comply with Standards 3.2.2 and 3.2.3 but do not need to comply with Standard 3.2.1. As above, this includes restaurants that offer a buffet service.

The term 'occasional' has not been used as it was considered to be too subjective for enforcement purposes (as were similar terms such as predominant activity, frequently etc).

- **Application to food businesses that operate eating establishments but also operate catering businesses**

It is considered that the Ministerial Policy Guidelines intends that the catering activities of all food businesses that are more than occasionally catering are to be within the application of the Standard.

The draft Standard applies to food businesses that, during the previous twelve months of operations, have engaged in any of the activities listed in the Table to subclause 2(1) in the draft Standard for twelve or more catering events. A 'catering event' is defined in the draft Standard.

6.1.4 *The application of the Standard to events organised by charity and community organisations*

Standard 3.2.1 specifically excludes charitable and community events from requiring a food safety program and the Ministerial Policy Guidelines states that the exclusion is to remain for the proposed Catering Standard.

It was raised that these catering events are equally as risky as non-charitable catering events, that the exemption would be hard to enforce and it would create inequity between competing private and charitable businesses.

6.1.4.1 Response to the issue:

FSANZ notes the support for not exempting fundraising events. However, this exemption is the advice in the Ministerial Policy Guidelines. While the Ministerial Policy Guidelines recognise that these events may be off-site or on-site catering events (for 50 or more people), and therefore a potentially risky activity, it states that as part of the standard development process, alternative arrangements are to be considered for these types of businesses to manage this potential risk.

Support materials for fundraising events are discussed in section 12.1 of this Report.

It is important to note that this exemption is very limited. The exemption clause of Standard 3.2.1 (clause 6) states:

A food business does not have to prepare a food safety program in accordance with this standard for fund raising events conducted by the food business, that is, events that raise funds solely for community or charitable causes and not for personal financial gain.

This means that in order for the fundraising event to be exempt the proprietors or staff of the business do not receive income or other financial reward from the funds raised at the event as all funds are donated to the community or charitable cause.

It should also be noted that even though food businesses to which Standard 3.2.1 applies may not be required to prepare a food safety program for a fundraising event, they are required by the Standard to have a food safety program for any catering event it engages in that is for financial gain. Although it is not a requirement, the business may choose to include the food handling activities involved in preparing food for a fund raising event in its food safety program.

More information on the exemption clause is provided in the Interpretive Guide to Standard 3.2.1 which is available on the FSANZ website.

6.1.5 The requirement for auditing of food safety programs

Standard 3.2.1 requires a food business to ensure that its food safety program is audited by a food safety auditor at the frequency determined by the enforcement agency. There were several issues raised in submissions concerning the auditing requirement for example, who would conduct them, the cost of third party audits and their frequency.

6.1.5.1 Response to the issue:

Auditing arrangements, such as the nature and type of audit to be conducted, the frequency of audits and their cost, are the responsibility of the enforcement agencies.

On 25 October 2006, the Ministerial Council endorsed the National Food Safety Audit Policy¹⁴ for the approval and management of food safety auditors and food safety audits. The policy focuses primarily on regulatory audits, including those conducted on behalf of regulators by approved private third-party food safety auditors and is intended to promote national consistency in the implementation of auditing provisions for food safety programs..

Currently, a subcommittee of the Implementation Sub-Committee (ISC) is undertaking work to implement the National Food Safety Audit Policy. ISC is a sub committee of the FRSC. Its role is to develop and oversee a consistent approach across jurisdictions to implementation and enforcement of food regulations and standards, regardless of whether the food is sourced from domestic producers, export-registered establishments or from imports.

6.1.6 Support materials to assist caterers comply with the proposed Standard

There has been strong support for the development of tools and materials to support the Standard. Several suggestions on the types of support material, and content to be included were provided in submissions.

¹⁴ The Policy is available on the Food Regulation Secretariat website
<http://www.health.gov.au/internet/wcms/publishing.nsf/Content/foodsecretariat-policydocs.htm>

6.1.6.1 Response to the issue

Information regarding proposed support materials to accompany Standard 3.3.2 is provided under section 12 of this Report. FSANZ has taken account of all suggestions provided in proposing the type of materials that should be developed.

7. Options

At Initial Assessment two regulatory options were proposed for this Proposal:

- Option 1: to maintain the *status quo* and not amend Standard 3.2.1 to apply to catering businesses.
- Option 2: to amend Standard 3.2.1 to mandate food safety programs as defined by Standard 3.2.1 for catering businesses.

These two options have been amended to reflect the adoption of the proposed Standard 3.3.2 rather than providing an amendment to the existing Standard 3.2.1. The new options read as follows:

- Option 1: to maintain the status quo and not adopt Standard 3.3.2 to mandate compliance with Standard 3.2.1 to food businesses undertaking catering operations serving food to the general public.
- Option 2: to adopt Standard 3.3.2 to mandate compliance with Standard 3.2.1 by food businesses undertaking catering operations serving food to the general public.

8. Impact Analysis

The Allen Consulting Group Report *Food Safety Management Systems, Costs, Benefits and Alternatives* made an assessment of:

- the costs and benefits of meeting previous State and Territory food safety regulations;
- the incremental costs and benefits of meeting Standards 3.1.1, 3.2.2 and 3.2.3 given current practice (at that time);
- the incremental costs and benefits of meeting Standard 3.2.1 given achievement of Standards 3.1.1, 3.2.2 and 3.2.3;
- the advantages and disadvantages of alternatives to a requirement for food safety programs; and
- ways in which compliance costs of meeting the Standards could be minimised.

The Allen Report found that while the implementation of Standard 3.2.1 includes significant costs, the benefits outweigh these costs for all but 'low risk' businesses.

As discussed previously, data from the Allen Report was further built on by the National Risk Validation Project which included a cost/benefit analysis of implementing food safety programs, specifically for high-risk food industries. The total cost of food-borne illness associated with catering operations serving food to the general population was estimated to be \$540 million per year or 49 cents per meal. A benefit cost ratio was calculated at 9.9 (for class 1 outbreaks¹⁵) and 10.4 (class 1 and 2 outbreaks). This cost benefit analysis supports the mandating of food safety programs for catering operations serving to the general public.

The Office of Regulation Review assessed the regulatory impact analysis for the *Ministerial Policy Guidelines on Food Safety Management in Australia: Food Safety Programs* taking into account:

- whether the Regulatory Impact Statement guidelines had been followed;
- whether the type and level of analysis were adequate and commensurate with the potential economic and social impact of the Proposal; and
- whether alternatives to regulation have been adequately considered.

The Office of Best Practice Regulation considered that these matters were adequately addressed¹⁶.

8.1 Affected Parties

FSANZ is required to consider the impact of various regulatory (and non-regulatory) options on all sectors of the community in Australia.

8.1.1 Industry

Industry parties affected by the proposed Standard are food businesses that undertake catering activities. This includes food businesses that cater on-site and those that cater off-site.

On-site catering, where the catering event is held at the same location as where the food is processed (for 50 or more persons at the same sitting), will include food businesses that operate facilities such as:

- institutions such as prisons, boarding schools, universities and similar institutions;
- function centres, large hotels and clubs where there is an area specifically assigned for functions; and
- restaurants and other eating establishments used for on-site catering activities (as defined in the proposed Standard) for twelve or more catering events in the previous twelve months of its operation.

¹⁵ Class 1 outbreaks are those where it is reasonable to assume that the cause of illness would have been detected and remedied by measures put in place under a food safety program. Class 2 outbreaks are those where the information on the source of the outbreak is insufficient to make a judgement on the likely effectiveness of a food safety program.

¹⁶ OBPR reference number 3339

Off-site catering will include such food businesses as:

- off-site function caterers;
- tourism operators that provide food at a location other than where it is prepared;
- airline caterers and food business that provide catering to other passenger transport services; and
- any other caterer where there is a transport step between the preparation of the food and its serving and the food business is not specifically exempted from the Standard.

It is estimated that only a small proportion of food businesses that undertake catering activities currently have a food safety program. The National Risk Validation Project estimated that two percent of businesses in the catering operations industry already have a food safety program.

8.1.2 Government

State and Territory governments will be responsible for the implementation and enforcement of the proposed Standard.

8.1.3 Consumers

Consumers who attend and consume food at any catered function or event will benefit from the reduced likelihood of food-borne illness attributable to the catered food.

8.2 Comparison of Options

8.2.1 Option 1 – maintain the status quo

Option 1 means that no amendment is made to the Code to apply a national requirement for food businesses undertaking catering operations serving food to the general population to comply with Standard 3.2.1. This option would not be consistent with the advice of the Ministerial Policy Guidelines to require food safety programs for catering operations serving food to the general public.

8.2.2 Option 2 – adopt Standard 3.3.2

Adoption of Standard 3.3.2 would mean that compliance with Standard 3.2.1 would be a national requirement for food businesses that undertake catering operations serving food to the general population.

Attachment 2 provides an explanation of each clause of the proposed Standard, including which types of food businesses the Standard will apply.

This option would exclude businesses that occasionally cater and on-site caterers where the event is for less than 50 persons. It also exempts community or charitable fundraising events, as per Standard 3.2.1, from the requirement of having a food safety program.

Options 2 is consistent with the advice of the Ministerial Policy Guidelines to require food safety programs for catering operations serving food to the general public.

CONSULTATION AND COMMUNICATION STRATEGY

9. Consultation

9.1 Catering Advisory Group

FSANZ established an Advisory Group in 2004 that consists of key stakeholder representatives from industry, government and consumer sectors who have an interest in the development of this Proposal. Advisory Group members have provided information and advice to FSANZ in relation to relevant issues and have assisted in communicating with other parties who also have an interest in this Proposal. A list of agencies represented on the Advisory Group is in Attachment 6.

9.2 Written Submissions

FSANZ prepared an Initial Assessment Report for the Proposal which was released for public comment on 26 May 2004. The Report discussed:

- the regulatory framework for mandating Standard 3.2.1;
- an overview of the catering sector and the existing food safety regulations;
- the scientific assessment and cost/benefit analysis undertaken (the National Risk Validation Project and the Allen Report);
- the definition of catering to be used in the proposed Standard;
- the mechanism for implementing the proposed Standard including the need for support material and information on auditing of food safety programs;
- proposed regulatory options;
- an impact analysis; and
- the consultation conducted to date and the plan to form the Advisory Group to assist in the development of the Standard.

The Initial Assessment Report sought comment on:

- the definition of catering to be included in the Standard;
- whether there were alternative food safety management options appropriate for catered fundraising events;
- the need for additional tools fact sheets or other support material to assist catering operations to prepare and implement food safety programs;
- the format, style and content or other issues related to the interpretive guide; and
- any other issues relevant to mandating Standard 3.2.1 for the catering sector, in particular, on the impact of Standard 3.2.1 on small businesses within the catering sector and suggestions on how imposts on this sector could be minimised.

Additionally the Report sought any additional information relevant to the scientific justification to require food safety programs for the catering sector.

A total of twelve submissions from industry, government regulators and consumers were received in response to the release of the Initial Assessment Report. Nine of the submissions supported the Proposal. Submissions were received from the following:

- New South Wales Food Authority
- Queensland Health
- Department of Health, South Australia
- Department Health and Human Services, Tasmania
- Health Protection Service, ACT Health
- Department of Health, Western Australia (Western Australian Food Advisory Committee)
- New Zealand Food Safety Authority
- Food Technology Association of Victoria
- Private catering company (No Fuss Catering Co)
- Restaurant and Catering South Australia
- Clubs Australia & New Zealand
- Australian Food & Grocery Council

A summary of the submissions made according to the issues raised is provided in Attachment 5.

The responses to the issues raised in this round of public consultation have been discussed earlier in section 6.1 of this Report.

9.3 Broad Consultation

FSANZ undertakes public consultation on proposed amendments to the Code as part of its obligations under the FSANZ Act. FSANZ provides details of consultation documents on its website which are available electronically from the website or from FSANZ as a paper copy.

The development of the Food Safety Standards in Chapter 3 of the Code has already required extensive consultation with industry and government stakeholders, and other interested parties. In addition, the projects that DoHA undertook to inform the Ministerial Policy Guidelines involved the formation of Steering Committees and/or project management groups to oversee and contribute to the work program. These committees have had representatives from the Australian, State and Territory Governments, the food industry and industry sectors affected by this Proposal.

9.4 World Trade Organization (WTO)

As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade.

A WTO notification is not necessary for this Proposal due to its nature, as the food services that are regulated by this Proposal are provided within Australia only.

10. Communication

10.1 Communication at Final Assessment Stage

In addition to the formal consultation that is being undertaken throughout the standard development process, FSANZ will undertake activities to communicate matters relating to the finalisation of the Standard to affected members of industry and governments. These activities will include providing information about the Standard and the subsequent support materials, for example via factsheets and information on the FSANZ website.

CONCLUSION

11. Conclusion and Preferred Option

This Proposal applies to food businesses that undertake catering operations for the general public. It is proposed to amend the Code to require food businesses that meet the application provisions to comply with Standard 3.2.1. Standard 3.2.1 requires a business to implement a food safety program and have it audited by a food safety auditor.

The proposed Standard applies to on-site and off-site caterers. Businesses that occasionally cater and on-site caterers where the event is for less than 50 persons are proposed to be excluded from the requirements of the Standard.

The total cost of food-borne illness associated with catering to the general public is estimated to be \$540 million per annum (Food Science Australia and Minter Ellison Consulting, 2002).

Food safety programs are calculated in the Allen Report to have a median benefit of \$339 million per annum for the Australian population, based on a 15% reduction in food-borne illness

Food-borne illness outbreaks associated with catering are largely attributable to temperature misuse when the food is prepared in bulk and in advance for subsequent serving, when a transport step occurs between preparation and serving and due to inadequate handling (cross contamination and contamination by a food handler).

Preferred Option

FSANZ recommends the amendment of the Code to include Standard 3.3.2 *Food Safety Programs for Catering Operations*. This approach is consistent with the Ministerial Policy Guidelines.

11.1 Reasons for Preferred Option

- The Ministerial Council, on 12 December 2003, made a decision that food safety programs should be mandated for specific high-risk sectors of the food industry, as set out in the Ministerial Policy Guidelines. This decision was on the basis that:
 - The National Risk Validation Project concluded that catering operations serving food to the general public was a high risk sector of the food industry; and

- The Allen Report on the costs and efficacy of introducing food safety programs concluded that the benefits for high-risk businesses outweigh the costs of implementing, utilising and auditing a food safety program.
- Compliance with the proposed amendments to the Code should reduce the number of food poisoning incidents attributable to catering.
- The proposed amendments to the Code are consistent with the section 18 objectives of the FSANZ Act and the Ministerial Policy Guidelines.

12. Implementation and Review

12.1 Implementation

The final stage in the development of the proposed Standard 3.3.2 is for FSANZ to undertake a Final Assessment in consideration of the comments received to this Report and any other consultation. If draft Standard 3.3.2 is approved by the FSANZ Board and the Ministerial Council does not seek a review, the proposed Standard 3.3.2 will be gazetted as part of Chapter 3 of the Code.

Food businesses, to which the Standard applies, will be given a lead-in time of two years to comply.

Implementation is the responsibility of the States and Territories.

There are existing resources for businesses to assist businesses to develop a food safety program. Additionally, FSANZ is proposing to develop support materials to assist enforcement agencies and businesses to implement the Standard.

12.1.1 Tools and other support material

The importance of having materials available to support Standard 3.3.2 was recognised in the Initial Assessment Report. The submissions received on that Report and subsequent discussions with the Advisory Group also strongly supported that the successful implementation of food safety programs for caterers is reliant on adequate support material being available for these businesses.

FSANZ has produced an Interpretive Guide to Standard 3.2.1 to explain the requirements of this Standard. The Guide provides, in general terms, an explanation of the legally defined terms and the individual clauses. It also includes examples where they may be helpful in explaining the meaning of a clause and illustrating how the clause might apply.

FSANZ will also develop an Interpretive Guide to Standard 3.3.2 which will assist with enforcement and compliance. It will provide an explanation of each clause of the Standard and, as with other Interpretive Guides, will provide example of the types of businesses that are included and excluded from the Standard. The Guide will be developed as the Proposal progresses to Final Assessment and will be finalised in consultation with the Advisory Group.

In addition to the Interpretive Guide, a support tool is proposed to help businesses develop a food safety program. This would help businesses minimise costs associated with developing a food safety program.

It is intended that the tool would be developed during the Final Assessment stage. A small working group of the Catering Advisory Group has been established that will undertake initial work on issues that need to be resolved before the tool can progress. These include determining the exact purpose of the tool, how it should be developed and inclusions to maximise the tool's usefulness to businesses and enforcement agencies.

At this early stage it appears likely that the tool will be a similar concept to the *Food Safety Program Template for Food Service and Retail Businesses* developed for use in Victoria and the *Tool for the Development of a Food Safety Program for Commercial Eating Establishments*; a project funded by the Australian Government Department of Health and Ageing. The catering tool will include information about what a food safety program is and how to develop one. In addition it would provide 'templates' that businesses can use to form the basis of their programs. However, it will be important that the supporting tool still ensures that the food safety program is particular to the business' food handling operations i.e. the business must consider where specific hazards could occur in its food handling operations and make decisions on what needs to be done to control these hazards.

Once the initial considerations for developing the tool have been determined, development will occur in consultation with the Advisory Group.

FSANZ seeks comments on the proposal to develop a 'template'-like tool to assist businesses generate a food safety program.

Specifically, FSANZ requests advice from State and Territory enforcement agencies on inclusions in the tool that would ensure its usefulness in their jurisdictions.

12.1.2 Support material for fundraising events

Businesses who conduct fundraising events, that is, events that raise funds solely for community or charitable causes and not for personal financial gain, are exempted from being required to prepare a food safety program in clause 6 of Standard 3.2.1. While the Ministerial Policy Guidelines recognise these events may be off-site or on-site catering events (for 50 or more people) and therefore a potentially risky activity, it states that as a part of the standard development process, alternative options are to be considered for these types of businesses to manage this potential risk.

All food businesses, including businesses operated by community or charitable organisations must meet the requirements of Standards 3.2.2 and 3.2.3. A comprehensive range of materials were previously developed to assist businesses comply with these Standards including a series of nine fact sheets specifically for charities and community organisations¹⁷:

¹⁷ Available on the FSANZ website
<http://www.foodstandards.gov.au/newsroom/factsheets/foodsafetyfactsheets/charitiesandcommunityorganisationfactsheets/index.cfm>

1. Notification
2. Skills and knowledge
3. Labelling
4. Temperature control
5. Sausage sizzles and barbeques
6. Preparing and cooking food
7. Transporting food
8. Camping
9. Health and hygiene for food handlers

Additional materials are also likely to be available at a local level from local councils or the State/Territory health authorities.

Community or charitable groups that choose to voluntarily prepare a food safety program for any catering activities they may engage in would also be able to utilise the 'template' tool in order to minimise their administrative costs.

12.1.3 Additional support materials for the development of a food safety program

Additional Australian and international support materials are available and may be of assistance for businesses developing a food safety program.

The Interpretive Guide to Standard 3.2.1¹⁸ contains a list of, and access information for, several resources, not necessarily catering-specific, that are available for use. This includes a list of tools that have been developed by the Department of Health and Ageing and States and Territories, to assist businesses, particularly smaller businesses, with the initial preparation of a food safety program.

The tool that is of most significance to catering business is the *Tool for the Development of a Food Safety Program for Commercial Eating Establishments*. This Tool will also be considered when deliberating how to progress the proposed food safety program 'tool' to accompany the Catering Standard. FSANZ does not intend to duplicate work that has already been undertaken. However, as the Tool was developed for 'eating establishments' it may be necessary to tailor the tool to catering operations.

12.1 Review

The recent review of the food regulation system by Mr Gary Banks, Chairman of the Productivity Commission, *Rethinking Regulation: Report of the Taskforce of Reducing Regulatory Burdens on Business* (the Banks Review) recommended that the Australian Government should undertake an independent public review of the food safety program policy, including a full cost-benefit analysis, two to three years after the policy comes into force. The former Australian Liberal Government committed to this recommendation. In the case of the proposed Catering Standard, this will occur two to three years after it comes into force.

¹⁸ Available on the FSANZ website
<http://www.foodstandards.gov.au/thecode/foodsafetystandardsaustraliaonly/index.cfm>

Subsequent to the Banks Review, the former Australian Liberal Government commissioned Mr Mark Bethwaite to conduct an independent review (the Bethwaite Review¹⁹) to identify how the food regulatory framework can be streamlined and made nationally consistent to improve the competitiveness of the Australian food industry. FSANZ will be mindful of the outcomes of these Reviews during the Final Assessment stage of this Proposal.

13. Closing Remarks

This Draft Assessment Report provides a second opportunity for stakeholders to comment to FSANZ on Proposal P290 to require food safety programs, as defined in Standard 3.2.1, for food businesses that undertake catering activities.

FSANZ welcomes and encourages stakeholder input.

The comments, information and data provided during consultation will be considered during the development of the Final Assessment Report.

ATTACHMENTS

1. Draft variation to the *Australia New Zealand Food Standards Code*
2. Explanation of clauses of proposed Standard 3.3.2 – Food Safety Programs for Catering Operations
3. Standard 3.2.1 – Food Safety Programs
4. Ministerial Policy Guidelines on Food Safety Management in Australia: Food Safety Programs
5. Summary of submissions to the Initial Assessment Report
6. Advisory Group members
7. References

¹⁹ Further information on the Bethwaite Review can be located on the Food Regulation Secretariat website <http://www.health.gov.au/internet/wcms/publishing.nsf/Content/foodsecretariat-bethwaite>

Draft variation to the *Australia New Zealand Food Standards Code*

Standards or variations to standards are considered to be legislative instruments for the purposes of the Legislative Instruments Act (2003) and are not subject to disallowance or sunseting.

To commence: 24 months from gazettal

The Australia New Zealand Food Standards Code is varied by inserting -

STANDARD 3.3.2

FOOD SAFETY PROGRAMS FOR CATERING OPERATIONS

(Australia only)

Purpose and commentary

This Standard sets out food safety program requirements for certain food businesses which process, transport or serve categories of food for catering events.

Table of Provisions

- 1 Interpretation
- 2 Application
- 3 Food safety programs

Clauses

1 Interpretation

(1) Unless the contrary intention appears, the definitions in Parts 3.1 and 3.2 of this Code apply in this Standard.

(2) In this Standard –

catering event means an event involving the provision of food under an agreement under which the food is –

- (a) of a predetermined type or quantity; and
- (b) for a predetermined group of persons; and
- (c) served at a predetermined time.

serve means to set out or present food for those about to eat.

2 Application

(1) Subject to subclauses (2) and (3), this Standard applies to a food business that, during the previous 12 months of its operation, has engaged in any of the activities listed in the Table for 12 or more catering events.

Table to subclause 2(1)

Activity	Meaning of Activity
Activity 1 on site catering activity	Processing food at one location to a state where the food is ready-to-eat food and always includes potentially hazardous food, for service at a catering event – (i) held at the same location; and (ii) for 50 or more persons at the same sitting.
Activity 2A off site catering activity	Processing food at one location to a state where the food is – (i) ready-to-eat food; or (ii) partially cooked food; which always includes potentially hazardous food, where the food is for service at another location for a catering event.
Activity 2B off site catering activity	Transporting – (i) ready-to-eat food; or (ii) partially cooked food; which always includes potentially hazardous food, from one location to another location for service at a catering event.
Activity 2C off site catering activity	Serving ready-to-eat food which always includes potentially hazardous food at a catering event, where the food was processed at a different location.

(2) This Standard does not apply to a food business that operates an eating establishment such as a restaurant, café or takeaway food outlet –

- (a) that sells ready-to-eat food to be taken away or consumed on the premises; and
- (b) where the food business engages in Activity 2A(i) or Activity 2B(i), but no other activity listed in the Table, and where the food –
 - (i) does not require further portioning, garnishing, re-heating or similar finishing prior to service, (for example, potentially hazardous sandwiches); and
 - (ii) is for pick up or delivery for office lunches or similar events.

(3) To avoid doubt, this Standard also does not apply to a business that only provides staff for a catering event.

Editorial note:

‘Process’ in relation to food is defined in Standard 3.2.2 as an activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, thawing and washing, or a combination of these activities.

‘Potentially hazardous food’ is defined in Standard 3.2.2 as food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

‘Ready-to eat food’ is defined in Standard 3.2.2 as food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer.

3 Food safety programs

- (1) A food business to which this Standard applies must, when engaging in any of the catering activities listed in the Table to subclause 2(1), comply with Standard 3.2.1 for all the food handling operations associated with the catering activity.
- (2) For subclause 3(1) of this Standard –
 - (a) clause 2 of Standard 3.2.1 (application of Standard 3.2.1) does not apply;
and
 - (b) clause 6 of Standard 3.2.1 (exemption for fund raising events) applies.

Explanation of clauses of proposed Standard 3.3.2 – Food Safety Programs for Catering Operations

The following is an explanation of each Clause of the proposed Standard 3.3.2.

Purpose and commentary

This Standard sets out food safety program requirements for certain food businesses which process, transport or serve categories of food for catering events.

The above section appears at the beginning of Standard 3.3.2 and explains the purpose of the Standard. The Standard requires food businesses which process, transport or serve certain categories of food for catering events to comply with Standard 3.2.1 Food Safety Programs.

Standard 3.3.2 consists of three clauses:

- *Interpretation:* The interpretation clause defines the terms used in Standard 3.3.2. Additionally, it applies the definitions used in Parts 3.1 and 3.2 of the Code to this Standard.
- *Application:* The application clause describes the food businesses to which the Standard applies. These businesses are described in terms of the catering activities they engage in for catering events, the number of catering events the business has engaged in, and, in the case of the business undertaking on-site catering activities, the number of persons the event is for. The clause also includes specific exemptions for certain businesses.
- *Food Safety Programs:* This clause contains the requirement for food businesses, as described in the application clause, to comply with Standard 3.2.1 – Food Safety Programs.

Clauses

1 Interpretation

This clause defines words applicable to this Standard only.

(1) Unless the contrary intention appears, the definitions in Parts 3.1 and 3.2 of this Code apply in this Standard.

Some terms used in this Standard are defined in the Standards in Part 3.1 and 3.2 of the Code. These terms are:

Food business means a business, enterprise or activity (other than primary food production) that involves;

- (a) the handling of food intended for sale

- (b) the sale of food regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves handling or sale of food on one occasion only. (Standard 3.1.1)

Food handling operation means any activity involving the handling of food (Standard 3.1.1).

'Process' in relation to food is defined in Standard 3.2.2 as an activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, thawing and washing, or a combination of these activities.(Standard 3.2.2)

'Potentially hazardous food' is defined in Standard 3.2.2 as food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.(Standard 3.2.2)

'Ready-to eat food' is defined in Standard 3.2.2 as food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer. (Standard 3.2.2)

If a term is not defined in this Standard, or in Parts 3.1 and 3.2 of the Code, reference should be made to the most recent edition of *The Macquarie Dictionary*, published by The Macquarie Library Pty Ltd.

(2) In this Standard –

***catering event* means an event involving the provision of food under an agreement under which the food is –**

- (a) of a predetermined type or quantity; and**
- (b) for a predetermined group of persons; and**
- (c) served at a predetermined time.**

A definition of a 'catering event' has been included to limit the type of activities that the business must engage in for the Standard to apply to the business. The activities in the Table to clause 2 (1) must be in relation to a *catering event*.

A *catering event* involves the provision of food under an agreement, which may be verbal. The agreement must relate to the provision of food that is:

- (a) *of a predetermined type or quantity* – this means there may be agreement for a particular type of food to be provided such as 'hot entrées' or a quantity such as a range of food for x number of persons.
- (b) *for a predetermined group of persons* – a 'group' includes a number of persons considered as having a common interest or being associated with each other in some way. While the agreement may not be for a specific number of persons, it will be for a group of persons who are attending a particular event such as a wedding.
- (c) *served at a predetermined time* – this means the event relates to a specific day or days and would also normally refer to a specific clock time or times.

The definition of *catering event* is intended to capture the type of service offered by caterers and distinguish the ‘catering’ type of food service from the type that patrons would receive at an eating establishment such as a restaurant or club bistro (including restaurants that offer a buffet service). In a restaurant setting there is usually no agreement prior to ordering food from a menu, or in regard to the group of persons or when the food will be served.

However, where the criteria above are fulfilled in regard to a restaurant type setting, for example an agreement to a booking at a restaurant has been made, possibly for a preset meal at a preset time, the application of the Standard to the business would depend on whether the agreement was for less than fifty persons. If the agreement is for more than fifty persons then the event is an on-site *catering event*.

This approach is in accordance with the Ministerial Policy Guidelines.

serve means to set out or present food for those about to eat.

This definition is in accordance with that recommended in the Ministerial Guidelines.

2 Application

This clause defines the food businesses to which this Standard applies.

(1) Subject to subclauses (2) and (3), this Standard applies to a food business that, during the previous 12 months of its operation, has engaged in any of the activities listed in the Table for 12 or more catering events.

The Ministerial Policy Guidelines advised that the Standard was not to apply to food businesses that only occasionally undertake catering activities as a part of their operations. For this Standard an ‘occasional’ caterer has been defined as a food business that been involved in 11 or fewer catering events in the previous 12 months and therefore does not have to comply with the Standard.

The term ‘occasional’ has not been used as it was considered to be too subjective for enforcement purposes (as were similar terms such as predominant activity, frequently etc).

The quantity of ‘12 or more’ is consistent with the approach used by Victoria in requiring food safety programs for events. Additionally, it was considered that if a business engages in an average of one catering event per month (12 per year) this would be more than ‘occasionally’ and therefore they should be required to have a food safety program.

It is recognised that a new business would not need to comply with the Standard until it caters for its twelfth event. However, when the new business notifies the enforcement authority of the nature of its business, or for example, applies for a licence, the enforcement authority could advise the business that by its twelfth catering event it will have to have developed its food safety program. That is, a business has eleven catering events to get a system in place. For example, a new ‘catering’ business would expect to conduct several catering events within a short time from starting operations and therefore should develop its food safety program in conjunction with conducting its first few catering events.

Table to subclause 2(1)

Activity	Meaning of Activity
Activity 1 on site catering activity	Processing food at one location to a state where the food is ready-to-eat food and always includes potentially hazardous food, for service at a catering event – (i) held at the same location; and (ii) for 50 or more persons at the same sitting.
Activity 2A off site catering activity	Processing food at one location to a state where the food is – (i) ready-to-eat food; or (ii) partially cooked food; which always includes potentially hazardous food, where the food is for service at another location for a catering event.
Activity 2B off site catering activity	Transporting – (i) ready-to-eat food; or (ii) partially cooked food; which always includes potentially hazardous food, from one location to another location for service at a catering event.
Activity 2C off site catering activity	Serving ready-to-eat food which always includes potentially hazardous food at a catering event, where the food was processed at a different location.

The application of the Standard is also based on the activities the business is involved in. These activities are listed and defined in the Table to subclause 2 (1). If a business carries out any of these activities (for twelve or more catering events) then the Standard applies.

A business may undertake one or more of the activities for the same catering event and the only the number of events is relevant, not the number of activities.

The descriptions of the activities implements advice in the Ministerial Policy Guidelines regarding the application of the Standard, particularly the types of ‘activities’ that constitute catering and the type of food involved in those activities and issues raised during initial assessment.

Catering activities

The Standard applies to *on-site* catering activity where food is being served to 50 or more persons at the same sitting. This is in accordance with the advice in the Ministerial Policy Guidelines.

The *off-site* catering activities are intended to capture all businesses that may be involved in off-site catering – those that process the food, those that transport it and those that serve it. Businesses may only undertake one of these activities or may undertake a combination of these activities.

All of the activities listed in the table must be for a ‘catering event’ (as defined in subclause 1(2)).

Type of food

The Ministerial Policy Guidelines identified that the catering businesses that should comply with Standard 3.2.1 are those which serve or provide *potentially hazardous food*²⁰. For all activities, the food must always include potentially hazardous food. A food business that only caters non-potentially hazardous food (e.g. plates of biscuits for meetings) is not required to comply with the Standard.

It is specified that when food is served at either an on-site or off-site catering event (Activity 1 or Activity 2C), that food is ‘ready-to-eat’. Use of the term ‘ready to eat’ is to indicate that for catering the food is safe and suitable to eat and does not require further processing or preparation by the business to ensure its safety. This distinguishes catering activities from food handling activities of some other types of businesses such as suppliers of fresh meat.

However, a food business that processes food for an off-site catering event (Activity 2A), or transports the food for any off-site catering event (Activity 2B), will be captured by the standard even if the food for the catering event is partially cooked. This is specifically included to ensure that businesses such as spit-roast caterers, that partially cook the food before the event and then complete the cooking at the event site, will be required to comply with Standard 3.2.1 and develop and comply with a food safety program that covers all of its catering activities associated with the event.

(2) This Standard does not apply to a food business that operates an eating establishment such as a restaurant, café or takeaway food outlet -

- (a) that sells ready-to-eat food to be taken away or consumed on the premises; and**
- (b) where the food business engages in Activity 2A(i) or Activity 2B(i), but no other activity listed in the Table, and where the food –**
 - (i) does not require further portioning, garnishing, re-heating or similar finishing prior to service, (for example, potentially hazardous sandwiches); and**
 - (ii) is for pick up or delivery for office lunches or similar events.**

In accordance with the Ministerial Policy Guidelines and the further advice from FRSC, this subclause exempts eating establishments that provide platters of food that require no further preparation, such as sandwiches or fruit platters, for office lunches, meetings/parties etc. Without the exemption, these businesses would be considered to be engaging in off-site catering activities and therefore the Standard would apply.

²⁰ Food Safety Standard 3.2.2 defines potentially hazardous food as - *Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.*

Opening statement 2(2)

The opening statement of the subclause describes the type of food business that the exemption applies to. That is, the exclusion applies to a business that operates an eating establishment such as a restaurant, café or takeaway food outlet.

The businesses that are exempt are those that operate an eating establishment and meet the criteria in both paragraphs (a) and (b).

Paragraph 2(2)(a)

The intent of this paragraph is to clarify the type of food businesses the exemption applies to are eating establishments such as a restaurant, café or takeaway food outlet. The business sells food that can be eaten without having anything further done to it. The customer would eat the food either at the same premises (e.g. sitting at a table) or could take the food away to eat it somewhere else.

Paragraph 2(2)(b)

The intent of this paragraph is to limit the type of catering activity the eating establishment can engage in and the type of food involved in the activity, in order to be eligible for the exemption.

To be exempt the business is limited to processing and/or transporting food for an off-site catering event. It cannot engage in any on-site catering (Activity 1) or serve food for an off-site catering event (Activity 2C). Additionally, the only food the exempted business can supply for the catering events is the type that is supplied for office lunches i.e. it does not require any further preparation such as reheating, portioning or garnishing.

(3) To avoid doubt, this Standard also does not apply to a business that only provides staff for a catering event.

A specific exemption has been included for businesses that do not supply food for a catering event but supply waiting staff to serve food at the catering event. This is to avoid any doubt that such businesses would be captured by Activity 2C and would be required to have a food safety program around those activities. The food handling activities of waiting staff would be addressed under the food safety program of the business that is catering for the event.

3 Food safety programs

(1) A food business to which this Standard applies must, when engaging in any of the catering activities listed in the Table to subclause 2(1), comply with Standard 3.2.1 for all the food handling operations associated with the catering activity.

This clause requires the food businesses to which clause 2 applies to comply with Standard 3.2.1. Standard 3.2.1 is provided in Attachment 3. Further information on Standard 3.2.1 is also available in the Interpretive Guide to the Standard.

The business must comply with Standard 3.2.1 for the food handling activities associated with the activities in the Table to subclause 2 (1). It is not required to include other activities the business may engage in for example, a food business may also be operating a restaurant.

It is acknowledged that it may prove difficult for some businesses to differentiate between the food handling operations, food, equipment, processing areas etc used for its catering activities and the other operations of the business. However, it was not the intention of the Ministerial Policy Guidelines that such businesses should be required to have a food safety program for the non-catering aspects of their operations.

(2) For subclause 3(1) of this Standard –

- (a) clause 2 of Standard 3.2.1 (application of Standard 3.2.1) does not apply;**
- and**
- (b) clause 6 of Standard 3.2.1 (exemption for fund raising events) applies.**

This subclause specifies that clause 2 of Standard 3.2.1 does not apply for the purposes of this Standard.

In Standard 3.2.1, clause 2 describes which food businesses must comply with the Standard. The clause states that this is to be determined based on the priority classification²¹ of the business. In this case, clause 2 is not applicable as caterers have already been identified as high risk in the Ministerial Policy Guidelines, hence food safety programs are being mandated for these businesses under the proposed Standard 3.3.2.

The subclause states that clause 6 of Standard 3.2.1 does apply. Clause 6 of Standard 3.2.1 states that *A food business does not have to prepare a food safety program in accordance with this Standard (Standard 3.2.1) in relation to fundraising events conducted by the food business, that is, events that raise funds solely for community or charitable causes and not for financial gain.* The Ministerial Guidelines state that these businesses are to be exempted from Standard 3.3.2 for their fund-raising events. This applies whether they conduct on-site or off-site catering activities.

²¹ The priority classification is a system that classifies food businesses into risk categories based on the type of food, activity of the business, method of processing and customer base.

Standard 3.2.1 – Food Safety Programs

STANDARD 3.2.1

FOOD SAFETY PROGRAMS

(Australia only)

Purpose

This Standard is based upon the principle that food safety is best ensured through the identification and control of hazards in the production, manufacturing and handling of food as described in the Hazard Analysis and Critical Control Point (HACCP) system, adopted by the joint WHO/FAO Codex Alimentarius Commission, rather than relying on end product standards alone. This standard enables States and Territories to require food businesses to implement a food safety program based upon the HACCP concepts. The food safety program is to be implemented and reviewed by the food business, and is subject to periodic audit by a suitably qualified food safety auditor.

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- 1 Interpretation
- 2 Application

Division 2 – Food safety programs

- 3 General food safety program requirements
- 4 Auditing of food safety programs
- Content of food safety programs
- 6 Fund raising events

Division 1 – Interpretation and application

1 Interpretation

In this Standard –

auditing frequency means the most recently determined frequency of auditing determined by the appropriate enforcement agency, or a food safety auditor, in accordance with the Act.

food safety program means a food safety program that satisfies the requirements of clause 5.

food safety auditor means a person approved as a food safety auditor under the Act as a person competent to audit the relevant class of food business.

Editorial note:

Jurisdictions may approve environmental health officers, private contractors, or a mixture of the two as food safety auditors.

monitoring includes checking, observing or supervising in order to maintain control.

2 Application of this Standard

(1) This Standard applies to food businesses in Australia in accordance with Standard 3.1.1 and subclause (2).

(2) Unless expressly provided elsewhere in this Code, this Standard applies to all food and primary food production businesses that are determined by the appropriate enforcement agency under the Act to be within a priority classification of food business from the commencement date for that priority classification of food business.

Editorial note:

Under the Act, the appropriate enforcement agency must determine the priority classification of individual food businesses.

Jurisdictions may determine the mechanism by which a priority classification system and date of commencement is established, i.e. by regulation or declaration.

Division 2 – Food safety programs

3 General food safety program requirements

A food business must –

- (a) systematically examine all of its food handling operations in order to identify the potential hazards that may reasonably be expected to occur;
- (b) if one or more hazards are identified in accordance with paragraph (a), develop and implement a food safety program to control the hazard or hazards;
- (c) set out the food safety program in a written document and retain that document at the food premises;
- (d) comply with the food safety program; and
- (e) conduct a review of the food safety program at least annually to ensure its adequacy.

4 Auditing of food safety programs

A food business must –

- (a) ensure that the food safety program is audited by a food safety auditor at the auditing frequency applicable to the food business;

- (b) make the written document that sets out the food safety program, and the appropriate records referred to in paragraph 5(f), available to any food safety auditor who has been requested to conduct an audit of the food safety program; and
- (c) retain copies of all written reports of the results of all audits of the food safety program conducted by a food safety auditor within the last four years, for inspection upon request by a food safety auditor who audits the food safety program or an authorised officer.

Editorial note:

ANZFA has developed food safety auditor approval criteria for food safety auditors in conjunction with the States and Territories.

5 Content of food safety programs

A food safety program must –

- (a) systematically identify the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;
- (b) identify where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;
- (c) provide for the systematic monitoring of those controls;
- (d) provide for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;
- (e) provide for the regular review of the program by the food business to ensure its adequacy; and
- (f) provide for appropriate records to be made and kept by the food business demonstrating action taken in relation to, or in compliance with, the food safety program.

6 Fund raising events

A food business does not have to prepare a food safety program in accordance with this Standard in relation to fundraising events conducted by the food business, that is, events that raise funds solely for community or charitable causes and not for personal financial gain.

Ministerial Policy Guidelines on Food Safety Management in Australia: Food Safety Programs

1. Purpose

These policy guidelines address food safety management in Australia and were initiated in response to a request by the Australia New Zealand Food Regulation Ministerial Council (Ministerial Council) for sound data in relation to food-borne illness, and information about the cost and impact of mandatory food safety programs.

The Board of Food Standards Australia New Zealand (FSANZ) will consider amendments to the *Food Standards Code*, having regard to these policy guidelines and following the process outlined in the *Food Standards Australia New Zealand Act 1991*²².

The Principles in these policy guidelines are designed to be consistent with the statutory objectives and requirements of FSANZ as outlined in the *Food Standards Australia New Zealand Act 1991*, and to safeguard consumers from food-borne illness without creating undue impost on industry or community groups.

2. Policy Principles

In addressing the particular policy issues of food safety management in Australia the following Principles apply.

1. That regulations covering food safety management in Australia be based on risk, where the level of legislative requirements and their verification is commensurate with the level of risk.
2. That risk profiling be used to classify food businesses or food industry sectors in Australia on the basis of risk.
3. At a minimum, Food Safety Standard 3.2.1 *Food Safety Programs* should be implemented in those businesses/sectors involved in operations identified as high risk **and** where the benefit to cost ratio justifies the implementation of food safety programs.
4. That the risk classification of a business or an industry sector may change when new data on the causes and incidence of food-borne illness become available for updating the risk profile, or when the specific circumstances of an individual business can be considered and such change is justified.
5. That support is made available to community groups and small business to assist them meet their legislative requirements.

3. Mandatory introduction of Food Safety Standard 3.2.1 for identified highest risk areas

In keeping with the concept of basing food safety requirements to the risk posed, evidence including data from OzFoodNet, findings from the *Food Safety Management Systems - Costs, Benefits and Alternatives* report and the *National Risk Validation Project* provide a strong case for four food industry sectors to introduce food safety programs.

²² *Food Standards Australia New Zealand Act 1991* -<http://scaleplus.law.gov.au/html/pasteact/0/31/top.htm>

Consequently Food Safety Standard 3.2.1 *Food Safety Programs* should be modified to include the following sectors:

1. food service, whereby potentially hazardous food is served to vulnerable populations²³;
2. producing, harvesting, processing and distributing raw oysters and other bivalves;
3. catering operations serving food to the general public; and
4. producing manufactured and fermented meat.

3.3 Catering operations serving food to the general public

A definition of catering was developed in consultation with government and industry representatives with the aim that it:

- encapsulates the business types that Food Science Australia attributed to outbreaks in ‘catering’ settings;
- is enforceable;
- does not unfairly impinge on small business; and
- does not capture businesses which may be highest risk, but where there is not a strong case for food safety programs on a benefit to cost ratio.

The key areas of concern were:

- a) catering operations where there is a transport step between the preparation of the food and its sale; and
- b) large caterers and function centres where a large amount of food is prepared and served at the same time

The proposed definition of catering is:

Businesses under this category that should have Food Safety Programs in place are:

- **those which serve potentially hazardous food at a location other than where it has been prepared; (*‘serve’ – set out or present food for those about to eat it*)**

OR

- **those whereby potentially hazardous food is provided simultaneously to all customers where the seating capacity of the food premises is 50 people or more.**

FRSC has agreed that the seating capacity figure for catering operations should be set at 50, to ensure an appropriate, risk based proportion of potential outbreaks of food-borne illness will be prevented.

Evidence from the *National Risk Validation Project* indicates that setting the seating capacity at 50 persons will potentially prevent 65% of food-borne illness outbreaks arising with catering operations.

Seating capacity refers to the maximum seating capacity of the catering operation.

²³ Food Safety Standard 3.2.2 defines potentially hazardous food as - Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

As part of the standard development process, FSANZ should ensure that the final definition of catering and all other definitions are clear and easily understood by affected stakeholders. The intent of refining the final definition of catering is not to extend the requirement for food safety programs to restaurants.

Victoria has introduced food safety programs for community and non-profit organisations and important lessons can be learned from this exercise. Resources have also been created by a number of government agencies to assist such groups. Additionally, a project is currently being undertaken to assist individual Delivered Meals Organisations improve their organisations' food safety practices over time.

3.3.1 Exclusions

While eating establishments²⁴ were also identified as being in the highest risk group, the benefit to cost ratio was not considered significant enough to justify the implementation of this Standard.

Restaurants, even if they occasionally conduct functions where food is served simultaneously to 50 people or more, are not included in the definition, as it could not be justified by the benefit to cost ratio. It is recommended that such businesses introduce a voluntary food safety program.

Although the *National Risk Validation Project* also identified buffets as very high risk, restaurants with a buffet service are not included in the definition, as they cannot be justified by the benefit to cost ratio. Under the definition of catering, food businesses offering buffets are only included if:

- potentially hazardous food is served at a location other than where it has been prepared; or
- food is provided simultaneously to all customers, and the seating capacity of the food premises is 50 people or more.

Although community or charitable fund raising events that undertake catering are included in the identified highest risk group, they are specifically excluded from the provisions of Standard 3.2.1. As part of the standard development process, consideration will be given to alternative food safety management options that maybe more appropriate for these groups.

²⁴ The *National Risk Validation Project* characterised Eating Establishments thus – ‘The intention is that these are direct cook-serve operations, home delivery/takeaway of hot foods anticipated for immediate consumption. On the basis of similar modes of operation this would include restaurants, cafes, hotel/motel restaurant, clubs, takeaway – home delivery and fast food businesses’.

Summary of submissions to the Initial Assessment Report

Submitters:

Australian Food & Grocery Council (AFGC)
 Clubs Australia & New Zealand (Clubs A&NZ)
 Department Health and Human Services, Tasmania (Tas DHHS)
 Department of Health, South Australia (SA Health)
 Department of Health, Western Australia (Western Australian Food
 Advisory Committee) (WA FAC)

Food Technology Association of Victoria (FTAV)
 Health Protection Service, ACT Health (ACT Health)
 New South Wales Food Authority (NSWFA)
 New Zealand Food Safety Authority (NZFSA)
 Private catering company - No Fuss Catering Co (NFC)
 Queensland Health (QLD Health)
 Restaurant and Catering South Australia (R&C SA)

ISSUE	COMMENTS RECEIVED
<p>Support for the proposed Standard</p>	<ul style="list-style-type: none"> • Endorses option 2 put forth in the Initial Assessment Report to amend Standard 3.2.1, which would require catering businesses to put in place a documented food safety program (FTAV). • Generally support this proposal (Tas DHHS). • On the basis of findings from the National Risk Validation Project, option 2 is supported; to amend Standard 3.2.1 to mandate food safety programs for catering to the general public (NSWFA). • Agree with the principle of risk profiling the food service industry to improve food safety management in South Australia (R&C SA). • Supports the adoption of option 2 to amend standard 3.2.1 (QLD Health). • Queensland intends to adopt the Ministerial Council Policy Guidelines through the mechanism of their current Food Act review (QLD Health). • Supports in-principle the proposal to mandate food safety programs in some segments of the catering industry (SA Health). • Supports the requirement for food safety programs for catering businesses that prepare food in a location other than their regular site (SA Health). • Food safety programs are required in the catering sector to properly address the issues of temperature control of food prepared in bulk and control of cross contamination (AFGC). • As per the ministerial guidelines, all high risk businesses should be required to operate under a documented food safety program (AFGC). • Supports in-principle the mandate of food safety programs for catering operations to the general public (WA FAC).

ISSUE	COMMENTS RECEIVED
	<ul style="list-style-type: none"> • This Proposal will support existing industry initiatives to improve food safety and quality within the catering sector (WA FAC).
<p>The need for further analysis of the evidence base</p>	<ul style="list-style-type: none"> • A more detailed analysis of the outbreak data provided in the National Risk Validation Study is recommended (SA Health). • It is preferred that food safety programs be required for catering businesses across the board with priority established using a risk analysis method (Tas DHHS). • The National Risk Validation Project report (July 2002) identified the major contributing factors to food-borne illness as: temperature abuse, inadequate handling and inadequate environment. Each of these risk factors is already addressed by meeting the requirements specified in Standards 3.2.2 and 3.2.3 (R&C SA). • Catering for a large number of people requires forward preparation; however, this does not automatically increase the risk of food-borne illness (R&C SA). • Food used to cater for a large function is largely purchased specifically for that event and is not likely to be used subsequently. The fact that food is not kept or used at a later date minimises the risk associated with storage of food. The risk of food storage is already managed via Standards 3.2.2 and 3.2.3 (R&C SA). • In raising the awareness of the food industry to food safety issues, food safety programs should be secondary to education and training (NFC). • There is no need to isolate the catering sector within the food industry as requiring food safety programs (NFC). • Businesses that require a food safety program may use this as a marketing tool – i.e. make public that they have a food safety program, which may put businesses not requiring (and therefore not developing) a food safety program at a disadvantage (NFC). • Food safety programs are not the best means of improving the standard of food safety in the restaurant or catering sector (R&C SA). • This current proposal includes some sectors of the catering industry where the risk does not warrant food safety programs (SA Health). • Catering businesses that would require food safety programs should be identified based on risk (SA Health). • Despite using the low risk direct cook/serve method, some businesses will be required to have a mandatory food safety program (ACT Health). • There is no evidence that regular caterers preparing food in purpose built catering facilities (e.g. purpose built function centres, boarding schools, prisons, defence establishments, universities, colleges and school canteens) pose an unmanaged risk that warrant food safety programs. There is no transportation of food required, and few outbreaks have been recorded (SA Health).

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	<ul style="list-style-type: none"> • Caterers may change their habits in order to avoid requiring a food safety program, by for example, preparing on location rather than transporting food. Preparing food at an unfamiliar facility with foreign or inadequate supplies is potentially more hazardous than preparing at their own facility and transporting (SA Health). • There is no mention in the proposal that the activities of a function centre are more hazardous than a restaurant (R&C SA). • The definition of off-site catering does not take into account the number of people catered for. On that basis, businesses catering off-site for one or more people would be required to have a food safety program (QLD Health). • For off-site catering there should be a minimum number of people catered for to require a food safety program as there is in Standard 3.3.1 – food safety programs for food serve to vulnerable persons (QLD Health). • The cost/benefit analysis should not be the determining factor for implementing a food safety program. Public health and safety should be the primary factors considered (FTAV). • Suggests that more cost/benefit analyses be conducted (NSWFA). • Recommends that a more detailed cost/benefits analysis of food safety programs on the catering industry is conducted (SA Health). • There should not be an unnecessary onus on small businesses to implement a food safety program if their business does not conduct high risk activities (ACT Health). • Small businesses are concerned about the cost impact of this proposal on their business and may need assistance in the lead-in time to implement the necessary program (WA FAC). • All high risk businesses should be required to operate under a documented food safety program as the cost/benefit ratio would automatically be favourable, and all other businesses should operate under a documented food safety program where the benefit to cost ratio is favourable (AFGC). • The significant factors contributing to risk are: <ul style="list-style-type: none"> - Preparation of food in advance requiring cooling and re-heating - Temperature abuse where prepared food is transported - The use of inadequate or unfamiliar facilities - The preparation of food in bulk requiring facilities and practices to cater for large scale food preparation (SA Health). • Advocate for the recognition of industry licensing schemes (such as the Gold Caterers license) for their role as preventative food safety management systems. Businesses utilising these schemes should be considered as having a lower risk profile than businesses non-participants (R&C SA).

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<p>Issues with the intent of definitions and terms provided by the Ministerial policy Guidelines</p>	<p>General definition of catering</p> <ul style="list-style-type: none"> • The definition used to identify the higher risk businesses needs to be addressed to avoid undue impost on this largely small business sector (R&C SA). • The definition of catering should be restricted to ‘those that serve potentially hazardous food at a location other than where it has been prepared or where the business exceeds the capacity to which it has been assessed’ (R&C SA). • The definition of catering is unclear and may have unexpected outcomes if adopted. For example the definition does not take into account the frequency of the catering operation (for on-site or off-site). So currently the standard would include one-off catering events (QLD Health). • The current definition is unclear and ambiguous (SA Health). • The definition should clearly define which businesses are considered part of the catering sector (SA Health). • The definition of the term ‘potentially hazardous food’ requires clarification. This definition could be critical for businesses that serve morning/afternoon tea for large numbers of people (NSWFA). • The definition of catering should be clear and unambiguous so that it would be easy identify which food businesses would require mandatory or voluntary food safety programs (ACT Health) • There is a need to identify how many functions a food business can undertake before a food safety program becomes mandatory (ACT Health). • An open definition of catering would lead to inconsistencies of compliance and enforcement (ACT Health). • The proposed definition of catering in standard 3.2.1 is problematic, especially for clubs. The proposed definition could capture a vast majority of clubs and therefore impose a significant compliance burden. The definition could unnecessarily capture clubs whose core activity does not involve the provision of catering for a large number of people simultaneously, such as boarding schools, prisons and function centres) (Clubs A&NZ). • Does this proposal include cafes that prepare sandwiches for corporate events? (will those that deliver these meals be implicated?) (NSWFA) • Does this proposal include school or work canteens? – as they can be argued to provide food simultaneously (NSWFA). • How does catering in prisons fit into the proposed amendment to the standard? (QLD Health) • Suggest amending part (a) of the definition by excluding dining areas adjacent to the location where food was prepared may be more appropriate (AFGC). <p>Interpretation of the words ‘simultaneously to all customers’</p> <ul style="list-style-type: none"> • ‘Simultaneously’ implies that food is served at the same time, however, in reality during a function there is a significant gap between when the first table is served and when the last table is served. Suggest amending part (b) of the definition to ‘same sitting’ rather than ‘simultaneously’ (AFGC).

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	<ul style="list-style-type: none"> • This proposal makes no mention that the number of meals served simultaneously adds further risk if these existing standards are met (R&C SA). • The definition of catering is problematic depending on how strictly the words ‘location’ and ‘simultaneously’ are interpreted. Few meals are served in the kitchen of a restaurant; therefore it can be argued that serving meals in the dining area is a different ‘location’ to that of the kitchen (AFGC). <p>Interpretation of the words ‘seating capacity’</p> <ul style="list-style-type: none"> • The seating limit will be very difficult to enforce (Tas DHHS). • The seating limit should not restrict small catering businesses from requiring a food safety program where significant and unmanaged risks are identified (Tas DHHS). • The use of the term ‘seating capacity’ may provide a loophole to caterers who provide cocktail style and other non-seated food service events. It is recommended that the term ‘seating capacity’ is replaced with the term ‘service capacity’ (NSWFA). • A site with a normal seating capacity of less than 50 people but conducts a function for over 50 people would be excluded. Alternatively, businesses with the capacity to seat more than 50 people but conduct small functions would be required to have a food safety program (SA Health). • Some caterers could work at facilities without an established or obvious seating capacity; therefore enforcement would be difficult (SA Health). • Any definition of a caterer should focus upon the types of hazardous foods and any transportation step between preparation and service not on arbitrarily set ‘seating capacity’ or notions of ‘simultaneous service’ (Clubs A&NZ). <p>Reference to ‘50’ people or more</p> <ul style="list-style-type: none"> • Why was 50 selected to be the determining factor for providing potentially hazardous food?. This number requires clarification (FTAV) • Do caterers just under or over the 50 person limit also have to have a food safety program? (Tas DHHS). • The arbitrary figure of 50 people or more at a function venue is nonsense. Catering operations when providing for large groups have specific foods offered exclusively for that event, and unlike restaurants, food from this event is unlikely to be held over, therefore minimising the food safety risk (NFC). • There is no conclusive evidence that catering businesses serving over 50 patrons in their premises pose any greater risk than catering businesses catering for less than 50 people (R&C SA). • The use of the number 50 to determine whether a business requires a food safety program is illogical, impractical and without any foundation from the data available (R&C SA).

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	<ul style="list-style-type: none"> • Assessment of whether a business requires a voluntary or mandatory food safety program should not be solely based on the number of patrons alone as this does not reflect the risks involved in the food serve processes at the premises (ACT Health). • The appropriateness of 50 being used as a cut-off mark for catering businesses requiring a food safety program needs to be reviewed (WA FAC). • Catering businesses that cater for less than 50 people should be encouraged to implement industry targeted Good Manufacturing Practice (GMP) and Standard Operating Procedures (SOP) (WA FAC). • Mandatory food safety programs for catering businesses serving more than 50 people simultaneously should be reconsidered and repealed (R&C SA). <p>Exclusion of food businesses that occasionally caterer (e.g. restaurants and eating establishments)</p> <ul style="list-style-type: none"> • The proposal states that ‘eating establishments which ‘occasionally’ provide catering services are exempt’. The term ‘occasionally’ requires definition otherwise the application of this standard will be subjective (NSWFA) • Businesses that occasionally provide catering services should not be excluded from the requirements of this standard as this would give them a competitive advantage over regular catering businesses (NSWFA). • It is recommended that the term ‘occasionally’ should be defined as x catered events per month (NSWFA). • The definition should exclude caterers that operate within the 2-4 hour guidelines and just present or unwrap food (no further preparation) at the serving site (SA Health). • The definition should not include eating establishments (e.g. restaurants, cafes, fast food businesses) which have direct cook-serve operations, as this could not be justified by a cost-benefit analysis (Clubs A&NZ). • Are food safety programs required for one-off events where potentially hazardous food will be served? (SA Health) • The exclusion of buffets would be available to very few clubs given the attached conditions. Most clubs buffets serve rooms with a seating capacity of more than 50 people (Clubs A&NZ). • The costs of introducing food safety programs outweigh the potential benefits in eating establishments that serve buffets and/or occasionally conduct functions where food is served simultaneously (Clubs A&NZ). • In regards to buffets, two points should be made: <ul style="list-style-type: none"> - Buffets are not considered simultaneous food service - Caterers that choose buffet as their preferred mode of service are not exempt from the standard (NSWFA).

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<p>The application of the proposed Standard to events organised by charity and community organisations</p>	<ul style="list-style-type: none"> • Charity and community organisations should be exempt from Standard 3.2.1. However, since these activities have been identified as high risk, food safety management options beyond Standards 3.2.2 and 3.2.3 may be appropriate (NSWFA). • Suggests the use of legislated (food safety supervisor) and non-legislated (food safety training for food handlers) options for managing these issues (NSWFA). • Clarification of the potential ambiguities in the application of clause 6 of Standard 3.2.1 (Fundraising Events) is required (NSWFA). • The exclusion of catering at charity and community events from Standard 3.2.1 is not supported (QLD Health). • Requires charity/community organisations to assess of the risks associated with the proposed foods for the event and have this reviewed by the local health authority (ACT Health). • It is appropriate to apply the requirements of Standards 3.2.2 and 3.2.3 to catered fundraising events (AFGC). • Charity and community organisations should not be excluded from this proposal as these organisations still have a duty of care to provide safe food and could still face civil or criminal litigation (WA FAC).
<p>Auditing requirements for food safety programs</p>	<ul style="list-style-type: none"> • How will councils make up for the loss of revenue previously associated with council Environmental Health Officers performing routine inspections? (NFC) • The examples provided in food safety program templates are too expensive for the majority of catering businesses (NFC). • The preferred option should be to channel the funds that are to be allocated to the implementation and enforcement of this standard into food safety training and education for catering staff (NFC). • More emphasis should be placed on routine EHO inspections. Visible problems identified during these routine inspections should be fixed through mandatory training (NFC). • There needs to be an audit procedure (performed by a 3rd party auditor) to monitor compliance with food safety plans in the catering industry (R&C SA). • The frequency of audits should be no more than annually, assuming that the business meets the requirements of the audit. This would prevent excess auditing and also allow catering businesses to forecast auditing into their time and financial budgets (R&C SA). • Queensland Health also support an initial auditing frequency of one audit every six months and then increasing or decreasing the frequency depending on compliance and the amount of catering involved (QLD Health). • Auditing frequency must never be less than once every 12 months (QLD Health). • Individual states and territories should determine whether food safety program audits are to be conducted by 2nd or 3rd party auditors (ACT Health) • Government would require additional resources in order to conduct 2nd party audits depending on the frequency and the number of audits required (ACT Health).

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	<ul style="list-style-type: none"> • 3rd party audits would cost food businesses, with ongoing costs determined by the frequency of the audits (ACT Health). • In order to minimise the cost burden to industry, state and territory enforcement agencies should carry out audits at no cost to the small catering businesses (AFGC).
<p>Support materials to assist caterers comply with the proposed Standard</p>	<ul style="list-style-type: none"> • It is unnecessary for additional tools to be produced for the development of food safety programs at the national level, as existing tools will be adapted to fit the needs of businesses within NSW. Though, support materials regarding the implementation of food safety programs would be useful (NSWFA). • Commits to assisting FSANZ with the development of the interpretive guide by participating in the working group (NSWFA). • The interpretive guide is an important tool to ensure nationally consistent interpretation of the standard (NSWFA). • Unlike small catering businesses, large catering businesses are likely to use this document to assist them in the development of their food safety plan. For this reason, the interpretive guide should be written in a style which meets the needs of the food safety plan designer as well as enforcement agencies (R&C SA). • The needs of industry should be considered when developing the food safety program templates. The basic template should be simple enough to meet the needs of the micro-business operator, perhaps with additional modules to accommodate for the needs of bigger businesses (R&C SA). • The templates should also offer guidance on the frequency of testing and record keeping (RCSA). • The guidance material should provide the minimum requirements that operators need to meet in order to comply with the standard (R&C SA). • An interpretive guide containing a definition of catering should be clear so it is clear and making it clear which business require a food safety program (ACT Health). • A range of user guides should be developed, so that they are specific to particular sectors of the industry (for example separate guides for large and small scale catering operations) (ACT Health). • Guides should be multi-lingual and also written in plain language (ACT Health). • Additional resources may be required for businesses during the implementation of the food safety program (ACT Health). • Fact sheets and media releases will be required to alert businesses of the introduction of food safety programs (ACT Health). • A copy of the draft interpretive guide should be made available for comment (AFGC). • The development of an interpretive guide (similar to Safe Food Australia) and model food safety program could substantially minimise costs to smaller operations (Tas DHHS). <p>There would need to be clear enforcement guidelines due to food safety programs being mandatory for some businesses and voluntary for others, and this may be seen, by some businesses, as being unfair (ACT Health).</p>

Advisory Group members and Jurisdictions involved in consultation

Advisory Group Members

NON-GOVERNMENT

Australian Institute of Environmental Health
Australian Hotels Association
Clubs Australia
National Council of Women in Australia
Restaurant and Catering Australia
Spotless Services Australia
The Catering Institute of Australia

GOVERNMENT

Australian Capital Territory Health Protection Service
Australian Government Department of Agriculture, Fisheries and Forestry
Australian Government Department of Defence
Australian Government Department of Health & Ageing
Department of Health, Western Australian
Department of Health & Community Services, Northern Territory
Department of Human Services, South Australia
Department of Human Services, Victoria
New South Wales Food Authority
New Zealand Food Safety Authority
Queensland Health

References

Food Science Australia and Minter Ellison Consulting (2002) *The National Risk Validation Project - Final Report 2002*.

www.health.gov.au/pubhlth/strateg/foodpolicy/pdf/validation.htm.

The Allen Consulting Group (2002a) *Food Safety Management Systems - Costs, Benefits and Alternatives*. Australian Government Department of Health and Ageing, Canberra.

www.health.gov.au/pubhlth/strateg/foodpolicy/pdf/alternatives.htm.