

# RTO MANAGEMENT SYSTEM

FOOD SAFETY SUPERVISOR  
PROGRAM



Department of  
Primary Industries  
Food Authority



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## Scope

The primary objective of the Food Safety Supervisor (FSS) program is to improve the skills and knowledge of food handlers working in the retail/food service (hospitality) sectors, and through this upskilling decrease the incidence of foodborne illness arising from these sectors. To provide businesses with high quality and consistent training, training is provided by Registered Training Organisations (RTOs) that are approved by the NSW Food Authority<sup>1</sup>.

The Food Authority's approval criteria build upon the foundations set by the Australian Skills Quality Authority (ASQA)<sup>2</sup>. RTOs and their trainers must demonstrate they meet the Authority's criteria to be considered for approval<sup>3</sup>. Once approved, it is mandatory that RTOs comply with their conditions of approval<sup>4</sup>.

The RTO Management System (the RTO system) supports the overarching objective of the FSS program by providing for a compliant RTO base. This is achieved by acting in accordance with the compliance policy, performing monitoring and verification activities and following administrative procedures correctly.

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<sup>1</sup> RTOs are approved under Section 106H of the *Food Act 2003* for the purposes of issuing food safety supervisor certificates.

<sup>2</sup> ASQA is the National VET Regulator, responsible for registering RTOs and enforcing the NVR Standards

<sup>3</sup> Refer to the Authority's website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au) for the RTO approval criteria.

<sup>4</sup> Clause 25 of the Food Regulation 2015 allows the Authority to grant an application for approval with or without conditions imposed.



## Terms and definitions

| Term  | Definition  |
|---|---|
| Food Safety Supervisor (FSS)                        | <p>A person who:</p> <ul style="list-style-type: none"> <li>• holds an FSS certificate that is no more than five years old,</li> <li>• is not an FSS for any other food premises or any other mobile catering business, and</li> <li>• has the authority to supervise other people handling food and to ensure that the handling is done safely.</li> </ul> <p>A person holding an FSS certificate will know how to recognise, prevent and alleviate the hazards associated with the handling of food.</p> <p>The proprietor of a food business must ensure one person is appointed as FSS for the premises.</p> <p>The proprietor of a mobile catering business must ensure one person is appointed as FSS for the business.</p> |
| Registered Training Organisation (RTO)              | <p>A training organisation registered by the national regulator or the equivalent state training Authority to deliver nationally recognised training and/or conduct assessments to issue nationally recognised qualifications.</p> <p>RTOs may include government departments, TAFE colleges, adult and community education providers, private providers, community organisations, schools, higher education institutions, industry bodies or other organisations meeting the registration requirements.</p>  |
| RTO Scope of Registration                           | The operations that the training organisation is authorised to provide by its registration, ie units of competency and qualifications it can deliver.   |
| Australian Skills Quality Authority (ASQA)          | The national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.   |
| Standards for NVR Registered Training Organisations | <p>These Standards are to ensure nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training (VET) system. RTOs must comply with the NVR Standards as part of their conditions of registration.</p> <p>If an RTO does not operate in accordance with its conditions of registration, ASQA can apply enforcement powers. <i>The National Vocational Education and Training Regulator Act 2011</i> provides for civil and criminal penalties, and sanctions may also be applied.</p>  |
| FSS Certificate                                     | A certificate issued under cl 20 of the Food Regulation 2015 stating that the person to whom it is issued is qualified to hold the position of a Food Safety Supervisor.  |



| Term                                | Definition  |
|-------------------------------------|---|
| Qualification                       | <p>Formal certification in vocational education and training by an RTO that a person has achieved all the units of competency or modules comprising learning outcomes stated for the qualification in:</p> <ul style="list-style-type: none"> <li>• a training package endorsed by the relevant Commonwealth agency and for which details of the qualification have been recorded on the national register, or</li> <li>• an accredited course that provides training for the qualification.</li> </ul> |
| Statement of Attainment (SOA)       | <p>Formal certification by an RTO that a person has achieved:</p> <ul style="list-style-type: none"> <li>• part of a qualification, or</li> <li>• one or more units of competency from a training package endorsed by the relevant Commonwealth agency, or</li> <li>• all the units of competency or modules comprising learning outcomes for an accredited course that does not meet the requirements for a qualification.</li> </ul>  |
| Units of Competency (UOC)           | <p>A specification of knowledge or skill and their application to a standard of performance in a nationally endorsed training package.</p>  |
| Recognition of Prior Learning (RPL) | <p>The acknowledgement of competencies currently held by a person. This process is used by the Food Authority to issue FSS certificates.</p>  |



## Management policy

The Food Authority is committed to identifying noncompliant RTOs and taking appropriate action in order to maintain the integrity of the RTO system. Accordingly, the following objectives have been identified and agreed to:

1. Act in accordance with the RTO compliance policy when exercising administrative power
2. Action reports of RTO noncompliance within specified timeframes
3. Monitor, measure and report on RTO compliance
4. Monitor, assess and report on RTO performance
5. Support RTOs in maintaining their compliance by regular communication
6. Review risks associated with the RTO system at least annually

The RTO system has been endorsed by the Food Authority's Executive and is reflected in the Food Authority's corporate plan.

## Food Authority's obligations

In administering the RTO system, the Food Authority must meet its obligations under the following legislation and principles:

### ***Privacy and Personal Information Protection Act 1998 (NSW)***

The Food Authority is subject to the *Privacy and Personal Information Protection Act 1998* (PIPP Act). The Food Authority collects personal information when approving RTOs and their trainers. This information is collected for lawful purposes<sup>5</sup> directly from the individual<sup>6</sup>. The table shows how the Authority complies with the relevant provisions of the PIPP Act.

| Personal information collected   | Who is providing the information?                            | Strategy to achieve compliance   |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Trainer(s) name</li> <li>• Trainer(s) contact details</li> <li>• Trainer(s) qualifications</li> <li>• Trainer(s) work experience</li> </ul> | The trainer provides it as part of the RTO application form. | Trainer authorisation is included within the <i>Application for approval as a Registered Training Organisation</i> form. |

### ***Government Information (Public Access) Act 2009 (NSW)***

The *Government Information (Public Access) Act 2009* (GIPA Act) gives the public access rights to certain information from government agencies. RTOs and trainers may want to seek information about a decision made by the Food Authority. Therefore any information and records<sup>7</sup> that are used as part of the decision making process may be obtainable under the GIPA Act. Information of interest to the applicant may include: the process adopted, reasons for the decision, evidence relied on, and whether all relevant matters were considered.

<sup>5</sup> s 8 Privacy and Personal Information Protection Act 1998.

<sup>6</sup> s 9 Privacy and Personal Information Protection Act 1998.

<sup>7</sup> For example letters, emails, hand-written notes, official files.



## Administrative law principles

Although decisions made under the RTO system are not reviewable by the Civil and Administrative Tribunal (CAT), the Food Authority will aim to follow best practice when exercising administrative power. The following principles may be relevant to the Food Authority when making decisions concerning the status of an RTO approval and its trainers.

### Delegation

The *Food Act 2003* (the Act) and the Food Regulation 2015 (the Regulation) include a range of powers and functions conferred on the Food Authority. Delegation of functions comes from the Chief Executive Officer under s 109E of the Act.

### Natural justice

The law in Australia considers natural justice a procedural right<sup>8</sup>. It basically requires the decision maker to give the person who is about to be affected by a decision, an opportunity to tell their side of the story. Natural justice is applied where decisions under the RTO system directly affect a 'person's rights, interests and legitimate expectations'<sup>9</sup>.

The Food Authority conforms to the principles of natural justice when serving notices<sup>10</sup> which may affect the rights, interests or legitimate expectations of a person. Clause 27(3) of the Regulation states that the holder of the approval may make submissions within fourteen days after the date of the notice.

An RTO may request an internal review<sup>11</sup> where the Food Authority has declined an application for approval. The review process (see appendices) is undertaken by an RTO Administrator and a delegated RTO Approver who were not involved in making the original recommendation and decision.

### Error of law

In administrative law an 'error of law' has two definitions: (i) any judicially reviewable error, eg. a breach of natural justice, or failure to consider all relevant considerations, failure to ignore irrelevant considerations, or (ii) an error in the construction or interpretation of the law<sup>12</sup>. If an error of law is found by the courts as part of a judicial review, then the decision may be considered invalid.

When taking compliance action against an RTO, the decision maker must ensure that natural justice has been accorded as part of the process of decision making. Decisions must take into account only relevant considerations.

<sup>8</sup> Fiona Mackenzie 'Administrative power and the Law' (Australian Law in Practice, Ligare Riverwood NSW, 2006).

<sup>9</sup> Ibid p116.

<sup>10</sup> For example when varying or imposing a condition of approval, or the suspension or cancellation of an approval.

<sup>11</sup> This is not a requirement of the *Food Act 2003* or Food Regulation 2015.

<sup>12</sup> Above, n9.



## Statement of reasons

Clause 23(3) of the Regulation provides that the Food Authority may refuse an application from an RTO to become an approved RTO for the delivery of the FSS program. Although not required by the Regulation, it is best practice to also provide reasons for the refusal of a trainer. The Food Authority when it exercises its power to refuse an application from an RTO, will provide its reasoning to support this decision.

## RTO compliance policy

The Act and the Regulation give the Food Authority power to approve an RTO for the purposes of issuing Food Safety Supervisor certificates<sup>13</sup>. The Food Authority can also make decisions as to whether to suspend or cancel an approval.

The objective of this policy is to ensure appropriate action is taken against an RTO where an allegation is received, investigated and substantiated. Reports about alleged noncompliance can be received from a range of stakeholders including: training participants, Environmental Health Officers (EHOs), RTOs and the Australian Skills Quality Authority (ASQA). The Food Authority's monitoring and verification program will also identify potential noncompliance.

Due to the varying and complex nature of reports, determining the type of action to take will depend on the outcome of the Food Authority's assessment process (see page 10). The assessment process assists in determining whether no action, mediation and conciliation, or serving a notice will take place. If a breach of the conditions of approval is found, the appropriate compliance action is determined by assessing the likelihood and consequence of the noncompliance<sup>14</sup>.

In assessing the impact of the alleged noncompliance, the following is to be considered by the decision maker:

- Take into account relevant considerations only
- The report should, where possible, be supported by substantive evidence
- Decision making should be based on facts

## Types of compliance action

The Food Authority adopts a considered approach of all relevant evidence to ensure a fair and transparent decision making process. The following list of compliance action options provides guidance to the decision maker.

### Mediation and conciliation

Mediation and conciliation is a form of action which allows the RTO the opportunity to explain noncompliance, without having to immediately resort to issuing a formal notice.

Mediation and conciliation should only be used to address minor issues which may result in a risk rating of low or medium. These issues may be identified as a result of a complaint, or through the monitoring and verification

<sup>13</sup> s 106 H Food Act 2003.

<sup>14</sup> The decision maker should refer to the RTO compliance decision matrix in the appendices.



program. It is at the discretion of the RTO Administrator whether mediation and conciliation is performed through verbal discussion or in writing to the authorised contact of the RTO.

Participating in mediation and conciliation is encouraged by the Food Authority as it is an effective, efficient and informal way of resolving minor issues. Following mediation and conciliation, the Food Authority may make a determination on an appropriate course of action.

#### *Notice of intention to suspend approval*

This notice is served if the RTO is acting in contravention of the Act or the Regulation.

The notice should state the following:

- name of the RTO
- date approval was granted
- RTO approval number
- reasons for serving the notice (each reason should be free standing and state evidence to support the reason)
- period of time for suspension or until such time as a particular event or action occurs
- submissions to the Food Authority should be made in writing, within fourteen days from the date specified in the notice.

#### **Notice of suspension of approval**

This notice is served as an escalation to an intention to suspend. It is served if the decision maker is not satisfied with the actions taken by the RTO, or in the event an RTO has failed to provide a submission.

The notice should state the following:

- name of the RTO
- date approval was granted
- RTO approval number
- date notice was served
- details relating to the submission (either a submission was received and considered, or no submission was received)
- reasons why the submission was unpersuasive
- approval will be suspended under cl 27 of the Regulation
- date of when suspension takes effect and the period for which it is effective
- action required by the RTO
- that access to SmartForm system will be terminated
- Name of delegate



### Notice of intention to cancel approval

This notice is served if the RTO is grossly acting in contravention to the Act or the Regulation. It can often be served as an escalation to a suspension, or can be served as a first step to compliance action.

The notice should state the following:

- name of the RTO
- date approval was granted
- RTO approval number
- reasons for serving the notice (each reason should be free standing and state evidence to support the reason)
- submissions to the Food Authority should be made in writing, within fourteen days from the date specified in the notice.

### Notice of cancellation of approval

This notice is served as an escalation to an intention to cancel. It can be served if the decision maker is not satisfied with the actions taken by the RTO, or if the RTO has failed to provide a submission.

The notice should state the following:

- name of the RTO
- date approval was granted
- RTO approval number
- date notice was served
- details relating to the submission (either a submission was received and considered, or no submission was received)
- reasons why the submission was unpersuasive
- approval will be cancelled under cl 27 of the Regulation
- date of when cancellation takes effect
- that access to SmartForm will be terminated
- name of delegate

### Notice of intention to vary or impose conditions of an approval

In general, the Food Authority has the power<sup>15</sup> to vary a condition of approval, or to impose additional conditions on an RTO.

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<sup>15</sup> cl. 27(1)(a) Food Regulation 2015

**Important note:**

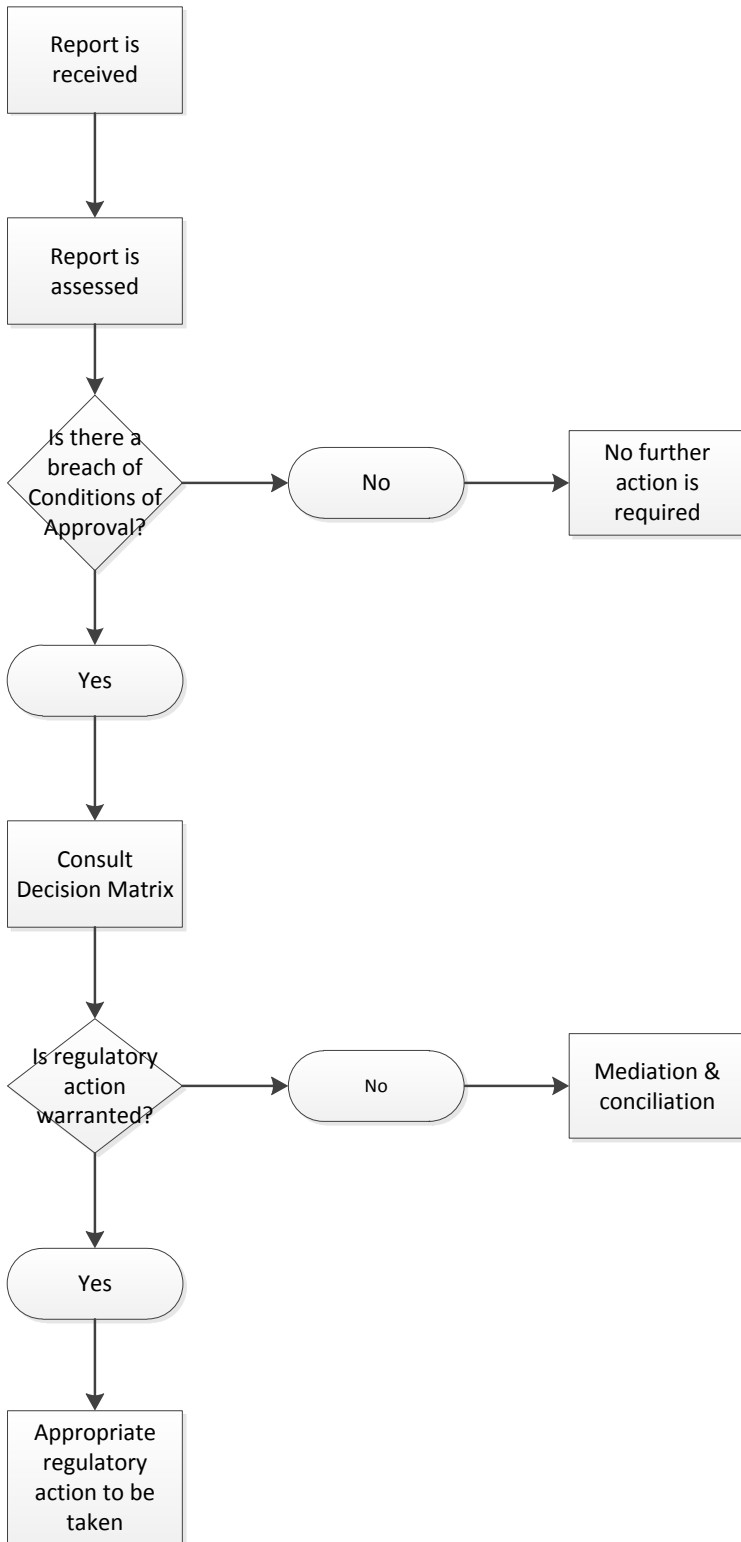
Regardless of the type of notice being served, the decision maker must refer to the preconditions set in cl. 27 of the Regulation for serving a notice. Failure to comply with these requirements may result in an error of law when taking action against the RTO.

Extensions to the date of compliance provided in a notice may be granted at the discretion of the decision maker. However it is recommended that extensions are only provided in instances where the RTO requests an extension before the expiry date of the notice.



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### Report assessment process



## Monitoring and verification approach

The objective of monitoring and verification is to ensure the risks<sup>16</sup> identified under the RTO system are under control. Noncompliance with the approval conditions is identified as a high risk to the RTO system. Therefore a primary focus of monitoring is to collect, assess and report on RTO compliance against the conditions of approval. The type of monitoring conducted is a combination of regular checking and continuous monitoring.

The method of data collection is varied to achieve a multi-layered perspective. This includes onsite evaluations, telephone calls, web reviews, third party reports (from ASQA) and retrospective reviews of complaints.

The table below outlines the Authority's three key monitoring indicators, the corresponding information to be collected, the method of collection, and the sample size required. The reporting feedback refers to the reporting of information to Senior Management.

| What we want to monitor                    | What information we need                           | Data-collection method             | Annual sample   | Reporting feedback  |
|--|--|------------------------------------|---|---|
| RTO compliance with conditions of approval | RTOs with breaches resulting in action being taken | Onsite audit<br><br>Website review | Risk based sampling of total onsite evaluation<br><br>Risk based sampling of total website checks | RTO compliance report – six monthly report to Executive<br>Note: In addition to the above, ad hoc checks will be conducted on an as needs basis |

<sup>16</sup> FSS Risks are identified under the Authority's Risk Management Register.

| What we want to monitor  | What information we need  | Data-collection method   | Annual sample  | Reporting feedback                                      |
|--|---|--|----------------|---|
| That complaints regarding RTO performance are being actioned within ten working days | Number of complaints/date received and date actioned                          | Retrospective check of complaints received and date actioned   | All complaints | RTO compliance report – six monthly report to Executive |
| Compliance by Authority approved RTOs with ASQA requirements                         | Information from ASQA regarding compliance history of Authority approved RTOs | Indicators such as sanctions, suspensions or complaints against RTOs/trainers<br>Number of complaints categorised by issue | All RTOs       | RTO Compliance report – six monthly report to Executive |



## Verification

The Food Authority will conduct evaluations of RTO performance<sup>17</sup> as well as assessing data through monitoring, to confirm the effectiveness of the RTO system. On a broader level, verification of the RTO system will determine whether RTO performance (and their level of compliance) impacts the objectives of the FSS program.

The table below outlines the Food Authority's method and the type of information required to determine overall efficiency and effectiveness of the RTO system.

| What we want to verify   | What we information we need  | Data-gathering method  | Reporting feedback                                      |
|--|--|--|---|
| Does RTO performance compromise the objectives of the FSS program? | History of notices served (complaints and monitoring)<br><br>Trainer performance/conduct (complaints and monitoring) | RTO compliance report<br><br>Attendance at face-to-face training sessions, or on an 'as needs' basis | FSS program report – twelve monthly report to Executive |
| Are monitoring procedures effective in identifying issues?         | Number and type of issues detected through monitoring program  | RTO compliance report  | FSS program report – twelve monthly report to Executive |

<sup>17</sup> It is a condition of approval that the Authority may conduct evaluations of RTO performance for quality assurance purposes. This may include (i) attendance of Authority staff at one or more training sessions conducted by the organisation and/or (ii) request training and assessment materials.

## Standard operating procedures

The effectiveness of the RTO system is dependent on the processes undertaken by staff on a daily basis. The standard operating procedures (SOPs) outlined have been established to ensure consistency, accountability and efficiency in administering the RTO system.

These procedures are relevant to the following internal stakeholders:

- Finance
- Licensing and Accreditation Unit
- Policy and Programs Unit
- Local Government Unit
- Compliance, Investigation and Enforcement
- Helpline

The SOPs central to the RTO system fall under three categories:

### *(1) Administration*

- Approving RTOs
- Dealing with incomplete applications
- Approving trainers
- Change of details
- Issuing FSS certificates for recognition of prior training
- Renewing RTO approval

### *(2) Compliance*

- No further action
- Mediation and conciliation
- Notice of intention to suspend approval
- Notice of suspension of approval
- Notice of intention to cancel approval
- Notice of cancellation of approval

### *(3) Monitoring and verification*

- Onsite audit
- Website review
- Complaints report
- ASQA reporting
- Training materials sampling





## Continuous improvement

The Food Authority is committed to continually improving the effectiveness of the RTO system. Information collected through monitoring and verification, as well as compliance records, may identify potential issues. Where issues are identified, a need for improvement will be established.

Improvements made to the existing system will specifically focus on small and incremental changes. This may include: improving information to RTOs, developing assistance materials, amending forms and making changes to internal processes. Changes implemented as a result of continuous improvement will be reviewed on an annual basis.

Larger improvements identified for the overarching FSS program are likely to result from program evaluation, stakeholder consultation and other inputs combined.



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## Documentation

The following documents are used when performing administrative functions as part of the RTO system. Production and control of these documents is approved by Authorised delegates within the Authority.

| Document name   | Date created   | Last updated                    | Approved by                          |
|---|----------------|---------------------------------|--------------------------------------|
| Application for approval as a Registered Training Organisation (FSS 002)            | September 2010 | 01 September 2015               | Manager, Strategic Policy & Projects |
| Registered Training Organisation change of details form (FSS 005)                   | September 2010 | 01 September 2015               | Manager, Strategic Policy & Projects |
| Application for renewal of approval as a Registered Training Organisation (FSS 006) | September 2010 | 01 September 2015               | Manager, Strategic Policy & Projects |
| RTO administrator checklist   | September 2010 | 1n September 2015               | Manager, Strategic Policy & Projects |
| Section 4 – RTO trainer criteria  | September 2010 | 1 September 2015                | Manager, Strategic Policy & Projects |
| Notice templates  | March 2010     | Reviewed 7 June 2013, no change | Provided by Crown Solicitors Office  |



## Appendices

Section 1: RTO compliance decision matrix

Section 2: Internal review



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## Section 1: RTO compliance decision matrix

When an RTO has breached a condition of approval, a risk assessment must be performed to determine the type of compliance action. The type of action will depend on the risk rating of that breach. The tables show the risk descriptors, the rating matrix and the decision/action matrix. A risk assessment of the current conditions of approval is also presented at Step 6.

### Step 1 – Identify breach of condition of approval

Refer to conditions of approval

### Step 2 – Likelihood of breach occurring

| Rating |                | Likelihood  |
|--------|----------------|---|
| 5      | Almost certain | The event is expected to occur in most circumstances (eg, monthly to several times a year)                        |
| 4      | Likely         | The event will probably occur in most circumstances (eg, least once per year but no more than three times a year) |
| 3      | Possible       | The event might occur at some time (eg, at least once every two years)  |
| 2      | Unlikely       | There is a slight possibility the event may occur at some time (eg, once every 5–10 years)                        |
| 1      | Rare           | Not expected to occur, may only occur in exceptional circumstances  |

### Step 3 – Consequence of breach occurring

| Rating |       | Consequence   |
|--------|-------|---|
| 4      | Major | This may include one or more of the following: <ul style="list-style-type: none"> <li>• Has resulted in intentional corrupt and/or fraudulent behaviour and/or unethical conduct by RTO</li> <li>• The FSS qualification is not valid</li> <li>• Has negatively impacted a large number of food businesses (&gt;100)</li> <li>• Severe damage to the Authority's reputation (CEO/Minister engagement required)</li> <li>• Grounds for action to be taken by ASQA</li> </ul> |



| Rating |               | Consequence   |
|--------|---------------|---|
| 3      | Significant   | This may include one or more of the following: <ul style="list-style-type: none"> <li>• Evidence suggests (but inconclusive) intentional corrupt and/or fraudulent behaviour and/or unethical conduct by RTO</li> <li>• The FSS qualification is not valid</li> <li>• Has negatively impacted a moderate number of businesses (between 50 and 100)</li> <li>• Moderate damage to the Authority's reputation (Director/CEO engagement required)</li> <li>• Potential grounds for action to be taken by ASQA</li> </ul> |
| 2      | Minor         | This may include one or more of the following: <ul style="list-style-type: none"> <li>• No evidence of intentional corrupt and/or fraudulent behaviour and/or unethical conduct by RTO</li> <li>• Validity of FSS qualification is not effected</li> <li>• Has negatively impacted a minor number of businesses (under 50)</li> <li>• Minor damage to the Authority's reputation (Director/CEO engagement required)</li> <li>• ASQA does not need to be notified of issue</li> </ul>                                  |
| 1      | Insignificant | Consequences are negligible and can be dealt with RTO on an operational level   |

#### Step 4 – Risk rating matrix

| Likelihood     |   | Consequence        |            |             |            |
|----------------|---|--------------------|------------|-------------|------------|
|                |   | Insignificant<br>1 | Minor<br>2 | Medium<br>3 | Major<br>4 |
| Almost certain | 5 | Low                | Medium     | High        | Very high  |
| Likely         | 4 | Low                | Medium     | High        | High       |
| Possible       | 3 | Low                | Low        | Medium      | High       |
| Unlikely       | 2 | Very low           | Low        | Low         | Medium     |
| Rare           | 1 | Very low           | Very low   | Low         | Medium     |

#### Step 5 - Decision matrix table

| Rating    | Action to be taken  |
|-----------|---|
| Very high | Mediation/conciliation as a first option (where appropriate) or<br>Serve notice of intention to suspend approval or<br>Serve notice of intention to cancel<br>If mediation/conciliation is to be taken as a first option, approval must be sought from either: <ul style="list-style-type: none"> <li>• Senior Policy and Programs Officer</li> <li>• Manager, Policy and Programs</li> </ul> |

| Rating | Action to be taken   |
|--------|--|
|        | <ul style="list-style-type: none"> <li>• Director, Policy and Programs</li> </ul>  |
| High   | Mediation/conciliation as a first option (where appropriate) or<br>Serve notice of intention to suspend approval<br>If mediation/conciliation is to be taken as a first option, approval must be sought from either: <ul style="list-style-type: none"> <li>• Senior Policy and Programs Officer</li> <li>• Manager, Policy and Programs</li> <li>• Director, Policy and Programs</li> </ul> |
| Medium | Mediation/conciliation as a first option or<br>Serve notice of intention to suspend approval   |
| Low    | Mediation/conciliation   |

Note – Where an option exists to take a higher form of compliance action within a rating category, the decision maker should consider factors such as the extent of the breach (eg, number of businesses affected), compliance history of the RTO, reputational sensitivity, RTO governance etc. in the decision making process.

#### Step 6 – Risk rating of conditions of approval

| Conditions of approval   | Risk rating   |
|--|---|
| Conduct Food Safety Supervisor training for the purposes of issuing Food Safety Supervisor certificates only with trainers agreed to by the Food Authority in writing.   | High (4/4)  |
| Notify the NSW Food Authority (the Food Authority) in writing of any change to: <ul style="list-style-type: none"> <li>• contact details</li> <li>• ownership of your registered training organisation</li> <li>• the scope of registration as a training organisation (for FSS related units)</li> <li>• trainers (including proposals to add new trainers and/or removal of current trainers)</li> <li>• method of delivery of the required units of competency</li> </ul> | Low (3/1)<br>Low (4/1)<br>Medium (3/3)<br>High (4/4)<br>Low (3/1) |
| Not use recognition of prior learning (RPL) for the purposes of issuing a Food Safety Supervisor certificate.  | High (3/4)  |
| Not issue a Food Safety Supervisor certificate for circumstances under which the Food Authority will issue a Food Safety Supervisor certificate (as published on the Food Authority's website).  | High (3/4)  |
| Use the Food Authority's SmartForm system to issue Food Safety Supervisor certificates to competent students.  | High (4/3)  |
| Comply with the Food Authority's procedures with regard to the security of certificate print images.   | Medium (3/3)  |



| Conditions of approval   | Risk rating                               |
|--|---|
| Issue the Food Safety Supervisor certificate within five working days of assessing the student as competent for the prescribed Food Safety Supervisor units.   | Medium (4/2)                              |
| Not subcontract any training conducted for the purposes of issuing an Food Safety Supervisor certificate to any non-approved RTO, or to a trainer that has not been accepted for your RTO by the Food Authority. | High (3/4)                                |
| In compliance with privacy laws, notify enrolling students that personal information will be provided to the Food Authority.   | Very high (5/4)                           |
| Limit class sizes to fifteen students where face-to-face delivery of training for the purposes of issuing a Food Safety Supervisor certificate is conducted.   | Medium (4/2)                              |
| Store blank Food Safety Supervisor certificate stationery in a secure location.  | Low (2/1)                                 |
| Keep a record where a replacement Food Safety Supervisor certificate is issued (eg if original has been lost or damaged).  | Medium (4/2)                              |
| Pay any amount due to the Food Authority under the Act by the specified time.  | NA – other controls administered by Taree |
| Not produce training material that inaccurately represents the requirements of the Food Act 2003 and Food Regulation 2010.   | High (4/4)                                |
| Not produce advertising material that inaccurately represents the requirements of the Food Act 2003 and Food Regulation 2010.  | High (4/3)                                |
| Use any resource/material/information required by the Food Authority in training conducted for the purposes of issuing a Food Safety Supervisor certificate.   | High (4/3)                                |



## Section 2: Internal review process

Applications for internal review need to be made within ten working days from the date of notification. This is stated in the Food Authority's *Refusal to grant approval* letter. The review panel includes an RTO Administrator, RTO Approver (who were not involved in making the original recommendation and decision) and the Director Strategic Policy and Partnerships and or the Chief Executive Officer.

The documentation considered by the review panel includes that submitted by the applicant in the application for approval. Additional documentation or new evidence will not be accepted at this point, as the review process is based on whether the original decision made was appropriate or not.

An internal report is prepared by the review panel. The report should outline the reasons supporting the outcome of the review and is to be provided to the authorised contact of the RTO.



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