

REGULATORY FOOD SAFETY AUDITOR MANUAL



Department of
Primary Industries
Food Authority



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Introduction

The NSW Food Authority (the Food Authority) is the NSW government agency responsible for regulating food production and food safety throughout New South Wales.

Under the *NSW Food Act 2003* (the Act), the role of the Food Authority is to contribute to national food policies and standards, and to develop food laws and regulations in NSW. The Food Authority is responsible for ensuring that food in NSW is safe, correctly labelled and that consumers are able to make informed choices about the food they eat.

To help achieve this, the Food Authority has developed a Regulatory Food Safety Auditor Manual (the manual).

Section 87 of the Act allows for Food Authority staff or another natural person to be approved as a food safety auditor if the Food Authority is satisfied that the person is competent to carry out the functions of a food safety auditor.

This manual applies to persons who are not a member of staff of the Food Authority, who wish to become an approved regulatory food safety auditor. It has been developed to comply with the requirements of the National Food Safety Audit Policy and the National Regulatory Food Safety Auditor Guideline. Copies of these documents can be found on the Food Authority's website www.foodauthority.nsw.gov.au.

The Manual has been developed to include specific requirements for food safety auditors and food businesses as stated in the Food Regulation 2015 which:

- prescribes a fee in relation to an application for approval as a food safety auditor, and
- prescribes the form in which a food safety auditor is to report the results of any audit or assessment carried out by the auditor, and
- provides that a food business must obtain approval to arrange for a food safety auditor who is not a member of staff of the Food Authority to carry out audits of the business under the *Food Act 2003* or the Food Regulation 2015.

This manual has been divided into three main areas:

- Criteria and approval processes for regulatory food safety auditors
- Managing the audit process
- Managing the approved regulatory food safety auditor.

This Manual is an official document published by the Food Authority to inform regulatory food safety auditors of the system implemented by the Food Authority to manage the auditor approval process, audit process and auditor. The content of this manual should be read as being the minimum requirements.

Failure to comply with the requirements of this manual is a breach of your auditor approval.



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Scope and objectives

Scope

This document is applicable to NSW only. It is based on the National Food Safety Audit Policy and National Regulatory Food Safety Auditor Guideline. Members of staff of the Food Authority who are approved food safety auditors are required to meet competency and internal policy requirements not included in the scope of this system.

Auditors must ensure that if they wish to apply to be a regulatory food safety auditor in another state or territory within Australia or in New Zealand, they must make application to the appropriate enforcement agency in that jurisdiction for approval.

Objectives

This document outlines:

- processes used to assess and approve regulatory food safety auditors in NSW by the Food Authority;
- processes for conducting regulatory audits and audit reporting on behalf of the Food Authority; and
- processes for verifying the audit management system used by the Food Authority,

so as to comply with the National Food Safety Audit Policy.

Introduction to the audit system

The introduction of a Regulatory Food Safety Auditor System allows approved food safety auditors who are not members of staff of the Food Authority to carry out audits of licensed food businesses under the *Food Act 2003*.

The Manual comprises three inter-related elements, which are:

- a) Approval criteria and assessment processes for appointing people to the role of an approved regulatory food safety auditor;
- b) Methodology for conducting regulatory food safety audits and processes for determining the risk categorisation and corresponding audit frequency for licensed food businesses; and
- c) A management system for monitoring the activities of regulatory food safety auditors.



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Responsibilities

This System aims to reduce duplication of audits for licensed food businesses in NSW.

The responsibility for activity in the regulatory audit process is shared between the Food Authority, approved regulatory food safety auditors and licensed food businesses that require regulatory auditing.

The role of regulatory food safety auditors

The role of the regulatory food safety auditor in the audit system is to conduct regulatory audits of a business's approved food safety management system to determine whether their system continues to comply with the appropriate legislative requirements.

The *Food Act 2003* places a number of obligations and duties on food safety auditors. It also provides for the suspension and cancellation of approval if these obligations and duties are not competently undertaken.

The role of the NSW Food Authority in the audit process

As part of demonstrating compliance with the requirements of the National Food Safety Auditor Policy, the Food Authority has in place management systems to respond to audit findings, monitor the activities of food safety auditors, and to approve licensed food businesses to operate under the Regulatory Food Safety Auditor System.

It is important to note that whilst the Food Authority has an audit system allowing for commercially employed auditors to conduct regulatory audits for licensed food businesses, any enforcement action that needs to be taken is the responsibility of the Food Authority.

The role of the licensee in the audit process

Food business licensees have a responsibility to ensure that their food safety system is prepared, implemented, maintained, monitored and audited at the frequency determined under section 93 (1) of the Act.

Criteria and approval processes for regulatory food safety auditors

The minimum qualifications for approved regulatory food safety auditors and the application and approval process for such auditors are described in this section.



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The food safety auditor approval process

At this time, all decisions relating to approvals will be made by the Food Authority. The Food Authority may at a later stage delegate the approval process as allowed under section 91 (2) of the Act.

Auditors seeking to become a regulatory food safety auditor with the Food Authority must make application using the 'Application for approval as a regulatory food safety auditor' (Form TPA001) on the Food Authority's website www.foodauthority.nsw.gov.au

Upon receipt of the application form, all applications will be reviewed and assessed. Applicants will be notified in writing when they are able to move to the skills and knowledge assessment which will be conducted by a Food Authority officer.

Duration of auditor approvals

The duration of a food safety auditor approval with the Food Authority is for two years, unless cancelled or suspended.

Fee

The Food Regulation 2015 prescribes an \$800.00 (plus GST) non-refundable fee in relation to an application for approval as a food safety auditor. This fee will be due every two years to be approved as a regulatory food safety auditor in NSW.

This fee will initially cover:

- Administration and ongoing communication
- Identification card
- Maintenance of the web based auditor register
- Training and assessment in NSW food legislation and Authority procedures
- Verification audits.

After the second year of approval the fee will cover:

- Administration and ongoing communication
- Auditor seminars or training
- Verification audits.

At the end of the two year approval, a renewal invoice will be sent from the Food Authority requesting payment for approval for the next two years. If an auditor does not pay the renewal fee prior to the expiration date of their approval, their food safety audit approval will be cancelled and they will not be eligible to perform regulatory audits on behalf of the Food Authority.

The approval criteria for regulatory food safety auditor applications

The following six criteria will be assessed by the Food Authority upon application to be a regulatory food safety auditor.



Table 1: Approval criteria for regulatory food safety auditor

	Criteria
1	<p>Certification against the audit knowledge competencies for auditing at all risk levels.</p> <p>All regulatory auditors must be trained and assessed as competent against the national units of competencies as described in the National regulatory food safety auditor framework.</p>
2	<p>Possession of educational and technical qualifications for the auditing of the medium and high risk levels</p> <p>Regulatory auditors in the medium and high risk levels must have a Certificate IV in Food Science or related field (including 40 hours of food microbiology).</p>
3	<p>Possession of appropriate competencies for auditing of high risk activities and complex processes</p> <p>Persons seeking to conduct regulatory audits in high risk activities and/or complex processes will be required to possess the relevant specialised auditing competencies (endorsements). The relationship between the licensed food business activity and the appropriate auditor competencies and endorsements can be found in Appendix A - Regulatory food safety auditor competencies and endorsements.</p>
4	<p>Code of conduct</p> <p>The Approved Auditor Code of Conduct is designed to inform auditors of their ethical and professional responsibilities whilst undertaking regulatory audits. The Code may be used by the Food Authority to review, impose conditions or revoke or suspend a regulatory auditor's approval. All regulatory auditors are required to sign a code of conduct as a part of the approval process. A copy of the code of conduct can be found on the Food Authority's website.</p>
5	<p>Application of pre-approval additional provisions</p> <ul style="list-style-type: none"> • The following pre-approval additional provisions will be imposed upon all regulatory food safety auditors seeking approval: • Truthfulness of information provided in an application to become a regulatory auditor • TPA001 requires a signed declaration as to the truthfulness of information provided. • Should investigation reveal any information provided to be intentionally false or misleading this will result in an application being questioned or rejected outright. If investigation following the approval of a person reveals that substantial false and misleading statements have been made, the auditor's approval may be cancelled or suspended.

	Criteria
6	<p>Food regulatory assessment of auditor competency.</p> <ul style="list-style-type: none"> Regulatory food safety auditor applicants will be assessed against specific NSW food legislation and Food Safety Schemes (Appendix B) prior to approval being granted. The assessment is to verify that the applicant can interpret and apply the appropriate legislation during an audit. A part of this process will include an assessment of practical auditing ability (for the endorsements listed on the application). The assessment will be carried out with an Authorised Officer from the Food Authority, who holds appropriate auditing competencies, technical and educational qualifications, specialised endorsements and Exemplar skills examiner certification. The scope of activity of the approved regulatory auditor will be restricted to the legislation or Scheme that the regulatory auditor has been assessed against. Regulatory auditors may not conduct audits outside of their scope of approval.

Minimum qualifications

The following minimum qualifications are required before an assessment of competence can be undertaken by the Food Authority. Applicants are required to nominate their current audit endorsements on TPA 001 and provide the appropriate documentation to support their application. Applications that do not contain the appropriate evidence of completion of the minimum qualifications will not be accepted.

All applications

- **FDFAU4002A** – Communicate and negotiate to conduct food safety audits
- **FDFAU4003A** – Conduct food safety audits
- **FDFAU4004A** – Identify, evaluate and control food safety hazards
- **FDF40311** – Certificate IV in Food Science and Technology or higher or related field including minimum of 40 hours of microbiology

By meeting these minimum qualifications and passing assessment by the Food Authority an applicant will be permitted to progress to the skills and knowledge assessment for approval as a regulatory food safety auditor (General Auditor).



Applications for specialised auditor endorsements

If a regulatory food safety auditor wishes to audit a high risk process, the appropriate endorsement listed below will need to be attained for approval:

- **FDFAU4006A** – Audit a cook chill process
- **FDFAU4007B** – Audit a heat treatment process ¹
- **FDFAU4008A** – Audit manufacturing of ready-to-eat meat products ¹
- **FDFAU4005A** – Audit bivalve mollusc growing and harvesting processes ¹

By meeting these minimum qualifications and passing assessment by the Food Authority an applicant will be permitted to progress to the skills and knowledge assessment for approval as a regulatory food safety auditor (High Risk). Auditors that are approved for high risk automatically receive approval as a regulatory food safety auditor (General Auditor).

Desirable requirements

Licensed food businesses may require credentials above that of the minimum qualifications. This may include proven industry audit experience or specific industry technical knowledge.

The Food Authority may from time to time alter the requirements for regulatory food safety auditors. The Food Authority shall notify auditors in writing of any alterations to the requirements.

By obtaining these specialised auditor competencies and passing assessment by the Food Authority, an applicant will be able to audit licensed food businesses approved to move to the third party system, that conduct these activities. Information regarding which endorsements are needed for the licensed food businesses in NSW can be found in Appendix A – Regulatory food safety auditor competencies and endorsements.

Information regarding the national regulatory food safety auditor framework, including audit competencies, education and technical qualifications and other requirements can be found on the Food Authority's website.

Insurance and indemnity

The Food Authority will not be vicariously liable for the negligent acts of regulatory food safety auditors who are not Food Authority employees.

The Food Authority requires food safety auditors to hold the following insurance before they can be approved to conduct regulatory audits:

- \$5,000,000 in personal indemnity insurance, and
- \$5,000,000 in public liability insurance.

Copies of certificates of insurance are to be provided with submission of TPA001.

Auditor assessment and training

Each potential regulatory food safety auditor must attend a training session with the Food Authority on policies, procedures and reporting requirements.

¹ Facilities with these licence permissions have not yet been approved to utilise this system

Part of the application and approval process, requires each applicant to be assessed whilst conducting a food safety audit.

The training and assessment must be conducted prior to applicants being deemed an approved regulatory food safety auditor.

Assessment of the applicant includes a written examination at the conclusion of the training session and conduct of a witness audit under the observation of a skill examiner employed by the Food Authority. Should an applicant be found not yet competent, their application to be registered as an approved regulatory food safety auditor may be rejected by the Food Authority.

The cost for conducting this assessment and training is included in the application fee.

The Food Authority has a regulatory food safety auditor register of all approved food safety auditors. This register will be made available on the Food Authority's website and will be updated as required to maintain its accuracy. It is the responsibility of approved regulatory food safety auditors to ensure that the information they supply for the register is accurate.

Changes to this information can be made by contacting the Food Authority's Helpline on 1300 552 406.

The following information is the minimum information that will be listed on the Auditor Register. This information will be collected from TPA 001:

- Auditor name
- Contact details
- Endorsements and Food Safety Schemes.

Auditor identification

Once an auditor approval has been granted by the Food Authority, the applicant will be issued with an official identification card.

The auditor approval and identification card will be valid for two years only. A new card will be issued on each successful application.

Once an identification card has been issued and the applicant has been listed on the Auditor Register, they may commence audits in their endorsed industry sectors.

The identification card remains the property of the Food Authority. If an auditor's approval is cancelled or expires, the card is to be returned immediately to the Food Authority.

At no time prior to receiving the identification card and being listed on the Auditor Register, may any applicant conduct Food Authority audits or represent the Food Authority in any matter.

Mutual recognition

Under mutual recognition provisions, the Food Authority recognises regulatory food safety auditors approved in other jurisdictions.

Applications may be made under the Commonwealth *Mutual Recognition Act 1992* or the *TransTasman Mutual Recognition Act 1997*.



Applications made under mutual recognition legislation will still be required to be assessed against NSW legislation for the Food Safety Schemes they wish to audit.

This is outlined in Section 3 of TPA 001.

Further information on mutual recognition legislation may be found at www.comlaw.gov.au.



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Managing the audit process

Duties of food safety auditors

Section 94 of the *NSW Food Act 2003* states that:

A food safety auditor has the following duties:

- a) to carry out audits of any food safety programs required by the regulations to be prepared in relation to food businesses having regard to the requirements of the regulations,
- b) to carry out any necessary follow-up action, including further audits, if necessary, to determine whether action has been taken to remedy any deficiencies of any such food safety program identified in an audit,
- c) to carry out assessments of food businesses to ascertain their compliance with requirements of the Food Safety Standards,
- d) to report in accordance with section 95 (of the *NSW Food Act 2003*).

Section 95 (5) of the Act requires that should an approved regulatory food safety auditor identify:

- a) an imminent and serious risk to the safety of food intended for sale, or
- b) an issue that will cause significant unsuitability of food for sale, or
- c) that the licensee receives an unacceptable audit result,

the approved auditor must notify the Food Authority as soon as possible but in any event, within 24 hours.

Under no circumstances can a regulatory food safety auditor take enforcement action or act as an authorised officer. At any time where an approved regulatory food safety auditor feels that enforcement action is necessary, they must contact the Food Authority within 24 hours to ensure that timely action can be taken.

Obstructing or impersonating food safety auditors

Section 99 of the *NSW Food Act 2003* states that:

1. A person must not, without reasonable excuse, resist, obstruct or attempt to obstruct, a food safety auditor in the exercise of the food safety auditor's functions under this Act.

Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation.

2. A person who impersonates a food safety auditor is guilty of an offence.

Maximum penalty: 500 penalty units.

NSW Food Authority Priority Classification System

Section 93 of the *NSW Food Act 2003* requires that the Food Authority determine:

- a) the priority classification of individual food businesses for the purposes of the application of any requirements of the regulations relating to food safety programs, and



- b) the frequency of auditing of any food safety programs required to be prepared by the regulations in relation to the food business.

Furthermore, the determination must be made having regard to a priority classification system for types of food businesses approved by the Food Authority

The Food Authority uses the Australian Government's *Business Sector Food Safety Risk Priority Classification Framework* (available at www.health.nsw.gov.au) to priority classify NSW food businesses. This framework comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

- Priority 1 (P1): Needs at least one CCP, handles 'high risk' foods, pathogens cause 'severe' illness, undertakes other risk increasing factors.
- Priority 2 (P2): Needs at least one CCP, handles 'high risk' foods.
- Priority 3 (P3): Handles 'low risk' or 'medium risk' foods, reliable hazard reduction processes, production volumes considered.
- Priority 4 (P4): Handles packaged 'low risk' foods, no other processing.

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes.

For businesses that handle many types of foods or undertake diverse processes the classification of the business is that of the highest classification applicable to any of the hazards associated with any of the products handled.

The Food Authority uses the framework to assign a priority risk level to each of its licensed food businesses which then determines the audit frequency for that food business.

Food safety auditors must ensure that if they identify a food business conducting a higher risk activity than that stated on their Food Authority licence, they are to notify the Food Authority of these changes

Further information related to the Food Authority's Priority Classification System can be found in *NSW Food Authority Priority Classification System, Version Two: 29 September 2008* which can be found on the Food Authority's website, www.foodauthority.nsw.gov.au

Planning the audit

It is the responsibility of licensed food businesses to organise a regulatory audit to be conducted with an approved regulatory food safety auditor.

The licensed food business and the regulatory food safety auditor are responsible for organising and managing the audit process.

The Food Authority is not involved in any contract negotiations or agreement between the licensed food business and the food safety auditor.

These two parties must ensure that audit frequencies determined by the Food Authority under the *NSW Food Act 2003* and *Food Regulation 2015* are met.



Auditing of multi-sited food businesses

Irrespective of whether a food business operates from many sites, each site must maintain their own food safety program and monitoring records and be audited against that food safety program.

The food safety program used on site must accurately reflect how food safety issues are being managed on that site.

Audit teams

There may be instances where teams of food safety auditors, rather than individual food safety auditors may be required to carry out regulatory audits.

Under these circumstances the lead auditor of the audit team will be required to ensure that all auditors undertaking work as part of the audit team are appropriately approved and competent to conduct such audits.

Documentation review

As a part of the audit preparation or entry meeting, the approved regulatory food safety auditor is to obtain and review copies of the previous audit report including any corrective action requests.

The auditor should ensure that they have access to all relevant legislation applicable to the type of licensed food business that is to be audited. Copies of this legislation should be on hand during the audit for easy reference.

Conduct the audit

All audits must be conducted at the facility to be audited.

Food safety auditors must use the Food Authority audit checklists for each audit. These checklists are food safety scheme specific so the correct checklist must be used. Checklists will automatically upload onto the TPA app when an audit is downloaded.

The table below outlines the minimum requirements expected when conducting a regulatory food safety audit.



Table 2: Minimum requirements for conducting a regulatory food safety audit

Audit activity	Minimum requirement
<p>Entry meeting</p> <p>Conducted at the start of the audit</p>	<ul style="list-style-type: none"> • Appropriate management must be present • Introduce auditor and show auditor identification card • Licensed food businesses must produce letter of approval issued by the Food Authority which allows them to receive regulatory food safety audits by approved regulatory food safety auditors not employed by the Food Authority. • Ensure food safety program is available and on site • Ensure monitoring records are available, up to date and on site. • Detail the scope of the audit • Check that the licensed food business holds a current Food Authority licence • Review any changes to activities conducted at the licensed food businesses that may affect the businesses food safety risk • Review changes to approved activities or processes and update on TPA app if applicable • Review food safety program amendments • Previous audit report reviewed and discussed • Review of enforcement action taken by the Food Authority • Previously issued Corrective Action Requests (CARs) reviewed and discussed. (CARs not addressed will be escalated) • Licensed food businesses must produce evidence of corrective actions taken for all CARs issued • Determine number of full time employee equivalent food handlers at the facility and update on TPA app if applicable
<p>Conducting the audit</p>	<ul style="list-style-type: none"> • Review of CARs and enforcement action to verify that corrective action has been effective. This is performed in conjunction with the inspection of the licensed food business. • Review of food safety program to ensure currency and accuracy including: <ul style="list-style-type: none"> • flow charts, • hazard analysis and control points (either Codex HACCP or FSC 3.2.1 as determined by legislation), • validation of critical limits, • finished product specifications,

Audit activity	Minimum requirement
	<ul style="list-style-type: none"> • monitoring records, • product testing results, and verification records. • Inspection of the licensed food business and observation of processing and manufacturing practices • Review of food safety support programs • Review of audit elements (described in table 6) • Establish CARs to be issued and severity • Issue of corrective action requests • Complete audit report and notes
Exit meeting Conducted at completion of the audit	<ul style="list-style-type: none"> • Appropriate management present • Audit summary and result (A-E, acceptable or unacceptable) • Review corrective action requests and notes • Agree close out time frames for CARs raised at audit • Inform licensee of audit frequency • Ensure all information recorded on report • Ensure licensee is fully aware of what information will be communicated back to the Food Authority • Management to sign audit report • Audit records should detail persons present at entry and exit meetings

Corrective Action Requests (CARs)

Approved regulatory food safety auditors must act on non-conformances observed during the audit by raising them as CARs.

CAR categories and numerical values

The Food Authority uses a rating system to determine audit performance. CARs identified during audits can be rated as minor, major or critical, depending on their severity and impact on food safety.

To assist auditors in the rating of CARs, all regulatory auditors are to use the guidance provided in the document *Guidance on Audits* published by the Food Authority. The document contains information on key areas to be considered during an audit, as well as general audit guidance for issuing of CARs and industry specific guidance for issuing of CARs.



Each CAR attracts a numerical value, (minor CAR 2 points, major CAR 8 points, critical CAR 64 points). The total point score is tallied at the end of the audit which then determines the audit rating and audit frequency for the licensed food business.

Numerical values are attributed to the audit element only and not to multiple CARs raised under the same audit element. There are eight audit elements required by the Food Authority the content of which may vary according to industry and/or risk.

The table below lists CAR ratings and the associated audit numerical value of that CAR.

Table 3: CAR ratings and numerical values

CAR rating	Score
No corrective action required	0
Minor	2
Major	8
Critical	64

Where a critical CAR is issued during an audit, the food safety auditor must notify the Authority helpline as soon as possible but in any event, within 24 hours by phone: 1300 552 406.

Escalation policy

The Food Authority has a procedure for escalating CARs issued.

Failure by food businesses to rectify any minor or major CARs by the required timeframe must be escalated and dealt with by way of a major or critical CAR.

An additional major CAR is to be raised for inadequate corrective action against the Corrective Action audit element.

Licensed food business ratings

Once the audit is completed, a rating will be determined and applied to the licensed food business based on the cumulative CAR score accrued at the audit. This rating is then used to determine the audit frequency.

The table below sets out the ratings used by the Food Authority to determine the audit result.



Table 4: Licensed food business ratings and audit results

Licensed food business rating	Cumulative CAR score range	Audit result
A	0-15	Acceptable
B	16-31	Acceptable
C	32-47	Marginal
D	48-63	Unacceptable
E	64 and greater	Unacceptable

Audit frequency

The table below sets out the rating applied to a licensed food business and the audit frequency.

Table 5: Licensed food business ratings and audit frequencies

Licensed food business rating	Regulatory food safety audit frequency	
	P1	P2
A	12 monthly	24 months
B	6 monthly	12 monthly
C	3 monthly	6 monthly
D	1 month	1 month
E	1 month	1 month

Unacceptable audits

If a licensed food business has received an unacceptable audit, (D or E rating), the food business will receive additional inspections and/or audits from the Food Authority *as well* as the scheduled audits with the approved regulatory food safety auditor.

The purpose of these additional inspections and/or audits by the Food Authority is to provide the Food Authority with evidence that the business has taken steps to comply with their food safety requirements and has sustained compliance over a period of time.

If the food business continues to not comply, appropriate enforcement action will be taken by an authorised officer of the Food Authority.

Copies of enforcement action must be produced by the licensed food business at their next audit.



Audit elements

When conducting a food safety audit on behalf of the Food Authority, the food safety auditor must ensure that the following audit elements (Table 6 below) are audited and a Corrective Action Request (CAR) score assigned at each audit if a non-conformance is found. Each audit element is to be reviewed to ensure that the procedures are current and reflect the practices occurring at the facility and are being complied with.

It is acceptable to record zero when no corrective actions are necessary.

Table 6: Audit elements

Number	Audit element	Audit component
1	Food Safety Program	Flow chart Hazard analysis Hazard audit table (or a program based on 3.2.1 of the Food Safety Standards) Finished product specifications Monitoring records Verification schedule and records Validation of critical limits
2	Construction and maintenance	Preventative maintenance Premises, vehicles and equipment maintenance
3	Hygiene and sanitation	Premises, vehicles and equipment
4	Process control	Scheme specific
5	Product identification traceability and recall	Recall program Traceability program Labelling procedure
6	Analytical and testing	Product testing Environmental testing Water testing Failed product test procedure
7	Pre-requisite programs	Calibration Pest control Internal audit Review of entire Food Safety Program Audit for compliance to Food Safety Program



Number	Audit element	Audit component
		Training GMP / GHP / Personal hygiene policy Approved supplier program Allergen control program
8	Corrective Action	Close out of previous CARs

Minimum audit times

The Authority recommends the following minimum audit times to ensure that there is sufficient time to assess a facilities food safety program for accuracy and compliance

License permission	Business size	Minimum audit time
Vulnerable Persons excluding CPUs	Very small (0-3 FTE)	1 hours
	Small (4-10 FTE)	2 hours
	Medium (11-30 FTE)	4 hours
	Large (+31 FTE)	5 hours x 2 auditors
Vulnerable Persons CPU	Very small (0-3 FTE)	5 hours
	Small (4-10 FTE)	7 hours
	Medium (11-30 FTE)	10 hours
	Large (+31 FTE)	10 hours
Dairy farm	Small (1-5 FTE)	0.75 hours
Cold stores including meat	Small – Large	2 hour
Seafood processor – Low risk	Small – medium (1-50 FTE)	0.75 hours
	Large (51+ FTE)	1.5 hours
Plant products	Small (1-5 FTE)	1 hour
	Medium (6-50 FTE)	4 hours
	Large (51+ FTE)	8 hours



Final audit report

The food safety auditor is required to leave a copy of the audit report with the licensed food business. The audit report is to be completed and sent to the Food Authority within 21 days of the audit using the Food Authority's prescribed form in the TPA app.

Should an approved auditor identify:

- a) an imminent and serious risk to the safety of food intended for sale, or
- b) an issue that will cause significant unsuitability of food for sale, or
- c) should the licensee receive an unacceptable audit result,

the approved auditor must notify the Food Authority as soon as possible but in any event, within 24 hours.

The food safety auditor must report in writing to the Food Authority any changes within the licensed food business that would alter the risk classification of the food business.

Information on the risk classification of licensed food businesses is described on page 14 of this document.

IT requirements for reporting

Mobile tablet device will be used as the reporting form for food safety auditors to inform the Food Authority of audit results. This form is a prescribed form under the Act.

Food safety auditors will enter the results of the audit into the app at the time of the audit. The app will electronically submit the audit results to the Food Authority. The table below states the minimum specifications for mobile tablet devices that will be required for running the prescribed TPA app.

Table 7: Mobile tablet device requirements for reporting.

Mobile tablet device requirements	
iPad	Any iPad or iPad mini running an operating system of IOS 9.2 or above Apple App Store account
Android	Any mobile tablet device with Android running an operating system of Android 9.2 or above Google Play Store account

Note: Some older Android devices may experience issues with screen resolution despite having the latest version of the Android operating system.

The audit report can be completed when the mobile tablet device is disconnected from the internet but will require either a 3G/4G or Wi-Fi internet connection to initially download the audit report prior to commencing the audit. It is recommended that audit reports are downloaded a couple of days prior to the audit in case there are any difficulties with the download process.

At the time of submission of the audit report, the mobile tablet device will require an active connection to the internet via 3G/4G or Wi-Fi. When the audit is submitted a copy of the report will be automatically emailed to the auditor and to the facility representative/s nominated in the audit report.



Managing the approved regulatory food safety auditor

Food safety auditor sanctions

Where an auditor breaches the code of conduct (Appendix B), the Food Authority will investigate the breach and may take disciplinary action against the food safety auditor.

Disciplinary action

The Food Authority will investigate alleged breaches with a view that if a breach has occurred, cancellation will be sought.

Should the Food Authority find reason to vary, cancel or suspend a food safety auditor's approval, the Food Authority will notify the auditor in writing.

On receipt of that notice, the auditor will have an opportunity to make submissions to the Food Authority for a review of the decision.

A food safety auditor may request that their approval is cancelled should they decide not to continue working in NSW. This cancellation will not be communicated to other State and Federal jurisdictions. It is the responsibility of the individual auditor to ensure that they do not market their services in NSW once they have surrendered their approval.

Should the Food Authority deem it necessary to cancel an auditor's approval, the Food Authority will notify other state and federal jurisdictions under the *Mutual Recognition Act 1992* of that auditors deregistration.

Identity cards must be returned to the Food Authority immediately upon cancellation of approval.

Notification

All auditors must immediately notify the Food Authority of:

- Changes to certification or qualifications
- Unintentional or suspected breach of the code of conduct
- Threats, intimidation, bribery
- Complaints
- Conflict of interest
- Identification of critical food safety issues
- Failed audits.



Maintaining the requirements for approval

Auditors are responsible for maintaining their certifications and registrations as well as complying with the Food Authority policies and procedures.

Conflict of interest

Section 89 of the *NSW Food Act 2003* describes that a food safety auditor must give notice of certain interest. It states that:

1. A food safety auditor must notify the Food Authority of any direct or indirect interest in any food business that the auditor has as soon as possible after becoming aware of that interest.

Maximum penalty: 50 penalty units.

2. Payment to an auditor for carrying out the functions of an auditor does not constitute a direct or indirect interest in a food business for the purposes of subsection (1).

The code of conduct (TPA 002) also states that a failure to declare any conflicts of interest may result in the suspension or cancellation of an auditor's approval by the Food Authority.

Confidentiality

Section 136 of the *NSW Food Act 2003* describes that a food safety auditor must not disclose certain confidential information. It states that:

A person who has, in connection with the administration or execution of this Act, obtained information relating to manufacturing secrets or commercial secrets or confidential processes must not disclose that information unless the disclosure is made:

1. with the consent of the person from whom the information was obtained, or
 - a) in connection with the administration or execution of this Act, or
 - b) for the purposes of any legal proceedings arising out of this Act or any report of any such proceedings, or
 - c) in accordance with a requirement imposed by or under this Act or any other law, or
 - d) to a person administering or enforcing a law of another jurisdiction that corresponds to this Act or any other law prescribed by the regulations, or
 - e) to the Commonwealth Food Authority, or
 - f) to a law enforcement authority, or
 - g) with other lawful excuse.

Maximum penalty: 500 penalty units.

2. A person is not guilty of an offence under this section if the information was publicly available at the time the disclosure concerned was made.

The code of conduct for regulatory food safety auditors also reiterates that auditors must keep all commercially sensitive and official information confidential. If an auditor discloses such information without appropriate consent, the Food Authority may suspend or revoke and auditor's approval.



Verification system

Verification systems are used to check for compliance to set standards, systems and legislative requirements.

The Food Authority performs verification audits of industry sectors based upon risk. This system will also enable the Food Authority to assess and monitor the performance of approved food safety auditors.

The verification model that is utilised by the Food Authority operates independently to the regulatory food safety auditor system.

Verification audits may be triggered by complaints, system reviews, trends, audit reports and requests by licensees.

Scheduled verification audits

The Food Authority will conduct scheduled verification audits based upon the food business risk classification. Outcomes of verification audits may trigger sanctions or disciplinary action against food safety auditors if poor performance is identified.

Verification Inspections

The Food Authority will conduct verification inspections on a random selection of facilities audited by approved regulatory auditors to verify the accuracy of the audit findings. Each approved auditor will have five facilities that they audited, inspected by a Food Authority officer within a month of the audit being conducted.

Auditors will be notified, in writing, of the results of the verification inspections. Should significant breaches be identified, a warning letter may be issued or disciplinary action taken

Review of audit reports

Incoming audit reports will be reviewed to ensure compliance with the Food Authority's audit management procedure. Areas that may be included in the review are:

- Audit duration
- Relevance of CARs issued
- Severity of CARs issued
- Notification of critical food safety issues
- Notification of audit failure
- Timeliness of report submission

Auditors will be notified of any findings of the review of audit reports. This may take the form of advice or information or it may result in the issuing of a warning letter or disciplinary action.



Complaints system

The Food Authority operates a helpline on 1300 552 406. This helpline will take all complaints and queries and pass them on to the relevant officer for investigation or response.

The Food Authority's complaints system is accessible by licensees, auditors, other jurisdictions and the general public. Complaints may be made via the website, email, phone, fax or by letter. The complainant may remain anonymous if they wish.

Review of decisions relating to approvals.

At this time, all decisions relating to approvals will be made by the Food Authority. The Food Authority may at a later stage delegate the approval process as allowed under the *NSW Food Act 2003* section 91 (2).

Section 91 of the *NSW Food Act 2003* states:

1. An applicant for an approval under this Division, or the holder of such an approval, may apply to the Administrative Decisions Tribunal for a review of any of the following decisions of the Food Authority relating to the application or approval:
 - a) the grant or refusal of an application for an approval under this division,
 - b) the imposition of conditions on an approval,
 - c) the variations of conditions of an approval, or
 - d) the suspension or cancellation of an approval.

2. An applicant for an approval under this Division, or the holder of such an approval may apply to the Food Authority for a review of any of the following decisions relating to the application or approval if the decision was made by a body acting under a delegation given by the Food Authority:
 - a) the grant or refusal of an application for an approval under this Division,
 - b) the imposition of conditions on an approval,
 - c) the variation of conditions of an approval, or
 - d) the suspension or cancellation of an approval.

An application made under this section may only be made within 10 days after service of:

- a) the relevant written approval or notice of refusal under section 87, in the case of an application for the review of a decision referred to in section (1) (a) or (b) or (2) (a) or (b), or
- b) the relevant notice of the variation, suspension or cancellation under section 90, in the case of an application for the review of a decision referred to in section 91 (1) (c) or (d) or (2) (c) or (d).



Appendix A – Regulatory Food Safety Auditor competencies and endorsements

General Auditor – Minimum qualifications

Table 1 below outlines the audit competencies, education and technical qualifications and other requirements that the NSW Food Authority requires from all approved regulatory food safety auditors. Each of the NSW Food Authority licensed food business activities are listed so that auditors are aware of which businesses they are endorsed to audit.

Table 1: General auditor minimum qualifications

Industry	NSW Food Authority licensed food business activity	Audit competency	Education/ Technical qualifications	Other requirements
Dairy	Production of milk on farm (dairy primary production)	FDFAU4002A	FDF40311 Certificate IV or higher in Food Science and technology or related field (including 40 hours of food microbiology)	Competency examination to be completed during on-site audit Knowledge of NSW Food Authority legislation and audit system Applicant to sign NSW Food Authority Code of Conduct for Auditors Applicant to complete signed declaration about their qualifications Suitability checks to be conducted by the Food Authority
	Transportation of raw milk	FDFAU4003A FDFAU4004A		
Meat	Meat Processing Plant (raw meat only, including game meat)			
	Retail meat premises (raw meat only)			
	Rendering plant			
Plant products	Process plant products			
Seafood	Process seafood (non-ready-to-eat seafood)			
Eggs	Production of eggs on a farm (egg primary production)			
	Egg grading facilities undergoing crack detection			



Specialised auditor competencies – Minimum qualifications

To attain endorsements to audit specific high risk processes, approved regulatory food safety auditors must first meet the requirements of a general auditor. Auditors must also meet the criteria outlined in the specialised competency column of Table 2 below prior to being approved to audit those licensed food business activities listed in column 2.

Table 2: Specialised competencies for high risk processes

Industry	NSW Food Authority licensed food business activity	Audit competency	Education/ Technical qualifications	Specialised competency		
Dairy	Pasteurise raw milk and manufacture dairy products (all species)	FDFAU4002A FDFAU4003A FDFAU4004A	FDF40311 Certificate IV or higher in Food Science and Technology or related field (including 40 hours of food microbiology)	FDFAU4007B: Audit a heat treatment processes		
Meat	Abattoir (red meat and non-red meat)				FDFAU4008A: Audit manufacturing of ready-to-eat meat products	
	Meat processing plant producing ready-to-eat meat, including game meat					
Meat	High risk meat retail producing ready-to-eat meat, including game meat					
Seafood	Collect wild shellfish					
	Cultivate and/or harvest shellfish					
	Depurate oysters					
	Desand wild shellfish					
	Wet store shellfish					
	Process seafood					

Industry	NSW Food Authority licensed food business activity	Audit competency	Education/ Technical qualifications	Specialised competency
	(oysters and seafood smoking)			
Vulnerable persons	Conduct activities as a delivered meals organisation			FDFAU4006A: Audit a cook chill process
	Processing food for a delivered meals organisation			
	Processing or serving ready-to-eat potentially hazardous food for service to a hospital or aged care facility			
Eggs	Pasteurise raw egg			FDFAU4007B: Audit a heat treatment processes



Appendix B – Legislation and industry guides list

The following is a list of legislation and industry guides (current at the date listed on the table) that regulatory food safety auditors are required to have access to and knowledge of prior to undertaking an audit. This list is not exhaustive and it remains the responsibility of the regulatory food safety auditor to maintain their knowledge of current legislation and guides.

Printed copies of the relevant documents will be required for a regulatory food safety auditors training program.

Date of currency	August 2014
INDUSTRY SECTOR	LEGISLATION & INDUSTRY GUIDES
All industries	<p><i>Food Act 2003</i></p> <p>Food Regulation 2015</p> <p>FSANZ Food Standards Code</p> <p>NSW Food Safety Scheme Manual</p> <p>NSWFA Guidance for Auditors</p>
Dairy	<p>Food Standards Code 4.2.4 – Primary Production and Processing Standards for Dairy Products</p> <p>ANZDAC Validation and Verification of Heat Treatment Equipment</p> <p>AS 3993 – 2003 Equipment for the pasteurisation of milk and other liquid dairy products – continuous flow systems</p>
Meat	<p>New South Wales Standard for Construction and Hygienic Operation of Retail Meat Premises.</p> <p>Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption, (AS 4696:2007) – Red meat abattoirs & meat processing plants</p> <p>Australian Standard for Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption, (AS 4465:2005) – Poultry Abattoirs</p> <p>Australian Standard for Hygienic Production of Game Meat for Human Consumption (AS 4464 – 1997)</p> <p>Hygienic rendering of animals products (AS 5008 – 2001)</p>
Plant products	<p>Industry Guide for the Development of a Food Safety Program (High Priority Plant Products)</p>
Vulnerable persons	<p>Guidelines for food service to vulnerable persons</p>
Eggs	<p>Small egg producers food safety program template</p>



Appendix C – Approved License Activities and Processes

License permission	Activities	Processes
Dairy primary production	Milk cows Milk goats Milk sheep Milk buffalo Milk donkeys Milk camels	Supplies to Vulnerable Persons facilities
Cold food storage including meat	Store meat products Store dairy products Store egg products Store plant products Store seafood products	Supplies to Vulnerable Persons facilities
Plant products Processing	Extract and/or package unpasteurised juice Fresh cut fruit and/or vegetables Process vegetables in oil Process seed sprouts	Supplies to Vulnerable Persons facilities < 500 kg of plant products produced per month 500 kg – 5 tonne of plant products produced per month 5 – 10 tonne of plant products produced per month 10 – 50 tonne of plant products produced per month > 50 tonne of plant products produced per month
Seafood processing		Supplies to Vulnerable Persons facilities Gill and gut, fillet or clean seafood Freezing Packaging < 2 tonne of seafood produced per month 2 – 5 tonne of seafood produced per month 5 – 10 tonne of seafood produced per month 10 – 50 tonne of seafood produced per month > 50 tonne of seafood produced per month
Seafood processing – RTE products		Supplies to Vulnerable Persons facilities Gill and gut, fillet or clean seafood Shucking Smoking Preserving / Drying Canning



License permission	Activities	Processes
		Bottling Open oysters Manufacture sushi Process caviar Process other ready-to-eat (RTE) product < 2 tonne of seafood produced per month 2 – 5 tonne of seafood produced per month 5 – 10 tonne of seafood produced per month 10 – 50 tonne of seafood produced per month > 50 tonne of seafood produced per month
Contractor to a facility		Process by the contractor Serve by the contractor Process and serve by the contractor Cook Fresh Short Shelf Life Cook Chill Extended Shelf Life Cook Chill Supplies to VP Fresh salads Cryovack RTE meats Meals on Wheels Frozen meals < 5,000 meals produced per month 5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month
		Process by the contractor Serve by the contractor Process and serve by the contractor Cook Fresh Short Shelf Life Cook Chill Extended Shelf Life Cook Chill Supplies to VP Fresh salads Cryovack RTE meats Meals on Wheels

License permission	Activities	Processes
		Frozen meals < 5,000 meals produced per month 5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month
Delivered meal organisation		
Facility operator contracts out some activities		Process by the contractor Serve by the contractor Process and serve by the contractor Cook Fresh Short Shelf Life Cook Chill Extended Shelf Life Cook Chill Supplies to VP Fresh salads Cryovack RTE meats Meals on Wheels Frozen meals < 5,000 meals produced per month 5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month
Facility operator processes and/or services		Process by the contractor Serve by the contractor Process and serve by the contractor Cook Fresh Short Shelf Life Cook Chill Extended Shelf Life Cook Chill Supplies to VP Fresh salads Cryovack RTE meats Meals on Wheels Frozen meals < 5,000 meals produced per month

License permission	Activities	Processes
		5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month
Food for DMO		Process by the contractor Serve by the contractor Process and serve by the contractor Cook Fresh Short Shelf Life Cook Chill Extended Shelf Life Cook Chill Supplies to VP Fresh salads Cryovack RTE meats Meals on Wheels Frozen meals < 5,000 meals produced per month 5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month
Facility operator contracts out all processing and serving		No processing or serving by the facility < 5,000 meals produced per month 5,000 – 25,000 meals produced per month 25,000 – 50,000 meals produced per month 50,000 – 100,000 meals produced per month



Department of
Primary Industries
Food Authority

6 Avenue of the Americas, Newington NSW 2127
PO Box 6682, Silverwater NSW 1811
T 1300 552 406
contact@foodauthority.nsw.gov.au
ABN 47 080 404 416

More resources at foodauthority.nsw.gov.au



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