

WA Food Regulation: WA Health Regulatory Food Safety Auditor Approval Process Policy

The Approach being taken by WA Health for Approval Process of
Regulatory Food Safety Auditors under the *Food Act 2008*

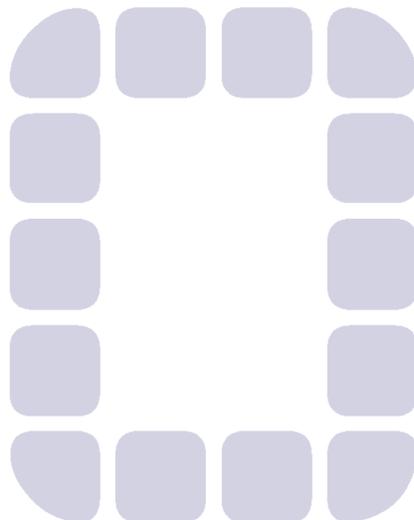
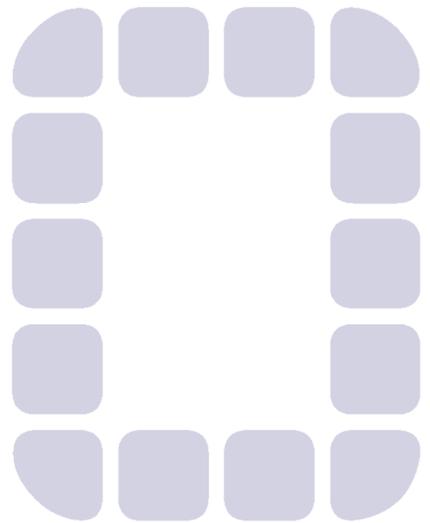
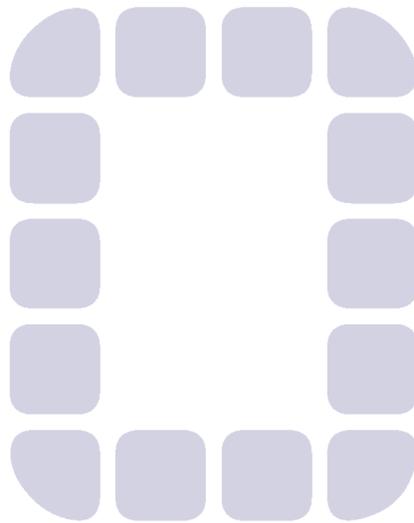
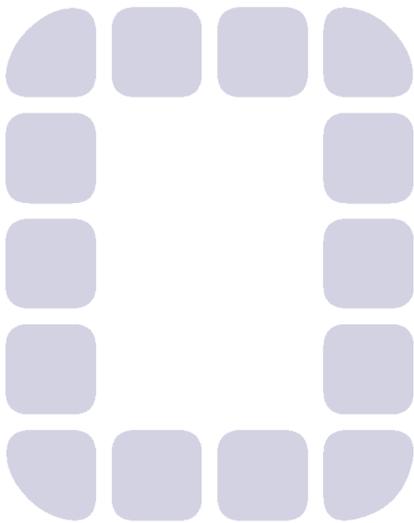


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WA Health Regulatory Food Safety Auditor Approval Process Policy

1. Purpose

To provide the operational framework for the approval of *Food Act 2008* (the Act) regulatory food safety auditors.

2. Scope

This policy is applicable to Western Australia (WA) only. It is based on the *National Food Safety Audit Policy and National Regulatory Food Safety Auditor Guideline*¹. This policy deals with the approval of auditors for the purposes of the Act and is not to be interpreted as extending to the certification/approval of auditors for any other scheme or purpose.

3. Objectives

This policy outlines the process used to assess and approve regulatory food safety auditors in WA by the Department of Health (DOH) to maintain consistency and to comply with the National Food Safety Audit Policy.

4. Related Policies

- WA Health Management of Regulatory Food Safety Audit Policy; and
- WA Health Regulatory Food Safety Auditor Management Policy.

5. Definitions

Act	<i>Food Act 2008</i>
Audit	A systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which the audit criteria is fulfilled.

¹ Available from the Food Regulation Secretariat webpage:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-policydocs.htm#nfsapolicy>

Audit report	The prescribed form (approved by the Department of Health) that must be utilised by regulatory food safety auditors to report audit outcomes to enforcement agencies.
CEO	Chief Executive Officer of the Department of Health
Code	<i>Australian New Zealand Food Standards Code</i>
Critical non-conformance	A contravention of the Act or the Code that poses an imminent and serious risk to the safety of food intended for sale or that will cause significant unsuitability of food intended for sale.
Code of Conduct	The Western Australian Regulatory Food Safety Auditor Code of Conduct. This Code of Conduct is contained within appendix 2 of this policy.
DOH	Department of Health
Enforcement Agencies	Enforcement agency has the same meaning as section 6 of the Act. As prescribed in the Regulations, the enforcement agency will either be the Department of Health or the appropriate local government.
FSP	Food Safety Program
FRSC	Food Regulation Standing Committee of the Australian New Zealand Food Regulation Ministerial Council.
Food Safety Standards	Chapter 3 of the Code
Inspection	The examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, to verify that they conform to regulatory requirements.
Non-critical non-conformance	Where there is a non-conformance against the FSP, the Food Safety Standards (or if applicable Standard 4.2.4) or the Act that is not considered to pose a serious or imminent risk to food intended for sale or that will cause significant unsuitability of food intended for sale.
Regulations	<i>Food Regulations 2009</i>
Regulatory Food Safety Audit	An audit arranged by a food business to satisfy the requirements imposed by section 99(2) of the Act
Regulatory Food Safety Auditor	An auditor approved by the DOH under Part 8 of the Food Act 2008 as competent to undertake regulatory food safety audits of food businesses.
Standard 3.2.1	Standard 3.2.1 (<i>Food Safety Programs</i>) of the Code
Standard 4.2.4	Standard 4.2.4 (<i>Primary Production and Processing Standard for Dairy Products</i>) of the Code

6. Responsibilities

The responsibility for the regulatory food safety audit process is shared between the DOH, local government enforcement agencies, approved regulatory food safety auditors and food businesses that require regulatory auditing.

The fact sheet '*Relationship between Regulatory Food Safety Auditors and Enforcement Agencies*' contains an overview of the roles and responsibilities of food businesses, enforcement agencies and regulatory food safety auditors. This fact sheet is able to be downloaded from the Food Unit's website at www.public.health@health.gov.au.

Part 8 of the Act requires the auditor to report in writing to the appropriate enforcement agency the results of any audit or assessment carried out within 21 days after the completion of the audit. Should an auditor consider any matter encountered during a regulatory audit to pose an imminent and serious risk to the safety or suitability of food intended for sale, the Act requires that the auditor notify the appropriate enforcement agency as soon as possible but in any event within 24 hours of detection of such a matter.

The appropriate enforcement agency is responsible for determining the priority classification and the audit frequency for the food safety programs of individual food businesses subject to the requirement to be audited under the Act.

The DOH is responsible for approving regulatory auditors.

7. Duties of Regulatory Food Safety Auditor

A regulatory food safety auditor has the following duties:

- a) to carry out audits of any food safety program required by the Code to be prepared in relation to food businesses;
- 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 during an audit;
- c) to carry out assessments of food businesses to ascertain their compliance with the requirements of the *Food Safety Standards*;
- d) to report in accordance with section 102 of the Act to the appropriate enforcement agency.

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

Reporting by regulatory food safety auditors to enforcement agencies on a food business' audit outcome will occur via an approved form developed by the DOH.

8. Determination of Approval Process

All decisions relating to approvals of regulatory food safety auditors will be made by the CEO.

Auditors seeking to become a regulatory food safety auditor must make an application using the application form on the Food Unit's website which can be found at www.public.health@health.gov.au

Upon completion of an application form, an application will be reviewed and assessed. Applicants will be notified in writing if their application has been approved by the CEO.

While the Transitional Period Provision referred to in 10.7.2 is in place, a condition will be placed on all approvals requiring the regulatory food safety auditor to provide, within six (6) months of the approval, written evidence that the auditor has conducted a witness audit.

Note: If the applicant does not comply with the condition attached to their approval and provide, within six months of the grant of the licence, evidence of a completed witness audit that, in the opinion of the CEO, demonstrates the applicant is competent to undertake regulatory food safety audits, the CEO may cancel the applicant's licence.

9. Criteria for approval

All regulatory food safety auditor applicants will be assessed by the CEO against the following criteria adapted from the National Regulatory Food Safety Auditor Framework approved by FRSC:

1. Certification (attainment) against the audit knowledge competencies;
2. Possession of appropriate educational and technical qualifications for the auditing of the medium and high risk levels;
3. Possession of appropriate competencies for auditing of high risk activities

- and complex processes;
4. Commitment to adhere to the Code of Conduct;
 5. Application of pre-approval additional provisions; and
 6. Appropriate skills and knowledge regarding Western Australia's food regulatory system; and
 7. Satisfactory completion of a witness audit.

10. Explanation of Criteria

10.1 Criteria 1

All regulatory food safety auditors must be trained and assessed as competent against the national units of competency (contained within table 1 of Appendix 1 and referred to as 'Core Audit Knowledge Competencies'). Evidence of the attainment of the required competencies must be submitted with all regulatory food safety auditor applications.

Bodies that may conduct training and assessment are those bodies formally registered to deliver these competencies. These bodies may be Personnel Certification Bodies (PCBs) and/or Registered Training Organisations (RTOs).

10.2 Criteria 2

Persons seeking to conduct regulatory food safety audits must have a Certificate IV or higher in Food Science or related field (including 40 hrs of food microbiology) in order to be considered competent to conduct such audits.

Persons who hold qualifications accepted for approval as an Environmental Health Officer under the *Health Act 1911* and who can demonstrate that they have sufficient recent practical experience in food safety assessment within the industry sector applicable, may be deemed competent under criteria 2 without needing to demonstrate that their formal study towards the Environmental Health qualification obtained contained 40 hours of food microbiology.

10.3 Criteria 3

Persons seeking to conduct regulatory food safety audits of the following activities/processes:

- cook chill process;
- heat treatment process;
- manufacture of Ready-to-Eat (RTE) meat products;
- bivalve mollusc growing and harvesting operations

will be required to possess the relevant specialised auditing competencies, as set out in table 2 of Appendix 1 (referred to as 'Additional Specialised Audit Knowledge Competencies'), and be assessed as competent to undertake auditing of these activities.

10.4 Criteria 4

All regulatory food safety auditors will be required to sign their commitment to abide with the Code of Conduct. Regulatory Food Safety Auditors must, in all circumstances, avoid actual or apparent conflicts of interest.

The Code of Conduct is provided in Appendix 2 and is aimed at ensuring regulatory food safety auditors undertake their regulatory audits in an ethical and professional manner. Compliance with the Code of Conduct is a condition of approval and breach of the Code of Conduct may result in a suspension or cancellation of approval.

10.5 Criteria 5

All persons seeking appointment as a regulatory food safety auditor will be required to sign a statement as part of their application that covers the following issues:

- Previous criminal activity;
- The truthfulness of the information provided within the application; and
- Consent for the DOH to verify the accuracy and integrity of this information from time to time.

10.6 Criteria 6

All regulatory food safety auditor applicants will need to submit a statement that provides sufficient evidence to demonstrate that they have appropriate skills and knowledge in relation to the following to the satisfaction of the DOH:

- An in-depth understanding of the *Australia New Zealand Food Standards Code*; in particular a working knowledge of Chapter 3 (the Food Safety

Standards);

- An in-depth understanding of how the *Food Safety Standards* relate to the specific food industry sector that they wish to audit;
- A demonstrated ability to interpret the requirements of the Western Australian Food Regulatory System, including the *Food Act 2008* and the regulatory food safety auditing framework;
- Knowledge and a demonstrated ability to carry out auditing of food safety programs/quality assurance plans/food safety management systems (whichever applicable); and
- An understanding of the role of state and local government in food regulation.

10.7 Criteria 7

10.7.1 Witness audit requirement

Subject to clause 10.7.2, all applicants will need to submit written evidence of a completed witness audit. It is essential that the scope of the witness audit corresponds to the audit scope/s that the applicant wishes for their approval to cover. If the applicant is applying for approval over a number of audit scopes, they may need to submit evidence from a number of witness audits.

Applicants will need to contact the Food Unit, DOH, to arrange a witness audit prior to applying to be a regulatory auditor. Witness audits will be conducted by an approved auditor employed by the DOH. A witness audit will only be performed by the DOH once the DOH has determined that the applicant satisfies criteria 1-6 of this policy.

If witness audits have been performed by a tertiary education body or a Personal Certification Body, the applicant may submit written evidence from that body in lieu of arranging for the DOH to undertake a witness audit. Acceptance of this external evidence will be assessed against the following factors:

- Scope of the witness audit

- Qualifications and experience of the witness auditor/organisation
- Duration of the witness audit
- Currency of the witness audit
- Content of the assessment.

10.7.2 Transitional Period Provision (valid until 31 October 2012):

The requirement to submit this evidence on application will be waived by the CEO until the end of the 6 month provisional approval period. In these circumstances the requirement to submit evidence of a witness audit will form a condition of approval. Continued approval as a regulatory food safety auditor will not be granted until evidence of a witness audit has been submitted and deemed acceptable by the CEO.

11. Scope of Approval

The scope of activity of the approved regulatory food safety auditor will be restricted to the criteria that the regulatory food safety auditor has been assessed against. Approved regulatory food safety auditors may not conduct regulatory audits in areas outside their scope of approval as issued by the CEO.

12. Approval Process

A desktop assessment of all applications will be undertaken by a scientific officer from the Food Unit. A recommendation will be made to the Manager Food Unit, who will forward the application to the CEO or his/her delegate for the final assessment of the application.

Where an application has been determined by the CEO to be not suitable for approval, a letter detailing the reasons for the decision not to approve will be sent to the applicant.

In accordance with s 98(2) and (3) of the Act, the applicant may apply to the CEO for a review of a decision made by a person or body acting under a delegation given by the CEO if the decision relates to any of the following:

- The grant or refusal of the application for approval;

- The imposition of conditions on approval;
- The variation of conditions of approval;
- The suspension or cancellation of approval.

The applicant may also apply to the State Administrative Tribunal (SAT) for a review of a decision of the CEO. Applications to SAT for review of a decision must be made within 28 days of the determination being made.

13. Conditions of Approval

Every regulatory food safety auditor approval is to contain the following conditions:

- Auditor to provide, within six (6) months of the approval, written evidence that the auditor has conducted a witness audit;
- Compliance with the Code of Conduct;
- Attendance at any training requested by the DOH over the term of approval;
- Submission of audit records to DOH when requested;
- Auditor shall not subcontract the performance of any regulatory food safety audit services provided. Auditor shall not assign any of their rights or obligations under this approval in whole or in part;
- Auditor to hold and keep current for the duration of approval a professional indemnity insurance policy that will provide adequate coverage for any loss that may be suffered if harm is caused to another and the auditor is liable;
- Auditor to provide a copy of the first 5 completed audit reports (per scope) performed for assessment by the CEO. If assessment of the audit reports indicates that audits are not being conducted in accordance with the requirements of -
 - the Western Australian Food Safety Auditing Framework
 - the *Food Act 2008* or
 - the auditor's conditions of approval

action may be undertaken in accordance with the *WA Health Regulatory Food Safety Auditor Management Policy*.

14. Certificates of Authority

Every regulatory food safety auditor will be issued with a certificate of authority. The form of the certificate of authority is contained within Appendix 3.

All certificates of authority issued remain the property of the CEO and must be returned:

- when the period of approval ends; or
- at any time when requested by the CEO or his delegate.

15 Auditor Register

The DOH will maintain the details of all approved regulatory food safety auditors on a publically available register on the food unit website at www.public.health.gov.au. This will help ensure the authenticity of persons claiming to be approved regulatory food safety auditors.

16. Term of Approval

The approval to be a regulatory food safety auditor will be valid for 4 years.

17. Timeline

An application for approval to be a regulatory food safety auditor will be processed within 30 days following receipt by the Food Unit.

If further information is required, the applicant will be advised and the application will be put on hold (and time suspended) until appropriate information has been supplied by the applicant.

SIGNED

Jim Dodds
**DELEGATE OF
THE CHIEF EXECUTIVE OFFICER
DEPARTMENT OF HEALTH**

18 March 2011

Appendix 1:

Regulatory Food Safety Auditor Audit Knowledge Competencies

Table 1 - Core Audit Knowledge Competencies

Unit of Competency Code	Unit Title
FDFFSACA	Assess compliance with food safety programs
FDFFSCFSA	Conduct food safety audits
FDFFSCHZA	Identify, evaluate and control food safety hazards
FDFFSCOMA	Communicate and negotiate to conduct food safety audits

Table 2 – Additional Specialised Audit Knowledge Competencies (only required if auditor wishes to be approved to audit these complex processes)

Specialised Process	Unit of Competency Code	Unit Title
Cook Chill	FDFFSACC4A	Audit a cook chill process
Heat treatment processes	FDFFSHT4A	Audit a heat treatment process
RTE/UCFM production	FDFFSME4A	Audit manufacturing of RTE products
Raw oysters and bivalve production and processing	FDFFSBM4A	Audit bivalve mollusc growing and harvesting operations

Appendix 2:

WA Health Regulatory Food Safety Auditor Code of Conduct

1.0 Purpose and application of the Code

1.1 Purpose

- This Code applies to all regulatory food safety auditors approved by the Department of Health (DOH) to conduct audits of food businesses.
- Such persons are expected to conduct themselves with integrity, professionalism, and be accountable to the outcomes of audits they perform.
- This Code has been drafted with respect to measures pertained in sections 96-98 of the Act.

1.2 Application

- This Code applies to all approved regulatory food safety auditors.
- Regulatory food safety auditors should:
 - Familiarise themselves with this Code.
 - Familiarise themselves, and comply with all WA food legislation concerning auditors, audits, audit performance and the requirements of the *Australia New Zealand Food Standards Code* to which they are auditing.
- Any approved regulatory food safety auditor failing to comply with this Code may have their approval immediately suspended or cancelled by the DOH.

2.0 Definitions

Actual conflict of interest	when the DOH would conclude that an auditor's ability to conduct an audit has been compromised by their private or business interests in the client's business.
Additional specialised audit knowledge competency	the additional audit knowledge competencies outlined in table 2, appendix 1 of the WA Regulatory Food Safety Auditor Approval Process Policy that are required to be held by auditors auditing specialised complex processes

Apparent conflict of interest	when the DOH would consider the private or business interests of an auditor may interfere, unduly benefit, or disadvantage their ability to conduct a fair audit of a clients business.
Appropriate enforcement agency	has the same meaning as provided in Part 2, section 8 of the <i>Food Act 2008</i> .
Approval	the document granting a regulatory food safety auditor the permission and authority to conduct regulatory food safety audits.
Approved regulatory food safety auditor	a person whose application to become a regulatory food safety auditor has been approved by the CEO.
Food Business	has the meaning as contained within section10 of the <i>Food Act 2008</i> .
Code	means this Code of Conduct
Commercially sensitive information	means information: <ul style="list-style-type: none"> ○ provided to an auditor by a food business during an audit of the business where the business's commercial interests may be impacted; ○ information provided by someone else other than the business concerning some aspect of the business's audit, where the business's commercial interests may be affected; where upon receipt of the information the auditor has been requested to not disclose the information.
Food safety management system	is a general term referring to any risk-based food safety management system, including legislated food safety programs and HACCP plans. Where such systems refer to legislated food safety programs equal to Standard 3.2.1 of the <i>Australia New Zealand Food Standards Code</i> , a food safety program means a system that: <ul style="list-style-type: none"> ○ systematically identifies the potential hazards that may be reasonably expected to occur in all food handling operations of the food business; ○ identifies where, in a food handling operation,

	<p>each hazard identified under paragraph (a) can be controlled and the means of control;</p> <ul style="list-style-type: none"> ○ provides for the systematic monitoring of those controls; ○ provides for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control; ○ provides for the regular review of the system by the food business to ensure its adequacy; ○ provides 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.
Gifts	<p>means any item or service offered by:</p> <ul style="list-style-type: none"> (a) an employee of a food business (b) any other person acting on behalf of a food business, or in the interests of a food business <p>to solicit favourable treatment during an audit, or offered to an auditor in response to a finding of a nonconformance during an audit of a food business. This includes findings of a legislative nature and findings in relation to food safety programs. The offer of money to an auditor (bribery) by parties listed in (a) or (b) is considered a gift.</p>
Illegal drug	<p>means a prohibited drug as defined in section 4 of the <i>Misuse of Drugs Act 1981 (WA)</i>.</p>
Official information	<p>means information:</p> <ul style="list-style-type: none"> ○ provided to an auditor by the DOH; ○ provided by another party acting on behalf of the DOH*, where upon receipt of the information, the auditor is requested to not disclose the information. <p><i>*When a party claims to be acting on behalf of the DOH, the auditor shall not accept the information from that party until the legitimacy of that party has been established.</i></p>
Relevant officer	<p>means the person employed and authorised by the DOH to</p>

	manage audit activities within Western Australia
Regulatory Food Safety Audit	means an evaluation of a business's approved food safety management system or other aspect of a food business to determine compliance with relevant aspects of the <i>Food Act 2008</i> , the <i>Food Regulations 2009</i> and policies applicable in Western Australia where the auditor has an approval to conduct regulatory food safety audits.
Regulatory Food Safety Auditor	means a person formally approved by the DOH to conduct audits of food businesses or other premises requiring food safety audits (e.g. any business required by the <i>Australia New Zealand Food Standards Code</i> to implement a food safety program that complies with Standard 3.2.1). All auditors must be approved by the DOH to conduct audits.

3.0 Underlying Conduct Provisions

Regulatory food safety auditors shall:

- conduct regulatory food safety audits with diligence, professionalism and integrity;
- provide a copy of all audit reports to the appropriate enforcement agency and immediately inform the appropriate enforcement agency of all instances of non-conformances detected during audits, in compliance with measures dictated in the Act;
- always act fairly and equitably;
- comply with all relevant legislation and policies;
- avoid real or apparent conflicts of interest. In the event of a conflict of interest arising during an audit, declare this conflict to the DOH as soon as possible to enable the DOH to determine the appropriate course of action;
- always show respect to all people involved in the regulatory audit process;
- only conduct regulatory food safety audits once approved by the DOH;
- only conduct regulatory food safety audits in Western Australia, unless approved by the relevant authority of another jurisdiction to conduct audits in that jurisdiction (regulatory food safety auditors found practicing outside their jurisdiction of approval without having a formal approval from the relevant authority of that jurisdiction are in breach of this Code);

- not audit a food business which requires an additional specialised audit knowledge competency unless the regulatory food safety auditor has been assessed as competent to undertake such an audit;
- not behave in a manner that compromises the DOH;
- assist the appropriate enforcement agency with compliance and enforcement activity taken by that agency as a result of the auditor's auditing activities including but not limited to, providing statements of evidence for matters concerning legal prosecutions (Auditors shall not be responsible for paying costs associated with the activity of the appropriate enforcement agency);
- not seek or accept recompense from any client in return for the auditor's failure to implement appropriate action in relation to a finding of non-conformance detected during a regulatory food safety audit. 'Non-conformance' includes, but is not limited to, non-conformances of a legislative nature.

4.0 Ethical obligations

4.1 Respect for persons

Regulatory food safety auditors shall behave fairly and without favoritism, patronage or prejudice toward any person associated with a food business.

4.2 Respect for the dignity, rights and views of others

Regulatory food safety auditors shall not let their personal beliefs influence the outcomes of regulatory food safety audits they perform. Regulatory food safety auditors shall not use abusive, obscene or threatening language or behaviour towards any person associated with the food business. Physical and/or verbal violence against any person during the regulatory food safety audit process is considered a breach of this Code.

4.3 Procedural fairness

Regulatory food safety auditors shall abide by the rules of procedural fairness. The rules of procedural fairness require that an auditor:

- give a person whose interests may be adversely affected by the auditor's report, decision or findings an opportunity to present his or her case;

- not have an interest in any matter the subject of any audit; nor appear to have an interest in any matter that is the subject of an audit;
- have evidence to justify any decisions or finding that the auditor makes.

4.4 Discrimination

Regulatory food safety auditors shall not unlawfully discriminate against any employee of a food business, or other person associated with a food business, or member of the general public while conducting regulatory food safety audits. Issues covered by “unlawfully discriminate” include:

- discrimination based on sex, colour, race, religious beliefs, or other issues listed in anti-discrimination legislation applying in Western Australia.

4.5 Workplace harassment

Regulatory food safety auditors shall not behave in an offensive, abusive, obscene, threatening or belittling manner towards employees of a food business, other persons associated with a food business, or any members of the general public, when carrying out audits or assessments.

Making a statement about the potential consequences of not implementing advice regarding a non-conformance does not constitute threatening behaviour.

4.6 Confidentiality

Regulatory food safety auditors are required to maintain confidentiality in relation to the nature of processes and practices (and any complaints associated with either) of food produced at businesses they have been requested to audit.

Strict confidentiality is also required from regulatory food safety auditors when dealing with any allegation of discrimination, workplace harassment or sexual harassment, whether the allegation concerns themselves, another auditor, or

any other person associated with a food business where they may be required to conduct an audit.

4.7 Victimisation or reprisal

Regulatory food safety auditors shall not threaten, or act to the detriment of any person.

5.0 Behaviour and attitude

During a regulatory food safety audit, a regulatory food safety auditor shall:

- maintain an open and honest approach with all parties involved in the audit, and maintain an appropriate level of communication whilst conducting audits or dealing with audit outcomes;
- respect all persons when conducting audits, irrespective of their ideas and/or modes of operation;
- avoid inappropriate behaviour when conducting audits including behaviour perceived to be intimidating, hostile or offensive and not responding in kind to intimidating or threatening behaviour displayed to them during an audit. In the event of such behaviour, an auditor shall immediately suspend the audit and directly inform the appropriate enforcement agency.

6.0 Dress standards

Regulatory food safety auditors shall conform to a standard of dress suitable for the work to be undertaken. Regulatory food safety auditors shall dress respectably in clean clothes and ensure the professionalism of all food safety auditors is not compromised by the standard of their dress.

Regulatory food safety auditors shall comply with industry-specific or client-specific dress requirements while conducting audits at a food business, including compliance with any required bio-security protocols.

Regulatory food safety auditors shall produce identification verifying themselves to be approved food safety auditors on demand. It is preferred that regulatory food safety auditors have identification verifying their approval clearly visible at all time

when conducting audits, but it is not mandatory for regulatory food safety auditors to follow this practice.

7.0 Alcohol and drugs

Regulatory food safety auditors shall not:

- smoke on the premises of a food business in any area other than that deemed by the proprietor of the premises to be a smoking area;
- at any time, consume substances (e.g. alcohol, illegal drugs) capable of altering their behaviour or ability to competently conduct food safety audits. To do so is considered a breach of this Code which may result in the immediate cancellation of an auditor's approval;
- use legal drugs obtained on prescription or direct purchase, in any way other than in direct compliance with the prescribing doctor's or manufacturer's direction.

8.0 Conflicts of interest

Regulatory food safety auditors, must at all times, avoid conflicts of interest. In the event of an auditor learning that an actual or apparent conflict of interest exists, the auditor shall immediately inform the relevant officer of the DOH. Following investigation, the relevant officer will inform the auditor whether they may continue to audit the food business.

Examples of situations that are considered to constitute an actual or apparent conflict of interest include:

- The auditing of a business where a regulatory food safety auditor has provided specific direction to the business in *how to* manage food safety risks associated with its approved food safety management system, which may or may not include having drafted the business's food safety management system. The provision of general food safety advice to a business, providing this advice does not include or provide specific direction to the food business on how to manage a food safety risk associated with its approved food safety management system, should not be considered a conflict of interest situation.

- Arranging food safety training or participating as a food safety trainer in sessions where company specific solutions to food safety risks associated with a company's approved food safety management system are discussed or provided. Discussing non-conformances identified during a regulatory food safety audit does not constitute a conflict of interest.
- The auditing of a food business by a regulatory food safety auditor who has a direct financial interest in that food business. Remuneration provided to a regulatory food safety auditor for auditing a food business does not constitute a conflict of interest.
- The auditing of a food business by a regulatory food safety auditor who has an existing relationship or association with a person who owns or is employed by that food business.
- The auditing of a food business where the regulatory food safety auditor, or a close family member or associate of the auditor, has a direct relationship with a competitor of the business being audited.

A conflict of interest is not considered to occur where such information is limited to generic information freely available in the public domain, and company specific solutions are not provided or discussed.

A conflict of interest is not considered to automatically occur where a regulatory audit is performed by a regulatory food safety auditor who is also an authorised officer from the appropriate enforcement agency. However the potential conflict from this situation needs to be managed and it must be made clear to the food business audited under such an arrangement which role is being performed prior to undertaking an audit or a regulatory assessment.

9.0 Acceptance of benefits

Any regulatory food safety auditor found to accept gifts, where the intent in offering the gift may be perceived to be an attempt to influence an audit outcome, and/or a response to a non-conformance finding, will be subject to immediate investigation by the DOH. Such an investigation may lead to the suspension or cancellation of the

auditor's approval. The investigation may further lead to legal action being commenced against the auditor.

Benefits do not include refreshments such as tea and coffee or basic meals provided to an auditor while conducting an audit of a food business.

A regulatory food safety auditor must notify the appropriate enforcement agency immediately should any attempt be made by a client to offer a gift to the auditor, where the intent of offering the gift may be perceived to be an attempt to influence an audit outcome, and/or a response to a non-conformance finding.

10.0 Official information and public comment

Commercially sensitive information and official information provided to an auditor shall not be used by an auditor to gain advantage for themselves, another person or organisation.

A regulatory food safety auditor shall not make public statements or be interviewed by the media on matters concerning regulatory food safety audits, clients, the DOH or other government body associated with the DOH's activity, unless provided with express written permission by the relevant officer of the DOH.

11.0 Falsification of results

A regulatory food safety auditor shall not knowingly include false information in audit reports.

Appendix 3:

Approved Regulatory Food Safety Auditor Application Form

SECTION 1: CONTACT DETAILS

Details marked with an asterisk (*) will be made publically available on the Department of Health's approved regulatory food safety auditors list

Full Name*: _____
Postal Address: _____
Suburb* _____
Phone Number*: _____
Mobile Number*: _____ Facsimile Number*: _____
E-mail Address*: _____
Web Address*: _____

SECTION 2: EMPLOYMENT DETAILS

Employment Arrangements:

Self-employed Subcontracting Audit Company Employee
 Local Government Department of Health (WA) employee

Business Name: _____
Trading Name (if applicable) _____

ABN ACN

Postal Address: _____
Phone Number: _____ Facsimile Number: _____

SECTION 3: SKILLS AND KNOWLEDGE (CRITERIA 6)

Please attach a statement addressing:

- An in-depth understanding of the *Australia New Zealand Food Standards Code*; in particular a working knowledge of Chapter 3 (the *Food Safety Standards*);
- An in-depth understanding of how the *Food Safety Standards* relate to the specific food industry sector the applicant is applying to audit;
- A demonstrated ability to interpret the requirements of the Western Australian Food Regulatory System, including the *Food Act 2008* and the *Regulatory Food Safety Auditing Framework*;
- Knowledge and a demonstrated ability to carry out auditing of food safety programs/quality assurance plans/food safety management systems (whichever applicable); and
- An understanding of the role of state and local government in food regulation.

SECTION 4: MUTUAL RECOGNITION

Do you hold an active approval as a food safety auditor in any other jurisdiction? Yes No

If yes, please tick relevant jurisdiction:

- VIC QLD SA TAS
 NSW NT ACT

Please provide a copy of certificate of approval and sign the following declaration:

I consent to the CEO, Department of Health, to access such information and particulars as necessary from the above mentioned jurisdiction/s in order to process my application for approval as a food safety auditor in Western Australia.

Signature: _____

Date: _____

SECTION 5: BACKGROUND QUALIFICATIONS/RELEVANT EXPERIENCE (CRITERIA 2)

Please attach all evidence of your qualifications (certified copies)

Name of Institution: _____

Qualification obtained: _____

Year granted: _____

Are you an Authorised Officer under the *Food Act 2008*?

Yes

Please attach a statement summarising recent practical experience in food safety assessment within the industry sector applicable (i.e. food businesses identified in *Standard 3.3.1*)

No

Please attach evidence that the qualification obtained included successful completion of 40 hours of food microbiology

SECTION 6: AUDIT KNOWLEDGE COMPETENCIES (CRITERIA 1)

Please attach all evidence of attainment of competency

Registered Training Organisation: _____

Tick competencies acquired:

- FDFFSACA** Assess compliance with food safety programs
- FDFFSDFSAA** Conduct food safety audits
- FDFFSCHZA** Identify, evaluate and control food safety hazards
- FDFFSCOMA** Communicate and negotiate to conduct food safety audits

Note: if you have completed alternative units you believe cover the same content as the above 4 units, you will need to provide a statement from the issuing Registered Training Authority detailing the equivalent knowledge acquired.

SECTION 7: APPLYING FOR APPROVAL OVER SPECIALISED HIGH RISK ACTIVITIES (CRITERIA 3)

Do you wish to apply for approval over specialized high risk activities?

Yes

No

If yes, please select the high risk activity you are applying for:

Cook-Chill processes

Necessary if the auditor wishes to audit food businesses involved in the production and processing of food products that are minimally heat processed and distributed as chilled products with a defined shelf life (undertake a “cook-chill” process).

Applicants must ensure that evidence of successful completion of **FDFFSCC4A: Audit a Cook-Chill Process** is submitted with this application. A witness audit will need to be arranged to provide evidence that the regulatory food safety auditor is competent to audit this specialised activity.

Heat Treatment processes

Necessary if the auditor wishes to audit food businesses involved in heat treatment processes that are designed to bring about defined logarithmic reductions in target organisms in food products (undertake a “heat treatment” process).

Applicants must ensure that evidence of successful completion of **FDFFSHT4A: Audit a Heat Treatment Process** is submitted with this application. A witness audit will need to be arranged to provide evidence that the regulatory food safety auditor is competent to audit this specialised activity.

SECTION 8: DETAILS OF OTHER QUALIFICATIONS

Do you have other relevant qualifications? *For example: HACCP/auditing*

Yes

No

If yes, please attach all evidence of any relevant qualifications.

SECTION 9: PERSONAL HISTORY INFORMATION (CRITERIA 5)

In the last 12 months:

Yes

No

Have you been convicted of any criminal offence in Australia?

If yes, please attach details of offence

Have you been denied approval to undertake the role of a food safety auditor or had any auditing accreditation or registration suspended or cancelled by any licensing authority in Australia? If yes, please attach detailed explanation.

SECTION 10: PERSONAL INDEMNITY INSURANCE

Do you or your employer have personal Indemnity Insurance?

Yes

No

If Yes, please provide:

Name of Insurer:

Policy Number:

SECTION 11: APPLICATION FEES

Application fee	\$140.00 (GST included)	Must be paid with this application. This Fee is non-refundable.
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By Cheque
Enclose a cheque or money order made payable to Department of Health WA and forward payment to:

By Credit Card
Please charge my Mastercard Visa

Card No □□□□ □□□□ □□□□ □□□□ Card Expiry Date □□ □□

Cardholder's Name (please print) _____

Cardholder's Signature _____ Amount Paid \$

SECTION 12: AUDITOR IDENTIFICATION REQUIREMENTS

Please sign your name within the confines of the box below using **BLACK INK** before returning it to the Department of Health.

Your signature will be scanned and will appear on your *Food Act 2008* certificate of authority as a food safety auditor.

Please print your name to be displayed on the certificate: _____

Please provide four colour passport photographs, one of which will be scanned into your certificate. Ensure at least one photograph is verified with you name and signature on the back.

SECTION 13: PROTECTING YOUR PRIVACY

Personal information collected and held by Department of Health may be used in order to provide approval and audit services, administer and manage administration systems, and inform you of our services and requirements. For more information on how we protect your privacy, please contact Department of Health.

SECTION 14: DECLARATION

I, (clearly print full name) _____

apply for approval as a *Food Act 2008* food safety auditor and:

- I declare that I have read, understand and will comply with all aspects of the *Western Australian Regulatory Food Safety Auditor Code of Conduct* when undertaking regulatory food safety audits as an approved food safety auditor;
- I agree that failure to comply with the *Regulatory Food Safety Auditor Code of Conduct* may result in the non-issue of my approval to conduct regulatory food safety audits or the immediate suspension or cancellation of my existing approval to conduct regulatory food safety audits;
- I understand that a 100 point identity check, criminal record, qualifications and background check may be undertaken as part of the application process by the food regulator;
- I have examined the application form and all supporting documents submitted by me. To the best of my knowledge this information is true, correct and complete;
- I understand that the application fee is non-refundable;
- I note that I may be subject to witness audit and check audits during the currency of my approval;
- I note that at least one annual training session will be required at my own expense.

Signature: _____

Date: _____

APPLICATION FORM CHECKLIST

Please ensure your application contains the following documentation before submission to the Department of Health for processing.

Compulsory for all applicants:

- Section 3: Attach a separate statements addressing Criteria 6 of the *Western Australian Regulatory Food Safety Audit Policy*. Resumes/CVs are generally not acceptable.
- Section 5: Attach all evidence of qualifications/relevant experience, including either a statement summarising recent practical experience **or** evidence that qualification included 40 hours of microbiology.
- Section 6: Attach evidence of audit certification.
- Section 11: Include payment of \$140.00 non-refundable application fee plus four colour passport photographs which at least one is verified with your name and signature on the back.

If applicable:

- Section 4: Attach copy of certificate of approval as a food safety auditor in another jurisdiction.
- Section 5: Attach a summary of recent practical experience in food safety assessment within industry sector applicable.
- Section 7: Attach evidence of completion of FDFFS4A and/or FDFFS4A.
- Section 8: Attach all other relevant qualifications.
- Section 9: Attach detailed explanation if answered "yes" to any of the questions in this section.

Please send all applications to:

Food Unit
Environmental Health Directorate
Department of Health
PO Box 8172
Perth Business Centre WA 6849

Approved and Signed:

Jim Dodds
Delegate of
THE CHIEF EXECUTIVE OFFICER
DEPARTMENT OF HEALTH

9 November 2011

Appendix 4:

Approved Regulatory Food Safety Auditor Certificate of Authority

Certificate of Authority *Food Act 2008* Section 123

This is to certify that the **Chief Executive Officer, Department of Health** has appointed:

Photograph or digital image of approved food safety auditor

.....
as a **FOOD SAFETY AUDITOR** for the purposes of the *Food Act 2008*.
This approval expires on:

This approval is subject to the following conditions:

- Auditor to provide, within six (6) months of the approval, written evidence that the auditor has conducted a witness audit;
- Compliance with the Code of Conduct;
- Attendance at any training requested by the DOH over the term of approval;
- Submission of audit records to DOH when requested;
- Auditor shall not subcontract the performance of any regulatory food safety audit services provided. Auditor shall not assign any of their rights or obligations under this approval in whole or in part;
- Auditor to hold and keep current for the duration of approval a professional indemnity insurance policy that will provide adequate coverage for any loss that may be suffered if harm is caused to another and the auditor is liable;
- Auditor to provide a copy of the first 5 completed audit reports (per scope) performed for assessment by the CEO. If assessment of the audit reports indicates that audits are not being conducted in accordance with the requirements of -
 - the Western Australian Food Safety Auditing Framework
 - the *Food Act 2008* or
 - the auditor's conditions of approval

action may be undertaken in accordance with the *WA Health Regulatory Food Safety Auditor Management Policy*.

Signed by:

**CEO
DEPARTMENT OF HEALTH WESTERN AUSTRALIA**

Approved and Signed:

Jim Dodds
Delegate of
THE CHIEF EXECUTIVE OFFICER
DEPARTMENT OF HEALTH

18 March 2011

Delivering a **Healthy WA**

