

Regulatory Food Safety Auditor Manual



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Introduction

The NSW Food Authority (Food Authority) is the NSW Government agency responsible for regulating food production and food safety throughout the state. Under the NSW *Food Act 2003* (the Act), the Food Authority's role is to contribute to national food policies and standards, and to develop NSW food laws and regulations. The Food Authority is responsible for ensuring that food in NSW is safe, correctly labelled and that consumers can make informed choices about the food they eat. To help achieve this, the Food Authority has developed this 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 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 at foodauthority.nsw.gov.au. It also includes specific requirements for food safety auditors and food businesses as stated in the NSW 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's objectives are to outline the processes:

- used to assess and approve regulatory food safety auditors in NSW by the Food Authority
- for conducting regulatory audits and audit reporting on behalf of the Food Authority; and
- for verifying the audit management system used by the Food Authority, so as to comply with the National Food Safety Audit Policy.

The manual is divided into 3 inter-related areas:

- 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.

This 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.

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. Food Authority staff 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 apply to the appropriate enforcement agency in that jurisdiction for approval.

Responsibilities in the audit process

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 certain 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

As part of demonstrating compliance with the requirements of the National Food Safety Auditor Policy, the Food Authority has management systems in place 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 while 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

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.

The food safety auditor approval process

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 apply using the 'Apply for or renew a food safety auditor (TPA) approval' online form, available on the Food Authority's website foodauthority.nsw.gov.au

Applications will be reviewed and assessed and applicants will be notified in writing when they are able to move to a skills and knowledge assessment conducted by a Food Authority officer.

Duration of auditor approvals

The duration of a food safety auditor approval with the Food Authority is for 2 years, unless cancelled or suspended.

Fee

The Food Regulation 2015 prescribes an \$800.00 (plus GST) non-refundable fee to apply for approval as a food safety auditor. This fee is payable every 2 years to renew approval as a regulatory food safety auditor in NSW.

This fee initially covers:

- administration and ongoing communication
- identification card
- maintenance of the web-based auditor register
- training and assessment in NSW food legislation and Food Authority procedures
- verification audits.

After the second year of approval, the fee covers:

- administration and ongoing communication
- auditor seminars and/or training
- verification audits.

At the end of the 2-year approval, a renewal invoice will be sent from the Food Authority requesting payment for approval for the next 2 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.

Approval criteria for regulatory food safety auditor applications

The following 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 applications

Criteria	
1	<p><i>Certification in audit knowledge competencies for auditing at all risk levels</i></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><i>Possession of educational and technical qualifications to audit medium and high-risk levels</i></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><i>Possession of appropriate competencies for auditing of high-risk activities and complex processes</i></p> <p>Those seeking to conduct regulatory audits in high-risk activities and/or complex processes will be required to have 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 <i>Appendix A – Regulatory food safety auditor competencies and endorsements</i>.</p>
4	<p><i>Regulatory Food Safety Auditor Code of Conduct</i></p> <p>The approved Regulatory Food Safety Auditor Code of Conduct is designed to inform auditors of their ethical and professional responsibilities while 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 part of the approval process. A copy of the Code of Conduct can be found on the Food Authority's website (PDF, 412 KB).</p>
5	<p><i>Truthfulness of information provided</i></p> <p>The application form requires a signed declaration as to the truthfulness of information provided.</p> <p>Should an 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.</p>

Criteria	
6	<p><i>Food regulatory assessment of auditor competency</i></p> <p>Regulatory food safety auditor applicants will be assessed against specific NSW food legislation and food safety schemes (Appendix B) prior to approval being granted.</p> <p>The assessment is to verify 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 and specialised endorsements.</p> <p>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.</p>

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 the application form 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

The minimum requirements to become recognised as an auditor by the Food Authority are:

General auditor

1. Completion of units of competency:
 - **FBPAUD4001**¹ – Assess compliance with food safety programs²
 - **FBPAUD4002** – Communicate and negotiate to conduct food safety audits
 - **FBPAUD4003** – Conduct food safety audits
 - **FBPAUD4004** – Identify, evaluate and control food safety hazards.
2. Tertiary qualifications:
 - **FBP40421** – Certificate IV Food Science and Technology or higher or related field, including a minimum of 40 hours of food microbiology.
3. Payment of a non-refundable application fee of \$880.00.
4. Participation in training and assessment conducted by the Food Authority.
5. Completion of a verification audit which will be observed by a Skill Examiner employed by the Food Authority.

² May be superseded by a person who holds competency FBPAUD4003.

Meeting these minimum qualifications and passing the Food Authority assessment enables an applicant 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, they must complete all of the pre-requisite requirements for general auditors plus auditor training in the following high-risk scopes:

- **FBPAUD5002** – Audit a cook chill process
- **FBPAUD5003**³ – Audit a heat treatment process
- **FBPAUD5004**³ – Audit manufacturing of ready-to-eat (RTE) meat products
- **FBPAUD5001** – Audit bi-valve mollusc growing and harvesting processes.

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.

³ Facilities with these licence permissions have not yet been approved to utilise this system.

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

Copies of certificates of insurance are to be provided with submission of the application form.

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.

Part of the application and approval process, requires each applicant to be assessed while 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 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 the application form:

- 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 2 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 the Food Authority audits or represent the Food Authority in any matter.

Mutual recognition

Automatic Commonwealth mutual recognition arrangements do not apply in NSW to food safety auditors from other states and territories. The exemption commenced 1 July 2022 and is due to expire on 1 July 2027.

For further information on mutual recognition legislation visit legislation.gov.au

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 to report in accordance with section 95 (of the NSW *Food Act 2003*).

Section 95 (5) of the Act requires that the licensee receives an unacceptable audit result 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.

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 the 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 officers

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 determines:

- 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 to priority classify NSW food businesses. This framework comprises 2 decision trees: one each for primary production and food businesses.

There are 4 possible classification outcomes:

- **Priority 1 (P1)** - Needs at least one Critical Control Point, handles 'high-risk' foods, pathogens cause 'severe' illness, undertakes other risk increasing factors.
- **Priority 2 (P2)** – Needs at least one Critical Control Point, 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 at foodauthority.nsw.gov.au/about-us/science/priority-classification-of-businesses.

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.

Conducting 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
Entry meeting - conducted at the start of the audit	<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 the 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).

Audit activity	Minimum requirement
	<ul style="list-style-type: none"> • 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.
Conducting the audit	<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 ○ 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 7). • 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 Food Authority's [Guidance on Audits](#) (PDF, 493 KB), which 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 8 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 Food 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.

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 (0) 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

Number	Audit element	Audit component
7	Pre-requisite programs	Calibration Pest control Internal audit Review of entire Food Safety Program Audit for compliance to Food Safety Program Training GMP/GHP/Personal hygiene policy Approved supplier program Allergen control program
8	Corrective action	Close out of previous CARs

Minimum audit times

The Food Authority recommends the following minimum audit times to ensure there is sufficient time to assess a facility's food safety program for accuracy and compliance.

Table 7. Minimum audit times

Licence permission	Business size	Minimum audit times
Vulnerable persons excluding central processing units	Very small (0-3 FTE)	1 hour
	Small (4-10 FTE)	2 hours
	Medium (11-30 FTE)	4 hours
	Large (+31 FTE)	5 hours x 2 auditors
Vulnerable Persons central processing units	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 hours
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)	6 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 12-13 of this document.

IT requirements for reporting

The TPA app is a web-based application where approved regulatory auditors can create and retrieve an audit, enter audit data into a checklist and electronically submit to the Food Authority. The app will also automatically send a copy of the final audit report to the auditor and any nominated contact. The TPA app can be optimised by both major operating systems (Apple IOS and Android) along with Microsoft-based PCs.

The app can be accessed through web browsers such as Safari, Chrome and MS Edge with the following link: nswfoodauthority-byte-mobile.cdn.oneblink.io/login

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 auditor's 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 interests. 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 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 as publicly available at the time the disclosure was made.

The Regulatory Food Safety Auditor Code of Conduct 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 an 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, or by letter. The complainant may remain anonymous if they wish.

Review of decisions relating to approvals

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 8 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 8. 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)	FBPAUD4001 ⁴ FBPAUD4002 FBPAUD4003	FBP40421 Certificate IV Food Science and Technology	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	FBPAUD4004		
Meat	Meat processing plant (raw meat only), including game meat)			
	Retail meat premises (raw meat only)			
	Rendering plant			

⁴ This competency may be superseded by a person who holds competency FBPAUD4003.

Industry	NSW Food Authority licensed food business activity	Audit competency	Education/technical qualifications	Other requirements
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 9 below prior to being approved to audit those licensed food business activities listed in column 2.

Table 9. Auditor competencies

Industry	NSW Food Authority licensed food business activity	Auditor competency	Education/technical qualifications	Specialised competency
Dairy	Pasteurise raw milk and manufacture dairy products (all species)	FBPAUD4001 ⁵ FBPAUD4002 FBPAUD4003 FBPAUD4004	FBP40421 Certificate IV Food Science and Technology	FBPAUD5003: Audit a heat treatment process
Meat	Abattoir (red meat and non-red meat)			FBPAUD5004: Audit manufacturing of ready-to-eat meat products
	Meat processing plant producing ready-to-eat meat, including game meat			

⁵ This competency may be superseded by a person who holds competency FBPAUD4003.

Industry	NSW Food Authority licensed food business activity	Auditor competency	Education/ technical qualifications	Specialised competency
Meat	High-risk meat retail producing ready-to-eat meat, including game meat			FBPAUD5004: Audit manufacturing of ready-to-eat meat products
Seafood	Collect wild shellfish			FBPAUD5001: Audit bivalve mollusc growing and harvesting processes
	Cultivate and/or harvest shellfish			
	Depurate oysters			
	De-sand wild shellfish			
	Wet store shellfish			
	Process seafood (oysters and seafood smoking)			
Vulnerable persons	Conduct activities as a delivered meals organisation			FBPAUD5002: 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			FBPAUD5003: Audit a heat treatment process

Appendix B – Legislation and industry guides list

The following is a list of legislation and industry guides (current at February 2025) 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.

Table 10. Legislation and industry guides

Industry sector	Legislation and industry guides
All industries	<ul style="list-style-type: none"> • <u>NSW Food Act 2003</u> • <u>Food Regulation 2015</u> • <u>Australia New Zealand Food Standards Code</u> • <u>NSW Food Safety Scheme Manual</u> (PDF, 504 KB) • <u>NSW Guidance on Audits</u> (PDF, 493 KB)
Dairy	<ul style="list-style-type: none"> • <u>Food Standards Code 4.2.4 – Primary Production and Processing Standards for Dairy Products</u> • <u>ANZDAC Validation and Verification of Heat Treatment Equipment and Processes</u>
Meat	<ul style="list-style-type: none"> • <u>NSW Standard for Construction and Hygienic Operation of Retail Meat Premises</u> (PDF, 284 KB) • <u>Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human consumption (AS 4696:2023) - Red meat abattoirs and meat processing plants</u> • <u>Construction of premises and hygienic production of poultry meat for human consumption (AS 4465-2006)</u> (PDF, 569 KB) – Poultry Abattoirs • <u>Australian Standard for Hygienic Production of Game Meat for Human Consumption (AS4464-2007)</u> (PDF, 327 KB) • <u>Hygienic rendering of animal products (AS 5008-2001)</u> (PDF, 586 KB)
Seafood	<ul style="list-style-type: none"> • <u>NSW Shellfish Industry Manual</u> (PDF, 589 KB)
Plant products	<ul style="list-style-type: none"> • <u>Industry Guide for the Development of a Food Safety Program</u> (PDF, 225 KB) - high priority plant products
Vulnerable persons	<ul style="list-style-type: none"> • <u>Guidelines for food service to vulnerable persons</u> (PDF, 503 KB)
Eggs	<ul style="list-style-type: none"> • <u>Egg producers' food safety program template</u> (Word)

Appendix C – Approved licence activities and processes

Table 11. Approved licence activities and processes

Licensed permission	Activities	Processes
Dairy primary production Production of milk on farm (dairy primary production)	<ul style="list-style-type: none"> • Milk cows • Milk goats • Milk sheep • Milk buffalo • Milk donkeys • Milk camels 	Supplies to vulnerable persons facilities
Cold food storage including meat Storage of food products for wholesale purposes	<ul style="list-style-type: none"> • Store meat products • Store dairy products • Store egg products • Store plant products • Store seafood products 	Supplies to vulnerable persons facilities
Plant products processing Operate a plant product business that produces product for wholesale purposes	<ul style="list-style-type: none"> • Extract and/or package unpasteurised juice • Freshly cut fruit and/or vegetables • Process vegetables in oil • Process seed sprouts 	<p>Supplies to vulnerable persons facilities</p> <p>< 500kg of plant products produced per month</p> <p>500kg – 5 tonne of plant products produced per month</p> <p>5 – 10 tonne of plant products produced per month</p> <p>10 – 50 tonne of plant products produced per month</p> <p>> 50 tonne of plant products produced per month</p>

Licensed permission	Activities	Processes
<p>Seafood processing</p> <p>Operate a seafood processing business that produces seafood for wholesale purposes</p>		<ul style="list-style-type: none"> • Supplies to vulnerable persons facilities • Gill and gut, fillet or clean seafood • Freezing • Packaging • < 2 tonnes of seafood produced per month • 2 – 5 tonnes of seafood produced per month • 5 – 10 tonnes of seafood produced per month • 10 – 50 tonnes of seafood produced per month • > 50 tonnes of seafood produced per month
<p>Seafood processing – RTE products</p> <p>Operate a seafood business that produces ready-to-eat seafood for wholesale purposes</p>		<ul style="list-style-type: none"> • Supplies to vulnerable persons Facilities • Gill and gut, fillet or clean seafood • Shucking • Smoking • Preserving/drying • Canning • Bottling • Open oysters • Manufacture sushi • Process caviar • Process other RTE product • < 2 tonnes of seafood produced per month • 2 – 5 tonnes of seafood produced per month • 5 – 10 tonnes of seafood produced per month • 10 – 50 tonnes of seafood produced per month • > 50 tonnes of seafood produced per month

Licensed permission	Activities	Processes
<p>Contractor to a facility</p> <p>Process or serve potentially hazardous food within a facility listed and defined in the Schedule to Standard 3.3.1 to six or more vulnerable persons at any given time, as a contractor</p>		<ul style="list-style-type: none"> • 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 • Cryovac RTE meals • 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
<p>Delivered meal organisation</p> <p>Conduct activities as a delivered meal organisation, where food is processed for service to six or more vulnerable persons at any given time, and the food served is ready to eat food which includes ready to eat potentially hazardous food</p>		<ul style="list-style-type: none"> • Cook fresh • Short Shelf Life Cook Chill • Extended Shelf Life Cook Chill • Supplies to VP • Fresh salads • Cryovac RTE meals • 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

Licensed permission	Activities	Processes
<p>Facility operator contracts out some activities</p> <p>Process or serve potentially hazardous food within a facility listed and defined in the Schedule to Standard 3.3.1, to six or more vulnerable persons at any given time, by contracting out some activities</p>		<ul style="list-style-type: none"> • 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 • Cryovac RTE meals • 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
<p>Facility operator processes and/or services</p> <p>Process or serve potentially hazardous food within a facility listed and defined in the Schedule to Standard 3.3.1 to six or more vulnerable persons at any given time</p>		<ul style="list-style-type: none"> • Cook fresh • Short Shelf Life Cook Chill • Extended Shelf Life Cook Chill • Supplies to VP • Fresh salads • Cryovac RTE meals • 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

Licensed permission	Activities	Processes
<p>Food for delivered meal organisation</p> <p>Conduct as its principal activity, processing food into ready to eat food for delivery by a delivered meal organisation and the processed food is for service to six or more vulnerable persons at any given time; and includes ready to eat potentially hazardous food</p>		<ul style="list-style-type: none"> • Cook fresh • Short Shelf Life Cook Chill • Extended Shelf Life Cook Chill • Supplies to VP • Fresh salads • Cryovac RTE meals • 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
<p>Facility operator contracts out all processing and serving</p> <p>Process or serve potentially hazardous food within a facility listed and defined in the Schedule to Standard 3.3.1, to six or more vulnerable persons at any given time, by contracting out all processing and serving</p>		<ul style="list-style-type: none"> • 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

More information

- Visit NSW Food Authority's website at foodauthority.nsw.gov.au
- Email the Helpline at food.contact@dpird.nsw.gov.au
- Phone the Helpline on 1300 552 406.

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