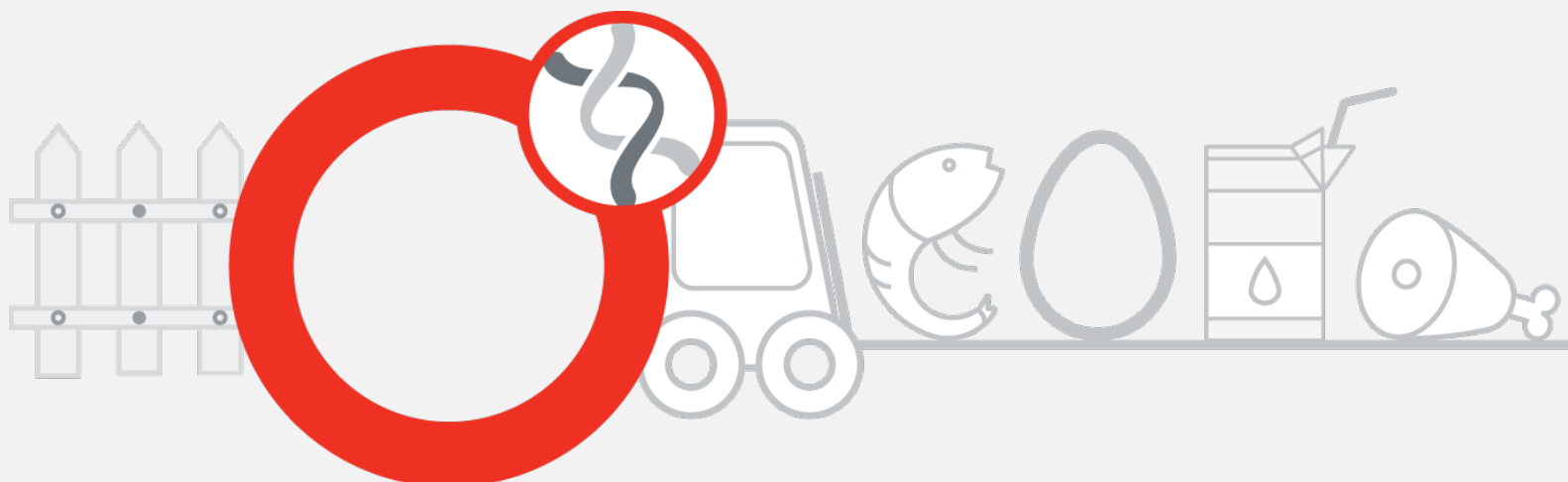


National Regulatory Food Safety Auditor Code of Conduct

Version 3.0

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Document Version

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1	N/A	N/A	01/08/12	General Manager	Initial Release
2	23/03/16	General Manager, Compliance Strategy & Response	21/4/16	Safe Food Board	Update SFPQ abbreviations
3	21/11/2022	Director Compliance and Verification	21/11/2022	EMG	Update Underlying Conduct Provisions

Approved by:

Jim Dodds
Chief Executive Officer
Safe Food Queensland



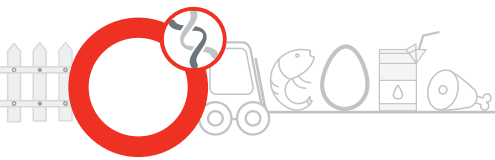
Amendments

Date of Amendment	Section	Topic
23/03/2016	All	'Safe Food Production Queensland' updated to 'Safe Food Production QLD' 'SFPQ' updated to 'Safe Food'
02/09/2020	All	Addition of Human Rights section Minor formatting update
18/11/2022	Page 6	Representing Safe Food as a Safe Food Approved Auditor added.



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1. Purpose and application of the Code

1.1 Purpose

This Code applies to all auditors approved by Safe Food Production QLD (Safe Food) 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.

1.2 Application

This Code applies to all approved auditors. Auditors should:

- familiarise themselves with this Code
- familiarise themselves, and comply with all legislation concerning auditors, audits, audit performance and the legislation to which they are auditing.

Any approved auditor failing to comply with this Code may have their approval immediately suspended or cancelled by Safe Food.

2. Definitions

“actual conflict of interest” is when Safe Food 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.

“apparent conflict of interest” is when Safe Food would consider that the private or business interests of an auditor may interfere, unduly benefit, or disadvantage their ability to conduct a fair audit of a client’s business.

“approval” is a term used to describe an auditor that has been approved Safe Food.

“approved” means a person authorised by Safe Food to conduct audits. The scope of food businesses an auditor may audit, and any other specific conditions concerning an auditor’s approval, will form part of that auditor’s approval.

“audit” means an evaluation of a business’s approved food safety management system or other aspect of a food business to determine compliance with the *Food Production (Safety) Act 2000* and *Food Production (Safety) Regulation 2002* (the Act and Regulation)

“auditor” means a person formally approved by Safe Food to conduct audits of food businesses or other premises requiring food safety audits (e.g. primary production farms). All auditors must be approved by Safe Food to conduct audits.

“Code” means this Code of Conduct

“commercially sensitive information” means information:



- a) provided to an auditor by a food business during an audit of the business where the business's commercial interests may be impacted
- b) 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 business” means a business, enterprise or activity that involves:

- a) the handling of food intended for sale, *or*
- b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial nature or whether it involves the handling or sale of food on one occasion only.

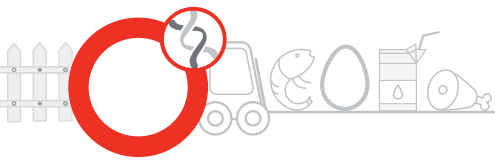
“food safety management system” is a general term referring to any risk-based food safety management system, including legislated food safety programs and HACCP plans. Where such systems refer to legislated food safety programs equal to Standard 3.2.1 of the Australia New Zealand Food Standards Code, a food safety program means a system that:

- a) systematically identifies the potential hazards that may be reasonably expected to occur in all food handling operations of the food business
- b) identifies where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control
- c) provides for the systematic monitoring of those controls
- d) provides for appropriate corrective action when that hazard, or reach of those hazards, is found not to be under control
- e) provides for the regular review of the system by the food business to ensure its adequacy
- f) 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” means any item offered by:

- 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 to solicit favourable treatment during an audit, or offered to an auditor in response to a finding of a non-conformance during an audit of a food business. This includes findings of a legislative nature and findings in relation to food safety programs.
- c) The offer of money to an auditor (bribery) by parties listed in a) or b) is considered a gift.

“illegal drug” means a habit-forming medicinal or illicit substance



“official information” means information:

- a) provided to an auditor by Safe Food
- b) provided by another party acting on behalf of Safe Food, where upon receipt of the information, the auditor is requested to not disclose the information.

When a party claims to be acting on behalf of Safe Food, the auditor shall not accept the information from that party until the legitimacy of that party has been established.

“relevant officer” means the person employed and authorised by Safe Food to manage audit activities within Safe Food’s jurisdiction.

3. Underlying conduct provisions

Auditors shall:

- conduct audits with diligence, professionalism and integrity
- provide a copy of all audit reports to Safe Food and immediately inform Safe Food of all notifiable non-conformances detected during audits, in compliance with measures dictated in the Act and Regulations
- always act fairly and equitably
- comply will 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 Safe Food as soon as possible to enable Safe Food to determine the appropriate course of action
- always show respect to all people involved in the regulatory audit process
- only conduct regulatory audits once approved by Safe Food
- only conduct audits in the jurisdiction where they are approved to do so, unless approved by a food regulator of another jurisdiction to conduct audits in that jurisdiction (auditors found practicing outside their jurisdiction of approval without having a formal approval from the appropriate food regulator of that jurisdiction are in breach of this Code)
- not audit food businesses outside their scope of practice
- assist Safe Food with enforcement activity taken 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 activities of Safe Food)
- not seek or accept recompense from any client for failure to implement appropriate action in relation to a finding of non-conformance detected during an audit. This includes, but is not limited to non-conformances of a legislative nature
- not make representation as a Safe Food approved auditor unless undertaking work duties on behalf of Safe Food Production Queensland.



4. Ethical obligations

4.1 Respect for persons

Auditors shall behave fairly and without undue favouritism, patronage or prejudice displayed toward any person associated with a food business.

4.2 Respect for the dignity, rights and views of others

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

4.3 Natural justice

Auditors will follow the principles of procedural fairness (natural justice) when making decisions. The principles of procedural fairness require an auditor to:

- provide an opportunity for both sides of an issue to be heard and considered before a decision is made
- not allow any personal interest associated with an audit or a person associated with a food business to influence an audit outcome
- act in good faith while conducting audits
- provide sound reasons to support decisions made while conducting audits.

4.4 Health, welfare and safety concerns

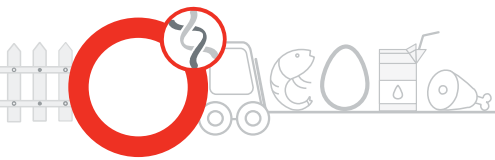
Auditors shall conform with all aspects of occupational health and safety legislation appropriate to the jurisdiction in which they have been approved to conduct audits (including the health and safety policies of food businesses that an auditor has been requested to audit). Auditors shall further respect the health, safety and welfare of all persons and/or animals associated with a food business while conducting audits at that business, as well as ensuring that their own health, safety and welfare is not unlawfully put at risk while conducting audits.

4.5 Equal Employment Opportunity (EEO)

Auditors shall act in accordance with EEO legislation pertinent in the jurisdiction they are approved to conduct audits.

4.6 Discrimination

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, but are not limited to discrimination based on sex, colour, race, religious or other personal belief, or other issue listed in anti-discrimination legislation in the jurisdiction in which the auditor has been approved to conduct audits. This does not include recommendations made by an auditor to an employee of a food business concerning the employee's duties should they be afflicted with a condition or illness capable of affecting food safety (e.g. Salmonellosis).

4.7 Sexual harassment

Auditors shall not sexually harass any employee of a food business, or other persons associated with a food business, or member of the general public while conducting audits. Sexual harassment means any behaviour that would be deemed by a reasonable person to be of a sexual nature. Auditors should understand that sexual harassment is defined by the recipient of the behaviour. Safe Food shall investigate all occasions where an auditor is reported to have behaved in a "sexual manner" while conducting a food safety audit.

4.8 Workplace harassment

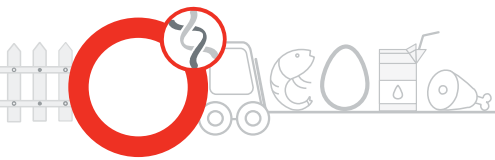
Auditors shall not behave in a manner considered by employees of a food business, other persons associated with the food business, or any member of the general public, as being offensive, abusive, obscene, threatening or belittling or demonstrate any other type of behaviour considered to be a breach of Safe Food's behavioural standards or policies for approved food safety auditors. Auditors should note this requirement applies to both verbal and physical behaviour. Statements made in relation to the potential consequences of not implementing advice concerning non-conformances, is not considered to be threatening behaviour.

4.9 Confidentiality

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 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. A breach of confidentiality is deemed a breach of this Code.

4.10 Victimization or reprisal

Auditors shall not threaten, or act to the detriment of any person. To do so is considered a breach of this Code.



5. Behaviour and attitude

During an audit, an auditor shall:

- conduct themselves in a positive manner with a positive attitude to policies and directions provided by Safe Food
- 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
- treat audit participants fairly, equitably and consistently, and follow criteria, policies and processes when making decisions concerning audit findings
- 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 relevant Safe Food officer.

6. Dress standards

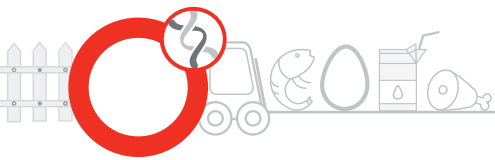
Auditors shall conform to a standard of dress suitable for the work to be undertaken. Auditors shall dress respectably in clean clothes and ensure the professionalism of all food safety auditors is not compromised by the standard of their dress. Auditors shall comply with industry-specific or client-specific dress requirements while conducting audits at a food business, including compliance with any required bio-security protocols.

Auditors shall produce identification verifying themselves to be approved food safety auditors on demand. It is preferred that auditors have identification verifying their approval clearly visible at all time when conducting audits, but it is not mandatory for auditors to follow this practice.

7. Alcohol and drugs

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. Conflicts of interest

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 Safe Food. Following investigation, Safe Food 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. It should be noted that discussing non-conformances identified during a regulatory food safety audit do not constitute a conflict of interest. It should be further noted that 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.
- Food businesses where the regulatory food safety auditor has a direct financial interest. It should be noted that remuneration provided to an auditor for auditing a food business does not constitute a conflict of interest.
- Preferential treatment of a person, organisation or interest (including, but not limited to, pecuniary, commercial, political or religious interests) during a regulatory food safety audit as a result of a regulatory food safety auditor's previous association with that person, organisation or interest.
- Food businesses where the regulatory food safety auditor, or a close family member or associate of the auditor, has a direct relationship with a direct competitor of the business being audited. In this situation, the proprietor of the food business should be notified of the relationship and allowed to decide



whether the regulatory food safety auditor may continue to conduct the audit of their business. Should the proprietor refuse the auditor, the auditor should inform Safe Food who will then decide on an appropriate course of action.

Failure to declare a conflict of interest may result in the suspension or cancellation of an auditor's approval by Safe Food.

9. Acceptance of benefits

Any auditor found to accept gifts, where the intent in offering the gift may reasonably 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 Safe Food. Such an investigation may lead to the suspension or cancellation of the auditor's approval. The investigation may further lead to criminal prosecutions being commenced against the auditor.

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

An auditor must notify Safe Food immediately should any attempt be made by a client to offer a gift to the auditor, where the intent of offering the gift may reasonably be perceived to be an attempt to influence an audit outcome, and/or a response to a non-conformance finding.

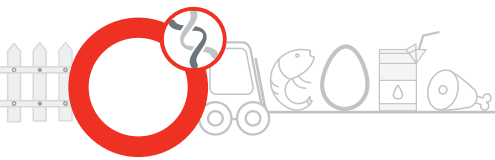
10. Official information and public comment

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.

An auditor shall not make public statements or be interviewed by the media on matters concerning audits, clients, Safe Food or other government bodies associated with Safe Food's activity, unless provided with express written permission by Safe Food. If provided with such permission, any statement made by an auditor will only discuss facts and shall at no time include the auditor's opinion on the Act and Regulation or policies being implemented in the jurisdiction in which they are approved to conduct audits.

11. Falsification of results

Any auditor found to deliberately provide false information on audit reports will have their approval immediately suspended or cancelled.



12. Human rights

Under the Human Rights Act 2019, government agencies and employees have a responsibility to respect, protect and promote the human rights of individuals. They must act in a way that is compatible with human rights obligations when delivering services and interacting with the community. Therefore, Safe Food 's approved auditors have an obligation to treat people in accordance with their human rights and must consider these rights in their day-to-day work.

Safe Food has an obligation to treat people in accordance with their human rights and therefore approved auditors must understand human rights and take them into account in their day-to day work.

These obligations are both substantive and procedural:

- substantive obligation - under clause 58(1)(a), it is unlawful for a public entity to act or make a decision in a way that is incompatible with a human right
- procedural obligation – under clause 58(1)(b), it is unlawful for a public entity, in making a decision, to fail to give proper consideration to a relevant human right.

As an approved auditor you must give proper consideration to, and act compatibly with human rights. This applies whether or not you work directly with the public. The obligation to give proper consideration to and act compatibly with human rights requires a decision maker to:

- identify which human rights may be relevant
- consider whether rights are being limited by your decision or action, and if so, if this is reasonable and justifiable
- understand the possible impact of a decision or action on human rights
- justify the decision or action, including weighing up competing interests or obligations.

When it comes to decision making, the rights of one person may need to be balanced against the rights of others or the broader community. If you have to restrict somebody's rights you must ensure the restriction is no greater than is needed to achieve your goal. This is called 'proportionality'. Any limits applied must be demonstrably justifiable in a free and democratic society based on human dignity, equality, and freedom and take relevant factors into account.

If an auditor believes that taking an action/decision may be incompatible with the objectives of the Human Rights Act (2019) they must contact Safe Food prior to taking that action/decision.

It is important that auditors make themselves aware of the scope of the Human Rights Act 2019 Below are two examples of the application of the act to Privacy and cultural issues.



Rights regarding privacy and reputation:

- you can keep your life private
- the government can't share information about you unless you say they can, for example, the government can't share medical records or video of you, or come into your home or search you or your bag unless you say they can
- there are times when the law says your information can be shared, or your home or bag can be searched
- the government can't say things about you that aren't true or make you look bad.

Cultural rights:

- you can enjoy your culture
- you can follow your religion
- Aboriginal people and Torres Strait Islander people can enjoy their culture, this includes their traditional knowledge, spiritual practices, beliefs and teaching
- Aboriginal people and Torres Strait Islander people can use their language
- Aboriginal people and Torres Strait Islander people can protect their kinship ties and their land, resources, and environment.

13. Declaration

I declare that I have read, understand and will comply with all aspects of the National 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 this 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.

Name: _____

Signature: _____

Date: ____/____/____