

Primary Produce Safety Act 2011

FOOD SAFETY AUDITOR CODE OF CONDUCT

1.0 Purpose and application of the Code

1.1 Purpose

This Code applies to all auditors approved by the Chief Inspector of Primary Produce Safety (Chief Inspector) to conduct audits of primary produce businesses under the Primary Produce Safety Act 2011. 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 suspended or cancelled by the Chief Inspector.

2.0 Definitions

“the Act” *Primary Produce Safety Act 2011*

“actual conflict of interest” when Chief Inspector 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” when Chief Inspector 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 client’s business.

“audit” means an evaluation of a business’s approved food safety management system or other aspect of a business to determine compliance with relevant aspects of Acts, regulations, standards, guidelines and policies applicable in the jurisdiction where the auditor has an approval to conduct audits.

“auditor” means an Approved Food Safety Auditor formally approved by the Chief Inspector to conduct audits of a business or other premises requiring food safety audits. All auditors must be approved by the Chief Inspector to conduct audits.

“authorised Officer” means a person appointed to be an authorised officer under section 35, of the Primary Produce Safety Act 2011 and includes the Chief Inspector.

“business” means a primary produce business, enterprise or activity comprising one or more primary production activities, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature;

“Chief Inspector” means the person appointed to be, or acting in the office of, the Chief Inspector of Primary Produce Safety and includes a body corporate that has been designated any functions and powers of the Chief Inspector under a food safety scheme

“code” means this Code of Conduct

PRIMARY PRODUCE SAFETY ACT – FOOD SAFETY AUDITOR CODE OF CONDUCT

“commercially sensitive information” means information:

- a) provided to an auditor by a 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 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 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 each of those hazards, is found not to be under control
- e) provides for the regular review of the system by the business to ensure its adequacy
- f) provides for appropriate records to be made and kept by the 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 primary produce business
- b) any other person acting on behalf of a business, or in the interests of a 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 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.

“official information” means information:

- a) provided to an auditor by the Chief Inspector
- b) provided by another party acting on behalf of the Chief Inspector*, 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 the Chief Inspector, the auditor shall not accept the information from that party until the legitimacy of that party has been established.

“business” means a primary produce business, enterprise or activity comprising one or more primary production activities, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature;

3.0 Underlying Conduct Provisions

Auditors shall:

- conduct audits with diligence, professionalism and integrity
- provide a copy of all audit reports to the Chief Inspector and immediately inform the Chief Inspector of all notifiable non-conformances detected during audits, in compliance with measures dictated
- always act fairly and equitably
- comply with all relevant legislation and policies
- avoid real or apparent conflicts of interest

PRIMARY PRODUCE SAFETY ACT – FOOD SAFETY AUDITOR CODE OF CONDUCT

- In the event of a conflict of interest arising during an audit, declare this conflict to the Chief Inspector as soon as possible to enable the Chief Inspector to determine the appropriate course of action
- always show respect to all people involved in the audit process
- only conduct audits once approved by the Chief Inspector
- only conduct audits in the jurisdiction where they are approved to do so, unless approved by the Chief Inspector (Auditors found practicing outside their jurisdiction of approval without having a formal approval from the Chief Inspector of that jurisdiction are in breach of this Code)
- not audit a business outside their scope of practice
- not behave in a manner that compromises the Chief Inspector
- assist the Chief Inspector with enforcement activity taken by the Chief Inspector 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 Chief Inspector)
- 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 legislative nature.

4.0 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 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 or behaviour towards any person associated with the business. Physical and/or 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 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 the business 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 business while conducting audits at that business, as well as ensure 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 business, or other person associated with a business, or member of the general public while conducting audits. Issues covered by "unlawfully

PRIMARY PRODUCE SAFETY ACT – FOOD SAFETY AUDITOR CODE OF CONDUCT

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 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 business, or other persons associated with a 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. The Chief Inspector shall investigate all occasions where an auditor is reported to have behaved in a “sexual manner” while conducting an audit.

4.8 Workplace harassment

Auditors shall not behave in a manner considered by employees of a business, other persons associated with the 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 the Chief Inspectors own employee behavioural standards or policies for approved food safety auditors. Auditors should note this requirement applies to both verbal and physical behaviour. Statements made in the relation to the potential consequences of not implementing advice concerning non-conformances are 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 business where they may be required to conduct an audit. A breach of confidentiality is deemed a breach of this code and may also constitute an offence under the *Act*.

4.10 Victimisation or reprisal

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

5.0 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 the Chief Inspector
- 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 Chief Inspector.

6.0 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.

PRIMARY PRODUCE SAFETY ACT – FOOD SAFETY AUDITOR CODE OF CONDUCT

Auditors shall comply with industry-specific or client-specific dress requirements while conducting audits at a 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.

7.0 Alcohol and drugs

While conducting an audit, Auditors shall not:

- smoke on the premises of a business in any area other than that deemed by the proprietor of the premises to be a smoking area
- consume or be under the influence of a substance (e.g. alcohol, illegal drugs) capable of altering their behaviour or ability to competently conduct audits. To do so is considered a breach of this Code which may result in the immediate cancellation of an auditor's approval

8.0 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 the Chief Inspector. Following investigation, the Chief Inspector 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 an 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 primary produce 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 a company specific solution 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.

- Primary Produce Business where the auditor has a direct financial interest. It should be noted that remuneration provided to an auditor for auditing a primary produce 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 an audit as a result of an auditor's previous association with that person, organisation or interest.
- Primary Produce Business where the 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 Primary Produce Business should be notified of the relationship and allowed to decide whether the auditor may continue to conduct the audit of their business.

Should the proprietor of Primary Produce Business refuse the auditor, the auditor should inform the Chief Inspector 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 the Chief Inspector.

9.0 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 the Chief Inspector. 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.

PRIMARY PRODUCE SAFETY ACT – FOOD SAFETY AUDITOR CODE OF CONDUCT

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

An auditor must notify the Chief Inspector 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.

10.0 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. An auditor shall not make public statements or be interviewed by the media on matters concerning audits, clients, the Chief Inspector or other government body associated with the Chief Inspector activity, unless provided with express written permission by the Chief Inspector. 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, regulation or policies being implemented in the jurisdiction in which they are approved to conduct audits.

11.0 Falsification of results

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

12.0 Declaration of compliance with, and understanding of, the Auditor Code of Conduct

I declare that I have read, understand and will comply with all aspects of Auditor Code of Conduct when undertaking audits as an approved auditor. I agree that failure to comply with this Code of Conduct may result in the non-issue of my approval to conduct audits or the immediate suspension or cancellation of my existing approval to conduct audits.

Name (Print) _____

Signature _____

Date _____