

POLICY



Food Safety Management Policy

1 Purpose

The purpose of this policy is to:

- Provide the framework for appropriate planning and resources to be directed at ensuring that food sold by businesses in the Hindmarsh Shire Council is safe and suitable for consumption; and
- Provides the mechanism for the management and discharge of Council's legislative responsibilities using risk based approach.

2 Scope

This policy supports Council's legislative obligations under the Food Act 1984 and it applies to all businesses and enterprises that sell food within the Shire regardless of the origin of food's manufacture.

'Sell' is defined by the legislation to include barter, offer, supply, display for sale, transport for sale, prepare, store, deliver, and give away for the purposes of advertisement.

3 Definitions

Council means Hindmarsh Shire Council

Act means Food Act 1984

4 Responsibility

Policy Owner: Environmental Health Officer

5 Policy

This policy acknowledges that the Act requires Council to take a risk-based approach to the assessment of food safety at food businesses. To that effect, 4 classes of food businesses have been gazetted by the State Government:

Class 1 – for premises serving potentially hazardous foods to customers at higher risk e.g. nursing homes, hospitals and child care centers;

Class 2 – for premises engaged in manufacture or handling of any unpackaged, potentially hazardous foods, such as food that requires temperature control;

Class 3 – for premises handling low risk food or wholesale of pre-packaged food, or selling pre-packaged, potentially hazardous food; and

Class 4 – for premises selling only shelf-stable, pre-packaged food.

5.1 Registration, Renewal and Transfer of Registration for Food Premises

- 5.1.1 Before registering, renewing or transferring the registration of any food business, **Council** will inspect the premises and be satisfied that all the relevant requirements of the Food Act 1984 have been complied with.
- 5.1.2 **Council** will grant applications for transfer of registration within 5 business days of an inspection being conducted if the requirements of the Food Act 1984, and associated Regulations, are met and if all parts of the application process have been fulfilled.
- 5.1.3 **Council's** Annual Registration Fee incorporates an assessment of a Food Safety Program and inspection of premises for Class 1 and 2 food premises and inspection of premises for Class 3 premises.
- 5.1.4 Registration or transfer will not proceed if the required fee is not paid or if the business is non-compliant.
- 5.1.5 Home kitchens cooking food items for local craft shops are exempted from registration fee but annual assessment by an authorised officer will take place to ensure that the legislation requirements have been complied with.
- 5.1.6 Registration fees for new businesses are pro-rata after 1 July in accordance with **Council's** Schedule of Fees if applicable. This will be backdated in cases where a business was operating and failed to notify Council of commencement.
- 5.1.7 Any food premises that is issued with a notice or an order under the Food Act 1984 will be revisited at a frequency determined by **Council** based on the risk and level of non-compliance.

For all food premises who were found to have a major or critical non-compliance during the registration period, an additional inspection will be conducted within the 3 months prior to the renewal of registration. A continued major or critical non-compliance at the time of this revisit may result in the refusal by **Council** to renew the registration.
- 5.1.8 In the event that a Class 2 or Class 3 mobile food vendor (vehicle or "off-site" caterer) is unable to arrange an inspection within the 12 month registration period as part of Council's inspection regime, a satisfactory inspection report from an authorised officer from another Victorian Council will be accepted as sufficient evidence for Council to issue a renewal of registration. This information is available using the statewide registration system *Streatrader*.
- 5.1.9 Council will recognise the registration of Class 2 and Class 3 temporary premises and mobile food vendors issued by another Victorian municipality so long as a Statement of Trade has been received by Council prior to the food business operating within the municipality.
- 5.1.10 All applications for Class 2 and Class 3 temporary premises to operate must be made on the statewide registration system *Streatrader* at least 10 working days prior to the planned event.
- 5.1.11 Council will approve trade to Class 2 and Class 3 temporary premises for a nominated period in accordance with their Statement of Trade and may inspect these events at its discretion based on potential risk.

- 5.1.12 Council will implement a non-compliance process if a proprietor fails to comply with the requirements of the Food Act 1984.
- 5.1.13 In the case of a new food business applying to be registered or an existing business being transferred to a new proprietor, Council requires an inspection and assessment of the proprietor's food safety program prior to commencement or transfer. Businesses that commence operation prior to obtaining an inspection will be liable for an infringement and can be issued with a temporary closure order pending an inspection.
- 5.1.14 In the event that Council becomes aware that a food business proprietorship changes without a request for an inspection by Council or without an application to transfer the registration, then an inspection will be made of the premises and the non-compliance process initiated immediately if required. A temporary closure order may result.

5.2 Notification of Class 4 food premises

- 5.2.1 If a proprietor operates a Class 4 food business the proprietor must notify Council of their intention to sell food, before commencing to do so, by submitting the appropriate notification form to Council.
- 5.2.2 Any new purchaser of a food premises must notify Council under the requirements of the Food Act of their intention to continue to sell food.
- 5.2.3 Council reserves the right to inspect any class 4 premises at its discretion.
- 5.2.4 Where a class 4 proprietor increases the range of foods sold so that the business activity changes to become a Class 2 or Class 3 food premises, the proprietor must register with Council using the appropriate application form prior to commencing sale of food under those classifications.
- 5.2.5 Where a Class 4 premises fails to provide prior notification to Council then Council reserves the right to serve an Infringement Notice or to take legal action.

5.3 Annual assessment/inspection of food premises

- 5.3.1 A "council assessment" refers to the required yearly visit of Class 1 and Class 2 premises
- 5.3.2 A "mandatory council inspection" refers to the yearly visit for Class 3 premises and the initial or transfer inspection of a Class 1 or Class 2 premises.
- 5.3.3 Section 39(2) of the **Act** requires Council to inspect/assess food premises within 12 months before the registration of food premises is renewed.
- 5.3.4 Annual inspection/assessment must be carried out by an authorised officer according to **Council's** Food Assessment/Inspection Guidelines.

5.4 Food Sampling

- 5.4.1 Conduct regular food sampling at local food businesses using a co-ordinated, targeted approach. Number of samples to be collected is determined by Victoria Government Gazette every year. Advise food businesses of the outcome of food sampling results resolve any food safety issues identified from the food sampling results using Food Sampling Procedures.

5.5 Food Allergens and Labelling

- 5.5.1 Ensure that all foods sold locally fully comply with the labelling requirements of the Australian Food Standards Code, including the requirement for all food businesses to provide allergen information to customers on request.

5.6 Food Recalls

- 5.6.1 Advise affected food businesses of food recall alerts issued by the State Government Department of Health. This advice will primarily be given via electronic means and maintain the privacy of food businesses when sending food recall alerts by electronic means

5.7 Data Reporting

- 5.7.1 Submit reports on food safety surveillance activities to the Department of Health and Human Services electronically on quarterly basis.

5.8 Food Safety Education

- 5.8.1 To ensure that food sold and produced within **Council** is safe, **Council** will play a key role in educating and informing business operators and staff of their food safety responsibilities, and health and hygiene obligations under the relevant food laws.
- 5.8.2 Council will endeavor to support food business proprietors to meet their compliance responsibilities by the provision of timely information and advice on legislative requirements, Council procedures and changes to the legislation.

5.9 Non-Compliance

- 5.9.1 Where non-compliance with the **Act** is detected, or suspected, Council will initiate procedures to ensure that compliance with the **Act** is upheld. Depending on the severity of the non-compliance, enforcement action may be undertaken in the form of a Warning letter, Food Act S19 notice, an Infringement Notice or legal action against the alleged offender.

- 5.9.2 It is a requirement for class 1 businesses to obtain an annual independent audit. Audit certificates will be forwarded to Council by the Auditor within 14 days of completing the audit certificate. Where deficiencies are identified by the auditor, Council will be notified as soon as practicable. A written notice will be given to the proprietor stating the nature of the deficiency, the action required and the timeframe to rectify. The auditor will check that the deficiencies are rectified within 14 days.
- 5.9.3 The management of non-compliances within the legislation requires the keeping of legible and accurate records by Council as these may be required in evidence in any subsequent proceedings initiated by Council or appeals made by the proprietor. All records will be stored on Council's approved document management systems.
- 5.9.4 Council can revoke or suspend the registration of any business that has not applied to transfer the registration of the premises within 4 weeks of a change of ownership. In the event of an immediate or critical risk to public health (unacceptable level of non-compliance such as the presence of vermin, infestation of insects, or failure to provide adequate refrigeration) associated with conditions of a food business, sale of unsafe food, or non-compliance with the Food Standards Code, the matter will be referred to the Chief Executive Officer with a view to issuing a Temporary Closure Order.
- 5.9.5 Any business that has not renewed their registration by 14 January may be issued with an Infringement Notice for failing to comply with the requirements of the Food Act 1984.
- 5.9.6 All Class 1 and Class 2 food premises are required to have a Food Safety Program, Food Safety Supervisor and the appropriate associated records on site at all times. All Class 3 food premises are required to keep appropriate temperature records on site at all times. Failure to do so will result in Council initiating procedures to ensure that compliance with the Food Act 1984 is upheld. An Infringement Notice for non-compliance with the Food Act 1984 will be issued if the food business proprietor fails to rectify the non-compliance.
- 5.9.7 Other breaches of the Food Act that could incur the issuing of an Infringement Notice are to be referred within 7 days to a Council Delegated Officer for consideration.

6 References

Related documents	Legislation
Food Sampling Procedures Food Assessment/Inspection Guidelines	<i>Food Act 1984</i>

7 Document Control

Food Safety Management Policy		Policy Category	ENVIRONMENTAL HEALTH
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