

<b>Policy Name</b>	<b>Food Safety Inspection and Fees Policy – Food Act 2001</b>
<b>Policy Number</b>	CD10
<b>Responsible Section</b>	Community and Environmental Health
<b>Responsible Department</b>	Community Development
<b>Date Last Adopted</b>	13 July 2021
<b>Date of Next Review</b>	July 2024
<b>Applicable Legislation</b>	Food Act 2001 Food Regulations 2017 Food Standards Code – Food Standards Australia New Zealand
<b>Related Governance Documents</b>	Council Policy – CD34 Mobile Food Vendors
<b>City Plan Theme</b>	Community

## 1. PURPOSE/OBJECTIVE

The City of Port Adelaide Enfield provides public health services to support both local businesses and the health and wellbeing of our community. One of these services is the administration of the *Food Act 2001*. Our service promotes a safe and suitable food supply by undertaking the following activities:

- Risk based inspections of fixed and mobile food vendors;
- Food business complaint investigations including foodborne illness & disease outbreak investigations;
- Providing education and educational resources to support our food businesses;
- Undertaking risk based and graduated enforcement responses;
- Conducting routine audits of businesses requiring food safety programs for food service to vulnerable persons.

Our Food Safety Inspection and Fees Policy aims to:

- Provide clarity to businesses and the community on the application of fees under the *Food Act 2001 (Regulation 13, Food Regulations 2017)*;
- Provide clarity on the food business risk classification framework and the application of compliance based inspection and audit frequencies.

Recognise our responsibilities as outlined in a Memorandum of Understanding (MOU) between SA Health and Local Government Association relative to the administration of the *Food Act 2001*.

## 2. SCOPE

The Food Safety Inspection and Fees Policy applies across the City of Port Adelaide Enfield.

The Minister for Health, SA Health and the Council administer and enforce the *Food Act 2001* with functions being exercised jointly and exclusively by one authority or the other.

The responsibility for the enforcement of specific areas under the Food Act is provided in the *Memorandum of Understanding between the Minister for Health and Ageing the Local Government Association of SA Inc.*

### **Risk Classification Framework and Inspection Frequency**

The City of Port Adelaide Enfield has adopted the South Australian Food Business Risk Classification framework administered by SA Health resulting in risk classifications of Priority 1 (P1), Priority 2 (P2), Priority 3 (P3) and Priority 4 (P4). This classifies food businesses based on food business sector, inherent risks, food handling activities and sets initial, minimum and maximum inspection frequencies.

Our Authorised Officers promote a safe and suitable food supply by undertaking routine inspections of food premises within our boundaries to assess compliance with the requirements of the *Food Act, Regulations and Standards*.

We recognise food safety risks vary between food businesses based on their activities and their risk classification. We will prioritise the inspection of food businesses based on their risk classification. This will minimise the regulatory burden on the food sector and support cost effective regulation of businesses.

### **Food Business Sectors**

Risk classification relates to four types of business sectors, these include:

1. **Retailers:** Who sell food at retail level; Involved in the retail sale of food to the public (predominantly packaged goods).
2. **Food Service:** Who make and/or serve food for consumption on site, taken away for immediate consumption or at a catering event; Mobile food vendors and mobile food businesses are included in this sector.
3. **Processor / Manufacturers:** Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products and can be sold via wholesaler or direct to business, and;
4. **Food Transporter:** Pre-retail distribution activities, (particularly importation, wholesaling, wholesale storage and multipurpose wholesalers who distribute not only to retailers but also to restaurant owners or consumers). Transport activities are also included.

## Frequency of Inspections

Frequency of inspection is based on the South Australian Food Business Risk Classification framework as outlined in the following table:

Food Business Risk Classification	Inspection Frequencies (months to next inspection)		
	Initial	Maximum	Minimum
Priority 1 (P1) High Risk	6	3	12
Priority 2 (P2) Medium Risk	12	6	18
Priority 3 (P3) Low or Medium Risk	18	12	24
Priority 4 (P4) Low Risk	Initial Inspection to confirm risk	Re-inspect on complaint or risk change only	

The adjustment of inspection frequencies within the minimum/maximum range will follow the South Australian Food Business Risk Classification framework.

Although inspections should not generally occur less or more frequently than shown in the table above, there are several factors that may influence an Authorised Officers determination to alter an inspection frequency including:

- (a) the history of the business, its willingness to act on previous advice and enforcement and complaint history;
- (b) the attitude of the present management towards hygiene and food safety;
- (c) the technical knowledge within or available to the business on hygiene and food safety matters;
- (d) the number and types of non-compliances - those with no direct impact on food safety would be considered to present less risk than those impacting directly on the safety of the food. Several non-compliances may also result in an increase in inspection frequency.

### 3. POLICY

Council is guided by the *Food Regulations 2017* in the application of inspection fees. Authorised Officers will consider the risk classification of businesses when applying fees for the following inspection types.

#### 3.1 Standard Inspections

We will apply inspection fees in accordance with Regulation 13 of the *Food Regulations 2017* to all fixed (permanent) food premises and mobile food vendors that are garaged within our boundaries. The following application of fees will apply:

- A small business being defined as a food business engaging not more than 20 full-time equivalent food handling staff;
- A large business being defined as a food business with more than 20 full-time equivalent food handlers;
- We will not apply fees for inspections of registered community and charitable organisations.

### **3.2 Follow-up Inspections**

We will apply fees for follow-up inspections equivalent to 50% of the standard inspection fee as prescribed in clause 3.1.

Follow-up inspections are related to identified non-compliances with the *Food Act 2001* or *Food Safety Standards* and fees will apply if a second or subsequent follow up inspections are required. Follow-up inspections and associated fees are undertaken and charged at the discretion of the Authorised Officer.

### **3.3 Complaint Inspections**

We will not apply fees for inspections carried out in relation to food safety related complaints received from the public.

### **3.4 Inspection of P4 Food Businesses**

These food businesses are considered low risk and will not be inspected on a routine basis.

If a complaint has been received a standard inspection will be undertaken.

Fees will apply for initial inspections of food businesses with a P4 risk classification or when the risk classification of the food business has changed to a higher risk classification.

### **3.5 Risk Assessment of Food Markets, Festivals, Fetes, Shows and Other Events**

We recognise the importance of and encourage community events to connect people, celebrate and commemorate culture, people and place. Food often plays an important role at events. We work with the community to ensure the public and the event organisers are able to safely provide and consume food at local events.

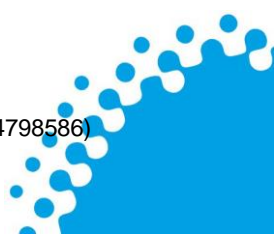
We will apply an up-front food safety assessment fee to the organising body/event coordinator of food markets, festivals, fetes, shows and other events to cover the assessment involved in ensuring food vendors are meeting their requirements under the *Food Act* and *Food Safety Standards*.

At the discretion of the Authorised Officer, with consideration of the risk classification of mobile food vendors and mobile food vending businesses, the following criteria will be considered in the application of fees to the organising body/event coordinator with an aim to balance reasonable cost recovery with supporting community events:

- Food markets, festivals, fetes, shows and other events with between 1 to 10 mobile food vendors and mobile food vending businesses will be charged 50% of the standard inspection fee for a small business.
- Food markets, festivals, fetes, shows and other events with more than 10, mobile food vendors and mobile food vending businesses will be charged 50% of the standard inspection fee for a large business.

Fees will not apply for event application assessments where it is identified that there will be no mobile food vendors or mobile food businesses trading at the event.

Authorised Officers may undertake a standard inspection at, festivals, fetes, shows and other events, however, such inspections will not incur an additional standard inspection fee.



## **Organisers of Ongoing Food Markets Located at a Fixed Location**

Fees will apply to organisers of ongoing food markets located at a fixed location in accordance with clause 3.5 in lieu of the charging of fees upon individual stall-holders. This will aim toward achieving reasonable cost recovery only for the inspection of such markets.

### **3.6 Inspections of Mobile Food Vendors and Mobile Food Vending Businesses**

Mobile food vendors can provide a mix of food and cultural experiences in an outdoor setting that activates streets and public places and brings vitality to our area.

We will not apply fees for inspections of mobile food vendors and mobile food vending businesses that have completed their food business notification process in another Council area, provided the proprietor can provide evidence of having notified the Council or enforcement agency where the vehicle is ordinarily garaged (as required under S86 of the *Food Act 2001*).

Mobile food vendors and mobile food vending businesses ordinarily garaged within our Council will be charged a standard inspection fee as prescribed in clause 3.1. If an inspection is conducted whilst mobile food vendors are trading, a standard inspection fee will be applied if they have not otherwise been inspected and charged within their required inspection frequency.

### **3.7 Inspection of Businesses with Food Safety Programs in Place**

We support the mandating of Food Safety Programs (FSP) by State Government for identified high risk food businesses. Businesses requiring Food Safety Programs will be audited in accordance with the Act and Regulations when required.

We audit businesses as soon as practical after completion of their FSP and then again within 6 months of the initial audit. We will adjust the audit frequency to within a range of 3 and 12 months based on compliance history.

Food Safety Program audit fees are charged in accordance with our Schedule of Fees and Charges.

We may charge inspection fees as detailed in clause 3.1.

### **3.8 Exempt Activities**

In accordance with the MOU, we recognise that SA Health will be the administering and enforcement agency under the Food Act for certain functions and we recognise our functions. We will not inspect exempt activities, however we also acknowledge that guidance will be taken from SA Health.

## **4. ROLES AND RESPONSIBILITIES**

The Environmental Health Team Leader is responsible for the implementation and management of this policy. Authorised Officers under the *Food Act 2001* are responsible for the day to day administration of this policy.

## 5. DEFINITIONS

To assist in interpretation of this policy, the following definitions apply:

An **Authorised Officer** is a person appointed by the City of Port Adelaide Enfield under the Food Act 2001.

A **Community or Charitable organisation** is a group, club or organisation that provides a community benefit that is not for the personal financial gain of an individual person or group of people and includes service clubs like Lions, Apex, church groups, community sporting clubs and school canteens not operated by catering businesses.

A **Standard Inspection**, for which a fee will be charged is a routine assessment conducted by an Authorised Officer appointed by Council.

An **Inherent Risk** relates to the possibility for a particular food to contain a hazard that could be present at levels that could cause human illness whether due to the nature of the food itself, or the processing and handling it undergoes.

A **Mobile Food Vendor or Mobile Food Vending Business** means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961.) *This definition as per Part 2, Local Government (Mobile Food Vendors) Amendment Act 2017.*