



# Food Safety Management Framework

## 1. Framework

### 1.1 Background

The Shire of Strathbogie Council aims to protect the public health of the community through minimising health risks associated with food produced and sold within the municipality. This aim is in accordance with delegated responsibilities placed on Council by Parliament under the provisions of the Food Act 1984 (Vic) which requires Council to be the registering authority for all food premises (except those businesses or premises that are registered or licensed under the Meat Industry Act 1993, Dairy Act 2000 or Seafood Safety Act 2003) operating within the municipality.

Council's legislative responsibilities under the Food Act 1984 include:

- Granting or refusal of applications received from food premises proprietors for the registration, renewal or transfer of registration;
- Receiving notification from Class 4 food premises;
- Inspecting food premises to ensure compliance with the legislation;
- Obtaining and submitting a required number of food samples for analysis by an approved analyst;
- Investigating food safety and quality complaints received from consumers;
- Responding, as part of the national system, to recalls of unsafe or unsuitable food;
- Reporting to the Department of Health on the food safety activities as required by the Department; and
- Notifying the Department of Health of all convictions of food business proprietors of offences committed under the Food Act 1984.

Council has a regulatory role in enforcing these laws. As a consequence, Council will initiate infringements, and legal action arising from breaches of the Food Act 1984. This action may arise from routine inspections of a food business, results of food sampling or from the investigation of a complaint or from the failure of a food business proprietor to register, renew or transfer registration under the Food Act.

To ensure that food sold and produced within Strathbogie 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.

Council will endeavour 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.

### 1.2 Vision

Council supports the principle that all food provided for human consumption meets the relevant statutory requirements in the interest of protecting public health.

### 1.3 Aim

Council aims to inform and educate food proprietors in the provision of safe and hygienic food to the Strathbogie community.

## 1.4 Framework objectives.

The main objectives of this framework are to:

- Maximise compliance of the legislation by the local food industry;
- Ensure that consistent, fair and equitable exercise of delegated powers in the delivery of food safety management services by Council; and
- Provide an effective and transparent food safety management process to support food businesses.

## 2. Food safety management procedures and fees

Registration is issued for a fee and maintained on the basis that the food premises maintains compliance with the Food Act 1984. The registration fee covers initial inspection on start up, assessment of the food safety program, swabbing and food sampling analysis.

Ongoing annual fees include an annual inspection, review of the food safety program, swabbing and food sampling. Requirements for further inspections as a result of non compliance will incur further fees, with up to 4 inspections in a twelve month period if required.

The requisite annual independent audit for Class 1 businesses will incur a separate cost. This needs to be arranged annually by the business owner, and a report submitted to Council by the business owner.

### 2.1 Registration, Renewal and Transfer of Registration for Food Premises

2.1.1 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.

2.1.2 Council will grant applications for registration renew registration and transfer registration within 48 hours of an inspection being conducted if the requirements of the Food Act 1984, and associated Regulations, are met.

2.1.3 Council's Annual Registration Fees 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.

Registration or transfer will not proceed if the required fee is not paid or business is non compliant.

Registration fees for new businesses are pro-rated after 1 July. This will be backdated in cases where a business was operating and failed to notify Council of commencement.

2.1.4 Any food premises that is issued with a notice or an order under the Food Act 1984 for non compliance will be required to pay the costs associated with all assessments/ inspections conducted of the premises in accordance with Council's Schedule of Fees (refer attachment) until the premises is deemed fully compliant with the Act.

The frequency of inspections required will be determined by Council based on the risk and level of compliance. In relation to non-compliant Class 1 or Class 2 food premises, a total of up to 4 annual checks including the independent audit can be required at intervals of 3 months. The incurring fees will be added to and collected with the annual registration fee due 31 December.

- 2.1.5 A failure to pay this assessment/inspection fee may result in the registration, renewal or transfer of registration of a food premises being refused by Council.
  - 2.1.6 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.
  - 2.1.7 Until Phase 3 of the amendments to the Food Act 1984 come in to force on 1 July 2011, 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.
  - 2.1.8 Council will issue temporary registration to Class 2 and Class 3 temporary premises for a nominated period and inspect these events at its discretion based on potential risk.
  - 2.1.9 All applications for Class 2 and Class 3 temporary premises to operate must be made on the appropriate application form at least 10 working days prior to the planned event.
  - 2.1.10 Council will implement a non-compliance process if a proprietor fails to comply with the requirements of the Food Act 1984..
  - 2.1.12 In the case of a new food business applying to be registered or being transferred to a new proprietor, Council requires an inspection and assessment of the proprietor's food safety program prior to commencement. 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.
  - 2.1.13 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, registration backdated and charged to the new proprietor, and the non-compliance process initiated immediately if required. Temporary closure can result.
- 2.2 Notification of Class 4 premises
- 2.2.1 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 entering the details of the food business on the Department of Health's TempLink online notification process or submit to Council on the appropriate form if the premises does not have access to the internet.

- 2.2.2 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. Registration fees will be reduced on a pro-rata basis from closure or on notification if later.
- 2.2.3 Council reserves the right to inspect any class 4 premises at its discretion.
- 2.2.4 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.
- 2.2.5 Where a Class 4 premises fails to provide prior notification to Council then Council reserves the right to take legal action or serve an Infringement Notice.

### 2.3 Non compliance

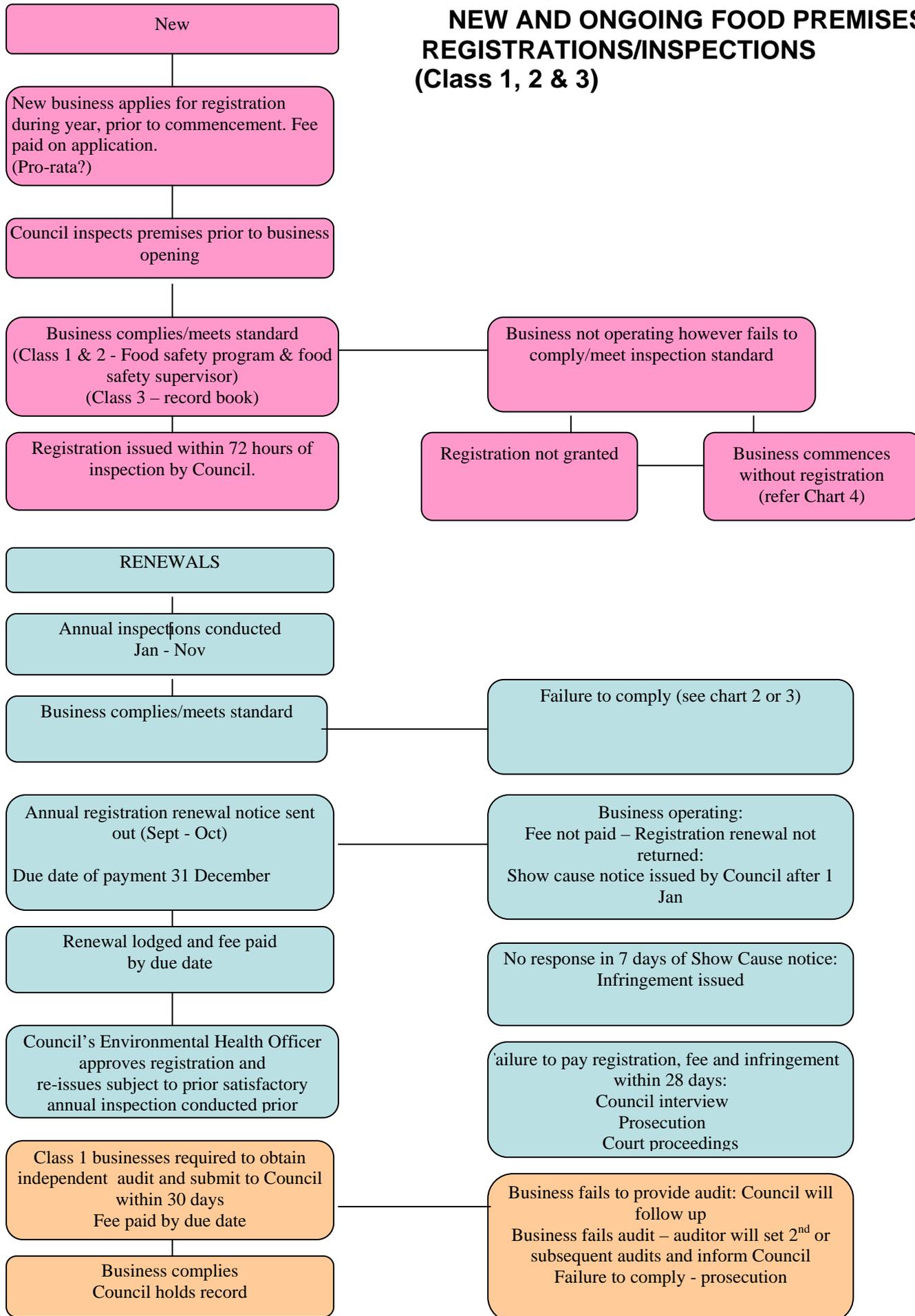
- 2.3.1 Where non-compliance with the Food Act 1984 is detected, or suspected, Council will initiate procedures to ensure that compliance with the Act is upheld. Depending on the severity of the non-compliance legal action may be taken against the alleged offender.
- 2.3.2 It is a requirement for class one businesses to obtain an annual independent audit. Audit certificates will be forwarded to Council 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.
- 2.3.3 The management of non-compliance 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.
- 2.3.4 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.
- 2.3.5 In the event of an immediate and major risk to public health (unacceptable level of non-compliance such as the presence of vermin, infestation of insects, or failure to provide the requisite 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.
- 2.3.6 Any business that has not renewed their registration by January 7 will be issued with an infringement notice for failing to comply with the requirements of the Food Act 1984.
- 2.3.7 All Class 1 and Class 2 food premises are required to have a Food Safety Program, Food safety supervisor and the appropriate records on site at all times. Failure to do so will result in Council issuing an Infringement Notice for non compliance with the Food Act 1984.

- 2.3.8 The proprietor of a Class 3 food premises, required to keep the appropriate records as prescribed by the Food Act 1984, must ensure that the required records are kept at the premises and up to date at all times. Failure to meet this requirement will result in Council issuing an infringement notice for non compliance.
- 2.3.9 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.

### **3. Review**

This framework will be reviewed as required and not less than every three years.

# CHART 1 NEW AND ONGOING FOOD PREMISES REGISTRATIONS/INSPECTIONS (Class 1, 2 & 3)



Initial inspection:  
1. Minor breach with written recommendation. Reinspection within designated time.

Business complies

Initial inspection:  
2. Minor breach referred by EHO to delegated Council officer.

Section 19 Improvement Notice issued with actions & date to comply.

2<sup>nd</sup> inspection within 7 days of date to comply. 2<sup>nd</sup> inspection fee added to registration

Failure to comply

Infringement notice issued, 42 days to pay. Date given to comply with improvements.

3<sup>rd</sup> inspection within 7 days of date to comply. 3<sup>rd</sup> inspection fee added to registration.

Failure to comply

Prosecution (Council applies to have matter heard in Court)

Court order improvements to be made. Penalty imposed, Conviction.

4<sup>th</sup> inspection conducted within 30 days

Business complies (see Chart 1)

Business registered

## CHART 2

### NON COMPLIANCE – MINOR BREACHES OF THE ACT

Failure to comply, continues to operate

Complies

Infringement not paid by due date Council interview, Prosecution, Court

Complies

Failure to comply

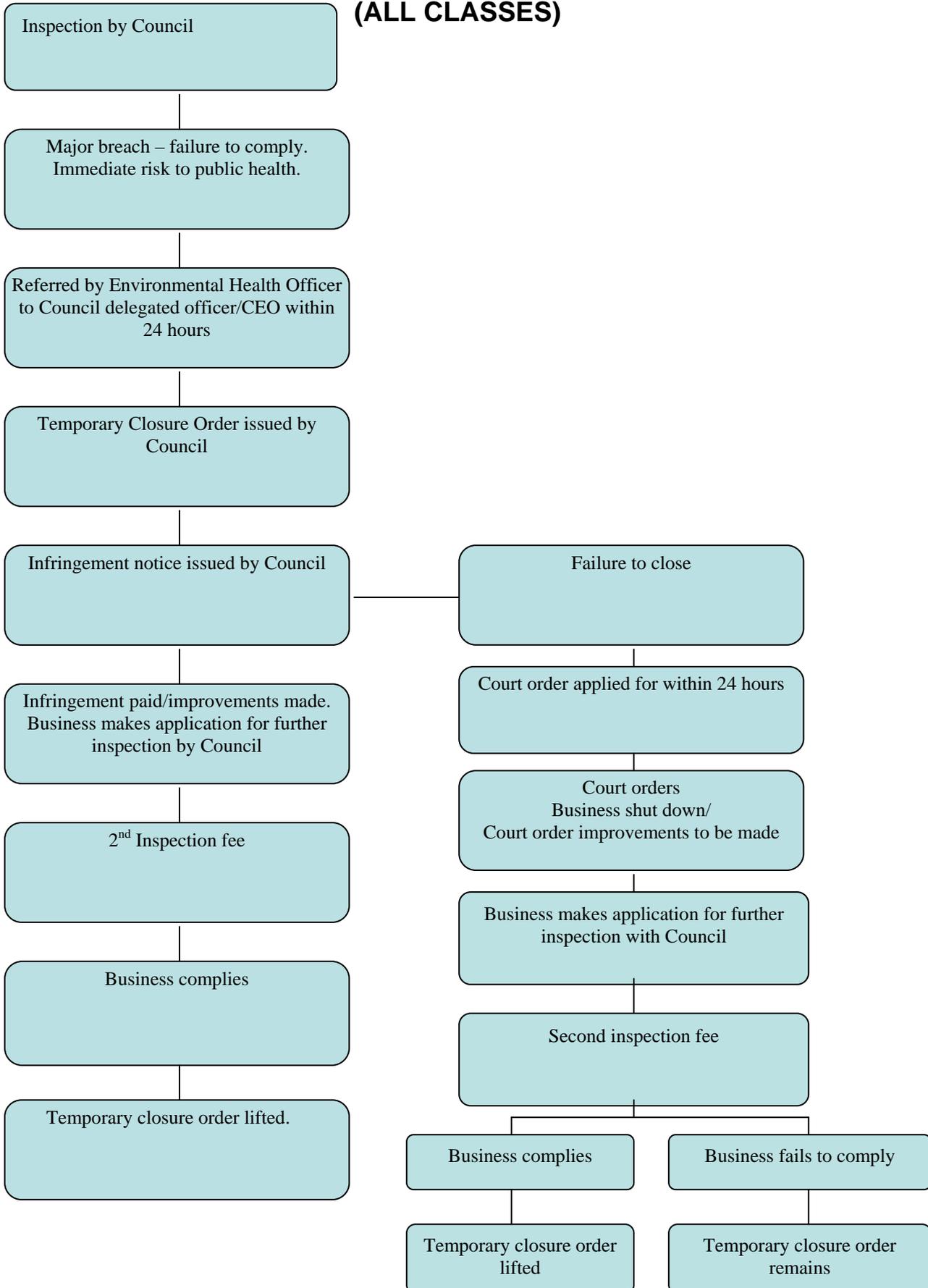
Second prosecution. Council applies to have matter heard in Court

Registration revoked

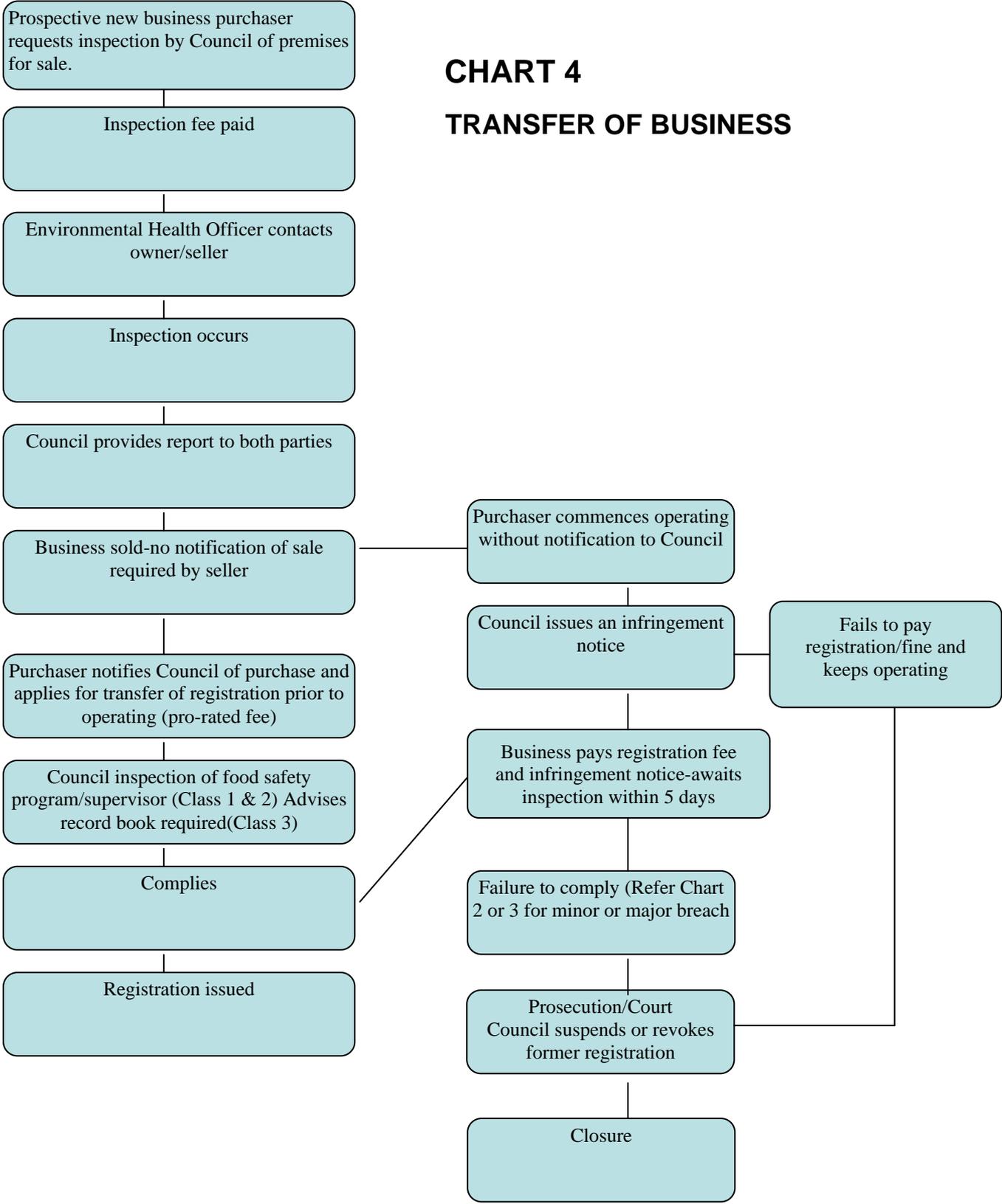
Second conviction

Court order sought to close business

**CHART 3**  
**NON COMPLIANCE – MAJOR BREACHES OF**  
**THE ACT**  
**(Immediate risk to public health)**  
**(ALL CLASSES)**



# CHART 4 TRANSFER OF BUSINESS



# CHART 5 FOOD SAMPLING/PROCESS ASSESSMENT

