

Food Business Inspection Policy – Food Act 2001

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Responsible Officer(s):	MERS, EHO
Council File Reference:	Council Policies (P)
Applicable Legislation:	Food Act 2001
Relevant Policies:	Nil
Related Procedures:	This Policy is not subject to Public Consultation
Delegations:	Berri Barmera Council Delegations Register

1. Purpose

Council will seek compliance with the requirements of the Food Act, Regulations and Standards through routine inspection of food businesses by Authorised Officers on a risk classification basis.

Council recognises food safety risks vary between food businesses and classification of food businesses by priority meets the principles of cost-effective enforcement and minimises the regulatory burden on the food sector.

2. Definitions

For consistency Council adopts the South Australian Food Business Risk Classification System as developed by SA Health. The system results in priority categories of highest risk (P1) to the lowest risk (P4).

Frequency of inspection will be in accordance with the following table:

Classification	Inspection Frequency (every x months)		
	Starting Point	Maximum	Minimum
P1	6	3	12
P2	12	6	18
P3	18	12	24

P4 classification food businesses are low risk. They require an inspection to confirm risk classification and may require a subsequent inspection upon notification of change in activity or complaint.

1. P4	2. Initial inspection to confirm risk level	3. Re-inspect on complaint or risk change only
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Adjustment of inspection frequencies within the minimum/maximum range will be in accordance with the South Australian Food Business Risk Classification System. Inspection frequency of food businesses may increase or decrease depending on their performance history.

Council	Berri Barmera Council
Authorised Officers	A person appointed as an authorised person under Chapter 12, Part 3 of the Local Government Act 1999
Small Business	as a food business employing not more than 20 full-time equivalent food handling staff
Large Business	as a food business with more than 20 full-time equivalent food handling staff

3. Principles

To specify the application and imposition of inspection fees relative to food businesses operating within the Berri Barmera Council as provided for by Regulations under the Food Act 2001 (Food Regulations 2002, Regulation 11).

Regulation 11 of the Food Regulations 2002 provides that an inspection fee for the carrying out of any inspection of any premises or food transport vehicle must not exceed the reasonable costs of the enforcement agency. The maximum inspection fees set in the Regulations changes from time to time. Any fees and charges will be listed in Council's Fees and Charges Register, which is available for viewing at www.berribarmera.sa.gov.au.

Council shall impose inspection fees pursuant to Regulation 11 of the Food Regulations 2002 as adopted in Council's Fees and Charges Register, using the following definitions of food businesses:

- A small business being defined as a food business employing 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 handling staff

4. Policy Statement

1 Standard Inspections

- 1.1 Standard routine food premises inspections will attract a fee for inspection
- 1.2 The applicable fee will be set out within Regulation 11 of the Food Regulations 2002

2 Inspection of Festivals, Fetes and Shows (for profit)

That Council implement standard food business inspection and fee charging practices for festivals, fetes and shows

- 2.1 That Council will impose an inspection fee for inspections of food stalls that have completed their notification process in the Berri Barmera Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business
- 2.2 That Council does not impose an inspection fee for inspections of food stalls where the business has completed their notification process in an alternative Council area, provided the operator of the stall holder has clearly displayed:
 - 2.2.1 Evidence of having notified the enforcement agency where the business is ordinarily located (as required under S.86 of the Food Act 2001), and
 - 2.2.2 Evidence of the business having been inspected by the enforcement agency receiving the notification.

- 3 Inspections of Food Markets
That Council implement standard food business inspection and fee charging practices for food markets
 - 3.1 That Council impose an inspection fee for food stalls that have completed their notification process in the Berri Barmera Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business
 - 3.2 That Council does not impose an inspection fee for food stalls where the business has completed their notification process in an alternative Council area provided the stall holder has clearly displayed a current certificate to that effect
- 4 Compliance Inspections
 - 4.1 Council shall not impose fees for follow-up inspections related to identified non-compliance with the Food Act 2001 or Food Safety Standards. Councils will use the appropriate mechanisms available to achieve compliance using the provisions of the Food Act, for example expiation notices, prohibition orders and improvement notices.
- 5 Complaint Inspections
 - 5.1 Where a complaint inspection is justified then it will attract a fee for inspection. Council's Authorised Officers will determine whether a complaint is justified.
- 6 Inspections of Community and Charitable Organisations
 - 6.1 Community groups that are exempt from paying GST are exempt from being charged Food Act inspection fees
- 7 Inspection of businesses classified as low risk P4
 - 7.1 Council shall not impose fees for inspections of P4 low risk businesses. These premises will not be inspected on a routine basis unless a complaint is received.
- 8 Inspections of Mobile Food Vans
 - 8.1 That Council impose an inspection fee for inspections of mobile food vans that have completed their notification process in the Berri Barmera Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business.
 - 8.2 Council shall not impose inspection fees for inspections of mobile food vans where the business has completed their notification process in an alternative Council area, provided the operator of the food van has clearly displayed:
 - 8.2.1 Evidence of having notified the enforcement agency where the vehicle is ordinarily garaged (as required under S.86 of the Food Act 2001), and
 - 8.2.2 Evidence of the vehicle having been inspected by the enforcement agency receiving the notification.
- 9 Inspection of businesses with Food Safety Programs in Place
 - 9.1 Inspection fees will not be charged in businesses that are required to have an audited food safety program in accordance with Food Standard 3.1.1.

These businesses undergo regular auditing of their food safety programs and are charged an hourly rate.

Council supports the mandating and implementation of Food Safety Programs by State Government for identified food businesses.

5. Confidentiality

Any information provided will be treated as strictly confidential. Information provided to the Council's Chief Executive Officer (CEO) will be securely retained within Council's records.

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