Food Business Inspection Policy – Food Act 2001

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Strategic Plan:	*2 Deliver Organisational Excellence and Innovation* *2.1 Refine governance frameworks, customer service, records management and decision making processes to improve transparency and accountability.*
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Responsible Officer(s):	*General Manager Infrastructure, Environment and Regulatory Services* *Manager Environment & Regulatory Services* *Environmental Health Officer*
Council File Reference:	*Council Policies (P)*
Applicable Legislation:	*Food Act 2001* *Food Regulations 2017*
Relevant Policies:	*Fees and Charges*
Related Procedures:	*Nil*
Delegations:	*Berri Barmera Council Delegations Register*

1. Purpose

Council undertakes inspections of food businesses in accordance with the Food Act 2001 and associated legislation to promote food safety and public health. Inspection frequencies are determined using the South Australian Food Business Risk Classification System to ensure a risk-based and cost-effective approach to regulation.

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.

P4	Initial inspection to confirm risk level	Re-inspect on complaint or risk change only

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.

2. Definitions

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 employing 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 area as provided for by Regulations under the Food Act 2001 (Food Regulations 2017, Regulation 13).

Regulation 13 of the Food Regulations 2017 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 13 of the Food Regulations 2017 as adopted in Councils 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.

Council applies a risk-based approach to food business regulation that seeks to protect public health while minimising unnecessary regulatory burden on businesses.

4. Policy Statement

Standard Inspections

4.1 Standard routine food premises inspections will attract a fee for inspection.

Follow Up/Compliance Inspections

4.2 Council shall not impose fees for follow-up inspections related to identified non-compliance with the Food Act 2001 or Food Safety Standards. Council 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.

Community Groups and Charitable Organisations Inspections

4.3 Community groups and charitable organisations that are exempt from paying GST are exempt from being charged Food Act inspection fees.

Complaint Inspections

4.4 Where a complaint is substantiated and an inspection is required, an inspection fee may apply. (Council's Authorised Officers will determine whether a complaint it justified.)

Festivals, Fetes, Shows and Food Markets Inspections

4.5 Council will implement standard food business inspection and fee charging practices for festivals, fetes and shows and food markets.

4.6 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.

4.7 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:

4.7.1 Evidence of having notified the enforcement agency where the business is ordinarily located (as required under Section 86 of the Food Act 2001), and

4.7.2 Evidence of the business having been inspected by the enforcement agency receiving the notification.

Mobile Food Vehicle Inspections

4.8 That Council impose an inspection fee for inspections of mobile food vehicles 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.

4.9 Council shall not impose inspection fees for inspections of mobile food vehicles where the business has completed their notification process in an alternative Council area, provided the operator of the food vehicle has clearly displayed:

4.9.1 Evidence of having notified the enforcement agency where the vehicle is ordinarily garaged (as required under S.86 of the Food Act 2001), an

4.9.2 Evidence of the vehicle having been inspected by the enforcement agency receiving the notification.

Inspection of businesses classified as low risk P4

4.10 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.

Inspection of businesses with Food Safety Programs in Place

4.11 Inspection fees will not be charged to 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.

VERSION CONTROL

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Date	List of amendments
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