

Policy title	Food Inspection
Responsible manager(s)	Divisional Manager Environmental Services
Contact officer(s)	Environmental Health Officers
Directorate	Planning and Sustainability
Approval date	
Focus area	Public and Environmental Health and Safety
Delivery Program link	1.1.2 Deliver legislated health protection and regulatory programs
Operational Plan link	1.1.2.1 Undertake food inspection programs

Purpose

The policy provides a risk-based food inspection program that offers an opportunity for food businesses to reduce their inspection frequency. The policy ensures that food for sale is safe and suitable for human consumption in accordance with the NSW Food Authority's Food Regulation Partnership and the *Food Act 2003*. Businesses that demonstrate a continued high level compliance with legislative requirements are rewarded.

Policy aims

- Implement a risk-based food inspection program for retail food premises
- Establish guidelines for Council's authorised officers to deliver a transparent and consistent approach to food inspections
- Promote awareness of the requirements of the *NSW Food Act 2003*, *Food Regulations 2015*, *Food Standards Code 2016* and the *Food Regulation Partnership* between Council and the NSW Food Authority
- Reduce the incidence of foodborne illness and require that food for sale is safe and suitable for human consumption.

Policy details

1	Application This policy applies to all retail food businesses in the Eurobodalla Shire that are not licenced with the NSW Food Authority. Retail food businesses means all businesses that sell food whether from fixed premises, mobile van or market stall.
2	Legislation <i>Food Act 2003, Food Regulations 2015, Food Standards Code 2016</i>

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Food Inspection Program

Council undertakes food inspections to ensure food for the public is safe for human consumption and in accordance with legislation.

All retail food businesses in the shire must register their details with Council.

Risk-Based Program

The risk-based model is based on a two-step process:

1. the risk classification of the business (which depends on numerous factors such as the type of activities, the types of consumers, size of the operation) rates the business as high, medium or low risk according to NSW Food Authority guidelines
 - Low risk – a business that sells only foods that are non-Potentially Hazardous Food and pre-packaged (e.g. newsagents, confectionery stores, bars, liquor shops)
 - Medium risk – most hospitality type retail food premises
 - High risk – large scale operation, prepare or supply to vulnerable populations, undertake risk processes (e.g. raw egg products)
2. the previous business inspection outcomes (i.e. compliance history).

Council inspects all high and medium risk premises each year. The NSW Food Authority's Food Premises Assessment Report (FPAR) is used to conduct the inspection and utilises a points scoring system. If breaches of the *Food Standards Code 2016* are identified during the inspection points are deducted for each breach.

The following star rating system is applied (Scores on Doors):

- 5 star rating = 3 or less points deducted
- 4 star rating = from 4 to 8 points deducted
- 3 star rating = from 9 to 15 points deducted
- Failed inspection = where more than 15 points are deducted or a single serious breach is identified (8 points are deducted for a single serious breach).

Inspection Regime

Low risk business are only inspected upon complaint.

Medium risk businesses that achieve a 5 star rating require one (1) inspection per annum. Those business that do not achieve a 5 star rating will be subject to a second inspection per annum.

High risk business require two (2) inspections per year.

Businesses that are newly established, or under new ownership or management require two (2) inspections in the first year. If the inspections both achieve a five (5) star rating the business will then require one (1) inspection per annum.

Businesses that are the subject of a foodborne illness investigation may be reclassified as a high risk.

After each inspection fixed premises (shop fronts) and mobile food vendors are offered a certificate (Scores on Doors) to display the star rating achieved.

Other food inspections include:

- Mobile food vendors – a minimum of one (1) inspection per year
- Temporary food stalls – inspected at markets and at festivals and are only permitted to operate within these events
- Schools and child care centres prepare food for vulnerable persons and are inspected twice each year
- Charities and non-profit organisations (e.g. a temporary fundraising BBQ) are inspected on complaint only
- Businesses subject to complaint are generally inspected within 24 hours. This is independent of annual inspection regimes

Failed Inspections

Where a business fails an inspection, unannounced re-inspections are conducted until food handling failures are rectified. An inspection fee may be charged for each re-inspection and other enforcement actions may be undertaken.

Fees and Charges

Annual administration fees and inspections fees are applied in accordance with Council's adopted fees and charges.

- Low risk businesses are only charged an inspection fee if a breach is identified at a complaint inspection
- High and medium risk rated businesses (all fixed premises - shop fronts) are charged an annual administration fee and a fee for each inspection
- Mobile food vendors are charged an annual administration fee and an inspection fee
- Temporary food stall fees (both inspection and administration) are charged to the organiser of the market or festival
- Schools are charged inspection fees only
- Charities and non-profit organisations are only charged an inspection fee if a breach is identified at a complaint inspection
- Businesses subject to a complaint are only charged an inspection fee if a breach is identified at a complaint inspection

3.1	<p>Enforcement Actions</p> <p>Where there is ongoing non-compliance enforcement action may need to be taken. Enforcement actions are taken in accordance with the NSW Food Authority Compliance and Enforcement Policy, Council’s Compliance Policy, the <i>Food Act 2003</i> and the <i>Food Regulations 2015</i>. A graduated enforcement approach is taken and may include the following actions:</p> <ul style="list-style-type: none"> • Warning Letter • Improvement Notice • Penalty Infringement Notice • Prohibition Order • Prosecution • Court action
3.2	<p>Data and Reporting</p> <p>Inspection reports are entered onto the Council Public Health Register.</p> <p>An Activity Report is generated by the Register and this is used to provide an annual report to the NSW Food Authority.</p> <p>Food complaints are recorded on Council’s Customer Service Request system.</p>

Implementation

Requirements		Responsibility
1	<p>Implementation requirement</p> <p>Officers undertaking inspections must have appropriate delegation under the <i>Food Act 2003</i> and in accordance with the relevant legislation, regulations and codes.</p>	Council officers
4	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
5	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
6	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Consultation will be</p>	As applicable

	undertaken with the NSW Food Authority. Public submissions regarding this policy are invited for consideration during the exhibition period.	
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Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner.

Note: *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages the Food Inspection Program.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
The NSW Food Authority partnership	Food Authority Reporting
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Definitions

Word/ Acronym/ Phrase	Definition
NSWFA	New South Wales Food Authority

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	www.esc.nsw.gov.au/inside-council/council/council-policies
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Food Act 2003</i>	http://www.legislation.nsw.gov.au/#/view/act/2003/43
<i>Food Regulation 2015</i>	http://www.austlii.edu.au/au/legis/nsw/consol_reg/fr2015148/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

NSW Food Authority	http://www.foodauthority.nsw.gov.au/
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Supporting documents

Name	Link
Food Standards Code	http://www.foodstandards.gov.au/code/Pages/default.aspx

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	date	Council	TBA	See list	Policy commenced
2	dd mmm 2013	Council	TBA	E13.7095	Reviewed and updated (start of new Council term)
3	dd mmm 2016	Council	TBA	E16.0297 See list	Reviewed and updated (start of new Council term)

Internal use

Responsible officer	Relevant director or GM			Approved by	Council
Minute #	TBA	Report #	TBA	Effective date	TBA
File	See list E16.0297	Review date	Sep 2020	Pages	6