

 <p>DISTRICT COUNCIL of TUMBY BAY</p>	<p><b>POLICY# 6.11</b></p> <p><b>Food Act Inspection &amp; Fees</b></p> <p><b>POLICY AREA</b></p> <p><b>Regulatory Services</b></p>	Version No:	2
		Issued:	Nov 2015
		Next Review:	2018 – After next election

## Aims & Objectives

This policy has been formulated from guidelines prepared by the Local Government Association (LGA) and Department of Human Services (DHS) with input from the Australian Institute of Environmental Health. The Food Act 2001 came into force on Sunday, 1 December 2002 along with regulations gazetted in November 2002. The Regulations under the Food Act 2001, Regulation 11 provides for Councils as enforcement agencies to charge an inspection fee (GST will apply to inspection fees set by Councils) for carrying out any inspection. Regulation 11 (b) states inspection fees 'may be recovered by the enforcement agency as a debt from the occupier of the premises, or from the owner or operator of a food transport vehicle (as the case may be).'

A number of Councils' including Tumby Bay Council, use the Australian Food Premises Assessment (AFPA) system for conducting inspections. This process enables Councils to assess the level of compliance, determine the risk associated with the business activity, assist in determining risk classification / inspection frequency and advice of measures to be undertaken to ensure compliance.

The fee inspection system should be simple, easy to administer, transparent and where possible achieve cost recovery.

## 2.0 Policy Definitions

**2.1 Nominal Risk Business** – Low risk food operations that generally handle pre-packaged foods (i.e. flavoured chips, soft drinks, chocolate products, ice creams etc). A business is determined as low risk at the Environmental Health Officers discretion based on inspection results.

**2.2 Not for Profit Organisation** – applies to organisations that have been endorsed by the Australian Taxation Office as income tax exempt and can produce the written tax office endorsement documentation.

**2.3 Inspection Fee** – The maximum fee prescribed in Regulation 11 under the Food Act 2001 as amended (the maximum inspection fee prescribed is \$84 for a food transport business or small business with not more than 20 full time food handlers and at \$210 in any other case).

**2.4 Notification** – The Food Act requires proprietors of food handling businesses to notify Council of all food handling activities.

## 3.0 General Principles

3.1 That the 'Food Act Inspection and Fee Policy' will come into effect from 1 September 2003.

3.2 The Food Act 2001 and Regulations 2002 require Council to inspect food premises on a regular basis to ensure compliance with the Food Standards Code.

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3.3 Food premise inspections are conducted on a random basis, subject to risk classification, or from a public complaint.

3.4 Business proprietors are not informed of the date or time of the inspection, but are generally requested to assist the officer during the process.

3.5 Not for profit organisations may at the discretion of Council be required to produce written evidence of endorsement from the Australian Tax Office.

**4.0 Inspection Schedule**

4.1 That Council’s Manager Environmental Services conduct routine Food Act inspections in accordance with the following risk classifications.

Classification Inspection Frequency

<u>Minimum</u>	<u>Maximum</u>
Low 24 Months	18 Months
Medium 18 Months	12 Months
High 12 Months	3 Months

4.2 The classifications of high, medium and low risk premises are determined and adjusted by the authorised officer at the time of inspection. The classifications will be determined subject to:

- (1) Type of food preparation / manufacturing activity occurring on-site
- (2) Past breaches and recorded serious incidents
- (3) Level of perceived risk
- (4) Level of staff training and record keeping
- (5) Any other factor that may constitute a change in the food safety risk.

**5.0 Inspection Fees**

5.1 That Council **not impose** inspection fees from routine inspections to the proprietor of the food premise as notified to Council.

Follow up Inspections subsequent to a notice of irregularity. For each visit subject to annual review and adjustment in line with CPI or actual expense recovery.  
(\*X\* Note: Please check Councils current Fees and Charges for the applicable fee).

**6.0 Authorised Officers**

6.1 Officers must have skills, knowledge and preferably experience in the administration of the Food Act and be delegated by Council to be authorised under Section 94 of the Food Act 2001.

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**Strategic Link:**  
**Delegation: Manager Environmental Services**  
**Documentation:** Nil  
**Authority:** Adopted by Council: 10/11/2015 {Motion 7c/112015 }

SIGNED: .....  
Responsible Officer  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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