



FOOD SAFETY MANAGEMENT POLICY

Policy Number C18
Council Meeting Date 22 July 2020
Next Review Date 22 July 2024

1. POLICY OBJECTIVE

The *Food Safety Management Policy (C18)* (the Policy) aims to protect the health and wellbeing of the community by minimising health risks associated with food produced and sold within the municipality.

The policy provides for a transparent and consistent approach to the regulation of food businesses in South Gippsland. It is consistent with Council's responsibilities under the *Food Act 1984* (the Act)

2. POLICY SCOPE

This Policy applies to any person who handles food intended for sale, regardless of whether:

- the sale is commercial, charitable or for community benefit,
- it involves the handling or sale of food on one occasion only.

Applicable food businesses include:

1. Fixed Food Businesses registered with Council;
2. Mobile and Temporary Food Businesses registered with Council; and
3. Mobile and Temporary Food Businesses registered with another Victorian council.

3. POLICY PRINCIPLES – FOOD SAFETY MANAGEMENT IN SOUTH GIPPSLAND

3.1 Policy Background

1. The Victorian State Government fixes the classes of food premises that require registration with Council and those that do not require registration. There are four classes of premises and they are based on the risks associated with the food they sell and the vulnerability of consumers.
2. The Act requires that all Class 1, 2 and 3 food premises must be registered with Council. Class 4 food premises are not required to register with Council, but must notify their food related activities to Council.
3. Under the Act, Council may set registration and inspection fees for food premises. Fees are set by Council on an annual basis. The Act provides that fees:
 - a. for registration, renewal of registration and transfer of registration must be determined by Council;
 - b. may vary in accordance with the size or nature of the food business;



- c. may vary in accordance with the Class of the food premises;
- d. may incorporate in whole or part the costs associated with the assessment and inspection of the premises; and
- e. must not exceed the amount (if any) fixed by the Victorian State Government and published in the Victorian Government Gazette.

4. Council is not permitted to charge fees for inspections required under the Act or by the Secretary of the Department of Health and Human Services (DHHS). This includes inspections required for the registration of new premises, renewals of registrations and transfers of registrations.
5. Council reviews registration fees on an annual basis to ensure that they do not exceed the amounts (if any) fixed by the Victorian State Government.
6. The Act provides that Council can charge a fee for 'poor-performance' assessments where additional follow-up inspections are required other than those required by the Act. These fees are set by Council on an annual basis and are intended to recover the additional costs that Council incurs in carrying out repeat inspections of food premises.

3.2 Registration, Notification, Renewal and Transfer of Food Premises

1. Before registering, renewing or transferring the registration of any food premises, Council will inspect the premises to ensure that any requirements of the Act are met.
2. All applications for renewal of registration must be made on the appropriate proforma with payment of the set fee by 31 December each year. Council will accept payment of the set fee as an application for renewal without the appropriate proforma, where no licencing details have changed in the previous 12 months.
3. The registration period for fixed food premises is 1 January to 31 December of each year. Pro-rata (6-monthly) registration fees will be charged from 1 July each year.

3.3 Inspection and Registration Fees

1. Council may charge inspection fees for follow-up inspections of food premises where there has been repeated non-compliance with the Act. Council will charge for each assessment or inspection on the following basis:
 - a. The annual registration fee includes the costs of the annual assessment/inspection and one additional follow up inspection.
 - b. Where an authorised officer has issued a written direction to a proprietor, requiring works to be undertaken within a specified time period, and the direction is not complied with, Council may charge for any further follow-up inspections that are required to ensure compliance with the Act.
 - c. Inspection fees will be charged based on the resources Council must apply in providing inspection services to individual food businesses.



2. Council will charge 6 monthly pro rata fees for initial registrations processed between 1 July – 31 December each year. Temporary/mobile registration fees (additional charge) will not be subject to pro rata fees.

3.4 Compliance Assessment and Performance Management

1. All Class 1, 2 and 3 fixed and mobile food premises registered with South Gippsland Shire Council will receive a statutory inspection and assessment for risk and compliance with the Act, including compliance with their approved Food Safety Program, at least once every 12 months.
2. Council will employ a risk based approach to inspection scheduling, prioritising premises which pose the greatest risk to the community, having regard for the following:
 - a. the food premises Classification; and
 - b. the risk of the food activities conducted at the premises; and
 - c. the compliance history of the food business.

This approach minimises the risk to community health and safety where unforeseen resourcing or workload challenges result in less than 100% of Class 1, 2 and 3 premises being inspected/assessed.

3. The Management of non-compliance relating to food safety and public health matters is a high priority of Council. This poses a to the public health and safety of the community.
4. Council will allow food businesses to register with minor defects relating to building and fit-out upgrades and improvements on the condition that;
 - a. all other requirements of the legislation have been complied with to the satisfaction of Council; and
 - b. within 3 months of the granting of the conditional registration the upgrades and improvements have been completed to the satisfaction of Council.
5. Council will consider the revocation or suspension of registration, or refuse to grant an application for renewal of registration, if a business proprietor is convicted by a court of offences under the Act on two separate occasions.

3.5 Authorised Officers

1. Council adopts the following criteria for officers authorised to exercise powers under the Act:
 - a. Only authorised officers delegated in writing by Council's Chief Executive Officer are to assess the adequacy of and compliance with Food Safety Programs.
 - b. These officers are to be qualified Environmental Health Officers (EHOs) who have undergone training in Hazard Analysis Critical Control Points (HACCP) or EHO Food Safety Training; and
 - c. These officers maintain their professional skills through planned professional development and training activities.

3.6 Temporary and Mobile Food Premises



1. Council will register temporary and mobile food premises that are primarily kept, housed, garaged or accommodated within the municipality.
2. Council will support the DHHS with the management and maintenance of the single state-wide registration system for temporary and mobile food premises known as 'Stretrader'. Council will record all relevant information into Stretrader as required and maintain the information to retain accuracy.
3. Council will issue the registration for temporary food premises for a period of 12 months only (1 January – 31 December of each year). One-day/One-off registrations will not be granted.
4. Council's EHOs will attend markets, festivals and other events to conduct food safety assessments/inspections, spot-checks and other inspections, based on the level of risk the event poses to the community, considering the following:
 - a. Number of Class 2 and 3 temporary and/or mobile food premises that have lodged a statement of trade to operate at the event;
 - b. The results of the last inspections of those temporary and mobile premises attending the event; and
 - c. Number of people expected to attend the event.

4. RISK ASSESSMENT

This Policy ensures Council has a structured implementation of its statutory responsibilities pursuant to the *Food Act 1984* in a fair, equitable and transparent manner, to all food businesses who operate within the Shire.

This Policy:

1. Will minimise both reputational and financial risks;
2. Enhance openness and transparency;
3. Assist in avoiding possible breaches of the *Food Act 1984*;
4. Increase compliance with the *Food Standards Code*;
5. Aims to reduce the risk of transmission of food borne illness within the Community.

6. ROLES AND RESPONSIBILITIES STATEMENT

The Environmental Health Department will implement this Policy through:

1. Routine monitoring of food businesses trading within the Shire (fixed, temporary and mobile) in accordance with this Policy, the Act and the Food Standards Code;
2. Investigating complaints/notifications of foodborne illness;
3. Educating and consulting with proprietors on matters of food safety;
4. Educating and consulting with the community on matters of food safety.



SUPPORTING INFORMATION			
Legislative Provisions	<p>Local Government Act 1989 Local Government Act 2020 Food Act 1984 Food (Forms and Regulation) Regulations 2015 Food Standards Code (FSANZ) Charter of Human Rights and Responsibilities Act 2006</p>		
Council Supporting Documents	<p>Compliance and Enforcement Policy (C64) South Gippsland Health and Wellbeing Plan 2017-2021</p>		
File Number	D3697119		
DEFINITIONS			
Class 4 Food Premises	<p>Class 4 food premises are defined as those that sell shelf-stable, pre-packaged food, or that are running low risk, community food activities where the food is cooked and served immediately (e.g. newsagents, video stores and business that sell uncut fruit and vegetables).</p>		
Fixed Food Premises	<p>A food premises operating from a permanent venue.</p>		
Temporary Food Premises	<p>Temporary food premises are:</p> <ul style="list-style-type: none"> • Stalls, tents or marquees (or any other structure that is not permanently fixed to a site) from which food is sold or handled for sale, such as at a market, school fete or festival • Halls or similar buildings that you don't own or lease, but use occasionally and from which you sell food or handle it for sale. 		
Mobile Food Premises	<p>Mobile food premises are vehicles such as vans, trailers or carts from which food for human consumption is sold.</p>		
<p>Sale Part I – Preliminary 4. Definitions Food Act 1984</p>	<p>In accordance with Part I – Preliminary – 4. Definitions Food Act 1984 - Sale of food includes –</p> <p>(a) barter, offer or attempt to sell; and (b) receive for sale; and (c) have in possession for sale; and (d) display for sale; and (e) cause or permit to be sold or offered for sale; and (f) send, forward or deliver for sale; and (g) dispose of by any method for valuable consideration; and (h) dispose of to an agent for sale on consignment; and (i) provide under a contract of service; and (j) supply food as a meal or part of a meal to an employee in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work; and (k) dispose of by way of raffle, lottery or other game of chance; and (l) offer as a prize or reward; and (m) give away for the purpose of advertisement or in furtherance of trade or business; and (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; and (o) supply food (whether or not for consideration) in the course of providing services to patients in hospitals or prisoners in prisons; and (p) sell for the purpose of resale;</p>		
REVISION HISTORY			
Policy Review	<p>In accordance with Council's policy review process, this policy will be reviewed and adopted on a 4-year cycle unless required earlier under legislation.</p>		
Version	Approved	Approval Date Range	Sections Modified



1.0	Ordinary Council Meeting	5 February 2003	New Policy
1.1	Ordinary Council Meeting	2 March 2005	Amendment
2.0	Council Meeting	22 July 2020	New Policy

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