



Food Act Inspection and Fee Policy

Reference Number:	Section 10 No. 01
Responsible Department:	Strategy & Development
Related Policy/Procedure:	Nil
Date of Adoption:	19 August 2003
Current Review Date:	26 April 2022
Minute Reference:	SC6.4
Version Number:	Amendment No. 5
Applicable Legislation:	Food Act 2001, Food Regulations 2002
Next Review Date:	April 2025
Review Frequency:	Triennially or as required by legislative or procedural changes

1. Background

The Food Act 2001, and Regulation 13 of the Food Regulations 2017 provides for Councils as enforcement agencies to charge an inspection fee for conducting an inspection of a food premises or food transport vehicle. Regulation 13 enables Council to recover the fee 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).

Light Regional Council uses the Australian Food Safety Assessment (AFSA) system for conducting inspections. This system enables Council to assess the level of compliance with the Food Safety Standards, determine the risk associated with the business food processes and activities that assist in determining risk classification and inspection frequency.

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

2. Policy Definitions

- 2.1 Food Business Classification – A food business classification is determined in accordance with 'The South Australian Food Business Risk Classification' issued by SA Health.
- 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 fee adopted by Council in its annual Schedule of Fees and Charges.
- 2.4 Notification – Section 86 of the Food Act requires the proprietor of a food business to notify Council upon commencing a food business operation, or when the food business is transferred to another person or when there is a change in the name or address of a food business.

3. General Principles

- 3.1 Section 37 of the Food Act 2001 (the Act) allows for authorised Environmental Health Officers to inspect food premises in accordance with those powers described within the Act.

- 3.2 Food premise inspections are conducted on a systematic approach, subject to risk classification and inspection frequencies, from a public complaint, or request from SA Health.
- 3.3 Business proprietors are not informed of the date or time of the inspection, but are required to assist the Environmental Health Officer(s) during the inspection process as defined by the Act.
- 3.4 Not for profit organisations may, at the discretion of Council's Environmental Health Officer, be required to produce written evidence of endorsement from the Australian Tax Office.

4. Inspection Frequency

4.1 Risk classification:

1. Top inspection priority - when business compliance is low and risk classification is high.
2. Medium inspection priority - when business compliance is high and the risk classification is high. Also when business compliance is low and the risk classification is low.
3. Low inspection priority - when business compliance is high and the risk classification is low.

Business Compliance	Risk Classification	Inspection Priority
Low	High (P1 P2)	1
High	High (P1 P2)	2
Low	Low (P3)	2
High	Low (P3)	3

*1 = top priority 2 = medium priority 3 = low priority

- 4.2 That Council's Environmental Health Officer conducts food business inspections in accordance with the risk classifications and inspection frequencies.

Classification	Frequencies (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 initial inspection to confirm risk classification and may require 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
-----------	---	---

4.3 The classifications of P1, P2, P3 and P4 are determined in accordance with classification system and are set and adjusted accordingly by the authorised officer at the time of inspection and subsequent assessment. The classifications and inspection frequency is also determined subject to:

- Type of foods, preparation processes;
- Past breaches of Food Act 2001, Food Standards Code and recorded incidents (compliance records from previous inspections);
- Attitude of present management towards hygiene and food safety;
- Technical knowledge on hygiene and food safety matters;
- Cleanliness of food business; and
- Any other factor that may constitute a change in the food safety risk and general hygiene.

5. Application of Inspection Fees

5.1 An Inspection Fee will apply:

- to routine inspections, as notified by Council to the proprietor of the food business;
- to follow-up inspections necessary to determine compliance with orders issued for offences and/ or breaches under the Food Act;
- to inspections of 'Priority 4' classification food premises, however a reduced rate (equivalent to 50%) is to be applied for small businesses as defined in clause 2.3;
- to inspections of food vans (registered in the Council area) at events. However, an inspection fee will not be required if the food van has recently been inspected in accordance with the inspection schedule.

5.2 An Inspection Fee will not apply:

- to follow-up inspections related to minor non-compliance issues identified under the Food Act, where an improvement order is not issued.
- to follow-up of complaints received from the public or SA Health.
- to inspections of premises of not for profit organisations (as defined).
- to host organisations or individual food stalls or vans at events that are registered under the Food Act 2001, or in another Local Government Area.
- to follow-up inspections of mobile food vans that have completed their notification process in another Council area.
- to inspections of businesses that are externally assessed by the Meat Hygiene Board or the Dairy Authority.

6. Authorised Officers

Environmental Health Officers must have appropriate qualifications and experience and be appointed by Council as an authorised officer under Section 94 of the Food Act 2001.

7. Policy Review

The Food Act and Inspection Fee Policy shall be reviewed triennially or otherwise as required or due to amendments to the legislation.

Policy History

Policy adopted 19 August 2003, refer Council Minute 10.2.2, Page 2003/312

1. Amendment No 1 adopted at Council meeting held on 23 August 2011, Minute I&RS9.3.1/2011, Page 2011/206
2. Amendment No 2 adopted at Council meeting held on 22 July 2014 Minute 11.4.1 at Page 2014/293
3. Amendment No. 3 adopted at Council meeting held on 25 October 2016 Minute Item 12.3.1 at Page 2016/421
4. Amendment No. 4 adopted at Council meeting held on 23 October 2018 Minute Item 12.3.4 at Page 2018/406.
5. Amendment No. 5 adopted by Council on 26 April 2022, Minute Reference SC6.4, Resolution Number OCM-22022/049