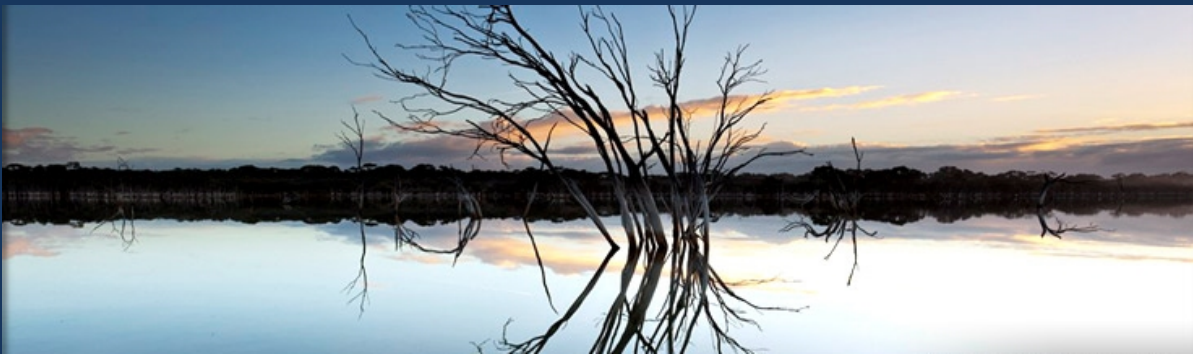




## Policy – Food Inspection & Fees



*“Working with our Rural & Coastal Communities”*

Responsible Department:	Development & Environmental Services
Policy Adopted:	15/03/2023
Minute reference:	18.1 – OCM/23/015
Applicable Legislation:	Food Act 2001; Food Regulations 2017; Food Standards Code – Food Standards Australia New Zealand
Related Policies/Procedures:	FIN-SCH-01- Schedule of Fees and Charges
Review Frequency:	3 years

## 1. INTRODUCTION

The Lower Eyre Council provides public health services to support local businesses and the health and wellbeing of our community. One of these services is the administration of the Food Act 2001. Our service promotes a safe and suitable food supply by undertaking the following activities:

- Risk based inspections of fixed and mobile food vendors;
- Food business complaint investigations including foodborne illness & disease outbreak investigations;
- Providing education and educational resources to support our food businesses;
- Undertaking risk based and graduated enforcement responses.

## 2. PURPOSE

Our Food Safety Inspection and Fees Policy aims to:

- Provide clarity to businesses and the community on the application of fees under the Food Act 2001 (Regulation 13, Food Regulations 2017);
- Provide clarity on the food business risk classification framework and the application of compliance based inspection frequencies.

Recognise our responsibilities as outlined in a Memorandum of Understanding (MOU) between SA Health and Local Government Association relative to the administration of the Food Act 2001.

## 3. SCOPE

The Food Safety Inspection and Fees Policy applies across the Lower Eyre Council.

The Lower Eyre Council utilises the South Australian Food Business Risk Classification framework administered by SA Health to classify food businesses based on food business sector, inherent risks, food handling activities and sets initial, minimum and maximum inspection frequencies.

Businesses are assigned a risk classification of Priority 1 (P1), Priority 2 (P2), Priority 3 (P3) or Priority 4 (P4).



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### 3. SCOPE

Cont’:

Our Authorised Officers promote a safe and suitable food supply by undertaking routine inspections of food premises within our boundaries to assess compliance with the requirements of the Food Act, Regulations and Standards.

Frequency of Inspection is based on the South Australian Food Business Risk Classification framework as outlined in the following table:

Food Business Risk Classification	Inspection Frequencies (months to next inspection)		
	Initial	Maximum	Minimum
Priority 1 (P1) High Risk	6	3	12
Priority 2 (P2) Medium Risk	12	6	18
Priority 3 (P3) Low or Medium Risk	18	12	24
Priority 4 (P4) Low Risk	Initial Inspection to confirm risk		Re-inspect on complaint or risk change only

The adjustment of inspection frequencies within the minimum/maximum range will follow the South Australian Food Business Risk Classification framework.

Although inspections should not generally occur less or more frequently than shown in the table above, there are several factors that may influence an Authorised Officers determination to alter an inspection frequency including:


- a) the history of the business, its willingness to act on previous advice and enforcement and complaint history;
- b) the attitude of the present management towards hygiene and food safety;
- c) the technical knowledge within or available to the business on hygiene and food safety matters;
- d) the number and types of non-compliances - those with no direct impact on food safety would be considered to present less risk than those impacting directly on the safety of the food. Several non-compliances may also result in an increase in inspection frequency.

### 4. DEFINITIONS

To assist with interpretation of this policy, the following definitions apply:

*Authorised Officer* - a person appointed by the Lower Eyre Council under the Food Act 2001.

*Community or charitable organisation* - a group, club or organisation that provides a community benefit that is not for the personal financial gain of an individual person or group of people and includes service clubs like Lions, RSL, church groups, community sporting clubs and school canteens not operated by catering businesses.

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#### 4. DEFINITIONS

**Cont':**

*Low risk foods* - food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics.

*Mobile food vendor* - a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961.) This definition as per Part 2, Local Government (Mobile Food Vendors) Amendment Act 2017.

*Risk classification* - the risk classification allocated to a business as determined by the South Australia Department of Health and Ageing, the South Australian Food Business Risk Classification system.

*Standard inspection* – A routine assessment conducted in accordance with the frequency determined by the business’ risk classification and performance history.

#### 5. POLICY

Council is guided by the Food Regulations 2017 in the application of inspection fees.

##### 5.1 STANDARD INSPECTIONS

Council will apply inspection fees in accordance with Regulation 13 of the Food Regulations 2017 to all fixed (permanent) food premises and mobile food vendors that are garaged within our boundaries.

P3 Businesses will be charged 50% of the standard inspection fee due to the low risk nature of the business and decreased inspection length. P4 businesses will be exempt from inspection fees.


Community or charitable organisations will be exempt from fees for standard inspections.

##### 5.2 FOLLOW UP INSPECTIONS

Where a non-conformance with the Food Safety Standards is observed during a standard inspection Council may conduct a follow up inspection to ensure it is rectified. Council will not apply a fee for the first follow up inspection. Second and subsequent follow up inspections will be charged the standard inspection fee. Follow-up inspections and associated fees are undertaken and charged at the discretion of the Authorised Officer.

##### 5.3 COMPLAINT INSPECTIONS

Council will not charge fees for inspections carried out in response to food safety related complaints received from the public. If a routine inspection is conducted in conjunction with the investigation of a complaint, a standard inspection fee will be issued to the food business.

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## 5. POLICY

**Cont':**

### 5.4 MOBILE FOOD VENDOR INSPECTIONS

Mobile food vendors ordinarily garaged within our Council area will be charged a standard inspection fee.

Council will not apply fees for inspections of mobile food vendors that have completed their food business notification process in another Council area, provided the proprietor can provide evidence of having notified the Council or enforcement agency where the vehicle is ordinarily garaged (as required under S86 of the Food Act 2001).

### 5.5 FIT OUT INSPECTIONS

Fit out / preliminary inspections prior to a business opening for the purposes of providing advice on kitchen fit out and food safety requirements are not subject to inspection fees.

### 5.6 MARKETS & COMMUNITY EVENTS

Council will not charge fees for inspections of food stalls at community events and markets. Where food is produced offsite, Council will conduct routine inspections of these premises and these inspections are subject to standard fees as per clause 4.1.

### 5.7 BUSINESSES WITH FOOD SAFETY PROGRAMS

Standard inspection fees apply to businesses that have formal audited food safety programs in place.

## 6. ROLES AND RESPONSIBILITIES

The Director Development and Environmental Services is responsible for the implementation and management of this policy. Authorised Officers under the Food Act 2001 are responsible for the day to day administration of this policy.

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.0	15/07/2022	Adopted
1.1	15/03/2023	Reviewed and adopted without change