

FOOD SAFETY MANAGEMENT POLICY

Policy Reference No.	POL/169
File No.	HCC15/190
Strategic Objective	2.1 Foster a community which is active and healthy
Adopted by Council	April 2006
Re-Adopted	March 2020
Date for Review	March 2025
Responsible Officer	Manager City Safety
Department	City Safety

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1 POLICY STATEMENT

- 1.1 Council will aim to protect the health of the community and minimise health risks associated with food produced and sold throughout the municipality through the administration of its Food Safety Management Policy.
- 1.2 Hume City Council's policy approach to food safety management is as follows:
 - 1.2.1 Council recognises the importance of working in partnership with the food industry and the State Government to achieve the overall purpose of food safety management.
 - 1.2.2 Council recognises, supports and encourages a co-regulatory approach to implementing food safety legislation strategies.
 - 1.2.3 Council acknowledges and values the diverse cultural fabric of the community. In acknowledging this diversity, Council encourages cultural food manufacturing practices to comply with legislative requirements.
 - 1.2.4 Food safety co-regulation will be achieved by Council being satisfied that a food business has a Food Safety Program (FSP) that is working effectively and food business proprietor can demonstrate that its FSP is adequate.
 - 1.2.5 Council is committed to the implementation and administration of its legal obligations for Food Safety Management by applying industry best practice standards and professional practice standards and will look to the Municipal Association of Victoria and Environmental Health Professionals Australia as peak bodies in identifying, defining and refining best practice and professional practice standards.
 - 1.2.6 Food safety outcomes will be managed according to risk and will take into account the risk classification of the business operations and food safety performance.
 - 1.2.7 Non-compliance with the legislation will be managed as outlined in this policy.

2 PURPOSE

- 2.1 Hume City Council aims to protect the health and wellbeing of the community by minimising health risks associated with food produced and sold within the municipality to ensure that all food is safe, wholesome and of the standard demanded by the purchaser. This aim is in accordance with responsibilities of Council under the provisions of the Food Act 1984 and is consistent with the broad objectives of the Council Plan and Public Health and Wellbeing Plan.
- 2.2 It is recognised that there is a need for a number of interdependent strategies to achieve effective food safety management and compliance by food business owners. These strategies need to, amongst other things, ensure the active participation of the local food industry and its representatives, ensure ongoing education and information to food businesses and the support of food business owners in meeting their compliance responsibilities.
- 2.3 Underpinning these strategies is a requirement to ensure that the exercise of legislative authority is equitable and consistent with principles of good government, due process and fairness.
- 2.4 Council's Food Safety Management Policy provides a decision-making framework for appropriate policy development, planning and resources to be directed at ensuring that food

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sold by businesses within Hume City is safe and suitable for consumption. In addition, this policy framework provides the mechanism for the management and discharge of Council's legislative responsibilities using a risk management approach.

3 SCOPE

Council will set out to achieve its Food Safety Management Policy Objectives by:

- 3.1 Regular review of Council's Food Safety Management Procedure Manual;
- 3.2 Communication of legislative requirements and Council's policy to the local food industry, via the following mechanisms:
- 3.3 Food News (quarterly newsletter publication)
- 3.4 Regular food safety information sessions
- 3.5 During assessments/inspections of registered food premises
- 3.6 The implementation of food safety and industry compliance monitoring programs and processes;
- 3.7 Implementing recommendations arising from Council's internal audit;
- 3.8 Implementing Food Safety Management Procedures which are focussed on and meets Council's statutory responsibilities.

4 OBJECTIVE

The main objectives are to provide a framework for:

- 4.1 Management of Council's legislated food safety responsibilities and related due diligence issues;
- 4.2 Consistent and equitable exercise of delegated powers and discretion in the delivery of food safety management services;
- 4.3 Development of effective management processes and procedures based on food safety performance of businesses; and
- 4.4 Maximising compliance by the local food industry with the legislation.

5 POLICY IMPLEMENTATION

5.1 Registration, Renewing Registration, Transfer of Registration and notifications

- 5.1.1 Council is the registering authority for all food premises (except those businesses or premises registered or licensed under the Meat Industry Act 1993; Dairy Act 2000; or Seafood Safety Act 2003) operating within the municipality, unless businesses/premises have been specifically exempted by the legislation.
- 5.1.2 Council will not exempt any premises/business required to be registered under the legislation, however, the fees for registration or renewal of registration applications by community groups will have a reduced fee.
- 5.1.3 Before registering or renewing or transferring the registration of any food premises, Council will inspect the premises and be satisfied that all the relevant requirements of the Food Act 1984 applicable to the premises/business have been complied with. These requirements include:

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- The premises having a Food Safety Program (FSP) that complies with the provisions of the Act;
 - Compliance with the FSP;
 - The nomination of a Food Safety Supervisor (FSS) meeting the requirements of the Act and the lodgement of supportive documentation with Council within the nominated timelines. This policy applies to a change of FSS;
 - Ensuring that the business (for non-standard FSP) has been independently audited by a Department of Health and Human Services approved auditor and a copy of the audit report and certificate has been lodged with Council within the legislated timelines;
 - The premises is operating and maintaining clean and sanitary conditions and any food sold is safe and suitable for consumption; and
 - In the case of a new food premises or businesses, or alterations to an existing premises or business, Council encourages the submission of plans that have written specifications detailing fit out and finishes that are to be provided.
- 5.1.4 Council will grant applications for registration; renewal of registration and transfer of registration if the above requirements have been met by the applicant together with the lodgement of the appropriate completed application and application and/or approval fee.
- 5.1.5 In the case of a transfer of the business to a new proprietor, Council will allow seven (7) days from the take-over, to submit a FSS certificate and notify of FSP implemented.
- 5.1.6 All applications for registration are to be made on the appropriate proforma with payment of the approved fee, prior to commencement of operation.
- 5.1.7 All applications for transfer of registration are to be made on the appropriate proforma with payment of the approved fee. All applicants are advised to request a pre-purchase inspection of the premises directly or through their solicitor.
- 5.1.8 All applications for renewal of registration are to be made on the appropriate proforma with payment of the set fee. Late renewal applications will attract an infringement unless there are mitigating circumstances acceptable to Coordinator Public Health. In the case of a food premises failing to renew registration Council will implement its non-compliance process.
- 5.1.9 Where a proprietor has provided the name of the FSS and supportive documentation to demonstrate competency, this will be seen as being adequate evidence of compliance with the Act for the purpose of satisfying the FSS requirement, and thereby Council granting, renewing or transferring the registration of the premises.
- 5.1.10 Council will revoke or suspend the registration of a food premises according to the process outlined in this policy document if the proprietor fails to lodge and maintain an approved FSP or fails to perform the statutory obligation to annually conduct an independent third party audits of their non-standard FSP.
- 5.1.11 Council will recognise all single state wide registrations for temporary and mobile food business made under 'streatrader'. Whilst the single state-wide register is a centralised database, Council will support the Department of Health and Human

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Services managed database and record all relevant information and issue appropriate registration fees.

5.1.12 Council will implement its non-compliance process, outlined in this policy document, if the proprietor fails to comply with the requirements of the Food Act 1984.

5.2 On-going Management of Food Safety Programs

5.2.1 Council has a responsibility to ensure food premises are operated in accordance with the legislation including compliance with the provisions relating to food safety programs.

5.2.2 Businesses are required to nominate which FSP they will implement prior to registration. Council is not required to approve a non-standard FSP. A certified auditor will determine the adequacy of the non-standard FSP through the Department of Health and Human Services approved auditing procedures.

5.2.3 The proprietor must ensure that if there is a change in the activities carried out at the premises, that the FSP is reviewed and, if necessary, revised. The revised copy of the FSP is to be provided to Council within 14 days after the revision is made.

5.2.4 Non-compliance with a FSP at the Onsite Compliance Assessment stage will result in a report outlining all deficiencies and a notice to comply will be issued to the proprietor in accordance with Council's Non-Compliance Process, outlined in this policy document.

5.2.5 Failure of a business to implement an approved FSP is grounds for refusal of renewal or transfer of registration and, grounds for the suspension or revocation of an existing registration.

5.2.6 A report shall be forwarded to Council for suspension or revocation of registration.

5.2.7 Council shall ensure that the proprietor of a non-standard FSP has an independent Third Party Audit conducted every twelve months. Failure to do so will result in Council issuing a direction to comply with any specified requirement in the food safety program or to have the food safety program audited in accordance with the Act. A direction shall be in writing and shall allow the proprietor at least (28) days to comply with the direction.

5.2.8 Proprietors must ensure that a copy of any audit certificate is forwarded to Council within (14) days of issue. Accordingly, certificates not forwarded shall result in Council issuing a formal warning letter to the proprietor advising of the legal requirement and the possible revocation or suspension of registration.

5.3 Compliance Assessment and Performance Management

5.3.1 All registered food premises shall be inspected and assessed for compliance with the Food Act 1984, including compliance with their approved FSP every twelve months, such annual assessments/inspections shall be defined as a statutory assessment/inspection.

5.3.2 Compliance shall be managed according to the risk classification of the business operations and food safety performance.

5.3.3 Council adopts the following food safety compliance assessment process: -

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- a. An inspection/assessment report is to be completed for each statutory inspection/assessment. Follow up compliance inspections are conducted at the expiration of the time period specified in the assessment report. A failure to comply on a follow up inspection where there is continued major or critical non-compliances shall trigger additional inspections and be subjected to Council's Food Safety Management Policy.
- b. Where audits are undertaken by approved Department of Health and Human Service auditors under the provisions of the Food Act 1984 and the outcome of the audit indicates:
 - critical non-compliance where there is a serious or imminent risk to public health the Area EHO will immediately attend the business and initiate the non-compliance process.
 - major non-compliance and there is no indication of a public health risk then the Area EHO will undertake a routine assessment and initiate the non-compliance process as required.

5.4 Capacity

5.4.1 There is a need for Council to ensure that competent officers assess compliance of Food Safety Program/Records.

5.4.2 Council adopts the following criteria for officers authorised to exercise powers under the Food Act 1984

- a. Only authorised officers delegated in writing by Council' Chief Executive Officer are to assess 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 and Critical Control Point (HACCP) or EHO Food Safety Training; and
- c. These officers maintain their professional skills through planned professional development and training activities

5.4.3 Food Safety Programs and Conflict of Interest

- a. The legislation clearly states that Council's EHOs are not to participate in the development of Food Safety Programs. However, there is a practical need to assist by providing State government and Council developed information resources and to support local industry initiatives aimed at strengthening compliance.
- b. Council EHOs are not to directly assist individual proprietors to develop their Food Safety Programs.

5.5 Non-Compliance

5.5.1 At any time within the local food business sector where there are proprietors in breach of food safety legislation, non-compliance will be managed in a consistent, fair and efficient manner.

5.5.2 Management of non-compliance relating to food safety and hygiene is a priority as this is where Council has exposure and risk as a registering and regulating authority.

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- 5.5.3 Council adopts the following non-compliance processes:
- a. In the event that a food premises/business has been assessed by Council's EHO and Public Health Coordinator to constitute an immediate and substantial risk to public health, the proprietor will be allowed the option of closing their business voluntarily. In cases when a proprietor fails to close the business voluntarily. The Chief Executive Officer will be provided with a report with recommendations for an order under Section 19 (3) of the Food Act. The Chief Executive Officer after consideration of the report may issue an order under Section 19(3).
 - b. If a Section 19(3) order is issued then legal proceedings will be initiated against the proprietor.
 - c. Council will allow businesses to be registered with minor conditions relating to building and fit out upgrades and improvements on the proviso that all other requirements of the legislation have been complied with to the satisfaction of Council's Authorised Officers and that within 3 months of the granting of the conditional registration the upgrades and improvements have been completed to the satisfaction of Council's Authorised Officers.
 - d. The attached non-compliance process will be initiated in cases where non-compliance with the food safety and hygiene provisions of the Food Act is detected or suspected. In the case of non-compliance with the administrative provisions of the legislation a Penalty Infringement Notice may be issued as provided for in the legislation at the discretion of Council's Coordinator Public Health.
 - e. Council will consider the revocation or suspension of a Food Act 1984 registration or refuse to grant an application for renewal of registration, if a business proprietor is convicted by a court of offences under the Food Act 1984 on two separate occasions.

6 DEFINITIONS AND ABBREVIATIONS

Nil

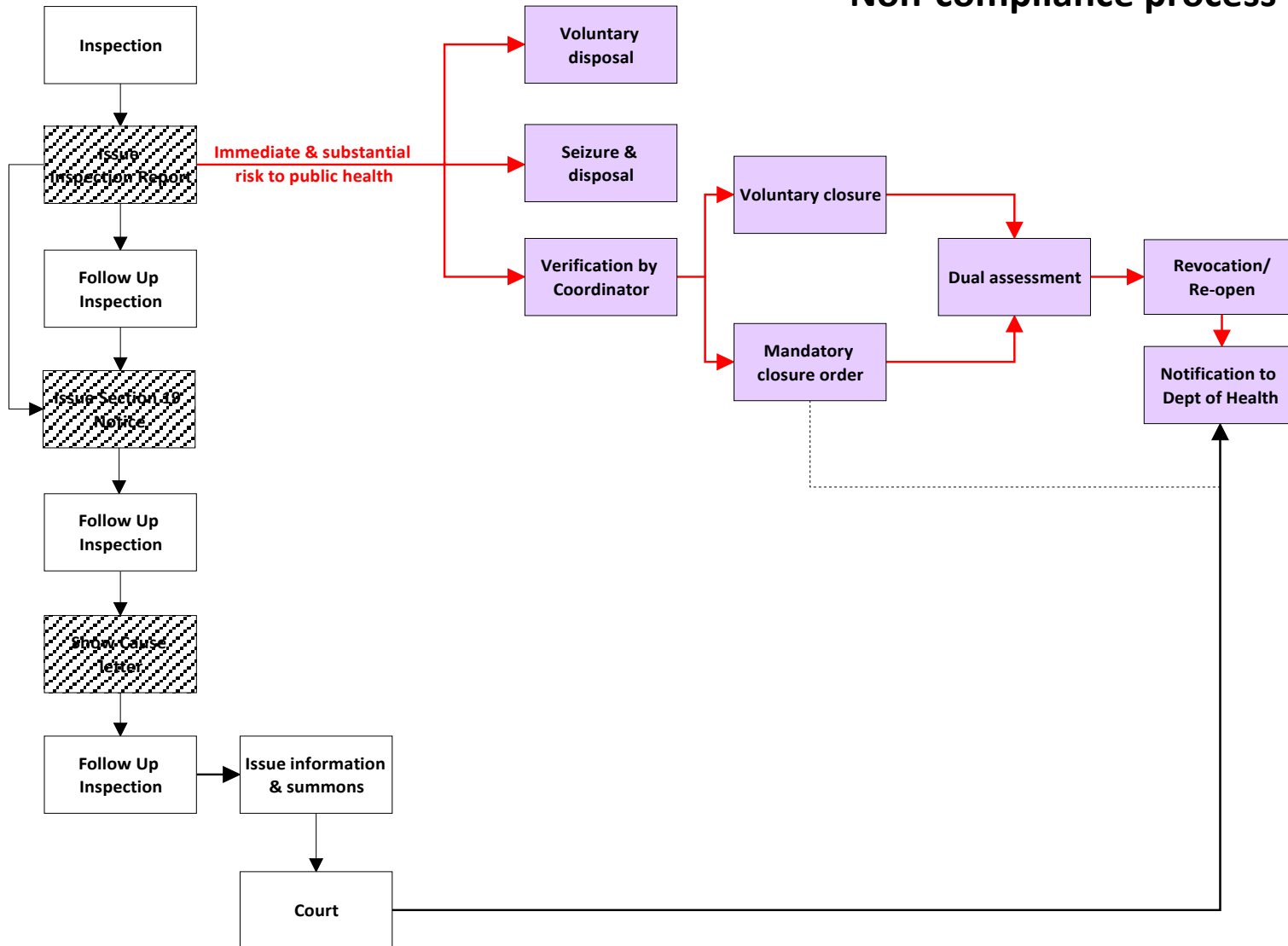
7 RELATED DOCUMENTS

Nil

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Non-compliance process



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