

Food Safety Policy

Date Adopted: 23 July 2024

Version: 2.2

Policy Objectives

The objective of this policy is to minimise the risks associated with the consumption of food sold within the Maitland local government area (LGA) by implementing an integrated education and enforcement approach.

Policy Scope

This policy applies to all premises or activities involved in the preparation, handling, storage or sale of food for retail purposes including food premises, mobile food vehicles, temporary food businesses, canteens, home-based food businesses and the like.

Policy Statement

Maitland City Council will provide support to the NSW Food Authority as an appointed Enforcement Agency within the agreed Food Regulation Partnership with the following responsibilities for retail food businesses:

- Inspects retail food businesses (selling food products direct to the public) for compliance with the national food safety standards and labelling of food for retail sale
- Investigation of food borne illness complaints
- Referral to NSW Food Authority and assistance where required for complaints relating to two or more cases from unrelated individuals, households or groups
- Provide assistance to NSW Food Authority Assist where there is an imminent threat to public health and safety or the health of any individual in connection with food

Council's Environmental Health Officer's (authorised officers) will undertake routine inspection and enforcement activities relating to the preparation, handling and sale of food within the Maitland LGA. This includes all food premises. Environmental Health Officer's will assist in the assessment of planning and development applications in relation to food activities and food fit out in accordance with legislation and standards. Council Environmental Health Officer's will also provide fee-for-service pre-purchase for food inspections on request.

This policy is intended to outline the framework for Council's food safety program and does not provide a comprehensive list of all of the specific requirements.

1. Legislation, Standards and Guidelines

Where any discrepancies may occur between a council policy and the relevant legislation, the Australian Standards and NSW legislation take precedence. The following NSW state legislation, standard and guidelines are relevant to this Policy:

1. NSW State Legislation

- NSW Food Act 2003
- NSW Food Regulation 2015
- NSW Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy - (Exempt and Complying) Codes 2008

2. Australian Standards

- Food Standards Code (Food Standards Australia and New Zealand)
www.foodstandards.gov.au
- Food safety standards include:
 - Standards 3.2.2 (Food Safety Practices and General Requirements)
 - 3.2.3 (Food Premises and Equipment) are mandatory for all food businesses.
 - Standard 3.2.2A Food Safety Management Tools
- Australian Standard AS 4674 – Construction and Fit-out of Food Premises - Available for purchase at www.saiglobal.com

3. Guidelines (advisory documents)

- Safe Food Australia - A guide to the Food Safety Standards

2. Investigation of food complaints

Maitland City Council and the NSW Food Authority are the Responsible Agency for investigated food borne illness complaints. The roles of each agency is separated as follows.

Maitland City Council is the responsible agency for investigating foodborne illness complaints for one complaint or one household. Food Borne Illness Complaint examples that are investigated by Council include.

- foodborne illness,
- foreign matter found in food,
- unhygienic practices observed (e.g. foods not handled, stored, or processed in accordance with legislation),
- labelling breaches, and
- a business trading without the appropriate license(s) or notification

NSW Food Authority are the responsible agency where complaints relate to two or more cases from unrelated individuals, households or groups, though may seek assistance from council as needed.

2.1. Assessing Risk

Maitland City Council Environmental Health Officers respond to food borne illness complaints using risk-based framework (Table 1). Table 1 is used as a guide to assessing complaint handling priorities. Timeframes are approximate only.

Table 1: Food Borne Illness Complaint Risk Matrix

Risk	Type of incident	Timeframe
Urgent	Has caused, or has potential to cause, serious harm or injury to the consumer e.g. pest infestation, unsanitary premises, interrupted water supply, food not under temperature control	Investigate as soon as possible
High	One complaint about a food business regarding poor hygiene, poor food handling practices of the premises, food quality related issues, no Food Safety Supervisor or Food Safety Practices	Investigate within one week
Medium	Will not cause serious physical harm to a consumer, unsound structures of premises labelling complaint, absence of a Food Safety Supervisor	Investigate within 2 weeks
Low	Single report of poor hygiene, poor handling, not notifying council, low risk food shop	Inspect within a month

Factors that will also be considered include:

- effects on consumer health
- exposure of vulnerable persons (e.g. the elderly, children)
- how widely the product is distributed
- timeframe over which the problem has occurred, and
- compliance history of the food business, both in general and with respect to the complaint

3. Food business notification

Council is to be notified of any food business (regardless of the risk classification or type of business) prior to commencement of operation of that business. Details to be provided include:

- contact details (including name of business and address),
- nature of their operations (e.g. fixed premises, mobile food vehicle, temporary food stall, charity or community group selling potentially hazardous foods) and
- the location of all premises (e.g. fixed premises, private property, designated public land, or special events) operating within the Maitland LGA events

Notifications may be made in writing or electronically using the designated form available on Council's website.

No fees are required for lodging a food business notification form. Other fees and charges may apply dependent on the type of business, risk classification, and inspections or activities undertaken by council officers.

It is the responsibility of the food business proprietor to ensure that any changes to the original notification are advised to Council within seven days of any change.

Council will keep a register of all food businesses with the register to be revised annually. The register is not a publicly available document; however, information may be legally shared with NSW Health and/or NSW Food Authority under specific circumstances.

4. Risk classification of a food business

The NSW Food Authority requires that councils implement a risk-based inspection regime (high, medium or low) consistent with the nationally agreed framework.

For ease of use, risk classification and inspection programs for Fixed Food Premises, Mobile Food Vehicles, Temporary Food Businesses / Temporary Events; and Home-based Food Businesses are dealt with in separate sections of this policy.

The risk classification assigned to a food business is dependent on the type of activity conducted, the types of food produced at the premises/outlet and the potential for harm to consumers.

4.1. Low Risk

Some businesses are unlikely to cause a food borne illness outbreak and are considered low risk. Examples include:

- businesses that only handle pre-packaged or non-potentially hazardous foods (e.g. some service stations, newsagents, confectionery stores, fruit and vegetable shops, bars and liquor stores, and the like)
- vehicles used to transport food between retail business premises or from a retail premises to a customer (e.g. takeaway delivery vehicle, or vehicle used to move food between a preparation kitchen or market stall),
- childcare (including home-based childcare) not preparing potentially hazardous food (e.g. children bring lunch from home)

Low risk food businesses are not inspected routinely and are inspected in response to complaints or food borne illness investigations. However, Council does conduct food inspections on low-risk food businesses to ensure that the business activities have not changed to a higher risk food business.

4.2. Medium and High Risk

The risk classification for most hospitality-type retail food premises LGA is 'medium' and include cafes, restaurants, school canteens, takeaways, juicing activities, supermarkets and mobile food vehicles that prepare and sell potentially hazardous food. As a minimum, Council Environmental Health Officer's will inspect medium and high-risk food businesses on an annual basis.

If a business does any of the following high-risk activities, it is classified as 'high':

- prepares or supplies to vulnerable populations (e.g. childcare facility that prepares food on site for children including home-based childcare preparing potentially hazardous food, or
- undertakes high risk processes/activities (e.g. raw egg products, smoking meats, sous vide), or
- large scale operations (e.g. function centre/large restaurant that employs more than 10 full time equivalent food handlers).

5. Fixed food premises

In this policy the term ‘fixed food premises’ is used to describe any food business retailing direct to the public from a fixed commercial premises (e.g. shop, café, restaurant, service station and the like).

5.1. Construction Standards

A person using a fixed premises store, prepare or sell food for human consumption, is deemed to be a ‘food business’. This includes not-for-profit operations.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- AS 4674-2004, Design, construction and fit out of food premises (Australian Standard)
- Food Standards Code (Australia and New Zealand), particularly,
- 3.2.2 Food Safety Practices and General Requirements
- 3.2.3. Food Premises and Equipment
- 3.2.2A Food Safety Management Tools

Copies of the Food Standards Code are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au

- NSW Food Act 2003
- Food Regulation 2015

5.2. Guidelines (advisory documents)

- Safe Food Australia A Guide to the Food Safety Standards Chapter 3 of the Australia and New Zealand Food Standards Code, Appendix 10: Home based food businesses, 3rd Edition November 2016

5.3. Notification of Operation of a Food Business within the Maitland LGA

Notification is a compulsory requirement - Refer to Section 3 of this policy for details.

5.4. Inspection Program

Most fixed food premises in the Maitland LGA fall within the high or medium risk rating requiring routine inspection by Council at least once per year.

Where possible, all inspections will be conducted by authorised Council officers without prior notice.

All inspections will be charged and invoiced in accordance with the approved fees and charges for that year. Food safety re-inspections may be undertaken, or the risk classification may be escalated if:

- a routine inspection identifies problems that require further attention, or
- Council receives credible complaints resulting in an inspection which identifies any significant non-compliance, or
- the food business changes risk categories due to the types of food that is served at the business,
- the food business is sold or changes proprietors.
- the food business is the subject of a foodborne illness investigation or complaint investigation where a significant non-compliance with the Australian New Zealand Food Standards Code is identified (e.g. if the non-compliance resulted in enforcement action).

6. Poor performing food identified in the Maitland Local Government Area

A food business operating within the Maitland Local Government Area that has been identified as performing poorly and is not complying with the Food Safety Standards, may be subject to a further inspection throughout the financial year.

The following points detail when an additional inspection may be required.

- The food business received an FPAR rating of greater than 15 or more.
- The food business received a single 8 point critical food handling noncompliance.
- The food business received a warning that they have failed the Food Safety Codes.
- The food business is a poor performer where the same breaches are being identified and not acted upon by the business proprietor.
- Council is receiving food complaints about the food business on a regular basis through the year.
- The food business has been issued with an Improvement Notice, Penalty Infringement Notice or prosecution within the last 12 months.

When one or more of these criteria are satisfied, the food business will be upgraded to inspections on a 6 monthly basis to address food safety performance.

7. Mobile food vehicles

‘Mobile food vehicles’ include vans, trucks, caravans and trailers as well as boats fitted out for the handling and sale of food directly to consumers e.g. coffee vans, ice cream vans, sandwich trucks and boats and the like. Each vehicle is considered a separate food premises. A mobile food vehicle can operate at multiple locations provided the appropriate approvals are in place.

The mobile food vehicle and its fit out is usually the same regardless of its location. The food vehicle must be self-contained with its own hand wash basin, equipment and consistent operational conditions regardless of the location and environmental factors.

7.1. Construction Standards

A person using a mobile food vending vehicle to store, prepare or sell food for human consumption, is deemed (by the Food Standards Code) to be a 'food business'. This includes not-for-profit operations.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- Food Standards Code (Australia and New Zealand), particularly,
- 3.2.2 Food Safety Practices and General Requirements
- 3.2.3. Food Premises and Equipment
- NSW Food Act 2003
- Food Regulation 2015

7.2. Guidelines (advisory documents)

- Food Standards Australia New Zealand
- Link to web: InfoBites – a series of information on food safety standards and practical tips to reduce food safety risks
- InfoBite – Mobile food businesses
- NSW Food Authority
- Link to web: Mobile food vendors
- Guidelines for Mobile Food Vending Vehicles
- Link to web: Markets and temporary events
- Guidelines for Food Businesses at Temporary Events

7.3. Notification of Operation of a Mobile Food Vehicle within the Maitland LGA

Notification is a compulsory requirement – Refer to Section 3 of this policy for details.

Mobile Food Vehicles must notify their home jurisdiction council (i.e. where they garage the vehicle, and the location where they prepare food for sale), and all the local council areas where they intend to trade.

Council may review Food Business notifications for Mobile Food Vehicles and Temporary Food Businesses on an annual basis.

7.4. Inspection Program – Mobile Food Vehicles

7.4.1. What is the Home Jurisdiction Rule?

For mobile food vehicles, the home jurisdiction is the council where the vehicle is ordinarily garaged, even if the business does not intend to trade in that council area

The home jurisdiction is generally responsible for the regular inspection of mobile food vehicles and risk-based inspection of temporary food businesses based in their area (eg prepare food at a fixed premises in the area for sale at an event elsewhere).

7.4.2. Mobile food vehicles – where MCC has home jurisdiction

When Maitland Council has the home jurisdiction for mobile food vehicles, then Maitland Council will conduct the annual 'primary' inspection of the vehicle

The vehicle inspection would ideally be conducted whilst trading under operational conditions. Alternatively, construction of the mobile food vehicle may be inspected for compliance with food construction standards in the first instance, with a further 'primary' inspection taking place under operational conditions at a later time.

Inspection of any associated fixed premises where food is prepared will be at the discretion of the home jurisdiction for that activity. When Maitland Council has the home jurisdiction for the fixed premises, inspections will be dependent on the relevant risk classification and planning requirements. Refer to Section 8 of this policy for further details on Home-based businesses.

7.4.3. Mobile food vehicles – where MCC does not have home jurisdiction

As a non-home jurisdiction, Maitland Council will inspect mobile food vehicles that are operating in the Maitland Local Government Area. Council Officers undertake inspections at a variety of events throughout the year. This can include Council and private events operating within the Local Government Area.

7.5. Other Council programs (on public land)

Note: Where there is any discrepancy in the information provided in Council policies and the requirements of the NSW Food Act and Regulations, and the Australian Food Code, then the State and Federal requirements take precedence (i.e. override) council policy.

- Street Eats - A council program to encourage mobile food in designated public places. Further information on the Street Eats program is available on Council's website.

7.6. Mobile food vehicles operating on private land

The State Environmental Planning Policy – Exempt and Complying Development Code, provides that mobile food vehicles may in some circumstances be exempt from requiring Council development consent to operate on private land. If planning to operate on private land, then Council's Duty Planner should be consulted to determine whether consent is required.

For further details refer to NSW Planning and Environment website and the NSW Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

7.7. Mobile food vehicles operating at a Temporary Event

If participating at a temporary event, then either the food business operator or the event organiser must notify MCC that the mobile food vehicle is operating at that specific event.

8. Temporary food business and temporary events

A temporary food business trades at temporary events. The business may prepare food at a fixed premises before the event or prepare all food at the event.

A temporary event where food businesses may trade include fetes, markets, festivals, agricultural shows and the like. These events range in duration from several hours to several weeks. Food businesses trading at these events may operate from premises such as a tent, stall or marquee in accordance with the Food Safety Standards, Codes, Acts and Regulations.

8.1. Construction Standards

A person operating a temporary food business to store, prepare or sell food for human consumption, is deemed to be a 'food business'. This includes not-for-profit operations and charities.

The Code defines a food business as any business or activity that involves the sale of food or the handling of any type of food for sale in Australia, with the exception of some primary food production activities.

A food business is required to sell safe and suitable food in accordance with the provisions of:

- Food Standards Code (Australia and New Zealand), particularly,
- 3.2.2 Food Safety Practices and General Requirements
- 3.2.3. Food Premises and Equipment

Note that 'food premises' includes temporary food businesses. Copies of the Food Standards Code are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

- NSW Food Act 2003
- Food Regulation 2015

8.2. Guidelines (advisory documents)

- Food Standards Australia New Zealand
- Link to web: InfoBites – a series of information on food safety standards and practical tips to reduce food safety risks
- InfoBite – Temporary food businesses
- NSW Food Authority
- Link to web: Markets and temporary events
- Guidelines for Food Businesses at Temporary Events

8.3. Notification of Operation of a Temporary Food Business within the Maitland LGA

Notification is a compulsory requirement - Refer to Section 3 of this policy for details.

Council receives notifications for Mobile Food Vehicles and Temporary Food Businesses throughout the financial year. Environmental Health Officers will issue a 12-month approval for Mobile Food Vehicles and Temporary Food Businesses intending to trade in the Maitland Local Government Area.

8.4. Inspection Program – Temporary Food Business

8.4.1. What is the Home Jurisdiction Rule?

For Temporary Food Businesses, the home jurisdiction council, is generally responsible for the risk-based inspection of temporary food businesses that trade at temporary events but prepare their food off-site at a fixed premises (e.g. domestic kitchen, café or restaurant), the home jurisdiction rule recognizes the council in whose area that the fixed premises is located.

8.4.2. Food Business Trading at a Temporary Event – where MCC has home jurisdiction

When Maitland Council has the home jurisdiction for a home-based business preparing food for sale from a mobile food vehicle or a temporary food business, inspections will be dependent on the

relevant risk classification and relevant planning requirements. Refer to Section 8 for details relevant to home-based businesses.

8.4.3. Food Business Trading at a Temporary Event

Maitland Council does undertake inspections at events that are held within the Maitland Local Government Area. These events include but are not limited to markets, shows, field days and events held in the Maitland Local Government Area.

It is also noted that some low-risk food events and mobile food vehicles or temporary businesses may not be inspected by Council Officers.

9. Home-based food business

Home-based food businesses typically use a home (domestic) kitchen to prepare food for sale directly to the public (e.g. preparing and storing food for sale at local markets). If preparing food at home for sale or consumption, on a hobby, charity (including not-for-profit organisations offering in-kind rewards) or commercial basis, then there are a number of standards that must be met.

The NSW Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows a dwelling to be used as a home business for the purpose of the manufacture of food for sale (subject to conditions). The development must:

- Not involve the change of building use, and
- Comply with AS 4674-2004, Design, construction and fit out of food premises. These standards provide details on minimum construction and health safety requirements for food preparation areas.

The premises must also comply with all requirements under the Food Act 2003 and regulations under that Act, and the Food Standards Code, Food Safety Standards 3.2.2 and 3.2.3. These documents contain further requirements on design, construction and operation of a food manufacture premises.

Domestic kitchens may be suitable for the production of low-risk food. Each business will be assessed based on the type of food they are producing and associated risks to determine if their home kitchen is suitable. If your home kitchen is not suitable Council recommends hiring or leasing an approved commercial kitchen that is inspected annually if producing high risk foods.

Notification of Operation of a Home-based Food Business within the Maitland LGA Notification is a compulsory requirement - Refer to Section 3 of this policy for details. Please note, notification of a home-based food business does not negate the need to confirm whether the business meets the requirements of planning legislation.

9.1. Risk-based Inspection Program for Home-based Food Businesses

The risk classification assigned to a food business is dependent on the type of activity conducted, the types of food produced at the premises/outlet and the potential for harm to consumers.

9.3.1 Low risk home-based food businesses

Home-based businesses typically use a home (domestic) kitchen to prepare food for sale directly to the public (e.g. preparing and storing food for sale at local markets). Home-based food businesses are considered low risk if they are not handling potentially hazardous food or packaged food, OR if the business meets all the following criteria:

- it does not produce food that has a very high level of inherent risk and a potentially unreliable critical control point (e.g. raw egg foods such as aioli and mayonnaise),
- it does not supply food to vulnerable populations or businesses that service vulnerable populations (e.g. childcare facility, care home),
- it has at least one certified Food Safety Supervisor appointed by the business (if required),
- it produces less than 10kg of food for sale per week from the domestic kitchen (equivalent to forty 250g serves), and
- it notifies the local enforcement agency if any of these circumstances change.

Maitland Council will only inspect low risk home-based food businesses on a reactive basis i.e., in response to a food safety complaint or foodborne illness investigation (i.e. no routine inspection).

9.3.2 Medium risk and high-risk home-based food businesses

A home kitchen may not be suitable for high-volume 'medium' or 'high' risk retail operations. A home-based food business is considered at least medium risk if it does not meet one or more of the low risk home-based businesses criteria (see above s 8.4.1), or if a significant non-compliance with the Code is identified at an inspection following a food safety complaint or foodborne illness investigation (e.g. resulted in enforcement action).

In these situations, council may conduct routine inspections of the home-based business at a frequency determined by the type of food produced and its compliance history (see Fixed Premises).

10. Enforcement – escalating methods of regulation to achieve compliance

Instances of non-compliance with the Food Standards Code can range from minor issues with very small food safety risks through to serious issues that represent a significant threat to public health and safety.

Compliance tools to be used for enforcement include:

- Verbal warning – Council's officer may issue verbal warnings for non-compliance with food standards where the risk of the non-compliance is considered low or can be immediately rectified.
- Written warning – Council's officer may issue a written warning via a letter to the owner/proprietor where the risk of the non-compliance is considered low or is the first offence and not an immediate risk to public health.
- Improvement notice – Council's officer may issue a written improvement notice by mail together with a fee* where previous warnings have been ignored or insufficiently executed and the risk of non-compliance with relevant standards is medium to high (*as stated in the approved fees and charges).
- Prohibition Order – Council's officer may issue a prohibition order where previous warnings/ improvement notice have been ignored and the risk of non-compliance with standards has escalated or is a serious threat to public health.
- Power of seizure – Council's officer has the authority under the provisions of the Food Act to seize any food, equipment, advertising material or any other thing that the officer believes has contributed to a non-compliance or offence against the Act.

- Penalty notices – Council’s officer may issue a penalty notice (fine) under the provisions of the Food Act & Regulation when escalating a breach that has not been rectified in accordance with a graduated enforcement approach or for a serious food safety breach.
- Prosecution – Council may elect to proceed with prosecution under the provisions of the Act & Regulation in a court of law.

Note that this escalating enforcement approach does not negate the immediate use of penalty notices or other more severe interventions where required to effectively mitigate serious risks.

Food business owners should be aware that the NSW Food Authority has the legislated power to name businesses issued with a penalty notice or prosecuted by Council. The “name and shame” program is intended to provide an open and transparent system which allows the community to make an informed decision on where they choose to eat.

11. Fees and charges

11.1 Notification of Food Business

- All food businesses (including fixed premises, mobile food vehicle, temporary food business and home- based businesses) must notify council (refer to Section 3 of this policy).

11.2 Annual Administration Charge (cl 15 Food Regulation)

- There are significant indirect administrative costs in undertaking food regulatory work e.g. complaints must be recorded and investigated, other enforcement agencies must be consulted, and reports must be prepared
- To recover administrative costs Council will impose an annual Administration Charge on a food business it has inspected during the same 12-month period.
- Annual Administration Charge does not apply to food businesses operating for the sole purpose of raising funds for a community or charitable cause
- Annual Administration Charge may change from year to year. Refer to Maitland Council’s Fees and Charges for the relevant year.

11.3 Inspection Fees (s608 Local Government Act)

- An inspection fee can be charged for all visits made by an authorised officer to a food business this includes re-inspection, or inspections associated with complaint or incident investigations
- Where an inspection of a low-risk food activity is triggered the appropriate inspection fee may be applied
- A reinspection fee may be charged for reinspection of all food business types
- Annual Inspection Fee and Reinspection Fee may change from year to year. Refer to Maitland Council’s Fees and Charges for the relevant year.

11.4 Improvement Notice Fee (s 66AA Food Act, and cl 11 Food Regulation)

- Fee is designed to cover the cost of preparing and serving the Improvement Notice on the proprietor of the food business
- Any further reinspection’s will be subject to additional reinspection fees.
- Improvement Notice Fee is prescribed by legislation – Council may extend the time given for payment of the fee or reduce or waive the payment of the fee.

11.4 11.5 Pre-purchase Inspections

- Offered on a fee for service basis. Refer to Maitland Council's Fees and Charges for the relevant year.

12.ADVICE, SERVICES AND TRAINING

Education forms an integral part of the Food Safety program and is delivered through a diverse range of strategies.

12.1 Advice to the public

Open and honest communication with local food businesses is vital in maintaining food safety. Council's Environmental Health Officers are available to discuss any issues with food business operators and can be contacted by phone, email or during an inspection.

Inspections of food premises/outlets aims to not only provide enforcement of food standards, but also an opportunity to increase the knowledge of food handlers. Council will also aim to provide support information to food businesses as the need arises on a range of topics and issues including food safety, food handling and legislative changes.

12.2 Pre-purchase inspection (by request)

Pre-purchase inspections are conducted on request as a fee for service activity where a person is considering buying an existing food business and may require confirmation of the status of the premises/outlet and operations. A report identifying any non-compliance with relevant statutory requirements will be provided to the applicant upon completion of the inspection.

12.3 Newsletters, factsheets and calendars

Council produces an annual newsletter which aims to provide food handlers and business owners with regular updates on food safety issues including temperature control, food handling, hand washing, food safety supervisors and any relevant changes to food legislation.

Factsheets and calendars developed in association with other councils will be available in both printed format and as downloadable documents accessible from Council's website.

12.4 Food handling workshops

Throughout the year Council will endeavor to provide a workshop providing food handlers with the opportunity to update their knowledge and skills in the food industry, discuss relevant food safety issues, changes to legislation, practical solutions and requirements for food safety supervisors.

Availability of workshops will be subject to sufficient resourcing and attendance numbers.

13.NSW FOOD AUTHORITY PROTOCOLS

Council, as an appointed enforcement agency must comply with the following NSW Food Authority Protocols. Pursuant to the NSW Food Authority FPAR Agreement, Council is required to. Under the 2024 Instrument of Appointment for a Category B enforcement agency Council has a responsibility to:

- Appoint authorised officers and ensure they maintain current knowledge of the advisory guidelines. Make authorised officers available to regularly participate in networking meetings and undertake professional development.
- Inspect retail food businesses for compliance with the national food safety standards.
- The 2024 Food Regulation Partnership extends the definition of “retail” to cover all businesses that primarily sell food to consumers and are not licensed by the Food Authority (including home-based food businesses that sell to the final consumer, e.g. at a market).
- Comply with the following protocols (must do) for enforcement agencies:
- Activity report
- Food complaint referral
- Reporting legal proceedings
- Submitting food samples for testing, and
- Urgent food safety response

Policy Definitions

AS	Australian Standard
Authority	NSW Food Authority
Code	Food Standards Code (Australia and New Zealand)
Policy:	A plan or course of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters
MCC	Maitland City Council

Policy Administration

Business Group:	City Planning
Responsible officer:	Coordinator Regulatory Compliance
Council reference:	Ordinary Council Meeting 23 July 2024 - Item 11.4
Policy review date:	Three (3) years from date of adoption – 23/07/2027
File number:	150/1
Relevant legislation	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 NSW • Food Act 2003 NSW • Food Regulation 2015 NSW • Local Government Act 1993 • State Environment Planning Policy – (Exempt and Complying Development) 2008

Related documents

- Australian Standard AS 4647 – Construction and Fit-out of Food Premises
- Food Standards Code (Food Standards Australia and New Zealand)
- NSW Food Authority Guidelines for Mobile Food Vending Vehicles
- NSW Food Authority Guidelines for Food Businesses at Temporary Events

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0 (DRAFT)	For consideration by Council	Review and update of existing policy dated 26 November 2002 reflecting changes to food legislation and the revised Food Regulation Partnership 2017.
1.1 (final)	24 August 2018	Minor changes reflecting date adopted
2.0 (Draft)	For consideration by Council 23 July 2024	Review and update of existing policy after public exhibition
2.1.Final	Adoption	Official adoption of policy
2.2	-	Updated to new branding and alignment to organisation structure. No change to content.