



A Guide for New Food Business Proprietors

Health Services Information Package

Welcome

Congratulations on setting up a food business within the City of Swan. We wish you all the best for the future and hope you find it a rewarding experience. This package has been designed to provide you with further information on the role of the City, its functions and tips for the operation of your business.

The City

The City is responsible for administering the *Food Act 2008* within the district. As the responsible enforcement agency it undertakes a variety of functions designed to ensure food is safe for the public to consume.

Some of the functions include;

- Registering new food premises
- Routine risk assessments (inspections) of all food businesses
- Routine food sampling
- Routine water sampling of premises not connected to scheme water
- Issuing Improvement Notices where non compliance issues are identified
- Issuing Infringement Notices where non compliance issues are identified
- Undertaking prosecutions where non compliance issues are identified
- Investigating complaints regarding food or food premises
- Investigating incidences of food poisoning outbreaks
- Providing information on Food Recalls
- Providing free food safety training
- Providing a free tri annual food newsletter to all food businesses
- Providing information and advice to the public or food proprietors when requested

The City's Subcontractor Food Technology Services

The City of Swan uses Food Technology Services (FTS) as a subcontractor to undertake routine risk assessments of food businesses. FTS staff have been fully authorised under the *Food Act 2008* to act on behalf of the City and are fully qualified Environmental Health Officers. Where issues of non compliance are identified by FTS staff during an inspection the matter is referred to the City's own Environmental Health Officers for follow up action.

This is a fairly unique agreement not common in most other local authorities. It has however ensured that within the City of Swan all food businesses are inspected at the desired frequency. Routine inspections do not become sidelined by other issues (complaints) which is a common problem for other local authorities.

Notification and Registration

All food businesses are required to notify the City before operating. Food businesses, other than those of an exempt classification (typically charities and community groups), are also required to be registered with the City and should have been issued a Registration Certificate. To facilitate this process the City has developed the following forms;

- New Food Business Registration Form
- Change of Ownership Form
- Notification Form for an Exempt Food Business

If you have not notified or do not have a Registration Certificate in your name you should submit the relevant form as soon as possible. Failure to notify is an offence as is operating an unregistered food business.

Lodging your Form:

In Person:	City of Swan Administration Centre, 2 Midland Square, Midland
By Mail:	PO Box 196, Midland WA 6936
By Email:	swan@swan.wa.gov.au
By Fax:	9267 9444

Food Premises Classification

All food premises are risk rated into four categories based on the information provided in the Registration Form and risk of food handling activities being carried out. Food premises are classified as;

- Very low risk or exempt
- Low risk
- Medium risk
- High risk

This classification is important as it helps determine annual fees and inspection frequency.

Food Business Annual Charge

In order to cover the expense of undertaking the above functions the City charges all food businesses an annual charge. The fee is based on the classification of the food business with high risk premises charged more than low risk premises. The City strives to ensure the fees are kept at a minimum and it should be noted have been calculated to be only 80% of the actual cost. The remaining 20% is made up from consolidated revenue (rates) to reflect the benefit to the community. Invoices are sent out around June and cover the upcoming financial year. Non payment of the fee may see the matter referred to a debt collection agency.

Inspections

Inspections of all food businesses are undertaken at a set frequency based on the classification of the food business. High risk premises are obviously inspected more frequently than low risk premises. The purpose is to ensure the business complies with the requirements of the *Food Act 2008* and the City uses a standard assessment form. Inspections will generally be unannounced and it is an offence to refuse entry to an authorised officer.

During the Inspection

During the inspection the Environmental Health Officer will;

- present themselves at the front counter and clearly identify themselves
- advise they will be conducting an inspection under the Food Act 2008 and request to speak to a person with the authority to represent the business
- conduct the inspection while the business is open for trading
- record all compliance and non compliance issues and may use camera
- produce a written report for food business at the end of the inspection and discuss the findings with the manager

In the course of the inspection, the Environmental Health Officer can answer any questions the food business has relating to the report and other related food safety matters. They can also provide proof of identity on request and conduct the inspection with or without the presence of the person authorised to represent the business.

Aspects of the premises looked at include, but are not limited to;

- construction and maintenance of food premises and equipment
- storage and handling of food, non food items and equipment
- temperature control of potentially hazardous food
- personal hygiene and knowledge of food handlers and supervisors
- pest control and pest control program

Re-inspection

When necessary, Council will undertake a re-inspection to ensure any previously required action has been completed. These will be undertaken on or after the due date. The due date will vary and will be determined based on the risk and significance of the identified non compliance issue. Where an Improvement Notice was issued it should be noted that not complying with the notice by the due date is likely to result in further action.

Responsibilities of Food Business Proprietor

It is not the responsibility of the City to ensure the food business complies with the Act. This is the responsibility of the Food Business Proprietor. The City's role is a safeguard that this is happening.

Skills and Knowledge

A food business must ensure all food handlers have skills and knowledge commensurate with their work activities. To assist food businesses meet this requirement the City provides free food safety training via an online learning program called 'I'm Alert'. This is available on the City's website at www.swan.wa.gov.au. Upon completion of the training course a certificate can be printed out verifying the person has completed the course.

Structural Requirements

A food business is required to be designed and constructed in accordance with the Food Standards Code. For information relating to these requirements the City has developed a guideline sheet to assist food business proprietors. The City's document 'A guide to the Structural Requirements of Food Premises' is available on its website at www.swan.wa.gov.au. Alternatively the Code is available on Food Standards Australia New Zealand website at www.foodstandards.gov.au. If you have any questions regarding the requirements you may discuss the issue with one of the City's Environmental Health Officers by calling 9267 9153.

Operational Requirements

Like the structural requirements operational requirements are also covered by the Food Standards Code. This covers such issues as food storage, food handling and preparation, cleaning, waste disposal, maintenance, personal hygiene and pest control. The requirements and practices of the food business will be dependant on the type of activities undertaken.

How a food business meets these requirements is largely up to them. However some businesses find the use of checklists, such as a cleaning checklist, particularly useful. In addition the City has produced the document 'A Guide to the Operational Requirements of Food Premises' which is also available on the City's website at www.swan.wa.gov.au.

Food and Water Sampling

The City may from time to time collect samples from a food business for further analyses. This can be for chemical or microbiological analyses and is to ensure the food complies with the requirements of the Food Standards Code. Usually the focus is on manufacturers but retailers can also sometimes be sampled. It may be as part of our routine surveillance program or in response to a complaint or food poisoning investigation. It is an offence to refuse to provide a sample when requested by an authorised officer. Payment for the samples collected will however be tendered by the City.

The City also collects water samples of all food premises which do not have connection to scheme water. This is to ensure the rainwater or bore water they use is safe to consume. All food premises must ensure the water they use is of a potable quality and for this reason the City strongly recommends all food businesses in this situation install an appropriate sterilisation unit.

Free Education and Training

To assist food businesses meet the requirements of ensuring their staff have sufficient skills and knowledge, the City of Swan provides free food safety training. The 'I'm Alert' food safety program is available on the City's website at www.swan.wa.gov.au. On completion of the training course a certificate can be printed out verifying the person has completed the course.

To keep you up to date with legislation and food safety information, the City of Swan also produce a Newsletter for food businesses "The Feedback Newsletter". Once you are registered with the City you will be put on the mailing list and receive one every four months.

General Enquiries and Community Education Seminars

In addition to complaints the City receives and responds to numerous general enquiries from the public regarding a range of issues relating to food premises and food handling. Such enquiries include but are not limited to questions regarding the use of gloves and hats, explaining the difference between a best before and a use by date, labelling issues and explaining the general requirements.

The City also conducts food safety presentations to schools and community groups upon request. These seminars are designed to educate the public as to the correct food handling requirements not only within food premises but within their own home as well.

Enforcement Action

Where issues of non compliance are identified the City has a range of enforcement options open to it. These include but are not limited to issuing Improvement Notices, issuing Infringement Notices, seizing equipment or food products or undertaking a prosecution.

The action taken by the City will depend on the severity of the offence, the risk to the public and the history of the food business with regards to past non compliance issues. The amount of penalty for an infringement notices is set in legislation and is usually \$1000 per offence. The amount of penalty for a prosecution is determined by the magistrate and may be up to \$250 000. In addition a business found guilty via a prosecution may also be liable to cover the City's legal costs and will have the details published on the Department of Health's Publication of Names of Offenders List.

Legislation

Copies of the different legislation relevant to the operation of a Food Business are available as follows. Should you have any questions regarding specific requirements of the legislation you may discuss the issue with one of the City's Environmental Health Officers by calling 9267 9153.

- *Food Act 2008* available from the State Law Publisher at www.slp.wa.gov.au
- *Food Regulations 2009* available from the State Law Publisher www.slp.wa.gov.au
- *Australia New Zealand Food Standards Code* available from FSANZ www.foodstandards.gov.au

Further Information

Additional information, including fact sheets and guidelines on food handling and food safety, may be found on the following websites;

- Department of Health – www.public.health.wa.gov.au
- Food Standards Australia New Zealand – www.foodstandards.gov.au
- City of Swan – www.swan.wa.gov.au

Should you have any queries regarding any of the above, please do not hesitate to contact the City of Swan's Health Services on 9267 9153.