

# Role of councils in the food safety audit system

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Food Safety & Regulation

# Not an objective

"Today, if you are not confused, you are just not thinking clearly."

-U. Peter

# Roles of councils – at a glance

## Hasn't changed

- Compliance with audit frequency declaration
- Only accept audit certificates for the purposes of the *Food Act 1984* if that auditor is department approved

<http://www.health.vic.gov.au/foodsafety/bus/auditing.htm>

- Respond immediately if notified by the auditor of critical non-conformance
- Procedure if not satisfied with performance of auditor

# Roles of councils – at a glance

## New

- Audit frequency changed from *within* 12 months to annually within registration period
- What an auditor must declare on an audit certificate
- Notification by the auditor under section 19(4)(b) of non-conformances that are not critical but remain not remedied
- Discretion to accept a section 19M(8) certificate of compliance that contains unresolved non-conformances
- Discretion to increase audit (or food safety assessment) frequency of food premises
- No mandatory inspection for class 2 food premises that are audited by an approved auditor
- Councils can now offer audit services

# Audit frequency

## Compliance with audit frequency declaration for registered food premises with non standard food safety program

- Minimum or default audit frequency for class 1 and class 2 food premises is once annually within the relevant 12 month registration cycle of the food premises.
- Councils should ensure businesses know that the council takes the audit certificate into account when granting registration – without it the council cannot register/re-register the business.

Note requirement for mandatory annual food safety assessment for class 2's that are audited no longer applies

# Auditor must be approved

The food premises is responsible for:

1. Engaging the services of a department approved food safety auditor if they want an audit to be recognised for the purposes of the *Food Act 1984*; and
  2. Checking the auditor has the relevant scope (if relevant) for their business. ie cook-chill.
- The council can only accept audit certificates for the purposes of the Act if the auditor has been approved

There has been a number of instances where businesses have needed to be re-audited because the auditor was not department approved

# New wording on Audit Certificate

As a minimum:

‘This food premises has been audited by me to the requirements of the *Food Act 1984* on the XX/XX/20XX

I am of the opinion that at the time of the audit that the food premises:

- Has a food safety program for the premises that is adequate;
- Has a food safety program for the premises that has been complied with; and
- The applicable provisions of the Food Safety Standards are being complied with; and
- If relevant, appropriate action has been taken to remedy any non conformances identified in any previous food safety audit.’

## Critical non-conformance

*The auditor must notify the council as soon as practical orally of the critical non conformance and within 24 hours with a written notification. Note that a copy of this notification is also sent to the Department of Health.*

Ideally the council will respond within 24 hours of the notification from the auditor.

Council takes necessary action to close out non-conformance;

Once the non-compliance has been remedied the council advises the proprietor and the auditor that a re-audit is required.



## Other 'Notifications'

- Notification by the auditor under section 19(4)(b) of non-conformances that are not critical but remain not remedied

### Also

- Discretion to accept a section 19M(8) certificate of compliance that contains unresolved (minor) non-conformances

## Increase audit frequency

A council can, under section 19H(4)(b) and (5) of the Act, require additional audits for a particular non-compliant class 1 or class 2 food premises

Schedule 6 to the declaration sets out how this works for different classes of premises taking into account:

- the type of food safety program; and
- whether audits or assessments (or both) are ordinarily required.

Essentially **a total** of up to 4 annual checks of the type described can be required at intervals of at least 3 months (including the applicable routine audit or council assessment requirements).

*special gazette S.232 made on 22 June 2010*

# Council has issues with auditor performance

May include:

- Auditor fails to send a copy of the audit certificate to the council within 14 days of giving it to the proprietor (section 19N(2));
- Auditor fails to notify the council within 14 days of the auditor being aware that there are non-conformances outstanding (that is non-conformances that are not critical) (section 19N(4)(b));
- The auditor fails to use wording in standard formats provided in the auditors handbook for audit certificates and notifications;
- The auditor has made in the opinion of the council unreasonable notifications or non-notifications - examples
  - auditor has made notifications to the council that sets a standard above that normally applied in that industry sector; or
  - Following an assessment/ inspection of a premises that has been recently audited the council believes that the auditor has failed to observe poor practice or structural deficiencies in the premises.

## Council has issues with auditor performance

Council should in the first instance contact the auditor in writing (letter or email) detailing the councils issues with the auditor and seek explanation within 7 days.

If the council is dissatisfied with the response (or non response) from an auditor or has any other evidence that the auditor is not complying with the requirements of the Act the council must send all relevant material to the Food Safety & Regulation Unit.

## Other audit matters

- Councils offering audit services (hasn't occurred yet to the departments knowledge)
- New auditor handbook being released in mid May – council EHOs will be advised
- Auditor forum on 8<sup>th</sup> May – likely to be a council EHO presenting to them on council expectations
- Changes to auditor approval requirements to be published shortly