



GUIDE TO THE OPERATION OF A FOOD BUSINESS

City of Kwinana Environment and Health Services

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Note: The information contained in this document is intended to be a guide only. It is current on the date of publication but may change without notice. The City of Kwinana is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.

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Introduction

The *Food Act 2008* and is the principle piece of legislation regulation the production and sale of food in Western Australia (WA) with the *Food Regulations 2009* as the subsidiary legislation.

The *Food Act 2008* adopts the Australian New Zealand Food Safety Standards to provide national consistency. A food business in WA will now need to meet the same requirements as a business operating anywhere else in Australia. It provides food safety over the entire food chain - a paddock to plate approach.

A copy of the *Food Act 2008* along with the *Regulations* can be downloaded by visiting www.slp.wa.gov.au/

A copy of the Food Safe Standards is available from www.foodstandards.gov.au/Pages/default.aspx

Interpretations

Act refers to the *Food Act 2008*.

Code refers to the Australian New Zealand Food Standards Code.

Food business means a business, enterprise or activity that involves the handling of food intended for sale, or the sale of food, regardless of whether the business, enterprise or activity (other than a business, enterprise or activity that is primary food production) is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Food Safety Program is defined as a written program that systematically identifies the risks present in the food handling operations of a business and provides for the control, monitoring and regular review of those risks in order to manage food safety.

Food Safety Standards means the standards contained in Chapter 3 of the Australia New Zealand Food Standards Code.

Notification refers to section 107 of the Act.

Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that maybe present in the food or to prevent the formation of toxins in the food. Examples of potentially hazardous food include raw and cooked meat, dairy products, seafood products, processed fruit and vegetables such as salads, cooked rice and pasta, processed foods containing egg, beans and nuts.

Proprietor of a food business means the person carrying on the food business or if that person cannot be identified – the person in charge of the food business.

Registration refers to Part 9 of the Act.

Regulations refers to the Food Regulations 2009.

Sell includes:

- (a) barter, offer or attempt to sell;
- (b) receive for sale;
- (c) have in possession for sale;
- (d) display for sale;
- (e) cause or permit to be sold or offered for sale;
- (f) send, forward or deliver for sale;
- (g) dispose of by any method for valuable consideration;
- (h) dispose of to an agent for sale on consignment;
- (i) provide under a contract of service;
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work;
- (k) dispose of by way of raffle, lottery or other game of chance;
- (l) offer as a prize or reward;
- (m) give away for the purpose of advertisement or in furtherance of trade or business; supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment;
- (o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions; and
- (p) sell for the purpose of resale.

For other definitions, refer to the Food Act 2008, Food Regulations 2009 and the Food Standards Code.

Legislations applicable to food businesses

Food Act 2008

The *Food Act* implements the Australia New Zealand (ANZ) Food Standards Code (the Code). The Act was implemented on 23 October 2009 by the Western Australian Parliament, used to regulate the sale of food in Western Australia (WA). The objectives of the Act include:

- To ensure food for sale is both safe and suitable for human consumption;
- To prevent misleading conduct in connection with the sale of food and; and
- To provide for the application of the Australia New Zealand Food Standards Code (the code).

The Act defines a food business as:

“A business, enterprise or activity that involves the handling of food intended for sale, or the sale of food, regardless of whether the business, enterprise or activity (other than a business, enterprise or activity that is primary food production) is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only”.

The sale of food is not limited to just the sale of food for monetary gain but also includes:

- provision under a contract of service (eg with accommodation or service);
- supply of food as a meal or part of their employment contract;
- offered as a prize or reward; and
- given away for the purpose of advertisement or in furtherance of trade or business.

For full definition of “sell”, please refer to Part 2, Section 8 of *Food Act 2008*.

Food Regulations 2009

The *Food Regulations 2009* deals with a range of food hygiene matters, including exempted food business, meat hygiene, control of pathogens and prescribed offences and penalties. A copy of the *Food Act 2008* along with the *Regulations* can be downloaded by visiting www.slp.wa.gov.au

Food Safety Standards

The Food Standards Code was developed to provide national consistency. The Food Safety Standards (the Standards) contains the minimum food handling, hygiene and structural requirements for all food businesses. All food business proprietors and owners are required to have knowledge and understanding of the Code. A copy of the Code is available at www.foodstandards.gov.au/Pages/default.aspx

National Construction Code

The construction of a food business, alterations or additions to existing food businesses will need to comply with the National Construction Code. Contact the City of Kwinana's Building Department for further information on 9439 0208.

City of Kwinana Activities in Thoroughfares and Public Places and Trading Local Law

Temporary food premises and mobile food premises may need to comply with Part 6 of the *Activities in Thoroughfares and Public Places and Trading Local Law* which specify the requirements of trading in thoroughfares and public places.

Other Legislations

Food businesses may be required to comply with the following Legislations and Australian Standards:

- *Health (Miscellaneous Provisions) Act 1911;*
- *Health (Public Building) Regulations 1997;*
- *Environmental Protection Act 1986;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Environmental Protection (Unauthorised Discharges) Regulations 2004;*
- *Liquor Control Act 1988 and Liquor Control Regulations 1989;*
- *Health (Air Handling and Water Systems) Regulations 1994;*
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 ;*
- *Sewerage (Lighting, Ventilation & Construction) Regulations 1971; and*
- *Australian Standard - 1668.2 The use of ventilation and air conditioning in buildings. Part 2: Ventilation design for indoor air contaminant control.*

Notification/ registration of a food business

You will need to provide notification OR registration.

Notification

Who needs to notify?

All food businesses must notify the Local Government in writing of their intent to operate as a food business. This is specified in Section 107 of the *Food Act 2008* (the Act).

It is an offence under the Act not to provide the information required. The fine can be up to \$10,000 for an individual and \$50,000 for a company.

Food businesses are to submit notification once only but must notify of certain changes according to Section 113 of the Act. These changes include:

- food businesses ceases to be conducted at those premises;
- the food business is sold; and/or
- any changes made to the activities carried out for the purposes of the food business that is likely to affect its priority classification.

Charitable or community organisations are required to submit notification. However, no notification fees applies to *exempted food businesses*:

- if the food business is conducted to raise money solely for purposes that are of a charitable or community nature; and
- any food handled in the course of conducting the food business is not *potentially hazardous food* or after being appropriately cooked is provided for immediate consumption.

For notification fee, please refer to the food business application forms.

Who is not required to submit notification?

Notification is not required by primary industry food businesses, food vending machines and food vehicles used to transport food only (Section 108 of the Act and Standard 3.2.2 Part 4 of the Code).

If registration is lodged, there is no need to notify.

Registration

Who needs to be registered?

Section 109 of the Act specifies that a food business must ensure that the proprietor of a food business other than an *exempted food business* must not conduct the food business at any premises unless it is registered.

The registration of a food business in respect of any premises remains in force until cancelled. For registration fee, please refer to the food business application forms.

A registration may only be cancelled for one of the following reason:

- Any annual or other fee imposed by the City of Kwinana has not been paid;
- The food business has ceased to be conducted at the premises; or
- At the request of the holder of the certificate of registration that specify the premises.

Who is not required to submit registration?

Exempted food businesses are not required to submit registration (Part 3 of the Regulations). These include:

- Food business conducted as fundraising events. This is applicable only if the food business is conducted to raise money solely for purposes that are of a charitable or community nature and any food handled in the course of conducting the food business is not *potentially hazardous food* or after being appropriately cooked is provided for immediate consumption;
- Food businesses that sell packaged food that is not potentially hazardous food and cannot be handled in the course of conducting the food business because the food is contained in a closed package;
- Food businesses that provide complimentary drinks in conjunction with another kind of business; and/or
- Food businesses conducted at registered establishment under the *Export Control Act*.

Applying for Notification/ Registration

I have an existing food business.

Existing food businesses have three months to complete a notification (Standard 3.2.2 Clause 4). The City of Kwinana Council budget adopted in accordance to Local Government Act provisions is usually approved annually in July. After budget approval, City of Kwinana Health Services will post a renewal letter with application to the proprietor. The proprietor shall lodge application with associated fees within 30 days of the date of the letter.

I will be constructing or establishing a new food business.

See Guide to Construction of a Food Business. Development, planning and building approvals may be required. See Section 5 on the process for establishing a new food business.

I will be renovating my food business or I will be changing the activities carried out in my food business

Building approval maybe required for the shop fit out. Check with the City of Kwinana Building Department. Any changes made to the activities carried out for the purposes of the food business that is likely to affect its priority classification will require a new notification to be submitted to City of Kwinana Health Services. You must give notification required under Section 113 (1) of the Act within seven days after the relevant changes take place or may incur penalties of a fine of \$20,000 for an individual or a fine of \$100,000 for a body corporate. You may be required to complete an Application to Construct or Alter a Food Business and submit with associated fees.

I am selling an existing food business.

You are required to inform City of Kwinana Health Services in writing and ensure that your registration is current with no outstanding notices or items. Section 113 of the Act makes it an offence not to inform the Local Council of any changes to a registered food business included if the food business ceases to be conducted or if the food business is sold. Registration will be cancelled upon transfer of food business.

I will be buying an existing food business.

If you are purchasing an existing food business, you may wish to lodge a property enquiry request or request an Environmental Health Officer to conduct a pre-purchase inspection (fees apply). This will ensure that you are aware of any outstanding orders and requirements for the premises and the

timelines that have been set for their completion. As a new proprietor, you are required to submit a new notification/registration to City of Kwinana Environment and Health Services.

The process for establishing or constructing a new food business

1. Approvals

For new food businesses, the following approvals should be obtained prior to submitting notification/registration to City of Kwinana Environment and Health Services. These approvals may include but not limited to:

- Planning approval;
- Building approval; and
- Other approvals (eg Liquor Licensing etc).

2. Initial advice and assessment, property enquiry and pre-purchase inspections

The City of Kwinana's Environmental Health Officers are available to provide a number of services prior to constructing or purchasing a food business. These services include:

- initial assessment and advice prior to formal lodgment of plans and specifications;
- property enquiry; and
- pre-purchase inspections.

Fees are applicable; please refer to the food business application forms.

3. Notification/Registration

Following the above approvals, you will need to submit the following prior to shop fit-out:

- a notification/registration application form depending on the type of your food business (either fixed food business, mobile or temporary food business and residential food business);
- notification fee or registration fee;
- copy of certificate of FoodSafe® or I'm Alert participation certificate or other food handling program;
- copy of previous experience in operating food business (this can be in a letter format);
- details of any previous prosecutions;
- application to construct or alter a food business with a fee for lodgment of plans and specifications (if applicable); and
- plans and drawings in the format of A3 (hard copy) or submit electronically in the form of a CD by the specifications as listed below (Note: only a site plan and floor plan is required for temporary and mobile food businesses and only a floor plan is required for residential food businesses unless changes have been made in the kitchen).

Site Plan - (drawn to scale of not less than 1:100)

- site location
- waste storage and disposal facilities
- car parking, delivery docks and loading areas
- toilet facilities including customer and staff toilet and change room facilities with staff numbers

Floor Plan - (drawn to scale of not less than 1:100)

- position and details of all equipment, fixtures and fittings - detail length, depth and width
- use of every room/area including office, cashiers, dry storage, chemicals storage, cooking area, servery, display area, preparation, wash up areas, cold and frozen storage

- number of seating provided for diners including estimated number of patrons
- plans of cool rooms and freezer rooms
- the type of materials used and schedule of finishes for all walls, floors, ceilings, benches, shelves and any other surfaces
- lighting
- windows, service counters and door openings
- alfresco and outdoor dining areas

Sectional Elevations - (drawn to scale of not less than 1:50)

- indicate the dimensions of structures, benches, floor clearances, equipment and fixtures, including fixtures, fittings and equipment within cool rooms/freezer rooms
- details of the installation of fixtures and fittings

Hydraulic Plans - (drawn to scale of not less than 1:50)

- plumbing and drainage plans of fresh water and waste water services, grease traps, floor wastes, cleaners sink, industrial floor waste

Mechanical Ventilation Plans - (drawn to scale of not less than 1:50)

- submit plans of the proposed mechanical ventilation system and certification to demonstrate that the mechanical exhaust ventilation system is designed, fitted and operates to AS 1668.2
- locations and details of any air conditioners, compressors and condensers

Transport Vehicle Plan - (drawn to scale of not less than 1:50)

- details of all equipment, fixtures and fittings and the type of materials used

Potable Water Supply (applicable for properties not connected to mains)

- provide copy of a Laboratory Certificate to demonstrate that potable water supply from rainwater tank or bore water complies with NHMRC Australian Drinking Water Guidelines 2011

Note: If any facilities are shared or detached, please provide written confirmation from owner of property showing area or number of facilities allowed and distance to facilities (eg toilets, waste storage and dining areas in food court).

4. Formal assessment of plans and design layouts

At this stage, if any details are missing you will be contacted to provide further information for the plans and layouts.

5. Priority Classification

Following the assessment of the plans and design layouts, a City of Kwinana Environmental Health Officer will conduct a priority classification based on the information provided in the notification/registration form. A risk rating will be allocated in accordance with types of food products produced, the type of business, the size of the business and the target population which will consume the food products. The risk assessment will be conducted by the guidelines specified in the Department of Health Document "WA Food Regulation: Food Business Risk Profiling". Your premises will fit into one of the four priority risk classifications being high, medium, low or very low.

6. Payment of annual fees and Approval to Construct or Fit Out a Food Business

After the priority classification stage, you will receive a letter informing you of the following:

- an approval to construct or fit out a food business including a list a approval conditions and the assigned risk to your food business (either very low, low, medium or high risks) and
- an annual surveillance fee based on the risk category to be paid (or special discretionary fee)

The annual surveillance fees are charged on the pro rata basis after 31 December each year.

Depending on the type of food business, such as supermarkets, additional inspection fees may be charged or community groups may be charged a special discretionary fee regardless of the risk category.

Special discretionary fees may be applicable for local registered family day care operators and other home food services where the volume of turn over, the type of food prepared, number of customers and level of impact and consequence is likely to be minimal.

No fees are applicable for any community based sporting clubs, community groups, service clubs, school canteens and not for profit organisations. For fees, please refer to the food business application forms – schedule of fees.

7. Inspection prior to operating a food business

Once payment of the annual fee has been received and shop fit out has been completed, you will need to contact a City of Kwinana Environmental Health Officer to conduct an inspection to ensure that the food business has met the requirements of the Food Safety Standards and comply with any other conditions imposed by the City of Kwinana in accordance to the approval issued.

8. Certificate of registration or Verification of notification

A certificate of registration or verification with notification with conditions may be granted upon satisfaction and completion of the items indicated above. If the construction of the premise does not satisfy the requirements of the design assessment, City of Kwinana Environmental Health Officers may refuse to grant a registration and reasons will be provided in writing.

A renewal notice and a fee quote/invoice will be mailed to you each year and payment of the fee quote/invoice by the due date is required to maintain your business registration.

Different types of food businesses

Temporary food premises

Examples of temporary food premises are may include sausage sizzles (barbeques) and food stalls (a simple table with equipment, marquee and floor covering).

- Temporary food premises will require notification or registration of the food businesses at the trading location or where the equipment is generally stored.
- Temporary food premises trading on once off occasion will be assessed on individual basis but are also required to be notified/registered. The City of Kwinana may accept another Council's Verification of Notification or Certificate of Registration (with conditions to verify that they are allowed to trade as a temporary food premise and indication that they have paid their annual surveillance fees associated with the notification or registration) but an application for Trading in Public Places for temporary or mobile food businesses is also required to be submitted to the City of Kwinana.

Mobile food premises

Mobile food businesses include vehicles or units that operate permanently stationed from one site or multiple areas and are garaged or housed within the City of Kwinana area. Mobile food premises need to comply with the design, construction and fit out in accordance to the Food Safety Code. Mobile food

premises need to be notified/registered with the local Council where they are housed or garaged. Once registered, a certificate of registration may entitle the proprietor to operate at events provided that an application for Trading in Public Places is submitted to that Council which is operating the event (other conditions may apply). The City of Kwinana may accept Verification of Notification or Certificate of Registration issued by another Council (with an indication that they have paid their annual surveillance fees associated with the notification or registration) but an application for Trading in Public Places for temporary or mobile food businesses is also required to be submitted to the City of Kwinana.

Food businesses involved in food processing and service to vulnerable persons including child care centres and aged care facilities

Food businesses that provide food service to vulnerable persons are required to apply for notification/registration with the City of Kwinana. These food businesses are also required to implement a Food Safety Program in accordance with Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons (Standard) of the Australia New Zealand Food Standards Code (Code).

The food businesses identified in Standard 3.3.1 that are required to have a food safety program include those businesses involved in food processing and service to six or more vulnerable people at any given time. “Vulnerable People” are defined by the standard in terms of the facility in which they are cared for or as clients of a delivered meals organisation. The facilities listed in the standard include:

- hospital facilities, including acute care, psychiatric, hospice, chemotherapy and renal dialysis facilities,
- aged care facilities, including nursing homes, respite care, same-day aged care and low care aged care facilities and
- child care facilities, including long day care, occasional day care and employer sponsored child care.

Family day care and playgroups

Family day care (home based) and playgroups are required to apply for notification/registration with the City of Kwinana. They are considered as a food business if food is being prepared at the premises (including cutting of fruits by staff members). However, it is not considered as a food business if parents bring food from home and share with others which does not require staff at a family day care and playgroups to handle the food. Family day care and most playgroups are exempted from Standard 3.3.1, ie implementation of a food safety program. Special discretionary food business fees are applicable for these groups.

Supermarkets

A supermarket generally has a number of food premises within the food business. For example, a deli, bakery section, meat department, fresh produce and non-perishables section. Additional inspection fees will be charged for each of these sections.

Food prepared in residential premises

People who prepare food for sale within residential premises are considered as a food business and therefore, notification/registration will be required. Planning approval will be required as this is a type of home occupation. Only low risk food production activities will be considered suitable for production within residential premises by person preparing food.

The following additional details will be required as part of completing the notification/registration application in order to be considered for health approvals:

- If you are the tenant of the residential premises, a letter of approval to operate a residential food premises signed by the owner of the residence is required;
- Full recipe including ingredient list of all products you wish to manufacture and quantity of each ingredient;
- Details of food preparation, manufacturing, storage and packaging processes including
 - i) preparation process;
 - ii) cooking time (expressed in minutes) for each cooking step in the recipe;
 - iii) cooking temperature (expressed in °C degrees) for each cooking step in the recipe;
 - iv) storage condition of raw ingredients;
 - v) storage condition of finished product to prevent contamination;
 - vi) type of packaging materials used; and
 - vii) transport vehicle (if applicable).
- Proof of how the shelf life (ie use by date or best before date) was determined by certificates from NATA accredited analyst
- Food labels for the packaged food products (including nutritional information panels if applicable);
- Food recall plan; and
- Copy of house plans including floor plans indicating areas used for food preparation, processing, storage, packaging, refuse storage and any other activities associated with the food business. Submit in A3 hard copy or electronically on CD.

Discretionary fees are applicable for low volume residential food businesses.

Bed and breakfasts, lodging houses

As the sale of food also include the provision of food under a contract of service, bed and breakfasts as well as lodging houses need to apply for notification/registration with the City of Kwinana. Special discretionary fees are applicable for bed and breakfasts.

Liquor licensed food businesses

Contact the Department of Racing, Gaming and Liquor Licensing for further information. You will need to apply to the City of Kwinana’s Environment and Health Services for Section 39 and the City of Kwinana’s Planning Department for Section 40 approvals. *Health (Public Building) Regulations 1992* will apply to liquor licensed food businesses located in a public building.

Inspections

Frequency of Inspections

Food business inspections are carried by City of Kwinana Environmental Health Officers, which are authorized officers under the Act. The frequency of the inspections is based on risk profile of the food business which is assessed in accordance with the Priority Classification System for Food Businesses developed by FSANZ. Please see table below as a guide.

Classification	Frequencies (every x months)		
	Starting point	Maximum	Minimum
Low	18	12	24
Medium	12	6	18
High	6	3	12

Therefore, assessment frequency will change depending on the number of non-compliances and compliances identified. The proprietor will be provided with a copy of the inspection report after each inspection. A follow up inspection may be required upon non-complying issues identified. Excessive follow up inspections may incur additional fees and charges. Inspections may also be conducted as a result of a food complaint, food recall and non-compliance with food and water sampling.

Please be aware that City of Kwinana Environmental Health Officers will conduct inspections without making appointments as provided for in the Food Act 2008, Part 5 – Powers of Entry, Inspection and Seizure.

Compliance

Depending on the severity of the non-conformance with the legislation, Environmental Health Officers may issue or undertake any of the following:

- Written warnings may be issued for minor breaches where an improvement notice may not be warranted on the first occasion;
- An Improvement Notice may be served on the proprietor of a food businesses for not complying with the legislation and require certain measures to be taken within a certain time frame for example, to clean and sanitise a piece of equipment within 24 hours (Part 6, Division 1 of the Act);
- Seizures of food, or any vehicle, equipment, package, labeling or advertising material, or any other thing if there is reasonable grounds to show evidence that an offence under the *Food Act 2008* has been or is being committed (Section 40 of the *Food Act*);
- A Prohibition Order requires that no food be handled in the circumstances defined in the order until a clearance order has been issued. A Prohibition Order may be issued if an Improvement Notice has not been complied with within the specified time or if the initial non-conformance is severe enough to cause a danger to public health. It is an offence not to comply with a Prohibition Order (Part 6, Division 2 of the Act);
- An Infringement Notice (a fine) will be issued if a Prohibition Order is not complied with. Infringement Notices may also be issued for any of the prescribed offences listed in the new Food Regulations, and a list of the associated penalties are also contained in the Regulations (S126(3) of the *Food Act 2008* and R54(1) of *Food Regulations 2009*); and
- Legal action through the courts is reserved for the more serious breaches of the requirements of the Act, the Regulations or the Standards.

Example:

Handling of food in unsafe manner (Section 14 (1) of the Act) and sale of unsafe food (Section 15(1) of the Act), Fine of \$100,000 and imprisonment for 2 years (individual) and \$500,000 (body corporate)

Other levels of fines apply for varying offences.

Food and water sampling

Chemical and microbiological food sampling

The City of Kwinana food sampling program is to ensure that safe and suitable foods are produced and meet the requirements of the Food Standards Code. The Local Health Authority Analytical Committee revised sampling scheme forms part of the program where local manufacturers are sampled. Chemical or microbiological food samplings are conducted by City of Kwinana Environmental Health Officers who are authorized officers under the Act.

An Environmental Health Officer will purchase a food product from your food business, and submit for analysis (Agrifood or ARL). On the occasion that the food product is unsatisfactory and do not meet the requirement of the Food Standards Code, the City of Kwinana may take further action under Part 3 Offences relating to Food of the *Food Act 2008*.

Water sampling

All food business must have access to potable water for all activities that use water on a food premises, including cooking, washing and cleaning. To provide a potable source the City of Kwinana recommends that proprietors install a treatment system to treat raw water and ensure a potable source. Potable water should comply with the Australian Drinking Water Guidelines.

City of Kwinana Environmental Health Officers sample water from all food businesses not connected to scheme water on an ongoing basis. The frequency of the sampling is determined on the potential risk of the source and current treatment method.

Should water sample results not comply with the above standards, the proprietor would be required to take the necessary step to comply with the Standards.

Food recalls

Food recalls are notifications which will require actions to be taken to remove from sale, distribution and consumption foods which may pose an unacceptable safety risk to consumers. This may include contamination and food labeling issues.

A food recall may be initiated as a result of reports referred from a variety of sources - manufacturers, wholesalers, retailers, medical practitioners, government agencies and consumers. The Department of Health liaises with Food Standards Australia New Zealand to release notifications to Local Council Health Departments for follow up actions.

As a result, you may receive a food recall notification at certain times which are sent from City of Kwinana Environmental Health Officers informing that a food product will be required to be rapidly removed from shelf at the retail level. City of Kwinana Environmental Health Officers may conduct an inspection to check that the food product being recalled is removed from your shelf.

Food recall template is available online at:

www.foodstandards.gov.au/industry/foodrecalls/recalltemplates/Pages/default.aspx

Food labelling

The following is a general guidance on labeling requirements applied to all packaged food sold in Australia:

- Labels must be truthful and legible.
- Lot identification – a date mark and supplier's address details can generally satisfy this requirement.
- Name and business address of supplier (PO box is not allowed).
- Date marking – use by date or best before dates if shelf life less than 2 years.
- Statement of storage conditions (e.g. best kept in dry and cool location, or kept refrigerated at temperatures of 5°C or below, or frozen at temperatures of -20°C or below).
- Ingredients list (greatest to smallest by ingoing weight). Additives are also to be listed.
- Nutrition information panel – The Food Standard Australia New Zealand's Nutrition Panel Calculator (NPC) has been developed to provide food manufacturers with the ability to readily calculate the average nutrient content of their food products and to prepare a nutrition information panel as required under Standard 1.2.8 - Nutrition Information Requirements, of the Australia New Zealand Food Standards Code. See www.foodstandards.gov.au/industry/npc/Pages/Nutrition-Panel-Calculator-introduction.aspx
- Percentage labeling (characterizing ingredient/s and component/s).
- Country of origin - A statement on the package that identifies where the food was made or produced or a statement on the package that identifies the country where the food was made, manufactured or packaged for retail sale and to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients as the case maybe.
- Mandatory advisory statements and declaration - specify any food allergens that can cause severe anaphylactic reaction must be listed however small the amount. These are: peanuts, tree nuts (e.g. almonds, cashews, walnuts), shellfish, finfish, milk, eggs, sesame and soybeans. See Anaphylaxis Australia website www.allergyfacts.org.au

Consult the Australian New Zealand Food Standards Code for more specific requirements including exemptions for particular food at www.foodstandards.gov.au/code/Pages/default.aspx

Food safety programs

A Food Safety Program is defined as a written program that systematically identifies the risks present in the food handling operations of a business and provides for the control, monitoring and regular review of those risks in order to manage food safety.

Food businesses involved in food processing and service to vulnerable persons are required to have a food safety program under Standard 3.3.1. It is expected that your food safety program will be audited every 6 months but, your auditor may alter the audit frequency depending on your level of compliance.

A list of accredited food safety auditors produced by the Department of Health is available on ww2.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA

FoodSafe, I'm Alert and other food handling training programs

All food business proprietors or handlers are required to show evidence of food handling skills and knowledge in food safety and hygiene matters. As a result, one of the requirements of notification/registration application is to demonstrate that you have food handling skills and knowledge in food safety and hygiene matters.

Firstly, the City of Kwinana requires that you show proof of ability to operate a food business. You may attach a statement of previous experience in operating food businesses such as by listing the position and company of where you have worked previously.

Secondly, you are required to show that you have undertaken the FoodSafe® Program, I'M ALERT or other food handling training programs or that you will undertake FoodSafe® Program or I'M ALERT. You may attach a certificate of participation and/ or attainment of food handling training program.

FoodSafe® is an in-house training program developed by the Australian Institute of Environmental Health that brings basic food hygiene information directly to food handlers. To display the FoodSafe sticker and certificate, daily practices will be assessed by City of Kwinana Environment and Health Services and be maintained. The program consists of a cd, workbook and guide for proprietors. Contact FoodSafe® for further information, or alternatively, you may wish to purchase an individual FoodSafe® license online at www.eh.org.au/resources/foodsafef.

FoodSafe® online is available for free of charge for individuals. Course participants are issued a certificate once the course has been completed. Use the City's unique discount voucher "FSKWINA344" on the payment page.

Temperature checks

A food business must ensure that when receiving, processing, transporting and storing of potentially hazardous food (eg meat, seafood etc), take all practical measures to ensure that you only accept and/ or maintain temperatures of 5°C or below and 60°C or above. This can be done by taking temperature checks with a thermometer.

A temperature record template is attached in appendix 1 to get you started. Some further information on the use of thermometer is attached appendix 2.

Every food premises that prepares handles or sells any potential hazardous foods must have a thermometer to ensure food is kept at safe temperatures. The thermometer must be accurate to $\pm 1^{\circ}\text{C}$. Please use the thermometer in accordance to the manufacturer's instructions and calibrate it correctly on a regular basis.

Remember that the temperature at the centre of the food may be different from the surface temperature, therefore when checking the temperature please make sure that you check the centre with a probe thermometer. In addition, City of Kwinana Environmental Health Officers may check your thermometer to see if there is any discrepancy to the City of Kwinana's thermometers during

inspection of your food business. All City of Kwinana thermometers used are calibrated by National Association of Testing Authorities (NATA) laboratories and have a NATA traceable certificate.

Further information

- Copies of the *Food Act 2008* and *Food Regulations 2009* are available at www.slp.wa.gov.au/
- A copy of the FSANZ Standard Code are available at www.foodstandards.gov.au/code/Pages/default.aspx
- Food Unit Notices and Circulars from the Department of Health Department Western Australia available at www.public.health.wa.gov.au/food
- Food Safety Programs - A guide to Standard 3.2.1 *Food Safety Programs* - Chapter 3 of the Australia New Zealand Food Standards Code (Australia only) at www.foodstandards.gov.au/code/userguide/Pages/default.aspx
- Food Safety Programs for Food Service to Vulnerable Persons - *A guide to Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons* - Chapter 3 of the Australia New Zealand Food Standards Code (Australia Only) www.foodstandards.gov.au/code/userguide/Pages/default.aspx

Appendix 2

Thermometers and using them with potentially hazardous food

Who needs a thermometer?

If your food business stores, transports, prepares, cooks or sells potentially hazardous food, then you must have a thermometer so you can measure the temperature of this food. Potentially hazardous food includes food that contains meat, fish, dairy products and eggs. It also includes cooked rice and pasta. The thermometer must be kept at your food premises. If you have several premises, you will need a thermometer at each place.

Why do I need a thermometer?

A thermometer will let you check that potentially hazardous food has been cooked sufficiently well, is being kept at the correct temperatures in a refrigerator or display unit, and is being cooled and re-heated safely. A thermometer will also let you check that potentially hazardous food is at the correct temperatures when it arrives at your business.

The Standards require you to maintain potentially hazardous food either at or below 5°C or at or above 60°C when it is being stored, displayed and transported, unless you have safe alternative arrangements in place. Other temperature requirements also apply to the cooling and reheating of cooked potentially hazardous food.

What sort of thermometer will I need?

You need a thermometer that can be inserted into the food. This means it must have a probe. The thermometer must also be accurate to +/- 1°C. This means that when the thermometer shows that food is at a temperature of 5°C, the actual temperature of the food will be between 4°C and 6°C.

I already have a thermometer. Will it meet the requirements?

If you already have a thermometer with a probe it may be adequate, provided it can measure to within at least 1°C. The accuracy of the thermometer should be indicated in the documents that came with the thermometer. If you don't have any documents contact the company that supplied the thermometer and ask about its accuracy.

Equipment that is used to store and display food such as cool rooms, bain-marie units, and sandwich display units may have a thermometer as part of the equipment. This thermometer will measure the operational temperature of the unit. While these thermometers are useful, they do not measure the actual temperature of the food and you will still need a separate probe thermometer to check the actual temperature of the food.

Some food businesses use infrared thermometers (similar in appearance to a police speed checking gun). These thermometers are not inserted into food but can be pointed at a food to measure its surface temperature. These thermometers can be very useful for quick checks on the temperature of food, but they are not accurate enough to comply with the requirements in the standards because the surface temperature of the food may differ from its core temperature. Accordingly, if you have an infrared thermometer you will still need a probe thermometer accurate to +/- 1°C, or an infrared thermometer with a probe attachment.

Where do I buy a thermometer and how much do they cost?

Companies that supply electronic testing equipment or catering equipment sell thermometers. Some of these companies are listed under 'Thermometers' or 'Catering suppliers' in the 'Yellow Pages' listings. A probe thermometer that is accurate to within 1°C can usually be bought for about \$40-50. If you cannot locate a supplier of food thermometers in your area, contact the City of Kwinana for advice.

How do I use the thermometer to measure the temperature of food?

You may find the following tips useful when using your thermometer:

- make sure that the thermometer is clean and dry;
- place the probe into the food and wait until the temperature reading has stabilised before reading the temperature;
- measure different parts of a food as the temperature may not be the same, for example, if food is being cooled in a refrigerator the top of the food may be cooler than the middle of the food;
- clean and sanitise the thermometer after measuring the temperature of one food and before measuring the temperature of another food;
- if using the thermometer to measure hot and cold food, wait for the thermometer to return to room temperature between measurements;
- measure the temperature of different foods in a refrigerator or display unit as there will be colder and hotter spots within the refrigerator or unit; and
- measure the temperature of packaged chilled food by placing the length of the thermometer between two packages – the temperature will be approximate but the package remains intact.

How do I clean and sanitise the thermometer?

As the probe of the thermometer will be inserted into food, the probe must be cleaned and sanitised before it is used to measure the temperature of a different food. If the probe is not cleaned and sanitised, food poisoning bacteria may be transferred from one food to another food. This is especially important when the thermometer will be used to measure the temperature of raw food and then cooked food, for example, a raw hamburger patty and then a cooked hamburger patty.

The probe of a thermometer can be cleaned and sanitised by using the following steps:

- washing the probe with warm water and detergent;
- sanitising the probe in an appropriate way for your thermometer (alcoholic swabs are often used);
- rinsing the sanitiser away if necessary (refer to the instructions on the sanitiser); and
- allowing the probe to air dry or thoroughly drying it with a disposable towel.

Do I need to maintain the thermometer and how do I calibrate a probe thermometer?

You will need to maintain the thermometer in good working order. This means that you must replace batteries if they are flat and repair or replace the thermometer if it breaks. You will also need to maintain the accuracy of the thermometer. This means that you should make sure it is calibrated correctly on a regular basis. You could do this by following the instructions that come with the thermometer or by asking the business you bought it from for advice on when it should be calibrated, how this should be done, and who should do it.

You may follow the steps below when calibrating probe thermometers:

- Thermometers are to be fully equilibrated with the ambient room temperature;
- Fill a small, insulated container with crushed ice that has been made from potable water. Add a little water to the container, no more than one third the quantity of ice, to start the ice melting then pour off the excess water;
- Place the thermometer probe in the centre of the container so that the point of the probe is in contact with the ice;

- Allow the temperature reading of the thermometer to reach a steady reading (allow about 10 minutes), if the thermometer is accurate it should read 0°C. If the temperature is more or less than 0°C. (eg +1 or -1, etc), note the difference in the temperature reading and allow for any such difference when reading a temperature for monitoring purposes; and
- Thermometers with a deviation of more than 1°C should be discarded or returned to the manufacturer.