

Food safety auditor's handbook

2nd edition

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Published by
Victorian Government Department of Human Services, Food Safety Unit
Melbourne, Victoria

August 2005 reprinted September 2007

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Authorised by the State Government of Victoria, 50 Lonsdale Street, Melbourne.

Printed on sustainable paper by The Print Room @ DHS, 50 Lonsdale Street, Melbourne

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Preface

Since the 1st edition of the handbook published in 2002, all Class 1 food premises and relevant Class 2 food businesses have been audited and the Department of Human Services, in consultation with local government environmental health officers, Registrar Accreditation Board Quality Society of Australasia and registered training organisations has considered the form and content of the handbook.

From that consideration, it emerged that greater clarity was required in respect of the classification of non-conformances as critical, major or non-notifiable, and a consistent format for reporting was required.

It also came to notice that a number of matters required greater consistency in terms of auditor knowledge and application, namely:

- The National Food Safety Standards (Chapter 3 of the Australia New Zealand Food Standards Code— Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General and Standard 3.2.3—Food Premises and Equipment.
- Classification of non-conformances as critical, major or non-notifiable.
- Inconsistent format of reporting.
- Inappropriate time devoted to Work-cover and occupational health and safety issues.

This second edition of the Food Safety Auditors Handbook attempts to address these identified areas of inconsistencies in the audit system by providing more guidance to food safety auditors in these areas.

1.0 Introduction

The *Victorian Food Act 1984* requires that all food premises declared as Class 1 food premises and those Class 2 food premises that choose to be audited or use a non-standard food safety program must have their food safety program audited by Department of Human Services approved auditors.

A declaration of audit intervals appeared in the *Victoria Government Gazette No S 239* on 21 December 2001. The full text of the above declaration is

Appendix 11 of this handbook. Only persons who have a current certificate of approval issued by the Secretary of the Department of Human Services can audit food safety programs as required by the *Victorian Food Act 1984*.

Applicants must have already been certified through Registrar Accreditation Board Quality Society of Australasia to become an approved auditor under the Food Act. A public register of approved food safety auditors is maintained by the Department of Human Services and can be viewed on the website address www.health.vic.gov.au/foodsafety

Contact Us

Department of Human Services
Public Health Branch
Food Safety Unit
GPO Box 4057
Melbourne 3001
1300 364 352
Foodsafety@dhs.vic.gov.au

IMPORTANT NOTE

Prime Safe and Dairy Food Safety Victoria oversee food safety compliance under separate legislative controls.

2.0 Duties within the audit system

2.1 The Department of Human Services

The role of the Department of Human Services, Food Safety Unit is to ensure that Victorian food is safe and enhance public understanding of food safety issues; and to lead and influence state-wide efforts to promote health and prevent illness across the Victorian population.

The role of the Food Safety Unit in relation to the Victorian food safety audit system, is to:

- a. Establish and maintain processes to certify food safety auditors.
- b. Set application and selection criteria for auditors based on technical expertise, competence, training, qualifications and experience.
- c. Set compliance conditions for certified auditors.
- d. Maintain a register of auditors certified under the *Food Act 1984*.
- e. Revoke or suspend auditor certification.
- f. Monitor and evaluate the implementation and outcomes of the auditing system.
- g. Review and change systems where evaluation shows the objectives of the systems are not achieved.

2.2 Municipal councils

Under the Food Act, municipal councils are responsible for registering food businesses and conducting annual inspections of all registered food premises, including those that are third party audited.

Unless specific exemption is granted, council environmental health officers must not conduct or assist in conducting third-party food safety audits of any food safety program for any food premises within the municipality with which they are employed. (See Sections 19S and 19U of the Food Act)

Municipal councils are responsible for the following:

- a. Investigating reported non-conformances resulting from audit reports.
- b. Ensuring compliance with the set audit frequency.
- c. Investigating complaints against food businesses.
- d. Liaising with auditors concerning audit compliance matters.

Councils may also investigate what they may believe are unreasonable notifications or non-notifications.

Information on notifications and inadequacies is contained in Question 8 of the 'Frequently asked questions' section at the end of this publication.

2.3 Food safety auditors

Only food safety auditors approved by the Department of Human Services may audit food premises for the purposes of the *Food Act 1984*.

Food safety auditors must audit food businesses to check that the food safety program, the Food Act and applicable standards and code are complied with.

Food safety auditors must provide a certificate if a food safety program is adequate and being complied with.

If there is a failure by the business to comply with the food safety program, or the program is inadequate, or any breaches of the Food Safety Standards, which may lead to a serious risk of unsafe or unsuitable food being sold or produced, then it is the role of the food safety auditors to notify the relevant council to take enforcement action.

Details on the approval and role of food safety auditors are contained in later sections of this document.

2.4 Businesses selling food

Under the Food Act all registered food businesses must ensure that food sold is safe and suitable for human consumption, the premises are kept clean and sanitary, and they observe the relevant provisions of the *Australia and New Zealand Food Standards Code and the National Food Safety Standards (2000)*.

The National Food Safety Standards (2000) are Chapter 3 of the above Code.

Food businesses requiring or choosing to have their food safety program audited must:

- a. Ensure that they have an adequate food safety program (FSP) that complies with the requirements of Section 19D of the Food Act.
- b. Maintain records in accordance with the food safety program.
- c. Lodge a copy of the food safety program with the registration authority at the first registration and ensure that the registration authority has an up-to-date copy of the food safety program at all times.
- d. Ensure that if there are any changes in the activities carried out in the premises, the food safety program is revised to reflect those changes. When changes are made to the food safety program, the proprietor must provide a copy of the revised food safety program to the registration authority within 14 days of the revisions being made.
- e. Ensure that the food safety program is audited by a person approved under the Food Act at the intervals declared by the Secretary of the Department of Human Services.
- f. Make available to the auditor reports or details of past audits, at least the past two if available, instructions, advice or notices given by the registration authority, internal reports or consultant reports. This may assist the auditor in identifying the audit scope, duration and nature of any hazard in the business.
- g. Provide a copy of the audit certificate together with the schedule and the audit report from the auditor, if applicable, to the council within 14 days.

Relevant parts of the *Food Act 1984* that food businesses need to comply with respect to food safety audit are contained in Appendix 1 of this publication.

3.0 Appointment of food safety auditors

Under the *Food Act 1984*, the Secretary of the Department of Human Services, (“the Secretary”), certifies food safety auditors.

The process of certifying applicants for their suitability to work as food safety auditors includes assessment by certification bodies accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ).

At present, the Registrar Accreditation Board Quality Society of Australasia (RABQSA) is a certification body recognised by the Secretary to provide reports and recommendations on the approval of auditors under the Food Act.

Prospective auditors should familiarize themselves with all Registrar Accreditation Board Quality Society of Australasia requirements. The information can be viewed on the Registrar Accreditation Board Quality Society of Australasia website www.rabqsa.com

Applications for approval as a food safety auditor under the *Food Act 1984* need to be forwarded to the Department of Human Services, Food Safety Unit, 16/120 Spencer Street, Melbourne, 3001 and must be accompanied by a certificate, or a recommendation from the auditor certification body, Registrar Accreditation Board Quality Society of Australasia, as to the risk categories and industry scope the applicant is permitted to audit. (Application form to the Food Safety Unit is contained in Appendix 3)

Based on the information provided by a certification body, the Secretary of the Department of Human Services, can determine any conditions that may apply

to the auditor, and then issue the applicant with a certificate of approval to be a food safety auditor.

3.1 Approval conditions

Once approved, auditors are required to comply with the relevant provisions of the Food Act and conditions of certification that have been determined by the Secretary of the Department of Human Services.

Standard conditions are incorporated into a service agreement between the auditor and the Secretary; a copy of which is found in Appendix 5 of this publication or from the Department of Human Services, Food Safety Unit, or the Registrar Accreditation Board Quality Society of Australasia.

3.2 Revocation of approval to act as an auditor

Under Section 19T of the Food Act the Secretary of the Department of Human Services may, after giving the person a chance to be heard, revoke the person’s certification as an approved food safety auditor if the Secretary is satisfied that the person:

- Has failed to comply with the requirements of the Food Act; or
- Is found not to be sufficiently competent; or
- Has been guilty of any fraudulent conduct in carrying out an audit; or
- Has not satisfactorily carried out two or more food safety program audits; or
- Certification was granted on the basis of fraud, misrepresentation, or concealment of facts.

Section 19T empowers the Secretary to revoke the certification of a person who was certified by the Secretary.

3.3 Conflicts of interest

Auditors must, in all circumstances, avoid possible conflicts of interest.

Specific requirements listed in Section 19S and 19U of the Food Act include:

- Auditors must not audit a food safety program that they have written or assisted in preparing.
- Auditors must not audit premises where they are the proprietor or an employee of the food business or related to the proprietor or employee of the business.
- A person who is employed or delegated by a council to do any work on behalf of a council involving food premises or food safety programs must not conduct, or assist in conducting, a food safety program audit of a food safety program for any premises that is within the council’s municipal district.

In addition the Department of Human Services Food Safety Unit interprets conflict of interest to include where the auditor also trains staff to use the business food safety program.

4.0 The Audit

4.1 Service agreement between the auditor and food business

Before commencing the audit, the auditor should consider setting up a service agreement with the food business.

A service agreement is a written document which sets out the terms and conditions of the audit and describes:

- The scope of the audit;
- The auditor's classification and sector experience;
- The type and level of insurance cover the auditor possesses;
- The procedures to be employed, including:
 - (i) Reporting.
 - (ii) Follow up.
 - (iii) Re-audit reporting.
- Details of, or the basis for calculating costs; and
- Confidentiality arrangements between the food business and auditor.

4.2 Auditing multi-site food businesses

Where a multi-sited business opts to use an individual food safety program, every site must be individually assessed by a third party auditor. Hazards for food handling process are site specific, so each site must be individually assessed.

5.0 Audit reports

If the auditor considers that the food safety program has been complied with during the audit period and that it is still adequate, the auditor must give the business proprietor a certificate confirming that opinion.

The 'Certificate of audit' that certifies the food safety program has been complied with during the audit period and that it is still adequate is contained in Appendix 6 of this publication.

The 'Audit report' is contained in Appendix 8 of this publication and should be issued to the business.

Where non-conformances have been identified the auditor must follow the procedures detailed in Section 6 Non-conformances, contained on the next page.

6.0 Non-conformances

A non-conformance is a food handling practice that is found not to comply with specified requirements documented in the food safety program, or the requirements of the Act, or Food Safety Standards.

6.1 Critical non-conformance

A **critical non-conformance** is defined as a non-conformance with the requirements of the Act or Standard where a serious or imminent risk to public health is identified. That is, if the food, practice or situation has compromised the health of a consumer, or if allowed to continue will compromise consumers health.

6.1.2 Critical non-conformance notification

Where a food safety auditor has conducted a food safety audit for the purposes of the Food Act, he/she must

- a. Notify relevant council immediately by telephone and follow-up by written confirmation as soon as practical but no later than 24 hours. A copy of the written confirmation to the Council should also be sent to the Department of Human Services Food Safety Unit for information, preferably by facsimile.
- b. Council environmental health officer to attend the premises and ensure action taken within 24 hours of the telephone notification to ensure the risk to health is removed.
- c. Council advises the auditor when it is satisfied the risk to health is removed.
- d. Auditor re-audits premises within 7 days of council notification that the risk to health has been removed. If the auditor has not heard from the council within 14 days of the auditors notification of the critical non-conformance then they should contact the council.

Case study 1

During an audit of a nursing home the auditor observes that, in addition to a number of minor issues, kitchen staff are using the same cutting board for cutting up raw chicken for the preparation of fresh salad. The proprietor explains that it is a waste of money buying extra cutting boards, though he will eventually do it. The auditor also queries that the food handler didn't wash their hands after handling the raw chicken and handling the salad.

The auditor immediately advises the nursing home manager that this is a critical non-conformance and all ready to eat food cut on the cutting board in question should not be served and that other food may be contaminated by poor personal hygiene of food handlers.

The auditor later that day contacts the council environmental health officer by telephone, advises of the critical non-conformance and follows up later that day with a facsimile to both the Council and the Food Safety Unit of the Department of Human Services of what was observed.

A week later the council environmental health officer advises the auditor that the non-conformance has been rectified and that they can now re-audit the business.

Case study 2

The auditor audits a medium size manufacturer of packaged rice biscuits. The auditor notes that the recipe includes a small amount of flour, yet gluten (a substance that can have adverse health impact), is not declared on the label of the rice biscuits.

The manufacturer explains that only a small amount of flour is used, as a thickener, and they will correct the error once the current stock of labels is used.

The auditor advises the manufacturer that they must stop using the old labels and should consider a recall of the incorrectly labelled product. The auditor then phones the local council environmental health officer and advises of the critical non-conformance.

The auditor follows up later that day by sending the local council a facsimile of what was observed. The auditor also sends the same facsimile to the Food Safety Unit of the Department of Human Services.

6.2 Major non-conformance

A **major non-conformance** is a high potential risk situation, where the potential impact is likely to compromise food safety if no remedial action is taken. The local council will decide if they need to act.

6.2.1 Major non-conformance notification

Where a food safety auditor has conducted a food safety audit for the purposes of the Food Act, he/she must

- a. Notify relevant local council within 7 days of identifying the major non-conformance. Council will decide if they need to act depending on the potential risk to health identified by the non-conformance.
- b. Follow up audit within 7 days of the council notification.
- c. If a major non-conformance is not rectified, the non-conformance becomes critical.

Case study 3

During an audit of a restaurant the auditor observes that there are no disposable towels at the wash hand basin. The proprietor explains that that staff constantly wash their hands but use tea towels; which aren't sighted by the auditor, to dry their hands.

The auditor is satisfied that staff do wash their hands but issues a major non-conformance for the lack of appropriate hand drying facilities, and re-audits the business within 7 days.

6.3 Minor (non-notifiable) non-conformances

A minor (non-notifiable)

non-conformance is a low risk situation where there is a non-conformance with the requirements of the Act or Food Safety Standards but the potential impact of the non-conformance is not likely to be a serious or imminent risk to public health. This includes a non-conformance with the business's food safety program.

In the case of a minor (non-notifiable) non-conformance, the auditor must negotiate with the business to determine an appropriate timeframe for rectification, and then follow-up to ensure the non-conformance has been rectified.

If an auditor identifies a number of minor non-conformances which taken collectively are likely to compromise food safety, the non-conformances must be classified as **major** or **critical non-conformances** immediately, and appropriate action be taken.

Minor (non-notifiable) non-conformances must be reported to the council by the proprietor of the food business and the auditor, by means of the 'audit report' and 'certificate of audit'.

Case study 4

During an audit of a restaurant the auditor observes that there are broken floor tiles in the kitchen area, a build up of grease in the filters of the exhaust canopy above the stoves, and packaged food is being stored on the floor of the cool room. The auditor also observes that stock rotation, though not a safety issue at the time of the audit, could be improved.

The auditor negotiates with the proprietor of the business that the filters are to be cleaned within 24 hours and that within 21 days the broken floor tiles will be replaced and that there will be additional shelving for the cool room so that no packaged food has to be stored on the floor. The auditor also gets an undertaking that 'first in first out' stock rotation will be implemented.

Prior to closing out the non conformance, the auditor verifies the non-conformance has been rectified—this may be by a re-audit or by having the business send photographs of the clean filters and the new floor tiles and cool room shelving. The auditor could leave the 'first in first out' stock rotation issue to the next audit. Once the auditor is satisfied that the non-conformances have been rectified the auditor gives the business a certificate of audit and updated report.

Case study 5

During an audit of a general store, the auditor observes that there are packaged biscuits on the display shelves with "best before dates" that have expired, the door seals on the drinks display refrigerator need replacing, and the record for 'goods received' has not been completed on all occasions.

The auditor negotiates with the proprietor that the 'goods received record' will be more carefully completed in future, and the seals on the drinks display refrigerator will be replaced within 30 days. The proprietor immediately removes the out of date biscuits from the display shelves and disposes of them.

The auditor issues a conditional certificate of audit to the proprietor, with audit report attached, and check compliance with the issues on the next audit.

6.4 Notices to registration authority

Because auditors do not have enforcement powers under the *Food Act*, a council environmental health officer who is an 'Authorised Officer' must be called to take action on critical non-conformances.

Where a **critical notifiable non-conformance** has been detected, the written advice to the council should contain:

- The name and address of food business;
- The date the non-conformance was issued;
- The Standard or other requirement being breached by the non-conformance;
- Details of the non-conformance, including copies of records, if required;
- Signatures of the auditor and the person in the business with whom the non-conformance was discussed;
- Corrective action as proposed by the food business; and
- Details of verification of corrective action.

The appropriate notification forms that should be sent to the council are contained in Appendices 9 and 10 of this publication.

Where notifiable non-conformances have been identified and subsequently remedied by the food business proprietor, the certificate of audit must describe each failure or inadequacy that has been remedied in the certificate and that:

- a. Where there was a failure to comply with certain requirements of the food safety program during the audit period, each failure that could be remedied has now been remedied;
- b. The food safety program became inadequate during the audit period, and that each inadequacy has now been remedied.

An auditor can still issue a certificate of audit to the food business proprietor if there are a number of minor (non-notifiable) non-conformances outstanding, providing that:

- (i) There is no risk to public health, and
- (ii) The food business has a written plan to correct minor non-conformances.

The appropriate certificates and audit reports are contained in Appendices 6–10 of this publication.

6.5 Unreasonable notifications or non-notifications

Where, in the opinion of the council:

- A notification to the council of an inadequacy sets a standard above that normally applied in that industry sector and the inadequacy is already adequately addressed in the food safety program, the council will contact the auditor in writing within 7 days, advising that it disagrees with the auditor's assessment, giving the reasons for the disagreement, and seeking further explanation; or
- Following an inspection of a premises that has been recently audited, the council believes that the auditor has erred in determining non-conformances then the council will contact the auditor in writing within 7 days seeking an explanation.

If the council is dissatisfied with a response from an auditor, has complaints of incompetence, or has evidence of non-compliance with the requirements of the Food Act against an auditor, the council must refer these matters in writing to the Department of Human Services, Food Safety Unit for resolution.

7.0 Audit frequency

Audit frequencies are declared by the Secretary of the Department of Human Services under Section 19K of the *Food Act 1984*.

Third party audits are mandatory for food businesses in Victoria classified as Class 1. Class 1 businesses are those businesses that serve food to the more vulnerable members of the community, such as aged care facilities, hospitals, child care centres, and meals-on-wheels kitchens.

Class 1 businesses are to have their Food Safety Programs audited at an interval of not more than 12 months between each audit.

Class 2 food businesses that elect to use the third party audit system are to have their food safety programs audited at an interval of not more than 12 months after first being registered, or renewing their registration. After that, at an interval of not more than 12 months between each audit.

8.0 References and bibliography

Victorian Food Act 1984

National Food Safety Standards

(Chapter 3 of the Australia New Zealand Food Standards Code)

- *Standard 3.1.1 Interpretation and Application*
- *Standard 3.2.2 Food Safety Practices and General*
- *Standard 3.2.3 Food premises and Equipment*

Safe Food Australia, 2nd Edition, January 2001

A Guide to the Food Safety Standards

(applies to Australia only) Food Standards Australia New Zealand (FSANZ) www.foodstandards.gov.au

Appendix 1: Relevant sections of the Food Act 1984

19D. Food safety programs

A food safety program for a food premises is a written document that–

- a. systematically identifies the potential hazards that may be reasonably expected to occur in each food handling operation that is to be, or that is being, conducted at the premises; and
- b. identifies where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control; and
- c. provides for the systematic monitoring of those controls; and
- d. provides for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control; and
- e. provides for the regular review of the program by the proprietor of the food premises; and
- f. provides for appropriate records to be made and kept by the proprietor of the food premises demonstrating action taken in relation to, or in compliance with, the program.

19E. Declared premises must have food safety program

- 1) The proprietor of a declared premises must–
 - a. ensure that there is a food safety program for the premises that complies with section 19D; and
 - b. comply with the requirements set out in the food safety program; and
 - c. ensure that if there is a change in the activities carried out at the premises, that the food safety program is reviewed and, if necessary, revised to enable it to continue to comply with section 19D; and
 - d. give the registration authority a copy of any revision that is made to the food safety program within 14 days after the revision is made.
- 2) The proprietor of a declared premises complies with sub-section (1)(a) if the proprietor uses a standard food safety program for the premises.
- 3) If an audit certificate given under section 19L or 19M states that a food safety program for a premises was adequate at the date of the audit, the proprietor of the premises is to be taken to be complying with sub-section (1)(a) on that date.
- 4) Sub-section (1) does not apply until the premises is first registered, or has its registration renewed or transferred for the first time, after it becomes a declared premises.

- 5) A failure to comply with sub-section (1) is a ground for–
 - a. the refusal of the registration, renewal of registration or transfer of registration of the premises;
 - b. the revocation or suspension of registration of the premises.

19IA. Requirement to audit

- 1) The proprietor of a food business must, in relation to any declared premises used in connection with the business, ensure that a food safety program audit is conducted in relation to that program at the intervals required by section 19K if a declaration applying to the premises has been made under that section.
- 2) A failure to comply with sub-section (1) is a ground for–
 - a. the refusal of the registration, renewal of registration or transfer of registration of the premises;
 - b. the revocation or suspension of registration of the premises.

19L. Auditor must give certificate if program is adequate

If a food safety auditor is of the opinion, after conducting a food safety program audit, that the program has been complied with during the period covered by the audit and is still adequate, the auditor must give the proprietor of the premises to which the program relates a certificate confirming that opinion.

19M. Procedure if program not adequate

- 1) If a food safety auditor is of the opinion, after conducting a food safety program audit, that the program has not been complied with or is not adequate, the auditor must advise the proprietor of the premises to which the program relates in writing–
 - a. of that opinion and the reasons for that opinion; and
 - b. of what needs to be remedied to ensure that the food safety program is fully complied with or to make the program adequate; and
 - c. of the period within which the matters referred to in paragraph (b) should be remedied.
- 2) if the failure to comply with the food safety program, or any inadequacy of the program, may lead to a serious risk of food being sold or produced that is unsafe or unsuitable, the auditor must also notify the registration authority of the risk as soon as is practicable, together with details of the advice given by the auditor under sub-section (1) in relation to the failure or inadequacy.
- 3) Within 14 days of the expiry of the period referred to in sub-section (1)(c), the auditor must check to see whether the matters referred to in sub-section (1)(b) have been remedied.
- 4) If the matters have been remedied, the auditor must give the proprietor a certificate stating–
 - a. that, in the opinion of the auditor, the food safety program for the premises is adequate; and
 - b. that while–
 - c. There was a failure to comply with certain requirements of the program during the audit period, each failure that could be remedied has now been remedied; or
 - d. The program became inadequate during the audit period, each inadequacy has now been remedied.
- 5) The auditor must describe each failure or inadequacy that has been remedied in the certificate.
- 6) If not all of the matters that could be remedied have been remedied–
 - a. If the failure to remedy any of those matters may lead to a serious risk of food being sold or produced that is unsafe or unsuitable, the auditor must notify the registration authority of the risk as soon as is practicable; or
 - b. In any other case, the auditor must notify the registration authority of the failure of the proprietor to comply with the food safety program, or of the inadequacy of the program, within 14 days after conducting the check.
- 7) If, in the opinion of the auditor, there has been a failure to comply with a requirement of the food safety program and it is no longer possible to remedy that failure, the auditor–
 - a. Need not comply with sub-sections (1)(b) and (c) in relation to that failure, but must still comply with sub-section (2) if it is relevant to the failure; and
 - b. If failures of that nature are the only compliance failures in relation to the program and the program is adequate, must give the proprietor a certificate describing the failures and stating that the program is adequate and has otherwise been complied with; and
 - c. In any other case, must ensure that those failures are described in any certificate given to the proprietor under sub-section (4) or in any notice given to the registration authority under sub-section (6)(b).

19N. Audit certificates must be given to the registration authority

- 1) The proprietor of declared premises must give a copy of any audit certificate the proprietor is given under section 19L or 19M to the registration authority within 14 days after being given the certificate.
- 2) A failure to comply with this section is a ground for–
 - a. The refusal of the registration, renewal of registration or transfer of registration of the premises;
 - b. The revocation or suspension of registration of the premises.

19O. Only approved auditors may conduct audits

A person must not conduct a food safety program audit unless he or she is an approved food safety auditor in respect of the class of food premises to which the food safety program relates.

19P. Appointment of food safety auditors

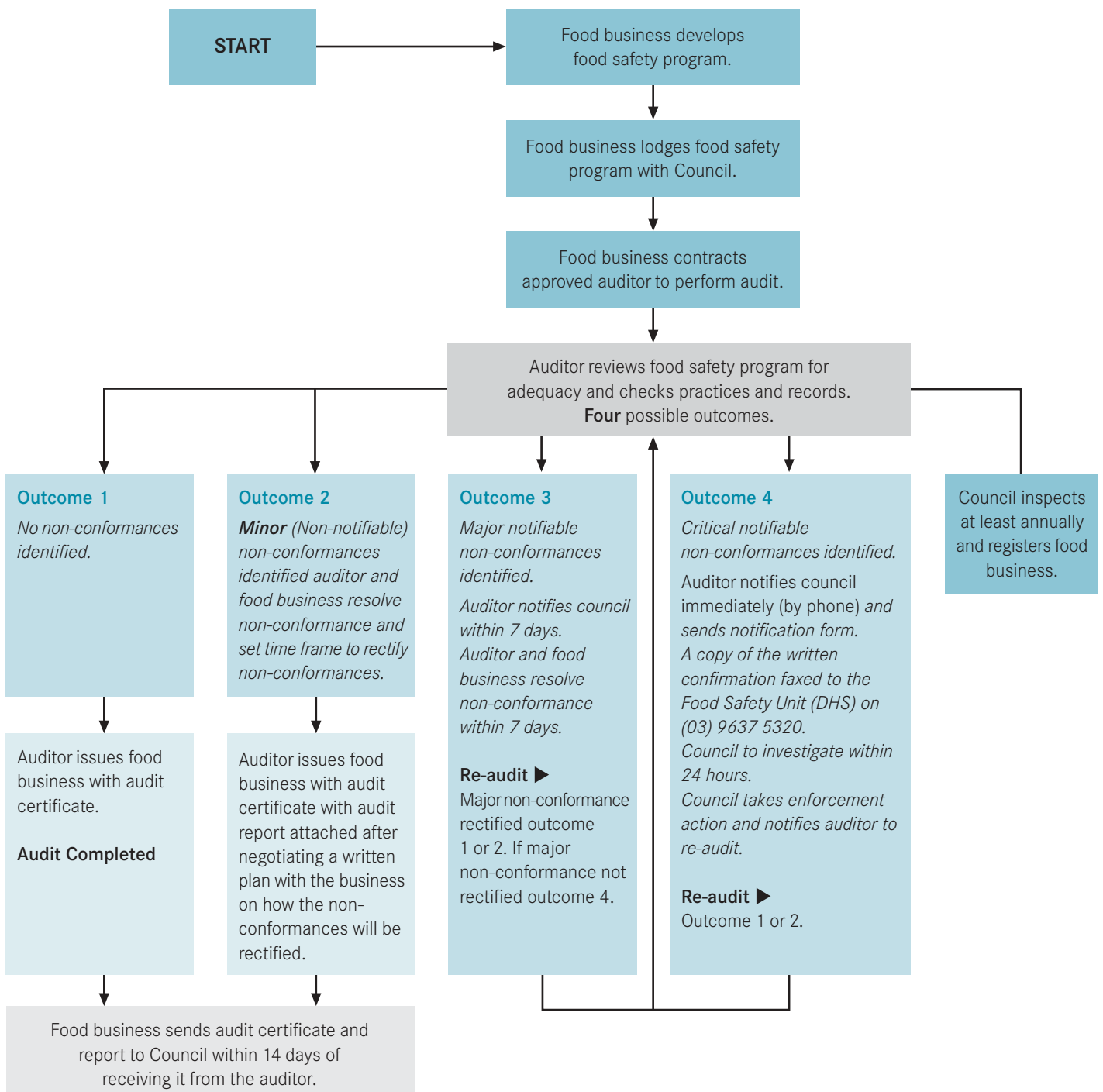
- 1) In this section and in sections 19Q and 19T, “**certifying body**” means the Secretary or any person who the regulations state is to be able to make certifications for the purposes of this section.
- 2) A certifying body may certify in writing that a natural person is competent to conduct a food safety program audit.
- 3) In certifying a person, the certifying body–
 - a. may specify on the certificate that the certification applies with respect to all, or only certain, classes of food premises; and
 - b. may impose any conditions on the certification that the certifying body considers to be appropriate; and
 - c. may specify for how long the certificate remains current.
- 4) If the regulations provide for the payment of any fee in relation to a certification, the certifying body must not certify a person until the person has paid the fee.

19Q. Auditor must comply with conditions of certification

An approved food safety auditor must comply with any condition imposed by the certifying body in certifying him or her to be a food safety auditor.

Appendix 2: Victoria's food safety auditing and checking system

For Class 2 businesses that choose to use the third party audit system and Class 1 businesses



Appendix 4: Food safety auditor certificate

RABQSA registration number:

This certificate is granted to:

Name:

Address:

The above person is certified under Section 19P of the Food Act 1984 to conduct food safety audits in accordance with the Act subject within the following scope:

Certificate Number:

Expires:

This certification is valid for twelve (12) months from the signed date unless suspended or revoked in accordance with the provisions of the Act and is subject to adherence to the service agreement attached to this certificate.

Auditors must give notice to the Department of Human Services Food Safety Unit of any changes to contact details or scope of audit.

Signed:

for The Secretary, Department of Human Services

Name:

Position:

Date: / /

Appendix 5: Auditor–Department of Human Services service agreement

This Agreement is made on the _____ day of _____ 200_____

Between

SECRETARY TO THE DEPARTMENT OF HUMAN SERVICES
of 50 Lonsdale Street, Melbourne, Victoria (“Department of Human Services”)

and

(Name)

of _____
(Address)

(Tel. number) (mobile)

 (“Auditor”)

Introduction

The auditor is an approved food safety auditor when certified by the Secretary to the Department of Human Services (or delegate).

The Food Act 1984 provides that Department of Human Services has functions such as:

- Generally administering the provisions of the Act;
- Ensuring that appropriately qualified people are certified as auditors; and
- Declaring audit frequencies

The Act requires all food premises to implement food safety programs some requiring 3rd Party auditing.

The Department of Human Services is responsible for certifying auditors to carry out 3rd party audit functions under the Act. Auditors are responsible for auditing food safety programs, either from Class 1 food businesses that are required to develop their own food safety program or other businesses that elect to use the 3rd party system.

The auditor wishes to participate in arrangements for auditing relevant food premises which are registered under the Act. Accordingly Department of Human Services and the auditor have agreed as follows:

Operative provisions

1. Interpretation

1.1 In this Agreement the following terms shall have the following meaning unless the context requires otherwise:

Act means the Food Act 1984

Agreement means this document including the description of the Parties, the Introduction and the Schedules

Approved means certified by the Secretary of Department of Human Services or delegate

Approved food safety auditor means a person certified by the Secretary of the Department of Human Services or delegate as an approved food safety auditor

Audit means food safety program audit which is defined in the Act

Auditor means an approved food safety auditor which is defined in the Act

Business means food business which is defined in the Act

Corrective action is taken when monitoring indicates that there is a deviation from an established critical limit. Corrective action noted via the corrective action request

Council has the same meaning as in the *Local Government Act* and means the council of the municipal district to which the provision in which the term is used applies

DHS means the Department of Human Services Victoria

Food safety auditor means a person approved by the Secretary of Department of Human Services as a food safety auditor

Food Safety Standards mean the national food safety standards approved by the Australia New Zealand Food Standards Council and published in the *Australian Government Gazette* on 24 August 2000, and being Chapter 3 of the *Australia New Zealand Food Standards Code* (Australia only).

HACCP is an acronym for 'Hazard Analysis Critical Control Point' analysis methodology

Local authority means the council of the municipal district in which premises are located

Notifiable non-conformance means the auditor has identified a serious or imminent risk to public health. That is, the food, practice or situation has compromised consumers health, or if allowed to continue, will compromise consumers health. The Council must be notified as soon as practicable and within the terms of this Agreement of such a non-conformance being identified.

Premises has the same meaning as in the Act;

Proprietor has the same meaning as in the Act;

RABQSA is an acronym for Registrar Accreditation Board Quality Society of Australasia;

Secretary or Department of Human Services means the Secretary to the Department of Human Services

Standard means a standard in the *Australia New Zealand Food Standards Code*;

State means the Crown in the right of the State of Victoria;

1.2 Construction

The following rules of construction apply unless the context requires otherwise:

- a. Words importing a gender include any other gender.
- b. Words in the singular number include the plural and words in the plural include the singular.
- c. A reference to a person includes only that person.
- d. An obligation of two or more parties shall bind them jointly and severally.
- e. A reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements to any of them.
- f. A reference to time is to local time in Melbourne.

2. Terms

This Agreement shall commence on the date it is executed and unless otherwise terminated in accordance with its provisions shall operate until the earlier of:

- a. **1 year; or**
- b. the date on which Quality Society of Australasia registration or approval by Department of Human Services is cancelled or lapses.

3. Person bound

The person proposing to act as an auditor shall be certified by the Secretary as an auditor in accordance with the Act.

4. Person to be certified

A person proposing to act as a food safety auditor shall be endorsed by Quality Society of Australasia as a food safety auditor, or senior food safety auditor for designated categories of food to being approved by the Secretary in accordance with the Act.

5. Availability of audit services

If the auditor has agreed with a proprietor of a registered premises to conduct an audit/s, the auditor shall also make themselves available to undertake such follow-up audits, after notification of critical and major non-conformances, as requested by the local authority.

6. Reports

The auditor shall provide reports of audits undertaken to the local authority consistent with the format as per the appendices to this publication.

The auditor shall keep and maintain audit records that are self explanatory and easily understood by a third party. These audit records shall identify the:

- Food premises audited.
- Date the audit was conducted.
- Processing operations audited.
- Elements of the food safety program audit audited.
- Reasons why the audited elements of the program did or did not comply.

Audit records shall be supplied to the Department of Human Services and to the local authority when requested.

7. Dispute resolution expert determination

7.1 If the Secretary and the auditor are in dispute regarding any matter arising out of this agreement each of the parties will use its best endeavors to co-operatively resolve the dispute. If the parties are unable to resolve the dispute then the parties may seek a resolution through the Magistrates' Court.

8. Professional indemnity

8.1 The auditor indemnifies the Department of Human Services, the State of Victoria and the officers, employees, agents and contractors against any liability arising from all actions, proceedings, suits, claims, and demands, of any nature, including without limitation, any claim, liability, loss, or damage in respect of:

- a. personal injury or the death of any person; and
- b. loss of or damage to any property;

arising in any manner out of a breach by the auditor of its obligations under this agreement or any wilful or negligent act or omission or any unlawful action of the auditor or any personnel employed or retained by the auditor in the course of providing the services under this Agreement.

8.2 The indemnities in this clause 8.1 are not intended to, and do not, extinguish rights of law which the auditor might otherwise have to claim contribution or indemnity.

8.3 It is not necessary for the Department of Human Services or the State of Victoria to incur expense or make payment before enforcing a right of indemnity in this clause.

8.4 The auditor must perform and observe all obligations and requirements required of the auditor by law in relation to itself and its employees, including but not limited to paying all necessary wages, superannuation payments, taxes, duties and imposts and taking out and continuing all necessary insurances including compliance with the *Accident Compensation Act 1985* (Vic) by registration as an employer and the payment of any Work Cover premium required to be paid hereunder.

8.5 The auditor must on and from the commencement of this agreement maintain a comprehensive policy of insurance with respect to public risks arising out of or in any way connected with the services to be provided under this agreement, for an amount not less than \$5,000,000. The auditor shall provide documentary evidence of the currency and the details of insurances it is required to effect under this agreement if requested in writing to do so by Department of Human Services.

9. No subcontracting or assignment

The auditor shall not subcontract the performance of any of the audit services provided. The auditor shall not assign any of their rights or obligations under this agreement in whole or in part.

10. Conflict of interest

The auditor warrants that they do not hold any office or possess any property and is not engaged in any business, trade or calling and do not have any obligations or benefits by virtue of any contract or other engagement whereby, directly or indirectly, duties or interests are or might be created in conflict with or might appear to be creating conflict with their duties and interests under this agreement.

The food safety auditor shall inform the Department of Human Services of any matter connected with this agreement that may give rise to an actual or potential conflict of interest or duty at any time during the currency of the agreement.

If the Department of Human Services determines that a conflict of interest or duty exists, the Department of Human Services may terminate this agreement forthwith by notice in writing.

11. Termination

If the auditor is in breach of any of the provisions of this agreement the Department of Human Services may terminate this agreement by giving not less than fourteen (14) days notice in writing to the food safety auditor.

12. Probation

12.1 If the auditor is in breach of any of the provisions of this agreement the Department of Human Services may impose a period of probation during which the auditor will be required to agree to supervised audits and the submission of reports to the Department of Human Services

12.2 The Secretary Department of Human Services may terminate this agreement immediately by written notice to the auditor if they cease to hold relevant Registrar Accreditation Board Quality Society of Australasia accreditation.

If the role of the Department of Human Services is altered or government policy is changed so that audits are no longer

required the Department of Human Services may by notice in writing terminate this agreement.

This agreement may terminate if the Department of Human Services withdraws the approval of the auditor.

13. Notices

Any notice or document to be delivered or served in relation to this agreement may be delivered or served:

- By hand;
- By mail;
- By facsimile; or
- By delivering it or sending it to the address of the receiving party set out in the agreement.

A document is deemed to be delivered or served, in the case of the delivering person, when delivered. In the case of delivery by mail, two days after the date of posting. In the case of facsimile transmission, on the receipt by the sender of a transmission report from the dispatching machine showing the relevant number of pages, the correct destination and the result of the transmission as successful.

Send to:
Department of Human Services
Public Health Branch
Food Safety Unit
GPO Box 4057
Melbourne 3001
Fax: (03) 9096 9166

Signed by the auditor

Name:

RABOSA registration number:

Date: / /

Signed for and on behalf of the Secretary

Name:

Position:

Date: / /

Schedule 1

Department of Human Services auditing requirements

Definitions to be applied by an auditor in assessing non-conformances

Notifiable non-conformances

Critical non-conformance

A high risk non-conformance with the requirements of the Act or Standard (including a non-conformance with the registered businesses documented management system and food safety plan) where a serious or imminent risk to public health identified. That is, if the food, practice or situation has compromised public health, or if allowed to continue definitely will compromise health of consumers.

Notification of critical non-conformance

Council notified immediately. A copy of the written confirmation to the Council should also be sent to the Department of Human Services Food Safety Unit for information, preferably by facsimile.

Council environmental health officer to attend the premises immediately and ensure action taken within 24 hours to ensure risk to health is removed. When satisfied, council advises the auditor and re-audit required within 7 days. Auditor to contact the council if they have not heard back within 14 days.

Major non-conformance

A high potential risk situation.

A non-conformance with the requirements of the Act or Standard where the potential impact is likely to compromise food safety if no remedial action is taken to correct the non-conformance within a specified period of 7 days or less, including a non-conformance with the registered business' documented management system and food safety program.

Notification of major non-conformance

Council to be notified within 7 days

Follow up audit within 7 days

Non notifiable non-conformance

A low risk situation: a non-conformance with the requirements of the Act or Standard where the potential impact of the non-conformance is not likely to be a serious or imminent risk to public health. This includes a non-conformance with the registered business' documented management system and food safety program.

It is the responsibility of the auditor to set an appropriate timeframe for rectification, and to follow up as to how the non-conformance has been rectified.

Where more than one related minor non-conformances are raised which collectively are likely to compromise food safety, the non-conformances are to be classified as major or critical immediately, as appropriate.

Non-notifiable non-conformances are reported to the council by the registered business by means of the audit report.

Certificates

Every auditor shall have a current Food safety auditor certificate issued by the Department of Human Services prior to undertaking an audit.

Assessment of the act or standards

Auditors shall assess those parts of the Act or Standards that set structural and fit out requirements for food premises. Auditors shall also assess those parts of the Act or Standards that set labelling requirements for food premises that are not included in the food safety program audit.

Notification of clients

When requested by the Department of Human Services, an auditor shall provide a list of registered premises by which they have been engaged.

Withdrawal of auditing services

An Auditor shall notify the council, in writing, of their withdrawal of auditing services from a current audit from any premises. The reasons for the withdrawal shall be included in the notification to the council.

Audit frequency

Auditors shall audit each premises to the frequency declared in the Government Gazette.

The auditor shall notify the council of any business that has not been audited in accordance with the declared frequency.

Auditing

Each element of the food safety program must be audited at least once per year.

Corrective action request (CAR)

Critical

Actions to be taken are as follows:

- The auditor will notify the council immediately.
- The auditor will immediately raise a corrective action request requiring the proprietor of the business to correct the situation and bring process under control.
- The council will take all necessary steps with the proprietor to prevent the sale of unsafe or unsuitable food; and
- The council will take all necessary steps with the proprietor to ensure the food is determined as unsafe or unsuitable as a result of the non-conformance is made suitable or safe by being reworked, or treated, or disposed.

If a critical non-conformity occurs during an audit and the proprietor immediately takes corrective action it is not necessary to raise a corrective action request. The incident and corrective action should be recorded in the audit report.

Major

A corrective action request (CAR) is raised by the auditor and a close out date set. The close date shall not exceed 7 days. The auditor will notify the council within 7 days.

A further compliance audit is conducted on the due date to determine whether the non-conformance has been rectified.

If the corrective action request is not closed out by the agreed date, the auditor will determine that the non-conformance is now a critical non-conformance and take action as below. If extenuating circumstances do not exist and the business is not making a genuine attempt to implement corrective action on the issue, then closure of the premises will be considered until the major non-conformance is rectified.

Minor

A corrective action request (CAR) is raised by the auditor and a suitable close out date agreed with the proprietor of the business. The close out date should reflect the potential of the non-conformance to affect food safety, and its ease of rectification.

If a minor corrective action request is not closed out by the agreed date, the auditor will review the reasons for non-closure with the proprietor and depending on the auditor's judgement of the overall nature of the non-conformance, and its potential to affect food safety, will take one of the following actions:

- Determine that a minor non-conformance still exists, cancel the existing corrective action request and raise a new corrective action request with a new close out date agreed with the proprietor, reporting on the action on the audit report; or
- Determine that the minor non-conformance is now a major non-conformance and raise a corrective action request with a close out date as required for major non-conformances.

Closing out a non-conformance

Any non-conformance raised is to be corrected by the proprietor of the business within the time frames set out below:

Critical: As advised through the auditor

Major: Within 7 days.

Minor: As agreed between the auditor and the proprietor of the business.

The council shall be notified of all critical non-conformances immediately, and major non-conformances within 7 days after they are identified.

Reporting

The auditor shall provide reports to the council as required by the Act and as stipulated by this agreement

Auditors are now advised to provide a copy of the audit report and the certificate of audit directly to the local authority at the completion of the audit as well.

Corrective action requests

Corrective action requests shall identify the proprietor, the business, registration number, date corrective action request was raised, details of the corrective action requests, close out date and the corrective action taken.

Cancellation of a food premises registration

The council will notify an auditor, in writing, of the revocation or suspension or the refusal of the registration, renewal of the registration or transfer of the registration of a premises. Only under these circumstances shall an auditor consider a premises registration cancelled.

Schedule 2

Standards and conditions

Standards

- Food Act 1984
- Food Standards Code Volumes 1 & 2 incorporating the Food Safety Standard
- Victorian Standard for the Hygienic Production of Meat at Retail Premises (1998)
- Export Control (Processed Food) Orders 1992 (Schedules 2 & 3).

Conditions

Food safety auditors certified under Section 19P of the *Food Act 1984* will abide by the following conditions:

- Maintain certification status with the auditor certification body;
- Notify the Secretary of the Department of Human Services of any changes in certification, including any contact details or scope of audit status;
- Notify factors influencing your performance of audits eg. health;
- Audit relevant businesses to scope of registration. (ie sector experience);
- Have adequate arrangements to cover liabilities arising from audit activities;
- Undertake audits in accordance with ISO 10011 – AS3911;
- Ensure that appropriate skills are brought to each audit;
- Apply the ‘Victorian Standard for Hygienic Production of Meat at Retail Premises’ to relevant premises registered under the *Food Act 1984*;
- Apply the export control (Processed Food) Orders 1992 (Schedules 2 & 3) to retail ice-cream manufacturers as defined by DFSV.
- Have adequate arrangements to safeguard confidentiality of information obtained in the course of audit activities;
- Notify the registration authority as soon as is practicable after a serious risk to public health is identified;
- Provide an audit certificate, stating the results of the audit, to the food business proprietor at the completion of each audit; and
- Maintain records of audits for a minimum of 5 years.

Appendix 6: Certificate of audit

Name of auditor:

RABOSA registration number:

Certifies that

Food business name:

Has been audited to the requirements of the Food Act 1984 on the

Date:

I am of the opinion that at the time of the audit that the business **complies** with the food safety program and has an **adequate** food safety program.

Date Certified:

Signature:

Approved food safety auditor

Appendix 7: Certificate of audit with attached report

Name of auditor:

RABOSA registration number:

Certifies that

Food business name:

Has been audited to the requirements of the Food Act 1984 on the

Date:

I am of the opinion that at the time of the audit that the business **complies** with the food safety program and has an **adequate** food safety program following the remedies undertaken based on the observations made, findings reported at the time of the audit and subsequent remedy check.

The non-conformances reported and now remedied/will be remedied are described in the audit report attached to this certificate.

Date Certified:

Signature:

Approved food safety auditor

Appendix 8: Food safety audit report

Food Act 1984

Food safety audit report

(To be completed by auditor and forwarded to food business)

Section A. Food business details

Name and street address of business		
Registration Number		
Are ownership, address, phone, etc. consistent with registration?	Yes/No	If 'No' provide new details
Are any additional premises involved?	Yes/No	If 'Yes', were they audited? (Attach details below)
Industry code of practice used?		
Is this the first audit?	Yes/No	If 'No', date of previous Audit
Was previous audit report reviewed with the business in this audit?	Yes/No	Date closed out
Person in charge.		
Name of nominated food safety supervisor (FSS) (If applicable)		
Are food safety supervisor details consistent with licence application?	Yes/No	If No provide details
Names and positions of key people interviewed.		
Name of auditor.		
RABQSA registration number.		
Date of audit.		

Food safety audit report

Section B. Audit summary

Food business name:

Registration number:

Ref number	Food process (Receiving, Storage, Preparation, Cooking, Holding Transport Display, Support Programs, Training, Food Recall and Records)	Level of compliance	Food process (Identify positive aspects of the audit as well as non-conformances)

Food safety audit report

Section C. Areas where corrective action is necessary

Food business name:

Registration number:

Ref No	Food process (Receiving, Storage, Preparation, Cooking, Holding Transport Display, Support Programs, Training, Food Recall and Records)	Type of non-compliance Notifiable 'N' Non-notifiable 'n'	Areas of non-conformance (non-compliance or inadequacy) Stating reasons and indicating what needs to be remedied	Auditor's suggested date for remedy	Company's proposed date for remedy	Company's response or evidence of closure (Auditor to date & sign when evidence of remedy has been supplied or sighted)

Appendix 9: Food safety audit notification

Food Act 1984

Food safety audit-notification

(To be submitted to the registration authority by the auditor after the audit)

1. Name and street address of food business			
2. Registration number			
3. Date of audit			
4. Is this the first audit?		5. If 'No', date of previous audit	
6. Have requirements of previous audit been met?			
7. Notifiable non-conformances Corrective actions Auditors comments			
8. Date and time council was notified			
9. RABQSA registration number			
Name of Auditor:			
Signature of Auditor:		Date: / /	
Postal address:			
Telephone:	Fax:	Mobile:	
E-mail:			

Appendix 11: Declaration of audit intervals

A notice was published in the *Victoria Government Gazette*, No S 239, under section 19DB of the Food Act 1984 on Friday 21 December 2001 declaring that-

“Class 1 food premises, as declared under section 19C of the *Food Act 1984*, are to have a food safety program audit conducted at an interval of not more than 6 months from 2 January 2002 and then not more than an interval of 12 months between each audit thereafter;

and

Class 2 food premises, as declared under Section 19 C of the *Food Act 1984*, are to have a food safety program audit conducted at an interval of not more than 12 months from the first registration or renewal of registration after 2 January 2002 and then not more than an interval of 12 months between each audit thereafter.”

The above declaration took effect from 2 January 2002.

Frequently asked questions

1. **Does the auditor have to give the proprietor a satisfactory certificate when there is nothing wrong with the premises?**
 - A. If the program is adequate and non-conformances are not identified, the auditor must give the proprietor a certificate confirming that the food safety program is adequate.
2. **What are non-conformances?**
 - A. A non-conformance is a food handling practice that does not comply with the specified requirements, which includes requirements documented in the Food Safety Program, or the requirements of the Food Act or the Food Safety Standards.
3. **What happens when a minor (non-notifiable) non-conformance is identified?**
 - A. A minor (non-notifiable) non-conformance is a low risk situation where the potential impact of the non-conformance is not likely to be a serious or imminent risk to public health. Once identified, the auditor and proprietor agree upon a time frame to have the minor non-conformances attended to. A follow up audit is conducted at the end of the time frame to ensure that the non-conformances have been rectified.
4. **What is a major non-conformance?**
 - A. A major non-conformance is a high potential risk situation where the potential impact is likely to compromise food safety if no remedial action is taken to correct the situation within a period of 7 days or less.
5. **What happens when a major non-conformance is identified?**
 - A. When a major non-conformance is identified at the time of auditing, the auditor advises the proprietor of the major non-conformance. The proprietor must contact the council and provide a copy of any certificate of audit and a copy of the audit report. The auditor also advises council within 7 days of the date of auditing. Councils should make a judgement as to whether they should take steps to resolve the health issue identified. The auditor must follow up the audit within 7 days. If a major non-conformance is not rectified, it then becomes **critical**.
6. **What is a critical non-conformance?**
 - A. A critical non-conformance is a non-conformance where a serious imminent risk to public health is identified. It can include a practice or situation that has compromised health, or if allowed to continue, will compromise health.
7. **What happens when a critical non-conformance is identified?**
 - A. Upon the identification of a critical non-conformance:
 - The auditor notifies council immediately—preferably by telephone.
 - The auditor should then follow through with written confirmation.
 - A copy of the written confirmation is also faxed to the Food Safety Unit (DHS) on (03) 9096 9166.
 - The council environmental health officer must attend the premises and ensure that appropriate action is taken within 24 hours to rectify the critical non-conformance.
 - The council environmental health officer advises the auditor when the critical non-conformance has been rectified to re-audit the premises.

Only authorised council environmental health officers can take action to have critical non-conformances rectified.

8. What are unreasonable notifications or non-notifications?

- A. Unreasonable notifications are notifications received by the council that set standards above the normally accepted industry standard. For example, it would be unreasonable if an auditor recommended that perishable foods must be kept at less than 2.5° Celsius at all times. In such circumstances, the council should contact the auditor in writing within 7 days of receiving the audit certificate advising that it disagrees with the auditor's assessment, giving reasons for the disagreement and is seeking further explanation.

In situations where a council believes the auditor has erred in identifying non-notifications, the council must contact the auditor in writing within 7 days of receiving the audit certificate to seek an explanation.

If the council is dissatisfied with the response from the auditor and believes that the Food Act and Food Safety Standards are not being adhered to, then the council must refer these matters in writing to the Department of Human Services, Food Safety Unit for resolution.

9. Can a certificate be issued even if there are a number of minor non-notifiable non-conformances outstanding?

- A. An auditor can still issue a certificate of audit to the proprietor of a business even if there are a number of minor non-conformances outstanding, providing that the auditor believes that there is **no risk to public health** and is satisfied that the proprietor has a written plan to remedy the outstanding items. The audit report should accompany the certificate. There may not be a need to re-audit the premises. (see Food Act 19 M 7 (b))

10. What happens when a proprietor fails to have their food safety program audited?

- A. In Section 19 of the Food Act it is provided that proprietors who choose, or are required, to create their own food safety program are to have the program independently audited at certain intervals in accordance with the Act. Refer in particular to Section 191A of the Act. A failure to comply with the requirement to audit is a ground for refusal of registration, renewal of registration or transfer of registration/revocation or suspension of registration.

11. Can the council environmental health officer conduct food sampling programs at Class 1 premises and Class 2 premises, that choose to develop their own food safety program?

- A. Yes. Conducting food sampling at Class 1 premises and Class 2 businesses, that choose to develop their own food safety program, is a useful way of determining whether the food safety program is being implemented. Food sampling programs can give the proprietor valuable information on the constitution and quality of food, including the effectiveness of the general hygiene and sanitation practices within the premises. Such food sampling programs could assist council environmental health officers in verifying the adequacy of the food safety program. (See Food Act Part IV, and Food Act section 32)

12. How much detail should the council environmental health officer ask for in the approved food suppliers list?

- A. The proprietor is required to list their suppliers for example: meat—local butcher, dry goods—local green grocer etc. It is possible to have only one supplier if they use the local supermarket. They do not need to be able to track the food product back to its manufacturer; they only need to show that they are purchasing food from a registered supplier. (refer Food Act Section 19 D)

13. Can municipal councils still enforce the Food Act on Class 1 food premises and Class 2 food premises, that choose to develop their own food safety program?

A. Yes

14. Can municipal councils conduct legal proceedings against proprietors of Class 1 premises and Class 2 food premises, which choose to develop their own food safety program?

A. Yes.

15. Should municipal councils ensure compliance with the set audit frequency?

A. Yes.

16. Should municipal councils refer food related complaints against Class 1 businesses and Class 2 businesses, that choose to develop their own food safety program, to auditors to investigate?

A. **NO.** The council must investigate complaints of this nature. If as a result of the complaint investigation the council believes that the auditor has only recorded minor (non-notifiable) non-conformances, then the council should follow the procedure under Question 9. The council may also *advise* the business proprietors to make arrangements to have their food safety program assessed by their auditor to determine whether it's adequate.

17. Audit frequency—how is this determined?

A. The Secretary of the Department declares the frequency of an audit.

Audit frequency is based on a risk assessment process and should be monitored for compliance by the relevant council. (Refer to Food Act section 19 K)

Class 1 and Class 2 businesses, that choose to develop their own food safety program, are to be audited at an interval of not more than 12 months between each audit.

18. How long must proprietors keep audit records and log sheets?

A. Proprietors should keep their records for at least 24 months, which is the accepted interval between successive audits. Once the auditor has signed off on the adequacy of the food safety program, the proprietor can dispose or archive their log and audit records. The auditor is basically checking to see that the food safety program is adequate for that 12-month period.

19. How long must auditors keep audit reports?

A. The auditor is required by law to keep audit records for a period of at least 5 years. Auditors should archive their records, if they desire, after this period.

20. How long must councils keep audit certificates/reports?

A. Councils should keep all their records for at least 7 years. They should then have their records archived accordingly.

Proformas and resources on CDROM

The accompanying CDROM, *Food safety auditors handbook 2nd edition—proformas and resources*, contains electronic resource files to assist food safety auditors.

The resource files are in either *Word* or *PDF* formats. *Word* files can be opened, edited, printed and saved. *PDF* files can be opened, printed and saved, but cannot be edited.

The resource files on the CDROM are:

- Food Safety Auditors handbook 2nd Edition (*PDF*)
- Application to be an approved food safety auditor (*PDF*)
- Auditor–Department of Human Services agreement (*PDF*)
- Certificate of audit proforma (*Word*)
- Certificate of audit proforma (*PDF*)
- Certificate of audit with attached audit report proforma (*Word*)
- Certificate of audit with attached audit report proforma (*PDF*)
- Food safety audit report proforma (*Word*)
- Food safety audit report proforma (*PDF*)
- Food safety audit notification proforma (*Word*)
- Food safety audit notification proforma (*PDF*)
- Corrective notification form proforma (*Word*)
- Corrective notification form proforma (*PDF*)

Contact Us

Department of Human Services

Public Health Branch

Food Safety Unit

GPO Box 4057

Melbourne 3001

1300 364 352

Foodsafety@dhs.vic.gov.au

www.health.vic.gov.au/foodsafety