



Food Act 2008 Regulatory Guideline No. 1

Introduction of Regulatory Food Safety Auditing in Western Australia - Approach to be adopted by enforcement agencies

The Chief Executive Officer of the Department of Health, under section 120 of the *Food Act 2008*, has adopted the following guideline and requires that the guideline be adopted and implemented by enforcement agencies in Western Australia:

Purpose:

To outline the approach to the implementation, and subsequent compliance and enforcement, of Part 8 of the *Food Act 2008* (the Act) to be adopted by enforcement agencies.

Policy Goal:

To ensure consistency in approach across Western Australia by enforcement agencies under the Act in relation to the implementation of the mandatory Food Safety Program (FSP) and regulatory food safety auditing requirements.

Commencement:

This regulatory guideline is operational from the date signed by the CEO, or the delegate of the CEO, until revoked.

Part 1 – Preliminary Matters:

- 1.1 Enforcement agencies to give food businesses an appropriate and reasonable timeframe to develop a FSP prior to compliance and enforcement action being considered.
- 1.2 As a guide to what is appropriate and reasonable, a new business should be given 6 months to develop and implement a FSP while a pre-existing business should be given 3 months.





Part 2 - Verification of Food Safety Program:

- 2.1 As of 23 October 2010 enforcement agencies shall verify that a FSP developed by a food business is suitable before setting the audit frequency of the business.
- 2.2 Suitability is to be determined with reference to whether the FSP substantially complies with the requirements of Standard 3.2.1 (Food Safety Programs) of the *Australia New Zealand Food Standards Code*.

Part 3 - Setting Audit Frequencies:

- 3.1 Once a FSP has been verified as suitable, enforcement agencies shall provide the food business with a time period of 6 months before the first regulatory audit is required to be performed. In any event the first audit must be within 12 months from the date of verification.

Part 4 - Compliance and Enforcement Action:

- 4.1 If a business has not complied with any of the following:

- (a) development and implementation of a FSP;
- (b) a direction to rectify a FSP that has been deemed not suitable; or
- (c) requirement to contract an auditor

within the timeframes specified by the enforcement agency, the enforcement agency should consider appropriate compliance and enforcement options in accordance with their compliance and enforcement policy.

Approved on: 14 October 2010

Approved by:

Jim Dodds
Director Environmental Health Directorate
Public Health Division
As delegate of the Chief Executive Officer

