



WA Food Regulation: Food Business Risk Profiling

Guidance to the classification of food businesses

Version 1.0

This document is of relevance to those interested in the regulation of food at the local, regional and state level in Western Australia.



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Food Business Risk Profiling

1 PURPOSE

The purpose of this guide is to assist enforcement agencies in the development of food business classification systems to support with the administration of the *Food Act 2008* (the Act).

2 BACKGROUND

■ **Health (Food Hygiene) Regulations 1993**

The *Health (Food Hygiene) Regulations 1993* required that all food premises and food vehicles be classified by either the EDPH or local government prior to operation. The classification was made with reference to a schedule to the regulations that prescribed 5 classes of food premises. The purpose of the classification system was to enable the determination of fit out and construction requirements deemed appropriate to the type of food processing operation being conducted.

■ **2008 Food Regulation**

The introduction of the Act represents a significant shift in the regulation of food in Western Australia. In the place of a prescriptive regime there will be a strong regulatory framework with a focus on food safety outcomes that can be applied generally to all food business activities. This will provide food businesses with more flexibility; and helps to encourage food safety innovation and ownership as responsibility for determining the best way to comply with food safety requirements is shifted to individual food businesses.

The role of enforcement agencies will also change, as food safety assessment will no longer involve simply inspecting compliance with prescriptive regulations. An authorised officer's focus should be on assisting food businesses achieve positive food safety outcomes.

Assessment is to be risk based; that is priority should be given to those food businesses who pose a greater risk in relation to the production of safe and suitable food for sale as a consequence of the type of food produced, fit-out of food business and compliance history. As risk is a complex concept, there is no one size fits all approach to food safety management.

3 WHY RISK PROFILE FOOD BUSINESSES

It is recognised that not all enforcement agencies are the same; and the priority given to food safety assessment and compliance will differ between agencies. For this reason it is not appropriate to set a rigid framework; it is the responsibility of each enforcement agency to determine the risk posed by the food businesses within its jurisdiction and subsequently develop

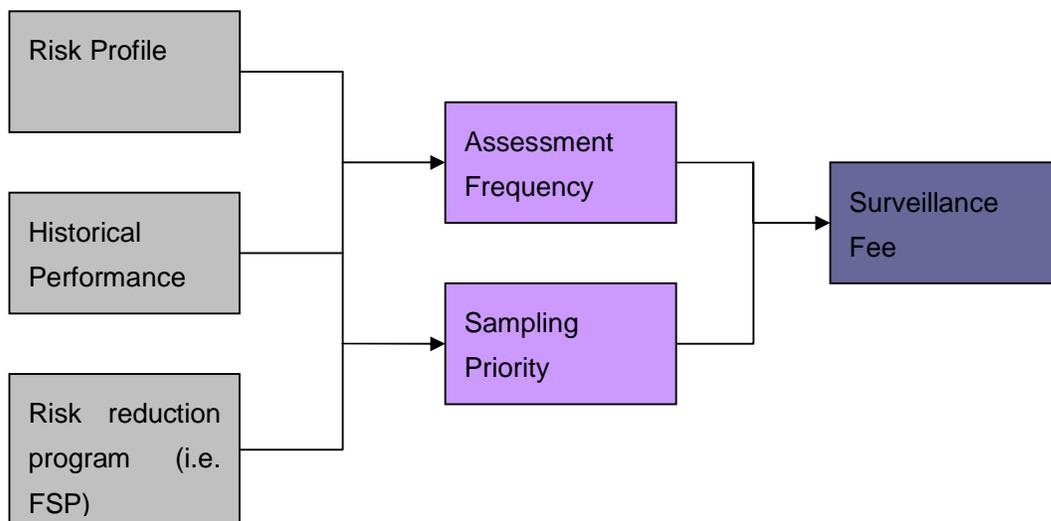


an appropriately resourced food surveillance program to effectively manage that risk.

A key tenet of the new approach to food regulation is that decision making by enforcement agencies is to be made on the basis of risk. These decisions include the food safety surveillance activity levels, food sampling frequency, compliance and enforcement action and promotional activities undertaken by enforcement agencies.

Risk profiling of all food businesses is an integral part of this process. Classifying food businesses allows enforcement agencies to prioritise food safety tasks (such as food business assessment) so that those businesses requiring greater surveillance are identified as such. This can assist with the annual planning process and ensure that adequate resources are available.

FIGURE 1: DIAGRAM HIGHLIGHTING THE LINK BETWEEN RISK PROFILING ASSESSMENT AND SURVEILLANCE FEES



From an enforcement agency perspective, fees and charges for food businesses and risk are intrinsically linked (see figure 1 above). As the Act allows enforcement agencies to set ongoing surveillance fees under the *Local Government Act 1995*, risk profiling can also be used to assist with the development of a fees and charges framework that reflects the food surveillance activities.



4 PRIORITY CLASSIFICATION SYSTEM

The FSANZ tool for the classification of food businesses; '*the Priority Classification System for Food Businesses*'; was designed as a scoring system to classify food businesses into risk categories based on:

- The type of food;
- Activity of the business;
- Method of processing; and
- Customer base.

The original intent of the tool was to enable the identification of high risk businesses for the purposes of the application of mandatory Food Safety Programs (FSP). Since its creation in 2001, amendments to the Code have been (and continue to be) made that requires FSP for high risk food businesses as identified within Australia New Zealand Food Regulation Ministerial Council (ANZFRMC) guidelines. These were determined based on the results of a national risk validation project.

The WA approach to food legislation is to adopt the Code in full, without amendment. As such, FSPs will only be required for those businesses identified within Chapter 3 and 4 of the Code.

In light of this, '*the Priority Classification System for Food Businesses*' has been amended for use in WA as a food business risk profiling tool. For consistency, the DOH recommends that enforcement agencies utilise this tool for the classification of food businesses. This document is attached in appendix 1.

5 VERY LOW RISK FOOD BUSINESSES

The WA Risk Profiling tool introduces a new category of food businesses; **exempt food businesses**. The new food regulations prescribe that certain types of very low risk food businesses will be exempt food businesses for the purposes of section 109 of the Act. This regulation is intended to cover businesses that sell only packaged low risk foods (such as newsagents selling packaged confectionary) and businesses that provide tea and coffee in connection with another paid service (i.e. hairdressers). This exemption relates only to the registration provisions. Exempt food businesses will still have to comply with the Act (and subsequently the Food Standards Code); including the notification requirements.

6 MINIMUM ASSESSMENT FREQUENCY

A 'one size fits all' answer to assessment frequency of food businesses is not appropriate in a risk based food safety management approach. Food business assessments need to be conducted at a frequency that is commensurate with the risk posed by the current status of the



food business; which is never static.

It is the position of the DOH that ongoing assessment frequencies **must** be determined with consideration to:

- the performance history recorded for the food business;
- any changes to food production or fit-out that affect the inherent risk;
- substantiated complaints; and
- any risk reduction programs that may be implemented by a food business (such as a food safety program, a food handler training program etc).

In order to encourage consistency between enforcement agencies an assessment frequency model is provided as a guide below (figure 2). This model is based on the ‘*The Priority Classification System for Food Businesses*’. This model provides enforcement agencies with a model or base on which to develop an assessment frequency schedule.

FIGURE 2: A SAMPLE FOOD SAFETY ASSESSMENT FREQUENCY MODEL

CLASSIFICATION	ASSESSMENT FREQUENCIES (EVERY X MONTHS)		
	Starting point	Maximum	Minimum
Exempt food businesses	At the discretion of enforcement agency. Judgements based on health risk and complaints.		
Low	18	12	24
Medium	12	6	18
High	6	3	12

Figure 3 contains an assessment frequency adjustment model developed by Environmental Health Australia that could be used as a guide.

FIGURE 3: ASSESSMENT FREQUENCY ADJUSTMENT MODEL

ADJUSTMENT	NON COMPLIANCE – NUMBER AND TYPE
Increase if	<ul style="list-style-type: none"> ➤ Ten (10) or more non compliances (not including serious) ➤ Two (2) or more serious non compliances Six (6) or more non compliances (including serious)
Decrease if	<ul style="list-style-type: none"> ➤ Not more than one (1) non compliance (not including serious)

Source: Environmental Health Australia/Department of Human Services South Australia (2003) *Food Safety Standard of Practice Appendix C* (pg.21)





7 RISK REDUCTION PROGRAMS

As mentioned above, one of the factors that can be used to determine an appropriate assessment frequency is whether or not a food business has **successfully implemented** a risk reduction program. Risk reduction programs may include the following:

1. A FSP that complies with Standard 3.2.1;
2. A food handler training program;
3. Key food handling personnel (i.e. supervisors, chefs etc) obtaining competencies in food safety training.

The successful implementation of any of the above programs may translate to a reduction in the risk posed by a particular food business. However, enforcement agencies are cautioned *not to simply reduce the assessment frequency of a food business because of the adoption of any risk reduction program*. A food business **must** be able to demonstrate to the enforcement agency an appropriate level of good food safety practices within the business **prior** to any reduction being considered.

It is important again to note that in WA FSPs will not be mandatory for all food businesses. However, businesses who are not required to implement a FSP in order to comply with the Code should still be encouraged to develop and implement food safety programs in order to assist them with their management of food safety risk.

8 USEFUL RESOURCES AND WEBSITES

- Department of Health WA <http://www.public.health.wa.gov.au>
- Food Standards Australia New Zealand <http://www.foodstandards.gov.au>
- Food Regulation Secretariat <http://www.health.gov.au>
- NSW Food Authority <http://www.foodauthority.nsw.gov.au/>
- DHS Victoria <http://www.health.vic.gov.au/foodsafety/>
- DHS South Australia <http://www.health.sa.gov.au/pehs/food-index.htm>





9 GLOSSARY OF TERMS

ANZFRMC	Australia New Zealand Food Regulatory Ministerial Council
DOH	Department of Health
EDPH	Executive Director of Public Health
FSANZ	Food Standards Australia New Zealand

10 FURTHER INFORMATION

Contact the Food Unit via:

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Any feedback or concerns please utilise the “Food Unit Query” form which can be downloaded from our website: http://www.public.health.wa.gov.au/2/786/3/food_informatio.pm

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Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health 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.





APPENDIX 1: FOOD BUSINESS RISK PROFILING TOOL

(Use in conjunction with FSANZ 'The Priority Classification for Food Business')

√ Tick the suitable box in each table

If more than one option applies, please select the one which attracts the highest score.

SECTION 1 Food type and intended use by customer

FOOD TYPE AND INTENDED USE BY CUSTOMER (tick only one)	SCORE	√
High-risk foods that are ready-to-eat	35	
Medium-risk foods that are ready-to-eat	25	
High-risk foods that are not ready-to-eat	15	
Medium-risk foods that are not ready-to-eat	5	
Low-risk foods that may or may not be ready-to-eat	0	
BUSINESS SCORE		

SECTION 2 Activity of the food business

ACTIVITY (tick only one)	SCORE	√
High- and medium-risk ready-to-eat foods are handled during processing or manufacturing of food	25	
High-and medium risk ready-to-eat foods are only portioned before receipt by the customer	20	
Low-risk or non-ready-to-eat foods are handled during processing or manufacturing of food	15	
Storage, distribution or sale of pre-packaged food only	5	
BUSINESS SCORE		

SECTION 3 Method of processing

PROCESSING	SCORE	√
A pathogen reduction step is performed during processing by the food business prior to sale	-10	
A pathogen reduction step is not performed during processing by the food business prior to sale	0	
BUSINESS SCORE		





SECTION 4 Customer base

CUSTOMER BASE	SCORE	√
The food business is not a small business	10	
The food business is a small business	1	
The food business is a charitable organisation	0	
BUSINESS SCORE		

SECTION 5 Food Safety Program

PROGRAM	SCORE	√
Food Safety Program (that complies with 3.2.1)	-10	
BUSINESS SCORE		

TOTAL SCORE:

DETERMINING FOOD PREMISES RISK RATING

RISK	SCORE	√	BUSINESS SCORE
Exempt food business	5 or less		
Low	39 - 6		
Medium	40-64		
High	65 or more		

ASSIGNED CLASSIFICATION

<i>Please circle</i>	HIGH	MEDIUM	LOW	EXEMPT FOOD BUSINESS
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Delivering a **Healthy WA**



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