Food Business Inspection Fees Policy

Council Policy

Renmark Paringa Council

Responsible Officer	Director of Infrastructure and Environmental Services
Relevant Legislation	Food Act 2001 and Food Regulations 2017
Adopted	
Reviewed	November 2023
Next Review	November 2026

Objective

To specify the application of inspection fees relative to food businesses operating within the Renmark Paringa Council area as provided for by Regulations under the Food Act 2001.

Council will seek compliance with the requirements of the Food Act, Regulations and Standards through routine inspection of food businesses by Authorised Officers on a risk classification basis.

Council recognises food safety risks vary between food businesses and classification of food businesses by priority meets the principles of cost-effective enforcement and minimises the regulatory burden on the food sector.

For consistency Council adopts the South Australian Food Business Risk Classification System as developed by SA Health. The system results in priority categories of highest risk (P1) to the lowest risk (P4).

Frequency of inspection will be in accordance with the following table:

Classification	Inspection Frequency (every x months)		
	Starting Point	Maximum	Minimum
P1	6	3	12
P2	12	6	18
P3	18	12	24

P4 classification food businesses are low risk. They require an inspection to confirm risk classification and may require a subsequent inspection upon notification of change in activity or when a complaint is received.

P4	Initial inspection to confirm risk level	Re-inspect on complaint or risk change only

Adjustment of inspection frequencies within the minimum/maximum range will be in accordance with the South Australian Food Business Risk Classification System. Inspection frequency of food businesses may increase or decrease depending on performance history.

Consideration is given to the Guidelines Prepared by LGA for Councils, *Inspection Fees – Food Act 2001*

Scope

This policy applies to food businesses that are permanent, temporary or mobile in nature. Food businesses are defined under the Food Act 2001 as a business, enterprise or activity (other than a primary food producer) that involves:

- the handling of food intended for sale; or
- the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Regulation 13 of the Food Regulations 2017 provides that an inspection fee for the carrying out of any inspection of any premises or food transport vehicle must not exceed the reasonable costs of the enforcement agency. The maximum inspection fees set in the Regulations changes from time to time. Any fees and charges will be listed in Council's Fees and Charges Register, which is available for viewing at https://www.renmarkparinga.sa.gov.au/council/council-documents/feesandcharges

Council shall impose inspection fees pursuant to Regulation 13 of the Food Regulations 2017 as adopted in Councils Fees and Charges Register, using the following definitions of food businesses:

- A small business being defined as a food business employing not more than 20 full-time equivalent food handling staff

- A large business being defined as a food business with more than 20 full-time equivalent food handling staff

Policy

1. Standard Routine Inspections

   Standard routine food premises inspections will attract a fee for inspection.

2. Follow-up/compliance Inspections

   Follow-up/compliance inspections related to identified non-compliance with the Food Act 2001 or Food Safety Standards will not attract a fee for inspection. Council will use the appropriate mechanisms available to achieve compliance using the provisions of the Food Act. For example, improvement notices, expiation notices and orders.

3. Complaint Inspections

   Where a complaint inspection is justified it will attract a fee for inspection.

   Council's Authorised Officers will determine whether a complaint it justified.

4. Community Groups/Charitable Organisations

   Community groups that are exempt from paying GST are exempt from being charged Food Act inspection fees.

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5. Festivals, Fetes, Shows and Food Markets

   5.1 That Council impose a fee for inspections of food stalls that have completed their notification process in the Renmark Paringa Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business

   5.2 That Council not impose an inspection fee for inspections of food stalls where the business has completed their notification process in an alternative Council area, provided the operator of the stall holder has clearly displayed:

   5.2.1 Evidence of having notified the enforcement agency where the business is ordinarily located (as required under S.86 of the Food Act 2001), and

   5.2.2 Evidence of the business having been inspected by the enforcement agency receiving the notification.

6. Mobile Food Vehicles

   6.1 That Council impose a fee for inspections of mobile food vans that have completed their notification process in the Renmark Paringa Council area. Inspection fees will not be charged for additional inspections in excess of the inspection frequency applied to that business..

   6.2 Council shall not impose inspection fees for inspections of mobile food vans where the business has completed their notification process in an alternative Council area, provided the operator of the food van has clearly displayed:

6.2.1 Evidence of having notified the enforcement agency where the vehicle is ordinarily garaged (as required under S.86 of the Food Act 2001), and
6.2.2 Evidence of the vehicle having been inspected by the enforcement agency receiving the notification.

7. Business with Food Safety Programs

7.1 Inspection fees will not be charged in businesses that are required to have an audited food safety program in accordance with Food Standard 3.1.1. These businesses undergo regular auditing of their food safety programs and are charged an hourly rate.

Council supports the mandating and implementation of Food Safety Programs by State Government for identified food businesses.

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8. Businesses classified as low risk P4

Fees will not be charged for inspections of P4 low risk businesses. These premises will not be inspected on a routine basis unless a complaint is received.

9. Delegation

The authority to negotiate/waive or alter food inspection fees charged to businesses is delegated to officers authorised pursuant to Section 94 of the Food Act, 2001.

Document Control

Version #	Approval Date	Approved by	Amendment
Unknown	1 June 2021	Policy Review Committee	Structure change of food business inspection fees.