

food for thought

Town of Bassendean food safety newsletter

Issue 1, October 2009

WA's NEW FOOD ACT

You may have heard that the *Food Act 2008 (Act)* has been passed by Parliament and is currently awaiting proclamation. The Act replaces certain sections of the *Health Act 1911* and will be used in combination with the Food Safety Standards (Standards). These Standards will be used in place of the existing *Health (Food Hygiene) Regulations 1993* relating to fit-out, construction, food handling and hygiene requirements. It is important that all food businesses are aware of their obligations and requirements under this Act. Some of the features of the new Act include:

- Food businesses and food handlers are each responsible for meeting health and hygiene requirements, and all staff must have skills in, and knowledge of, food safety and hygiene;
- The Standards are outcome-based — rather than prescribing how outcomes are to be achieved. The Environmental Health Officer will require the food business to meet an outcome and it will be responsibility of the food business to determine what action is required to meet the outcome;
- Aged care and child care facilities that prepare and serve food to a defined “vulnerable population” must develop a Food Safety Program designed to manage food safety risks;
- A significant increase in penalties and the introduction of graduated penalties for offences occurred against the Act;
- The provision for Infringement Notices, Improvement Notices or Prohibition Orders to be issued;
- Changes to registration and notification requirements.

To put your mind at ease....

If inspections conducted on your food business have been operating at an acceptable standard, then it should likewise be the same under the new legislation. Those food businesses that have non compliances identified during inspections will be allowed time to rectify the issues before prohibition orders or infringement notices are issued.



Requirements for food businesses

At this stage, food businesses should familiarise themselves with the new legislation and Standards.

The Act can be downloaded from:

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3595_homepage.html

The Standards can be downloaded from:

<http://www.foodstandards.gov.au/thecode/foodsafetystandardsaustraliaonly/>

All Businesses to notify the Town:

Food businesses include all types of businesses that handle food (intended for sale) or those that sell food.

Upon request by the Town, all food businesses must notify the Town of their existence and their intentions for the business and types of foods they are selling. Under the previous legislations, businesses that sold food ancillary to their main businesses (for example, pharmacies, video stores etc) were generally not classified, however all businesses selling or handling food intended for sale are legally required to notify the Town that they are conducting a food business. Depending on the food sold, businesses that sell food ancillary to their main business are unlikely to require routine inspections.

"Food premises will now be known as food businesses"

Please keep an eye out for the Notification Forms which will be sent to all Food Business in the near future and will be required to be returned to the Town for processing.

Registration of food businesses:

Food businesses that require routine inspections will need to be registered with the Town and a registration fee will apply. Unlike other local authorities, the Town decided not to charge annual eating house licenses and registrations of food businesses. However, the obligations required by the Town to enforce this legislation will make it necessary for an annual fee to be charged to all food businesses, including food manufacturers. The annual fees will assist the Town in recovering costs such as analytical sampling, surveillance, administration and auditing services. This is a dramatic change to how the Town has operated in the past and the fee structure will be presented to Council for endorsement. All food businesses will be advised in early 2010 of the likely annual fees that will apply from 1 July 2010.

Notices and Orders

An Improvement Notice can be served on a food business when the provisions of the food safety standards are not complied with or if a business supplying food to a vulnerable population does not demonstrate an adequate implementation of a food safety program.

Previously the only enforcement action available to the Town was to prosecute food businesses that did not do the “right thing”. However the legislation now permits Infringement Notices to be issued for certain offences including:

- unclean food business:
- those businesses in need of repair; or
- unsafe hygiene and handling of food.

Infringement Notices include a modified penalty which can be served on a business on the spot or within 28 days of the offence occurring.

Prohibition orders may be issued if an improvement notice has not been complied with or the issuance of an order is compulsory to prevent a serious risk to public health. The maximum penalty for breach of a prohibition order is \$50,000 for an individual and \$250,000 for a corporation.

The Town will keep food businesses regularly updated of these new requirements.

For more information on the Food Act 2008, please contact Health Services on 9377 8000 or consult The Department of Health’s Food Unit website:

http://www.public.health.wa.gov.au/3/829/3/wa_food_regulation.pm

FoodSafe Accreditation

A lack of resources including time, money or accessibility to the venue makes it difficult for food handlers or business owners to attend external food hygiene and safety training courses.

FoodSafe® is an inexpensive in-house training program that assists food handlers to gain food hygiene skills and knowledge. The package which consists of DVD, workbook, guidance notes and forms can be reused to train new staff as they join. The program is also available in electronic format via online access.

To maintain FoodSafe® accreditation all food handlers in the business need to practice what they have learnt on a daily basis.

To display a FoodSafe® sticker and certificate, training and practices, the Town’s Health Service will need to assess the food business as meeting the FoodSafe® standard. For more information about FoodSafe®, visit foodsaf.eh.org.au

Probe Thermometers

If your food business handles potentially hazardous food, a thermometer with a stainless steel probe is required, to monitor the temperature of the food.

A thermometer will assist you to determine if potentially hazardous food has been:

- cooked properly;
- is being displayed/stored at the correct temperatures;
- is being cooled and re-heated safely; and
- whether food is arriving at your business at the correct temperatures.

A probe thermometer is inserted into the food and differs to other thermometers as it is effective in measuring the internal temperatures of food as opposed to surface temperatures. The thermometer must be accurate and calibrated to +/- 1°C and the probe must always be disinfected (ideally with alcohol swabs) before each use.

Potentially hazardous foods includes (but not limited to) meat, seafood, dairy, eggs, cooked rice and pasta. These must be stored either below 5°C or above 60°C.



Where do I purchase a probe thermometer?

Probe thermometers are an inexpensive tool that can assist you in achieving legislative food safety requirements regarding temperature control. Companies that supply electronic testing equipment or catering equipment sell thermometers. Some of these companies are listed under 'Thermometers' or 'Catering Suppliers' in the 'Yellow Pages'.



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