Complying with a food safety program

This fact sheet provides information on how licensed food businesses can maintain compliance with their accredited food safety program under the Food Act 2006 (the Act).

What happens after my food safety program is accredited?

A licensee of a food business with an accredited food safety program must comply with the program in carrying on the food business. A copy of the accredited food safety program must be kept at the premises of the food business and be kept available for inspection by employees in the food business.

The first compliance audit must be conducted by an auditor approved under the Act within six months of the food safety program being accredited. Audits must then be undertaken at the frequency specified by the local government that accredited the food safety program.

How do I find an auditor?

The Department of Health keeps a register of auditors approved under the Act at www.health.qld.gov.au/foodsafety. The register contains the name and contact details of the auditor, the conditions of the auditor’s approval and the term of the approval.

For further information on finding and choosing an auditor, refer to Food Safety Fact Sheet 25 – Choosing an auditor.

How do I prepare for an audit?

Before an audit, the food business licensee should ensure that they:

- understand the requirements of the legislation including the Food Safety Standards in chapter 3 of the Australia New Zealand Food Standards Code.
- have a food safety program that works and that staff are implementing it.
- have all the documentation required and that staff know how and where to access it.

The food safety standards set a minimum standard that a food business must achieve in the production and handling of food. Safe Food Australia - A Guide to the Food Safety Standards provides numerous examples and explanations of how each standard should be applied and is available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au/publications/documents/complete_safefood.pdf.

What happens after an audit?

Within 14 days after completing an audit, an auditor is required to provide a copy of the audit report to the food business and the local government that accredited the food safety program. The auditor will identify any non-compliances (instances where the food business does not comply with the accredited food safety program or the food safety standards).

If non-compliances are very serious and could result in unsafe food, the auditor must refer the issue to the local government that accredited the food safety program within 24 hours. The local government may take further action.
The auditor may discuss areas requiring improvement. If there are no areas that require immediate follow-up, the auditor may check minor improvements at the next scheduled audit. While an auditor can make suggestions as to improvements that can be made to an accredited food safety program, only a local government can give a food business a direction about compliance with the Act.

**Do I need to keep my records and audit reports?**

All records need to be kept at least until the food safety program has been audited.

There is no requirement in the Act to retain documents for a specified period of time, however, as guidance, Food Safety Standard 3.2.1 requires that a food business retain copies of all written reports of all audits of the food safety program conducted by an auditor within the last four years. It is suggested that a food business also keep their records for four years to correlate with the audit reports. Records can be kept electronically provided they can be adequately accessed.

**What is a nonconformance audit?**

A nonconformance audit is an audit of an accredited food safety program that may be undertaken at the direction of the local government that accredited the program to check that any non-compliance with the program or the food safety standards identified in an audit has been remedied.

The Act allows the local government to conduct a nonconformance audit if they have received at least three audit reports in a 12 month period showing the holder of an accredited food safety program has not remedied a particular non-compliance with the program.

**What does my food business need to do between scheduled audits?**

The local government that accredits a food safety program sets the frequency of audits for the program. Food businesses are required to follow their accredited food safety program at all times and it is important that records required by the program are completed.

Between scheduled audits, food businesses can make any necessary changes to their operations to rectify non-compliances identified during the previous audit. However, if changes to the operations mean that the food safety program is no longer accurate, the accredited food safety program must be amended. Before changing the way food is handled, the holder of the accredited food safety program must amend the program and apply to their local government to have the amendment approved. Further information relating to the amendment of food safety programs is included below.

**Amending a food safety program**

A food business may apply to their local government to amend an accredited food safety program. Before changing the way food is handled, the holder of the accredited food safety program must amend the program and apply to have the amendment approved. An application for amendment of an accredited food safety program must be made to the local government that accredited the program and be accompanied by the proposed amended program and any prescribed fee.

Alternatively, if the local government considers it necessary or desirable to make an amendment to an accredited food safety program, the local government may direct the food business to amend the program. The local government may direct the amendment if for example, following the completion of the first compliance audit it is evident that not all of the hazards in the food business have been identified.

If the local government is directing the amendment, the local government must give the food business a notice. Failure to comply with the direction has a maximum penalty of $220,000, or a $550 infringement notice.
Review of the food safety program

Food businesses are required to review their accredited food safety program on a regular basis to ensure it is still appropriate for the food business. The person who undertakes the review should be someone familiar with the food safety program, the business’s operations and have the authority to check records and act on the outcomes.

The business should conduct a review at the frequency specified in the accredited food safety program. However, in the event that there is any change in the business’s food handling activities or other matters occur that may impact on the suitability of the food safety program, this review may be required to be undertaken more frequently.

The scope of the review should describe the food handling operations covered by the review, procedures and records to be checked, and whether any equipment is to be checked for accuracy. Evidence of the review must be kept.

For further information

The Department of Health has a variety of fact sheets with detailed information on food safety. Fact sheets can be accessed from the Queensland Health website at www.health.qld.gov.au/foodsafety.

If you have any questions relating to the food safety program requirements that apply to your food business, contact the local government that issues your food business licence. Contact details can be found at www.dlgp.qld.gov.au/local-government-directory.html or your local White Pages.