Management of food safety programs

*Food Act 2006*
Disclaimer

The information presented in the guideline is distributed by Queensland Health for and on behalf of the Queensland Government and is presented as an information source only. The information is provided solely on the basis that readers will be responsible for making their own assessment of the matters presented herein and are advised to verify all relevant representations, statements and information. The information does not constitute professional advice and should not be relied upon as such. Formal advice from appropriate advisers should be sought in particular matters.

Queensland Health does not accept liability to any person for the information or advice provided in the guideline, or incorporated into it by reference or for loss or damages incurred as a result of reliance upon the material contained herein. In no event shall Queensland Health be liable (including liability for negligence) for any damages (including without limitation, direct, indirect, punitive, special or consequential) whatsoever arising out of a person’s use of, access to or inability to use or access the guideline. Information found in this document is protected by Crown copyright.
Table of contents

Introduction ............................................................................................................................................... 4

1 – Background ..................................................................................................................................... 4

1.1 The Food Act 2006 ......................................................................................................................... 4

2 – Roles and responsibilities............................................................................................................... 5

2.1 Queensland Health .......................................................................................................................... 5

2.2 Local governments ......................................................................................................................... 5

2.3 Holder of the accredited food safety program ............................................................................ 5

2.4 Auditors ......................................................................................................................................... 5

3 – Accreditation ................................................................................................................................. 6

3.1 Application for accreditation (section 102) .................................................................................. 6

3.2 Considering an application for accreditation (section 103) ......................................................... 6

3.3 Criteria for accreditation (section 104) ......................................................................................... 6

   Written advice – compliance with section 104 .............................................................................. 7

3.4 Further information to make decision (section 105) ................................................................. 10

3.5 Further time to make a decision (section 108) ........................................................................... 10

3.6 Decision on an application for accreditation (sections 106 & 107) .......................................... 11

4 – Auditing ....................................................................................................................................... 12

4.1 The audit system ............................................................................................................................. 12

   Audits and inspections .................................................................................................................... 13

   Audit types ...................................................................................................................................... 13

   Audit methodology .......................................................................................................................... 13

   Audit criteria .................................................................................................................................... 14

4.2 Categorising and reporting non-compliance ............................................................................. 14

   Minor non-compliance .................................................................................................................... 14

   Major non-compliance .................................................................................................................... 14

   Critical non-compliance .................................................................................................................. 15

   Addressing non-compliance ......................................................................................................... 16

4.3 Audit reports ................................................................................................................................ 17

4.4 Audit frequency ............................................................................................................................. 17

   First compliance audit .................................................................................................................... 17

   Priority classification system ......................................................................................................... 18

   Audit frequency ranges for food businesses by risk ..................................................................... 18

   Setting the audit frequency ........................................................................................................... 18

   Changing the audit frequency ........................................................................................................ 19

4.5 Other auditor matters ..................................................................................................................... 21

   Record keeping ............................................................................................................................... 21

   Service agreements between auditors and food business licensees ............................................. 21

   Auditing and food safety program fees .......................................................................................... 21

   Complaints on auditor conduct or performance .......................................................................... 21

   Complaints about food businesses ............................................................................................... 21

5 – Enforcement ................................................................................................................................. 22

5.1 Amendment of an accredited food safety program (sections 112-115) ...................................... 22

5.2 Cancellation of accreditation or surrender of food safety program (sections 116-122) ............ 23

5.3 Conducting a non-conformance audit (section 160) .................................................................. 24

5.4 Prescribed infringement notice .................................................................................................... 24

5.5 Prosecution ................................................................................................................................... 24

Appendix A – Reference documents and templates ......................................................................... 25

Appendix B – Flowchart of accreditation process ............................................................................ 26

Appendix C – PIN offences ................................................................................................................ 27

Appendix D – Glossary of terms and abbreviations ....................................................................... 28
Introduction

This guideline outlines the requirements for the administration, accreditation, auditing and enforcement of food safety programs under the Food Act 2006 (the Act). The requirements relate to food businesses that must have an accredited food safety program under the Act and food businesses that opt in to the food safety program provisions.

The guideline is intended to assist with the interpretation of the Act, and to provide information for Queensland Health officers, local government officers, auditors and holders of accredited food safety programs.

A list of reference documents and templates is in Appendix A and a glossary of terms and abbreviations used throughout this document can be found in Appendix D.

1 – Background

Queensland is a signatory to the Food Regulation Agreement 2000, an inter-governmental agreement to provide consistent food regulation across Australia. Under the Agreement, state and territory governments agreed to review their food legislation against the requirements in Annex B Model Food Provision. Amongst other things, this includes provisions for the auditing of food safety programs and for the approval of food safety auditors.

Food regulators agreed to a number of measures to implement nationally consistent food safety program requirements. In December 2003, state and territory governments decided to implement mandatory food safety programs in the following sectors as a first priority:

- food service businesses which serve potentially hazardous food to vulnerable populations
- businesses involved in the production, harvesting, processing and distribution of raw oysters and other bivalves
- catering operations serving food to the general public
- producers of manufactured and fermented meat.

The National Food Safety Audit Policy was endorsed by the Australia and New Zealand Food Regulation Ministerial Council in October 2006. The Queensland Government is obliged under the Food Regulation Agreement 2000 to implement the National Food Safety Audit Policy and the Queensland audit system has been designed to align with the policy.

1.1 The Food Act 2006

Queensland’s Food Act 2006 is consistent with the provisions of the Model Food Act 2000. Chapters 4, 5 and 6 of the Food Act 2006 contain the requirements for food safety programs, auditors and auditing.

Chapters 4, 5 and 6 of the Act specify, amongst other things:

- who must have an accredited food safety program
- the content of a food safety program
- the process for making applications for accreditation of food safety programs
- the process for amending and cancelling accreditation of food safety programs
- the process for approval of auditors
- the functions and obligations of an auditor
- requirements for compliance audits of accredited food safety programs
- requirements for check audits
- requirements for non-conformance audits of accredited food safety programs
- requirements for audit reports, and auditors’ responsibilities.

More specific information on matters such as which food businesses require a food safety program can be found in fact sheets and other guidance material produced by Queensland Health. A list of reference documents and templates can be found in Appendix A.
2 – Roles and responsibilities

2.1 Queensland Health
Queensland Health oversees the administration of the Act. Queensland Health is responsible for:

- approving auditors
- undertaking check audits
- maintaining a publicly available register of auditors
- investigating complaints regarding the conduct or performance of auditors.

2.2 Local governments
Local governments are responsible for administering specific provisions of the Act in their area. Local governments are responsible for:

- accrediting food safety programs
- setting audit frequencies
- managing food safety program audit reports
- managing and following-up critical non-compliances
- conducting non-conformance audits.

Local governments may also:

- investigate reported non-compliances resulting from audits
- ensure compliance with the set audit frequency
- investigate complaints against food businesses
- liaise with auditors concerning audit compliance matters
- conduct audits and/or inspections.

Even if a food business has an accredited food safety program, local governments may still conduct routine inspections of the business under the Act. Unannounced inspections can be conducted at the discretion of the local government and would be expected in responding to and investigating complaints.

2.3 Holder of the accredited food safety program
The holder of an accredited food safety program is responsible for the preparation, implementation and maintenance of the food safety program. After developing a food safety program, the holder of the program must:

- submit an application for accreditation of their food safety program
- implement and comply with the accredited food safety program
- ensure that the first compliance audit is conducted within six months of accreditation
- ensure that ongoing compliance audits are conducted in accordance with the frequency set by the local government
- take action to remedy non-compliances identified during audits.

2.4 Auditors
Auditors approved under the Act are responsible for carrying out audits and reporting on audit outcomes. Auditors have functions under the Act to:

- advise local governments about the accreditation of food safety programs
- conduct audits of accredited food safety programs
- prepare and submit reports of audits conducted by the auditor
- give Queensland Health requested information about audits conducted by the auditor

Auditors must also:

- comply with the conditions of their approval
- comply with the Code of conduct for approved auditors - Food Act 2006
- submit audit reports to the holder of a food safety program and the local government that accredited it
- notify both Queensland Health and the local government that accredited a food safety program of a critical non-compliance.
3 – Accreditation

3.1 Application for accreditation (section 102)
To have a food safety program accredited a person must lodge an application for accreditation with the local government who issues their food business licence.

Section 102 of the Act states that the application must be in the approved form, accompanied by the food safety program and the prescribed fee. Food business operators should contact their relevant local government to obtain the approved form and information regarding fees.

3.2 Considering an application for accreditation (section 103)
Section 103 of the Act requires the local government to consider the application and decide to accredit or refuse to accredit the application.

To decide the application, the local government must obtain and consider the written advice of an auditor approved under the Act about whether or not the auditor considers the food safety program complies with the criteria set out in section 104 of the Act.

While the Act requires the local government to obtain the written advice, there are options available for seeking that advice:
- including a requirement in the approved form that the applicant must provide the written advice (NOTE: section 105 cannot be used to request a copy of the written advice unless it is a requirement of the approved form)
- upon receiving an application, have an auditor employed by the local government provide the written advice
- upon receiving an application, have an auditor not employed by the local government provide the written advice.

This means that if the local government’s approved form states that the written advice must be submitted by the applicant, the food business is responsible for obtaining and submitting the written advice of an auditor. If the approved form does not state that the written advice must be submitted, the local government is responsible for obtaining the written advice of an auditor.

While the auditor providing the written advice to the local government must be an auditor approved under the Act, there is no requirement for the auditor to be authorised under the Act or even an employee of the local government. For example:
- the local government may engage an auditor who is employed by another local government to provide the written advice
- the local government may engage a private consultant who is an auditor to provide the written advice.

3.3 Criteria for accreditation (section 104)
Section 104 of the Act states that the local government may accredit the food safety program only if it is satisfied with the content of the food safety program and that implementation of the program is reasonably likely to effectively control the food safety hazards in the business.

When deciding whether to accredit the food safety program, the local government should have regard to the nature of the food handled and the nature and extent of food handling carried on in the business.

When considering whether the implementation of the food safety program would be reasonably likely to effectively control food safety hazards in the business, it is expected that professional experience and judgement will be used to ascertain whether common hazards for that type of food business have been identified and the control measures stipulated would adequately control the hazards identified.
A hospital has a central kitchen where all meals are prepared and plated prior to being delivered to patients. Their food safety program does not identify the delivery step as a hazard.

A catering operation has specified in its food safety program that the cold room used to store potentially hazardous food will be maintained at 9°C. This temperature is not adequate for the storage of potentially hazardous food.

The accreditation process does not require an on-site assessment of the food business. Accreditation is a desktop assessment designed to allow local governments to ascertain whether the documentation complies with the legislative requirements. However, for existing businesses local governments may consider a site visit is warranted to compare the activities of the food business against the proposed food safety program.

**Written advice – compliance with section 104**

An auditor must provide their written advice on the *Written advice for consideration of food safety program for accreditation* form produced by Queensland Health. The advice must state whether or not the auditor considers the food safety program complies with the criteria set out in section 104 of the Act i.e. whether the program complies with section 98 and whether implementation of the program is reasonably likely to effectively control the food safety hazards in the business. An auditor may choose to conduct an on-site visit to assess the food safety program against the business’s activities.

Below is a brief explanation of what an auditor should be looking for when considering whether a food safety program complies with section 98 of the Act.

**A food safety program must:**

*a) systematically identify food safety hazards that are reasonably likely to occur in food handling operations of the food business*

Subsection (a) requires the food business to identify in the food safety program the hazards that are reasonably likely to occur for each of the food handling steps within the business.

It is suggested that the business systematically examines its food handling operations by listing the steps used to produce food in the business in a logical, progressive sequence, that is, from the receipt of food until its final step for sale.

A food safety hazard is defined in the Act as a thing or a situation that has the potential to cause food handled or sold in connection with a food business to be unsafe or unsuitable. A food safety hazard may be a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

It is only necessary for hazards to be identified if they are reasonably likely to occur, that is, that the hazard is foreseeable, typical or likely to occur due to the specific nature, storage, transportation, preparation or handling of the food.

It is reasonable to expect that food that is being directly handled by food handlers could become contaminated with *Staphylococcus aureus*, as this bacterium can be found in the normal microflora of the nose, throat, perineum or skin of humans.

It is not reasonable to expect businesses to identify hazards that have not yet been discovered, such as new poisonous bacteria.
b) identify where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control

Subsection (b) requires the food business to identify in the food safety program how each identified hazard is to be controlled and where it is to be controlled.

Hazards may be controlled by support programs or at the specific food handling step. These controls (alone or collectively) must be effective in preventing, eliminating or reducing the hazard to a safe, acceptable level.

Controlling hazards through support programs
Hazards that are common across food handling steps are normally minimised or controlled by support programs.

Examples of support programs and the types of hazards they may minimise or control are listed below.

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Support Program</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbiological, physical and chemical hazards associated with incoming foods and packaging materials.</td>
<td>Approved supplier.</td>
<td>Problems that could arise from foods and ingredients supplied to the business are minimised.</td>
</tr>
<tr>
<td>Microbiological, physical and chemical hazards that arise from staff handling unpackaged food.</td>
<td>Staff health &amp; hygiene.</td>
<td>Contamination of food with pathogens from sick food handlers, contamination from hands of food handlers and from jewellery, hair and clothing are minimised.</td>
</tr>
<tr>
<td>Microbiological and physical hazards arising from pest infestations.</td>
<td>Pest control.</td>
<td>Infestations by pests are controlled and contamination by, for example, birds, insects and rodents (hair, faeces, urine) are prevented.</td>
</tr>
<tr>
<td>Microbiological and chemical hazards associated with using the premises and equipment in the premises.</td>
<td>Cleaning &amp; sanitation.</td>
<td>Contamination of food from premises and equipment is controlled.</td>
</tr>
<tr>
<td></td>
<td>Equipment maintenance.</td>
<td></td>
</tr>
<tr>
<td>Chemical hazards associated with the use of cleaning chemicals.</td>
<td>Storage &amp; use of chemicals.</td>
<td>Chemicals are stored and used in accordance with manufacturers' instructions and action is taken to prevent contamination, for example, from spillages.</td>
</tr>
</tbody>
</table>

Controlling hazards at the food handling step
Hazards specific to a food handling step are normally controlled at that step. All procedures referred to in a food safety program must be included in the food safety program.

Example
The hazard of food poisoning bacteria surviving cooking is controlled by specific cooking times and temperatures that apply to a particular food item. A table in the food safety program could specify cooking times and temperatures to be met or alternatively a cooking procedure may set out all steps to be followed as the means of control.
c) **provide for the systematic monitoring of means of control**

Subsection (c) requires the food business to specify how they will systematically monitor control measures. The aim of monitoring is to assess whether the control chosen to manage a hazard is occurring in practice.

It is important to remember that monitoring is not the same as recording. Monitoring is a checking process to ensure a hazard is being managed. Recording is the documentation of actions undertaken at a particular step.

The food safety program must identify how each control measure will be monitored. This includes monitoring of support programs.

For each monitoring action, the food safety program must indicate:
- what monitoring is to be done
- how the monitoring will be done
- who will do the monitoring
- when the monitoring is to be done (for example every batch, twice daily, weekly).

<table>
<thead>
<tr>
<th>Examples of monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>- inspecting food as it is delivered to the premises to ensure packaging is still intact</td>
</tr>
<tr>
<td>- measuring with a thermometer to ensure that cooking temperatures have been achieved</td>
</tr>
<tr>
<td>- checking that raw food is stored separately from ready-to-eat food in the cool room</td>
</tr>
<tr>
<td>- observing whether food handlers are washing and drying their hands thoroughly before food preparation</td>
</tr>
</tbody>
</table>

**Example**

Examples of monitoring

- inspecting food as it is delivered to the premises to ensure packaging is still intact
- measuring with a thermometer to ensure that cooking temperatures have been achieved
- checking that raw food is stored separately from ready-to-eat food in the cool room
- observing whether food handlers are washing and drying their hands thoroughly before food preparation

**d) provide for appropriate corrective action when a hazard is found to be not under control**

Subsection (d) requires a food business to identify corrective action for when a hazard is found to be not under control. Corrective action must be identified for all hazards.

If monitoring finds that the control step in place to manage a hazard is either not working or is not being followed, corrective action must be taken. A corrective action generally consists of two stages.

Firstly, immediate action needs to be taken for any food that may be unsafe because the hazard is not under control, i.e. addressing the product.

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>If monitoring (through observation) shows that a food handler has used the same knife for slicing raw food and ready-to-eat food, the ready-to-eat food should be discarded as it may be contaminated.</td>
</tr>
</tbody>
</table>

Secondly, there needs to be an investigation into the cause of the ‘loss of control’ of the hazard so that steps can be taken to make sure this ‘loss of control’ does not happen again, i.e. addressing the process.

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>If it is found that the food handler used the same knife because it was during a busy period and no clean knives were readily available, the lack of clean knives must be addressed. To prevent a repeat of this mistake, the business could re-train the staff member on the importance of always using a clean and sanitised knife for ready-to-eat food, they could employ more staff during busy periods to ensure knives (and other equipment) are cleaned and sanitised, and could purchase more knives.</td>
</tr>
</tbody>
</table>
e) *provide for the regular review of the program by the food business to ensure it is appropriate*

Subsection (e) requires the food safety program to have an inbuilt review mechanism. The food safety program must include information about the review of the program, such as:
- the person in the food business responsible for the review
- when the review is to be carried out
- the scope of the review.

The person who undertakes the review should be someone familiar with the food safety program and the food business’s operations, and have the authority to check records and act on the outcomes.

The food business should conduct a review of its food safety program at least annually. 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 food safety program, this review may be required to be undertaken earlier.

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.

f) *provide for appropriate records to be made and kept by the food business demonstrating action taken to ensure the business is complying with the food safety program.*

Subsection (f) requires the food safety program to specify appropriate records to be kept. At a minimum, records should be kept for:
- monitoring checks
- corrective actions
- the review of the program, specifically details of when a review took place and the outcome.

These records must be *appropriate*, that is, they must provide sufficient information to show that the business is complying with the food safety program. At a minimum they need to be legible and indicate:
- what the record relates to (e.g. cooking temperatures, type of food and the batch)
- who made the record
- the date and, where relevant, the time the record was made
- the result of what was being recorded (e.g. cooking temperatures)
- any action taken as a result of the monitoring (e.g. corrective action taken if monitoring found that cooking temperatures had not been reached within the specified time).

All records must be kept at least until the next audit of the food safety program. Records can be kept electronically, provided the auditor can access them.

3.4 Further information to make decision (section 105)

If a local government requires further information to decide an application for accreditation, they may require the food business to give further information or a document under section 105 of the Act.

The local government must provide the applicant with a notice detailing what is required and allowing at least 30 days for the applicant to provide the further information or document.

If the applicant does not provide the further information or document within the timeframe in the notice, the application for accreditation is taken to be withdrawn. A new application would be required for the program to be accredited (if the food business requires a food safety program or wishes to opt in to the requirements).

3.5 Further time to make a decision (section 108)

An application for accreditation must be decided within 30 days of receiving the application (or further information or document if required under section 105).

If a local government requires further time to decide an application for accreditation due to the complexity of matters that need to be considered, it may extend the time allowed for deciding the application under section 108 of the Act. The time may be extended by 30 days, or a longer time by written agreement with the applicant.
3.6 Decision on an application for accreditation (sections 106 & 107)

After considering an application for accreditation of a food safety program a local government may:

- accredit the food safety program
- refuse to accredit the food safety program
- if the local government fails to make a decision on the accreditation application within 30 days of receiving it or a requested document or information, the failure is taken to be a decision to refuse the application.

If the local government decides to accredit the food safety program, the local government must:

- record on the program that it is accredited
- give the accredited program to the applicant
- keep a copy of the accredited program.

If the local government decides to refuse to accredit the food safety program, the local government must as soon as practicable:

- give the applicant an information notice for the decision.

If the application is refused because the local government does not decide the application within the required time:

- the applicant is entitled to be given an information notice for the decision.

It should be noted that under section 63 of the Act, if an application for a food business licence includes a proposed food safety program, and the local government decides to grant the licence application, the local government is taken to have accredited the food safety program. However this does not apply if a provisional licence is issued.

A flowchart showing the steps for the accreditation process is provided in Appendix B.
4 – Auditing

4.1 The audit system

The regulatory food safety audit system provides one mechanism by which food regulators can monitor the compliance of individual food businesses with legislated food safety obligations through routine audits of food safety programs. The audit system operates alongside licensing, inspection and compliance provisions of the Act.

Responsibility for the regulatory food safety audit system is shared between food regulators (Queensland Health and local governments), auditors and food businesses. Specific roles and responsibilities are set out in the Act and are discussed in section 2 of this guideline.

As discussed in section 1, Queensland is bound by the Food Regulation Agreement 2000 and the National Food Safety Audit Policy. The National Food Safety Audit Policy presents a food safety program audit management framework which identifies processes and responsibilities of food businesses, auditors and regulators. A version of the framework adapted to the Queensland system is shown below.
Audits and inspections

Audits and inspections are separate compliance assessment tools and it is important that local governments, auditors and food business licensees are aware of the differences and their respective application.

An inspection is used to assess compliance with legislative requirements where the standard is fairly prescriptive and where no or limited documentation or records are required to be kept by the food business. As a guide, the National Food Safety Audit Policy defines inspection as ‘the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, to verify that they conform to regulatory requirements’.

Authorised persons employed by local governments undertake inspections of food businesses to monitor and enforce compliance with the Act. Inspections may be performed routinely or as a result of a complaint and may be announced or unannounced. An inspection may result in the use of compliance or enforcement options available under the Act.

An audit is used to assess systems. If a food business has a food safety program an audit is used to assess whether the program has been implemented and is being complied with. As a guide, the National Food Safety Audit Policy defines audit as ‘a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled’.

Auditors approved under the Act undertake audits of food businesses with accredited food safety programs to determine their level of compliance with the Act, the food safety standards and the food safety program. Compliance audits conducted in accordance with the frequency set by a local government are scheduled or announced audits. An audit results in the preparation of an audit report, however only the local government that accredited the food safety program may take compliance or enforcement action in relation to the program (enforcement options are discussed in section 5).

Audit types

There are three types of audit defined in the Act.

A compliance audit means an audit of an accredited food safety program by an auditor to ensure the carrying on of the food business to which the program relates complies with the program and the food safety standards.

The first compliance audit of an accredited food safety program must be conducted within six months of accreditation. The criteria for the first compliance audit are the same as for any compliance audit. Auditors and food businesses may find that the first compliance audit assists in identifying any gaps in the food safety program or avenues for improving implementation of the program.

A non-conformance audit means an audit of an accredited food safety program by an auditor to check that any non-compliance with the program or the food safety standards identified in an audit has been remedied.

A check audit means an audit of an accredited food safety program that is not a compliance or non-conformance audit conducted:

- by an auditor employed by Queensland Health after a compliance or non-conformance audit of the program has been conducted by another auditor; and
- to ensure the other auditor is conducting compliance or non-conformance audits appropriately.

Audit methodology

Audits should be conducted in accordance with the skills and knowledge covered in the nationally accredited competency FDFFSCFSA A Conduct food safety audits (or equivalent). Auditors may find it useful to refer to resources obtained while completing this competency. Further guidance on planning and conducting audits can be found in the National Regulatory Food Safety Auditor Guideline (see Appendix A).
Audit criteria
Audit criteria are the set of legislation, standards or requirements against which the auditor will assess the food business to determine the extent of compliance. The audit criteria for audits performed under the Act are:
- the Food Act 2006 and the Food Regulation 2006;
- the food safety standards; and
- the accredited food safety program.

4.2 Categorising and reporting non-compliance
Compliance with an accredited food safety program is achieved if the food business is operating in accordance with the food safety program and has met the requirements of the Act and food safety standards.

A non-compliance occurs if an auditor forms a reasonable belief that a person has contravened the accredited food safety program, the Act or the food safety standards. Auditors must categorise non-compliances as minor, major or critical in accordance with the following.

Minor non-compliance
A minor non-compliance is a non-compliance that is not likely to compromise food safety or lead to the handling of unsafe or unsuitable food.

A minor non-compliance is an isolated low risk situation and does not compromise achieving control measures of the food safety program i.e. overall the food safety program is still effective in controlling the food safety hazards. When viewed collectively a number of related minor non-compliances may represent a major non-compliance.

Example
During an audit, the auditor observes that there are broken floor tiles in the kitchen area and a build-up of grease in the filters of the exhaust canopy. These items are not likely to compromise food safety in the short term and the auditor records a minor non-compliance for failing to maintain the premises.

Other examples of minor non-compliance
- a single monitoring lapse of a process that is shown to be otherwise under control
- minor structural defects
- minor failure to follow good hygienic procedures specified in prerequisite programs
- ineffective pest control in a limited area
- slight variation from documented procedures
- inadequate cleaning in a limited area
- a few signatures missing on a record over a short time period
- intermittent or poor completion of records

Major non-compliance
A major non-compliance is a non-compliance that is likely to compromise food safety or may lead to the handling of unsafe or unsuitable food if no remedial action is taken. When viewed collectively a number of related major non-compliances may represent a critical non-compliance.

Example
During an audit, the auditor observes that there are no disposable towels at the hand wash basin. The food business licensee explains that staff do wash their hands but use tea towels to dry their hands. The auditor cannot see a supply of clean tea towels. The auditor is satisfied that staff do wash their hands but records a major non-compliance for the lack of appropriate hand drying facilities.
Other examples of major non-compliance
- complete departure from procedures contained in the food safety program
- inappropriate corrective action taken by the food business in the case of a food safety hazard
- food sourced from an unlicensed food supplier
- incomplete action for washing and sanitising procedures
- inaccurate labelling of food
- falsification of records
- failure to implement effective corrective action, for example for a previously identified minor non-compliance
- repetitive minor non-compliance for the same practice or circumstance

Critical non-compliance
A critical non-compliance is a non-compliance where the contravention poses an imminent and serious risk to the safety of food intended for sale.

Section 162 of the Act states that if an auditor forms a reasonable belief that a person has contravened, or is contravening the Act or the food safety standards and the contravention poses an imminent and serious risk to the safety of food intended for sale, the auditor must give details of the facts and circumstances to the local government that accredited the food safety program.

The details of the critical non-compliance must be given to the local government as soon as practicable, and in any case, no more than 24 hours after forming the belief. If the details are given orally, the auditor must also give the details in writing within 24 hours of giving the details orally.

The written details of the critical non-compliance must be provided in the Notice of critical non-compliance form produced by Queensland Health. A standard condition of an auditor’s approval requires that a copy of the notice be provided to the Director, Food Safety Policy & Regulation, Queensland Health as soon as practicable, and in any case, within 24 hours.

During an audit, the auditor observes a food handler who has an open weeping wound on their hand. The wound is not covered by a dressing and the food handler is serving ready to eat food.

The auditor immediately advises the food business licensee that this is a critical non-compliance and asks what short term corrective actions will occur. The licensee advises that all food handled by that food handler will be disposed of. The food handler will be required to clean the wound and cover it with a bright coloured waterproof dressing prior to recommencing work. Updated training will also be provided to all staff on wound management.

The auditor contacts the local government that accredited the food safety program by telephone as soon as possible and advises of the critical non-compliance. Later that day the auditor completes the Notice of critical non-compliance and sends it by facsimile to the local government that accredited the food safety program and to Queensland Health. Note – if the auditor is also an authorised person for the local government they may choose to exercise other powers under the Act.
Other examples of critical non-compliance
- systemic failure of critical aspects of the food safety program
- a serious pest infestation
- potentially hazardous food stored outside of temperature control for greater than four hours
- the same chopping board and knife being used for ready to eat food after being used for raw chicken without being cleaned and sanitised
- evidence of pest control chemicals such as rat bait in food
- raw meat juices dripping onto uncovered ready to eat food
- food handlers using tea towels to wipe down benches and then to dry their hands immediately prior to handling ready to eat food
- repetitive major non-compliance for the same practice or circumstance

Addressing non-compliance
The food business licensee is responsible for resolving non-compliances. The auditor must discuss each non-compliance with the licensee during the audit and record solutions proposed by the licensee.

The auditor should not provide the licensee with solutions to the non-compliance(s), but they may confirm whether an action proposed by the licensee has the potential to satisfactorily remedy the non-compliance. Remediating the non-compliance must be in accordance with the accredited food safety program, the Act, and the food safety standards. The action taken to remedy the non-compliance should address the immediate concern (e.g. disposing of contaminated food) and the future process (e.g. preventing contamination re-occurring).

An appropriate timeframe for remedying each non-compliance should be agreed taking into account the risk posed by the non-compliance and the scale of work required to remedy the non-compliance.

Using the minor non-compliance example above
The licensee of the food business negotiates with the auditor that the filters will be cleaned within 24 hours and the broken floor tiles will be replaced within 60 days. The licensee also undertakes to set up a service agreement with a filter cleaning company to ensure excessive grease does not build up in the filters in the future.

An auditor is not obliged to follow up non-compliances as the local government is responsible for any enforcement action. An auditor may choose to follow up non-compliances and may revisit the food business to confirm that the action to remedy the non-compliance has been completed. However a visit is only necessary in circumstances where implementation of the corrective measures cannot be verified by another means.

Using the major non-compliance example above
The licensee of the food business may send photographs of a newly installed paper towel dispenser at each hand wash basin, a delivery docket for paper towels and training records showing all staff have been trained in correct hand washing techniques.
4.3 Audit reports

Section 161 of the Act requires an auditor to give an audit report to the holder of the accredited food safety program and the local government that accredited it within 14 days of completing a compliance or non-conformance audit.

The audit report must include:

- the auditor’s name
- the dates the audit started and ended and the time spent conducting the audit
- the address of the food business audited
- details of the activities and sections of the food safety program audited
- whether in the auditor’s opinion the activities comply or do not comply with the food safety program or the food safety standards
- the reasons that the auditor considers the activities comply or do not comply
- if the activities do not comply, details of action taken, or proposed to be taken to remedy the non-compliance
- whether in the auditor’s opinion the food safety program needs to be amended, and if so the reasons why
- whether in the auditor’s opinion an auditor needs to conduct a non-conformance audit
- whether in the auditor’s opinion the frequency of compliance audits for the food safety program should be changed, and if so the reasons why.

An audit report must be provided on the Audit report form produced by Queensland Health. Auditor’s should ensure that the report clearly identifies areas of non-compliance, for example by reference to the section of the accredited food safety program, the clause of the food safety standards, the date and time of a record, and/or the specific area of the food business where the non-compliance was observed.

The local government may assess the audit report to determine whether further action is required. This may include conducting a non-conformance audit, amending the accredited food safety program, changing the audit frequency or using other enforcement options under the Act (see section 5). A local government is not obliged to follow the recommendation or opinion of the auditor, but may consider this in making their decision.

Auditors should be aware that the local government may request further information regarding the audit and the non-compliances identified to assist them in determining an appropriate course of action. The local government may request specific detail, particularly if this has not been included in the audit report.

4.4 Audit frequency

Section 109 of the Act states that when a local government accredits a food safety program, it must as soon as practicable decide how often the holder of the program must have compliance audits of the program conducted, and give the holder an information notice for the decision.

In deciding the audit frequency the local government must have regard to the nature of the food handled and the nature and extent of food handling carried on in the food business.

First compliance audit

Section 157 of the Act states that the holder of an accredited food safety program must have the first compliance audit of the program conducted by an appropriate auditor within six months of accreditation. The audit frequency set by the local government must be complied with following completion of the first compliance audit.
**Priority classification system**

The *Priority Classification System for Food Businesses* published by Food Standards Australia New Zealand is a risk based system used to classify food businesses into priority ratings based on the food safety risks associated with the business.

The system classifies food businesses into the priority ratings of low, medium or high, based on the type of food, activity of the business, method of processing and customer base. The system also sets a baseline or starting point for audit frequencies along with minimum and maximum audit frequencies based on the risk of a food business.

All food businesses that are required to have a food safety program under the Act are classified as high risk using the priority classification system. Food businesses that opt in to the food safety program requirements may fall into the low, medium or high risk classification. To determine a food businesses risk classification, refer to the *Priority Classification System for Food Businesses*.

**Audit frequency ranges for food businesses by risk**

The baseline, maximum and minimum audit frequencies set in the *Priority Classification System for Food Businesses* for each priority classification are shown in the table below.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Audit frequency (audit occurs every x months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Baseline</td>
</tr>
<tr>
<td>Low</td>
<td>18</td>
</tr>
<tr>
<td>Medium</td>
<td>12</td>
</tr>
<tr>
<td>High *</td>
<td>6</td>
</tr>
</tbody>
</table>

* As noted above, all food businesses that are required to have a food safety program under the Act are classified as high risk.

**Setting the audit frequency**

As mentioned above, in deciding the audit frequency the local government must have regard to the nature of the food handled and the nature and extent of food handling carried on in the food business. When setting the audit frequency, local governments should be guided by the frequency ranges shown above. While local governments are not bound by the frequency ranges, they would be expected to be able to demonstrate their reasons for setting a frequency outside the relevant range.

To aid in consistency in applying the audit frequency ranges, it is recommended that local governments use the baseline audit frequency when deciding the frequency of compliance audits. This would result in high risk food businesses having an initial audit frequency of six months. This aligns with the intention of the *Priority Classification System for Food Businesses*.

If a food business has an inspection compliance history that indicates substantial ongoing compliance with food safety requirements, this may be taken into consideration by the local government when setting the initial or subsequent audit frequency. If a food business has substantial ongoing compliance and the local government has confidence in the management of food safety at the food business, a lower frequency may be set.

If a food business's inspection compliance history does not indicate substantial ongoing compliance with food safety requirements, the completion of two compliance audits may establish a compliance history that can allow for the future adjustment of the audit frequency.
A local government accredits a food safety program for an existing aged care facility on 24 November 2010. The local government's records show that for the last five years, routine inspections of the food business have not revealed any major concerns with regard to food safety or compliance with the Act or food safety standards. The food business has been maintained in good condition and no complaints have been received. The local government sets the audit frequency at 12 months based on the inspection compliance history. The first compliance audit is due within six months of accreditation – 24 May 2011. The subsequent compliance audit is due after 12 months – 24 May 2012.

A local government accredits a food safety program for a new aged care facility on 24 November 2010. The local government has no inspection compliance history as the food business is new. The local government sets the audit frequency at six months based on the baseline frequency for businesses classified as high risk. The first compliance audit is due within six months of accreditation – 24 May 2011. The subsequent compliance audit is due after six months – 24 November 2011.

It is important to remember that inspections and non-conformance audits do not affect when the next compliance audit is due.

**Changing the audit frequency**

Section 110 of the Act states that a local government may change the frequency of compliance audits for a food safety program they have previously accredited.

In deciding on a change to the audit frequency the local government must have regard to the nature of the food handled and the nature and extent of food handling carried on in the food business. The local government may also have regard to the results of a compliance or non-conformance audit of the program. As is the case when setting the audit frequency at accreditation, the local government may also consider the inspection compliance history of the food business.

An auditor may include in an audit report whether in the auditor's opinion the frequency of compliance audits should be changed and if so, the reasons that the auditor considers the frequency should be changed. A local government is not obliged to follow the recommendation or opinion of the auditor, but may consider this in making their decision.

If a local government decides to change the frequency of compliance audits by increasing the frequency of audits, the local government must give the holder of the accredited food safety program an information notice for the decision as soon as practicable. The holder of the program has a right to request a review of this decision.

If a local government decides to change the frequency of compliance audits by decreasing the frequency of audits, the local government must give the holder of the accredited food safety program notice of the change as soon as practicable.

Guidance on changing the audit frequency is shown in the table below (adapted from FSANZ’s *Food Safety: An audit system*). The information can be applied equally to low, medium or high priority classified food businesses.
### Guidance on changing audit frequency

<table>
<thead>
<tr>
<th>Level of confidence</th>
<th>Audit frequency</th>
<th>Guidance notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidence in the food safety program</td>
<td>Frequency reduces to the minimum level e.g. if the food business has high-priority classification and is on six monthly audits, the frequency changes to 12 monthly audits.</td>
<td>High level of confidence in the food safety program and the food business. Confidence can be measured by the food business having continued compliance with the food safety program and the food safety standards with an effective internal review process. Food businesses should not be moved to this audit frequency unless there is a compliance history available, or the food business has had no critical or major non-compliances identified in two previous compliance audits.</td>
</tr>
<tr>
<td>Satisfactory food safety program</td>
<td>Frequency remains the same.</td>
<td>Confidence that the food safety program has been implemented and is effective. There may be a small number of non-compliances raised against prerequisite or support programs.</td>
</tr>
<tr>
<td>Marginal food safety program</td>
<td>Audit frequency increases to the maximum level e.g. if the food business has a high-priority classification and is on six monthly audits, the frequency changes to three monthly.</td>
<td>The food safety program has been implemented but the food business does not always follow the documented process or there may be a non-compliance identified that has not placed public health at risk, and therefore does not constitute a critical non-compliance. A non-compliance against specific controls within the food safety program would automatically make the program marginal, whereas it may take a number of non-compliances against prerequisite or support programs to make the program marginal.</td>
</tr>
<tr>
<td>Lack of confidence in food safety program (critical non-compliance identified)</td>
<td>Audit frequency increases to the maximum level e.g. if the food business has a high-priority classification and is on six monthly audits, the frequency changes to three monthly.</td>
<td>The food safety program is not effective in producing or selling safe food. A critical non-compliance is identified. Local government is responsible for determining what action(s) are required to address the identified problems, and may take into account the auditor’s recommendations and corrective actions. Assessment of the food business on identification of a critical non-compliance may include inspection by an authorised person, under the Act as well as a non-conformance audit (see section 5 for enforcement options).</td>
</tr>
</tbody>
</table>
4.5 Other auditor matters

Record keeping
A condition of approval for all auditors is to keep each audit record for a minimum period of four years. These records may be requested by the holder of the accredited food safety program which is the subject of the record, the local government that accredited the program, or Queensland Health. Records can be kept electronically provided that they can be adequately accessed.

Service agreements between auditors and food business licensees
All audits undertaken in relation to the Act must be undertaken by an auditor approved under the Act to conduct audits for the specified type of food business.

There is no requirement for a food business to use a specific auditor, or to use the same auditor for every audit. The food business may choose to engage any auditor approved under the Act for their food business type.

Queensland Health and local governments are unable to enforce an agreement between a food business and an auditor or insist that there be an ongoing agreement.

If concerns are raised about service agreements, the food business will be referred to agencies responsible for consumer protection such as the Australian Competition and Consumer Commission (ACCC) and the Office of Fair Trading in the Department of Justice and Attorney General.

Auditing and food safety program fees
The Act does not prescribe fees that auditors or local governments may charge for auditing and managing food safety program activities. Audit fees are set by auditors in response to market forces and by local governments in accordance with the Act.

If concerns are raised about auditor fees and charges the food business will be referred to agencies responsible for consumer protection such as the Australian Competition and Consumer Commission (ACCC) and the Office of Fair Trading in the Department of Employment, Economic Development and Innovation (DEEDI). Food businesses with concerns about fees and charges set by local governments will be referred to the Queensland Ombudsman.

Complaints on auditor conduct or performance
Complaints regarding the conduct or performance of an auditor should be reported to Food Safety Policy & Regulation, Queensland Health (see contact details on page 2).

Complaints about food businesses
Complaints regarding the cooperation of a food business during an audit should be reported to the local government that accredited the food safety program.
5 – Enforcement

5.1 Amendment of an accredited food safety program (sections 112-115)

Amendment of an accredited food safety program may be triggered two ways:

- the holder of an accredited food safety program applying for an amendment; or
- the local government that accredited a food safety program directing the holder to amend the program.

Application by the holder of an accredited food safety program for amendment (sections 112 & 113)

Application

This section applies if the holder of an accredited food safety program proposes to change the way food is handled and because of the change, the program will no longer identify the food safety hazards of the business and implementation of the program will no longer effectively control the hazards.

Before changing the way food is handled, the holder of the program must amend the program and apply to have the amendment approved.

An application must be made to the local government that accredited the program and be accompanied by the proposed amended program and the fee prescribed by the local government.

Assessment

In considering an application, the local government may approve the amendment only if it is satisfied that the amended program complies with section 98 of the Act and the implementation of the amended program is reasonably likely to effectively control the food safety hazards in the food business.

It is important to note that from the time that the holder of the program amends the program until the local government decides the application, the food safety program is taken to comply with section 98.

If a local government requires further information to decide an application for amendment, it may require the applicant to give further information or a document under section 113 of the Act. As is the case during the initial accreditation process, the local government must provide the applicant with a notice detailing what is required and allowing at least 30 days for the applicant to provide the further information or document. If the applicant does not provide the further information or document within the timeframe in the notice, the application for amendment is taken to be withdrawn. A new application would be required to amend the accredited food safety program if the food business still proposes to change the way food is handled.

When considering an application for amendment of an accredited food safety program it is not necessary for the local government to obtain the written advice of an auditor, however it may choose to obtain written advice.

If the local government decides to approve the amendment, the local government must:

- record on the amended program that it is accredited
- give the amended accredited program to the applicant
- keep a copy of the amended accredited program.

If the local government decides to refuse to accredit the amendment, the local government as soon as practicable must:

- give the applicant an information notice for the decision.
Local government directing the holder to amend an accredited food safety program (sections 114 & 115)

This section applies if the local government considers it necessary or desirable to make an amendment to an accredited food safety program having regard to the criteria for accrediting a food safety program under section 104.

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following the completion of the first compliance audit it is evident that not all of the hazards in the food business have been identified, the local government may direct the food business amend their accredited food safety program.</td>
</tr>
<tr>
<td>Following a non-conformance audit, the local government has identified control measures being undertaken in the food business which are not reflected in the accredited food safety program and may direct the food business amend their accredited food safety program.</td>
</tr>
</tbody>
</table>

The local government directing the amendment must give the holder of the accredited food safety program a notice that:
- includes information about the nature of the amendment that is required to be made
- states the day by which the amendment must be made (at least 30 days after the notice is given)
- is accompanied by an information notice advising of the decision to give the direction.

As soon as practicable after amending the program (and no later than the day stated in the notice), the holder of the program must give the amended program to the local government with any fee required for the local government to consider the amendment.

A local government may choose to issue a $550 (5 penalty units) prescribed infringement notice (a ‘fine’) for failing to comply with the direction, or a maximum penalty of $220,000 (200 penalty units) may be applied if the holder of the program is successfully prosecuted.

If local government is satisfied the amendment complies with the direction given under section 114, the local government must:
- record on the food safety program that the amendment complies with the direction
- give the amended program to the applicant
- keep a copy of the amended program.

When directing a holder of an accredited food safety program to amend the program, the local government should ensure that the amendment will not impede the program’s compliance with section 98 of the Act or the effective control of food safety hazards in the food business. It is recommended that the criteria set out in section 104 of the Act be incorporated into the notice directing the amendment.

5.2 Cancellation of accreditation or surrender of food safety program (sections 116-122)

Cancellation of accreditation or the surrender of a food safety program may only occur if the food business has opted in to the food safety program requirements. Other enforcement provisions of the Act must be used for a food business that is required to have a food safety program under section 99.

The grounds for cancelling the accreditation of a food safety program are contained in section 117 of the Act. If the local government believes that grounds exist, it must give the holder of the program a show cause notice under section 118 and follow the process set out in sections 119 to 121.

If eligible to surrender an accredited food safety program, the holder of the program must provide a notice to the local government that accredited it, and submit the accredited food safety program.
5.3 Conducting a non-conformance audit (section 160)

A non-conformance audit is an audit of an accredited food safety program to check that any non-compliance identified during a previous audit has been remedied.

The Act allows a local government to conduct a non-conformance audit if it has received at least three audit reports in a 12 month period showing that the holder of an accredited food safety program has not remedied a particular non-compliance with the program. It is not mandatory for local government to undertake a non-conformance audit.

Section 160(3) states that a non-conformance audit may be undertaken by a person who is also an authorised person appointed by the chief executive officer of the local government. This does not mean that the person must be an employee of the local government or an authorised person under the Act.

A local government may choose to use an auditor employed by them, an auditor employed by another local government or a privately employed auditor.

If the auditor conducting the non-conformance audit is an employee of the local government and an authorised person, they may gather evidence of potential breaches of the Act or food standards code provided the powers of entry requirements in the Act have been satisfied.

5.4 Prescribed infringement notice

The issuing of a Prescribed Infringement Notice (PIN) is an enforcement option which authorised persons may use without commencing a prosecution through the court system. PINs may only be issued for offences that fall within the guidelines for eligible offences and have been prescribed as PIN offences in the State Penalties Enforcement Regulation 2000.

Offences under the Act relating to food safety programs and auditing for which a PIN may be issued are prescribed in schedule 5 of the State Penalties Enforcement Regulation 2000. Appendix C lists the sections of the Act relating to food safety programs and auditing which are PIN offences, the value of the fine, and the enforcement agency responsible for issuing each PIN.

5.5 Prosecution

Offence provisions are associated with many of the food safety program and auditing provisions contained in Chapters 4, 5 and 6 of the Act including, but not limited to:

- an obligation to comply with the accredited food safety program
- keeping a copy of the accredited food safety program at each premises
- failure to have compliance audits conducted
- failure to have an accredited food safety program.

Depending on the nature of the offence, prosecution is generally considered the final step in the graduated suite of enforcement tools available under the Act.
Appendix A – Reference documents and templates

Reference documents
The following documents are referenced in this guideline and you are encouraged to refer to them for further information where necessary.


Templates for auditors
The following templates have been produced for consistent application of the food safety program requirements of the Act. Templates for use by auditors are mandatory. Auditor templates are available on the Queensland Health food safety website - www.health.qld.gov.au/foodsafety.

- Audit report
- Written advice for consideration of food safety program for accreditation
- Notice of critical non-compliance.

Templates for local governments
The following templates have been produced for consistent application of the food safety program requirements of the Act. Templates for use by local governments are provided as a guide only. Local government templates are available on the secure local government area of the Queensland Health website - www.health.qld.gov.au/eholocalgov.

- Information notice - Frequency of compliance audits (section 109)
- Notice - Direction to amend an accredited food safety program (section 114)
- Notice - Decreasing frequency of compliance audits (section 110(4))
- Information notice: Increased frequency of compliance audits (section 110(3))
- Show cause notice: Cancellation of accreditation of food safety program (section 118)
- Information notice: Cancellation of accreditation of food safety program (section 121).
Appendix B – Flowchart of accreditation process

It is recommended that you refer to the information in section 3 when using this flowchart.

1. Application for accreditation of food safety program s102
2. Food safety program assessed (including written advice) s103 & s104
3. Request for further information or document s105
4. Information or document received within timeframe
5. Information or document not received within timeframe
6. Application taken to be withdrawn
7. Further time required to consider application s108
8. Food safety program accredited s106
9. Food safety program not accredited s106
## Appendix C – PIN offences

<table>
<thead>
<tr>
<th>Section</th>
<th>Short/common description of offence</th>
<th>Infringement notice fine (penalty units)</th>
<th>Responsible enforcement agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>99(1)</td>
<td>Failure to have accredited food safety program</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
<tr>
<td>114(5)</td>
<td>Failure to comply with direction to amend accredited food safety program</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
<tr>
<td>123</td>
<td>Failure to comply with an accredited food safety program</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
<tr>
<td>124</td>
<td>Failure to keep a copy of accredited food safety program at the premises</td>
<td>$220.00 (2)</td>
<td>Local government</td>
</tr>
<tr>
<td>125</td>
<td>Failure to keep copy of accredited food safety program available for inspection</td>
<td>$220.00 (2)</td>
<td>Local government</td>
</tr>
<tr>
<td>126</td>
<td>Advertising an accredited food safety program when an accredited food safety program is not held</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
<tr>
<td>137(1)</td>
<td>Failure to comply with condition of approval – auditor</td>
<td>$1,100.00 (10)</td>
<td>Queensland Health</td>
</tr>
<tr>
<td>150(2)</td>
<td>Failure to return approval to Queensland Health – auditor</td>
<td>$220.00 (2)</td>
<td>Queensland Health</td>
</tr>
<tr>
<td>157(1)</td>
<td>Failure to have first compliance audit within six months of accreditation</td>
<td>$1,100.00 (10)</td>
<td>Local government</td>
</tr>
<tr>
<td>158(2)</td>
<td>Failure to have compliance audit undertaken as required</td>
<td>$220.00 (2)</td>
<td>Local government</td>
</tr>
<tr>
<td>161(1)</td>
<td>Failure to provide audit report within 14 days of audit completion</td>
<td>$1,100.00 (10)</td>
<td>Local government</td>
</tr>
<tr>
<td>162(3)</td>
<td>Failure of auditor to report contravention posing serious or imminent risk</td>
<td>$2,200.00 (20)</td>
<td>Local government</td>
</tr>
<tr>
<td>162(4)</td>
<td>Failure to give notice of an imminent and serious risk</td>
<td>$2,200.00 (20)</td>
<td>Local government</td>
</tr>
<tr>
<td>163(1)</td>
<td>Obstructing an auditor</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
<tr>
<td>164</td>
<td>Impersonating an auditor</td>
<td>$550.00 (5)</td>
<td>Local government</td>
</tr>
</tbody>
</table>
Appendix D – Glossary of terms and abbreviations

Where terms used in this guideline are defined in the *Food Act 2006* and the Food Standards Code, they have the same meaning as in the Act or Code. You are encouraged to refer to these documents while reading this guideline.

Some common terms have been reproduced here for ease of reference.

**Accreditation**
Of a food safety program, means accreditation of the program under the Act (defined in the Act).

**Act**
*Food Act 2006*.

**Audit**
A compliance audit, check audit or non-conformance audit (defined in the Act).

**Auditor**
A person approved as an auditor under chapter 5 of the Act (defined in the Act).

**Compliance audit**
Of an accredited food safety program, means an audit of the program by an auditor to ensure the carrying on of the food business to which the program relates complies with the program and the food standards code, standards 3.2.2 and 3.2.3 (defined in the Act).

**Food safety hazard**
In relation to a food business, a thing or situation that has the potential to cause food handled or sold in connection with the food business to be unsafe or unsuitable (defined in the Act).

**Food safety program**
A documented program that identifies and controls food safety hazards in the handling of food in a food business (defined in the Act).

**Food safety standards**
Standards 3.2.2 and 3.2.3 of the food standards code.

**Food standards code**
Food Standards Australia New Zealand Food Standards Code.

**FSANZ**
Food Standards Australia New Zealand.

**Non-conformance audit**
Of an accredited food safety program, means an audit of the program by an auditor to check that any non-compliance with the program or the food standards code, standards 3.2.2 and 3.2.3, identified in an audit has been remedied (defined in the Act).

**PIN**
Prescribed infringement notice, commonly referred to as an ‘on the spot fine’.

**Regulation**
*Food Regulation 2006*.

**Standards**
Food safety standards, standards 3.2.2 and 3.2.3 of the food standards code.