

# **Food Act 2008 Regulatory Guideline No. 6**

## **Regulatory Food Safety Auditing in Western Australia - Approach to be adopted by enforcement agencies**

Food Act 2008 Regulatory Guideline No.1 dated 14 October 2010 is revoked and replaced by this guideline. The Chief Executive Officer of the Department of Health, under section 120 of the *Food Act 2008*, has adopted the following guideline and requires that the guideline be adopted and implemented by enforcement agencies in Western Australia:

### **Purpose:**

To outline the continued approach, and subsequent compliance and enforcement, of Part 8 of the *Food Act 2008* (the Act) to be adopted by enforcement agencies.

### **Policy Goal:**

To ensure consistency in approach across Western Australia by enforcement agencies under the Act in relation to the mandatory Food Safety Program (FSP) and regulatory food safety auditing requirements.

### **Commencement:**

This regulatory guideline is operational from the date signed by the CEO, or the delegate of the CEO, until revoked.

### **Part 1 – Preliminary Matters:**

1.1 Enforcement agencies to give new food businesses an appropriate and reasonable timeframe to develop a FSP prior to compliance and enforcement action being considered. As a guide to what is appropriate and reasonable, a new business should be given 3 months to develop and implement a FSP.

### **Part 2 - Verification of Food Safety Program:**

2.1 Enforcement agencies shall verify that a FSP developed by a food business is suitable before setting the audit frequency of the business.

2.2 Suitability is to be determined with reference to whether the FSP substantially complies with the requirements of Standard 3.2.1 (Food Safety Programs) of the *Australia New Zealand Food Standards Code*. To assist with the assessment of food businesses compliance with standard 3.2.1 – Food Safety Programs the department has produced [a template document \(PDF 25KB\)](#)

### **Part 3 - Setting Audit Frequencies:**

3.1 Once a FSP has been verified as suitable, enforcement agencies shall provide the food business with a time period of no more than 6 months before the first regulatory audit is required to be performed.

### **Part 4 - Compliance and Enforcement Action:**

4.1 If a business has not complied with any of the following:

- (a) development and implementation of a FSP;
- (b) a direction to rectify a FSP that has been deemed not suitable; or
- (c) requirement to contract a [regulatory food safety auditor](#)

within the timeframes specified by the enforcement agency, the enforcement agency should consider appropriate compliance and enforcement options in accordance with their compliance and enforcement policy.

**Approved on:** 14/06/2021

**Approved by:**

Dr Michael Lindsay

**EXECUTIVE DIRECTOR**

**ENVIRONMENTAL HEALTH DIRECTORATE**

**PUBLIC HEALTH DIVISION**

As delegate of the Chief Executive Officer