



Guideline on the Appointment of Authorised Officers

Appointment of persons to assist with the discharge of duties of an authorised officer

Food Unit / Version 01 / 20 July 2010

1.0 Objective

To provide enforcement agencies with guidance, in accordance with section 122(2) of the *Food Act 2008* (the Act), on the appointment of persons to assist with the discharge of duties of an authorised officer. Any appointment performed in accordance with this guideline is subject to the conditions and limitations detailed below (2.0).

This Guideline does not in any way invalidate the 'Guideline on the Appointment of Authorised Officers Version 2 November 2009'.

2.0 Overview of powers and functions

2.1 Powers and Functions

An appointment performed in accordance with this guideline is to be limited to only the following powers and functions under the Act:

- Part 5, Division 1:
 - section 38, 39, 45, 47 and 48;
- Part 7, Division 1; and
- Part 11, section 126 (3) (b).

2.2 Restrictions

An authorised officer appointed in accordance with this guideline **does not** have any of the following powers under the Act:

- the power of seizure (section 40);





- ability to apply for a warrant (section 41);
- ability to issue an improvement notice (62);
- ability to produce a report that recommends that a certificate of clearance be issued (section 66);
- the power to undertake a re-inspection following a request by a food proprietor affected by a prohibition order (section 67); and
- the power to issue an infringement notice (section 126).

Only persons appointed in accordance with the 'Guideline on the Appointment of Authorised Officers Version 2 November 2009' are able to perform the above listed functions under 2.2.

3.0 Qualifications and experience appropriate for appointment¹

An enforcement agency may only appoint a person under section 122 (1) of the Act as an authorised officer with the powers and functions as outlined in 2.0 if satisfied that the person has the following skills and knowledge competencies:

3.1 Underpinning skills and knowledge

- Evidence of one of the following:
 - Enrolment in an accredited Environmental Health course along with satisfactory completion of the following types of units:
 - Microbiology;
 - Food Safety and
 - Food Science; or
 - Certificate IV in Food Science (or higher) with a minimum of 40 hours of food microbiology.
- A high level understanding of:
 - *Food Act 2008*;
 - *Food Regulations 2009* and
 - *Australia New Zealand Food Standards Code (the Code)*.

¹ Adapted from the enHealth **Environmental Health Officer Skills and Knowledge Matrix** July 2009



3.2 Communication competencies

- Ability to provide food safety information and advice to business and the public.
- Ability to provide advice on managing food borne outbreaks.
- Ability to negotiate entry.

3.3 Risk management competencies

- Ability to apply knowledge of food standards code, food preservation and preparation processes and requirements, related handling, storage, equipment and facilities, basic construction principles to determine appropriate action to eliminate, reduce or control risks related to food.
- Ability to apply principles of risk based sampling and inspection to assess food related public health risks.
- Ability to assess and manage risk related to:
 - Programs;
 - Systems;
 - Specific risks.
- Ability to apply HACCP principles to identify hazards, assess and quantify level of risk in a :
 - Low risk;
 - Medium risk; and
 - High risk food business context.
- Ability to assess adequacy of control measures against prescribed standards and where there are no established standards or guidelines.
- Apply knowledge of likely causes of food contamination and spoilage to investigate contamination events.
- Implement product recall procedures.

4.0 Accountability

Authorised officers appointed under this guideline shall work under the general supervision of an authorised person appointed by the enforcement agency under



'Guideline on the Appointment of Authorised Officers' Version 2, 9 November 2009'.

Authorised officers appointed under this guideline shall work to written Standard Operating Procedures provided by the enforcement agency.

Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.

Maintenance of lists of authorised officers and compliance with appointment guidelines will form part of the annual reporting requirements to the Chief Executive Officer of the Department of Health.

5.0 References/related documents

- 'Guideline on the Appointment of Authorised Officers' Version 2, 9 November 2009
- 'Guideline on the Appointment of Authorised Officers – Designated Officers only (section 126)' Version 1, 8 December 2009
- *Food Act 2008*
- *Food Regulations 2009*

SIGNED

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