

# Inspections: Manufacturer and Wholesaler Inspection Program

*Businesses that manufacture or wholesale food in NSW fall under the NSW Food Authority's Manufacturer/Wholesaler Inspection Program (MWIP) and are **required to have inspections**.*

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The Food Authority licenses and audits high-risk food businesses (mostly primary production food businesses, hospitals and aged care facilities), while the retail food service sector (for example, cafes and restaurants serving ready-to-eat food) is generally the responsibility of local government to inspect.

The Manufacturer/Wholesaler Food Inspection Program ensures food businesses not covered by licensing or local government inspections are meeting their legal responsibilities in keeping food safe for consumers.

## Legal responsibilities of a food business proprietor

All food businesses in NSW are legally obliged to comply with the *Food Act 2003* (NSW), NSW Food Regulation 2025 and the Australia New Zealand Food Standards Code (the Code). The Act and Regulation can be viewed at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).

The Code is available at [foodstandards.gov.au](http://foodstandards.gov.au).

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## Definition of a food business

A food business is any business, enterprise or activity that involves the handling of food intended for sale, or the sale of food. They may be commercial, charitable or community based, and are included even if the handling or sale of food is on one occasion only. Any food business in NSW that manufactures or wholesales food that does not require a Food Authority licence needs to notify the Food Authority of their operations.

On a very small scale it may include [home-based businesses](http://www.foodauthority.nsw.gov.au/help/licensing). See [www.foodauthority.nsw.gov.au/help/licensing](http://www.foodauthority.nsw.gov.au/help/licensing).

## Inspections

The *Food Act 2003* allows an enforcement agency (the Food Authority) to appoint authorised officers who have the power to inspect food businesses for compliance with the legislation (see factsheet [Roles and powers of authorised officers](#) (PDF, 92 KB)).

Inspection frequency is based on risk and performance; that is, the type of food being handled and sold (pre-packaged versus freshly made) and previous compliance history of the business.

If serious food safety issues are identified during an inspection, the inspection frequency will be increased.

Authorised officers will focus on a number of areas to ensure compliance with legislation. These include:

- cleaning and sanitising of food contact surfaces
  - temperature control (for example, temperature of stored and displayed foods)
  - hygiene of food handlers (for example, hand washing, not working while ill)
  - pest control
  - construction and maintenance of the premises
  - maintaining a food recall program
  - allergen management
  - food handling practices (such as minimising cross contamination)
  - sale of food that is safe, and suitable and correctly labelled.
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## Costs

There is an annual administration charge, prescribed in the Regulation, which may be imposed on businesses that receive at least one inspection in a 12-month period. It covers the cost of functions including the provision of advice for food handlers, web based educational resources, a helpline, newsletters, factsheets and administration. There is also an hourly fee for inspecting food businesses.

The charge does not apply to a food business that operates for the sole purpose of raising funds for a community or charitable cause or a business that is operating a fully compliant externally audited food safety program.

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## How the charge is calculated

The charge for each premises operated by the food business is based on the number of full-time equivalent (FTE) food handlers (based on a 38-hour week) working at the premises. Staff involved solely in administrative, register/checkout or clerical tasks are not considered to be food handlers.

The number of full-time equivalent (FTE) food handlers is calculated as follows:

**No. of food handlers x hours each spends handling food per week ÷ 38 hrs = FTE**

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### Example

A small mixed business selling pre-packaged food and general merchandise employs 3 people who each spend approximately 13 hrs a week on food handling activities. The rest of their time is spent on non-food related work.

$3 \times 13 \text{ hrs} = 39\text{hrs} \div 38 = \text{approx. } 1 \text{ FTE food handler.}$

## Maximum administration charge

Number of FTE food handlers working at the premises.

## Maximum charge per premises

- Up to and including 5 FTE – \$570
- More than 5 but not more than 50 FTE – \$1,170
- More than 50 FTE – \$5,115

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## Resources

- Manufacturer and Wholesaler Inspection Program: Information pack for businesses (PDF, 664 KB) available at [www.foodauthority.nsw.gov.au/industry/manufacturers-and-wholesalers](http://www.foodauthority.nsw.gov.au/industry/manufacturers-and-wholesalers)
- Roles and powers of authorised officers (PDF, 92 KB) available at [www.foodauthority.nsw.gov.au/industry/audits-and-compliance/powers-of-authorised-officers](http://www.foodauthority.nsw.gov.au/industry/audits-and-compliance/powers-of-authorised-officers)
- Food Standards Australia New Zealand [foodstandards.gov.au](http://foodstandards.gov.au)

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## More information

- Visit [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au)
- Email [food.contact@dpird.nsw.gov.au](mailto:food.contact@dpird.nsw.gov.au)
- Phone 1300 552 406

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