

MANUFACTURER AND WHOLESALE FOOD INSPECTION PROGRAM

Businesses that manufacture or wholesale food in NSW fall under the NSW Food Authority's Manufacturer/Wholesaler Food Inspection Program and will be required to have inspections.

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 (cafes, restaurants etc. serving ready-to-eat food) is generally the responsibility of local government to inspect.

The Manufacturer/Wholesaler Food Inspection Program has been initiated to ensure that 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), *Food Regulation 2015* and the *Food Standards Code* (the Code). The Act and Regulation can be viewed at www.legislation.nsw.gov.au.

The Code can be downloaded for free at www.foodstandards.gov.au.

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. All food businesses in NSW that manufacture or wholesale food and are not required to be licensed with the Food Authority need to notify the Food Authority of their operations. At a very small scale it may include [home-based businesses](#).

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 Powers of authorised officers).

Inspection frequency is based on risk and performance; i.e. the type of food being handled and sold (e.g. pre-packaged vs 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 (e.g. temperature of stored and displayed foods)
- hygiene of food handlers (e.g. hand washing, not working while ill)
- pest control
- construction and maintenance of the premises
- maintaining a food recall program
- allergen management



- food handling practices (e.g. minimising cross contamination), and
- sale of food that is safe, and suitable and correctly labelled.

Costs

There is an annual administration charge, prescribed in the Regulation, which may be imposed on those businesses that receive at least one inspection in the twelve 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 the 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.

How the charge is calculated

The charge for each premises operated by the food business is based on the number of full-time equivalent 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:

$$\text{No. of food handlers} \times \text{hours each spends handling food per week} \div 38 \text{ hrs} = \text{FTE}$$

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 \$390

More than 5 but not more than 50 \$800

More than 50 \$3500

More information

- See factsheet Powers of authorised officers
- Visit Food Standards Australia New Zealand (FSANZ) website: www.foodstandards.gov.au/Pages/default.aspx

About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

Note: This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).



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