



New South Wales

Food Amendment (Food Safety Auditors) Regulation 2009

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

IAN MACDONALD, MLC
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Food Regulation 2004* to make provision in respect of food safety auditors under the *Food Act 2003*. In particular, this Regulation:

- (a) prescribes a fee in relation to an application for approval as a food safety auditor, and
- (b) prescribes the form in which a food safety auditor is to report the results of any audit or assessment carried out by the auditor, and
- (c) provides that a food business must obtain approval to arrange for a food safety auditor who is not a member of staff of the NSW Food Authority to carry out audits of the business under the *Food Act 2003* or the *Food Regulation 2004*.

This Regulation is made under the *Food Act 2003*, including sections 87, 95, 102 and 139 (the general regulation-making power).

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Clause 1 Food Amendment (Food Safety Auditors) Regulation 2009

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1 Name of Regulation

This Regulation is the *Food Amendment (Food Safety Auditors) Regulation 2009*.

2 Commencement

This Regulation commences on the day that it is published on the NSW legislation website.

Schedule 1 Amendment of Food Regulation 2004

[1] Clauses 20A–20D

Insert after clause 20:

20A Fee for food safety auditor application

For the purposes of section 87 (3) (b) of the Act, the prescribed fee is \$800.

20B Food safety auditor reports

For the purposes of section 95 (2) (a) of the Act, the form set out in Schedule 1A is prescribed.

20C Inspections and audits of food businesses

- (1) The Food Authority may arrange for an authorised officer to carry out an inspection of the premises and equipment involved in a food business, and the activities carried on in the course of the food business, before or after granting a licence in respect of the food business.
- (2) The Food Authority may arrange for a food safety auditor to do any of the following, before or after granting a licence in respect of a food business:
 - (a) to carry out an audit of the food safety program, or proposed food safety program, for the food business,
 - (b) to carry out an assessment of the food business to ascertain its compliance with requirements of the Food Safety Standards.
- (3) This clause is not intended to limit any powers of an authorised officer to carry out an inspection under Part 4 or 5 of the Act.

20D Approval for a food business to retain food safety auditor

- (1) A food business must not, except with the approval of the Food Authority, arrange for a food safety auditor who is not a member of staff of the Food Authority to carry out an audit of the food safety program, or proposed food safety program, for the food business that is required under the Act or the regulations.
- (2) An application for approval must be made in a form approved by the Food Authority and must be accompanied by such documents and information as the Food Authority may require.
- (3) The Food Authority may grant an approval subject to such conditions as the Food Authority considers appropriate.

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Schedule 1 Amendment of Food Regulation 2004

- (4) An approval may be granted so as to apply generally to the carrying out of audits on behalf of the applicant or so as to be limited to particular audits or types of audits.
- (5) An approval may be revoked by the Food Authority by notice in writing given to the food business.

[2] Clauses 36, 40, 57, 131, 142, 169 and 176

Omit the clauses.

[3] Schedule 1A

Insert before Schedule 1:

Schedule 1A Forms

Form 1 Report of food safety auditor

(Clause 20B)

Audit details

Licence name:

Licence number:

Facility location:

Facility reference number:

Auditor first name:

Auditor surname:

Auditor number:

Audit date:

Audit duration:

Last audit date:

Audit items

[The information below is to be completed in respect of each of the following audit items:

- *food safety program,*
- *construction and maintenance,*
- *hygiene and sanitation,*
- *process control,*
- *product ID and traceability,*
- *analytical and testing,*

- *pre-requisite programs,*
- *corrective action.]*

1 Previous Corrective Action Request (CAR)? Yes No

(a) *If yes to 1, issues to close?* Yes No

(b) *If yes to (a), for each issue:*

(i) Issue number from previous CAR:

(ii) Close out comments:

(c) *If yes to 1, issues to reissue?* Yes No

(d) *If yes to (c), for each issue:*

(i) Issue number from previous CAR:

(ii) Description:

(iii) Rectification date:

2 New issues? Yes No

(a) *If yes to 2, for each issue:*

(i) Description:

(ii) Rectification date:

Result: CAR issued / Acceptable (*Delete whichever is not applicable*)

CAR issue level: Minor / Major / Critical (*Delete whichever is not applicable*)

Audit results

Audit score:

Audit level:

Audit outcome:

Auditor declarations

I am of the opinion that the food business is being carried on in compliance with the requirements of the regulations relating to food safety programs.

Yes No

I am of the opinion that the food business is being carried on in compliance with the provisions of the Food Safety Standards.

Yes No

Auditor comments

Comments: