

Environment and Public Health

Food Business Licence

Application Guide



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About This Guide

This guide is intended for anyone who is considering starting up or taking over a food business. It has been developed to assist potential food business operators understand the licensing requirements under the *Food Act 2006* and the food business licence application process.

This guide should be read in conjunction with Council's relevant Food Business Fit-Out Guide.

Introduction

Food safety is an important issue to the community. Each year it is estimated that more than five million Australians become ill from eating food that was not safe.

Becoming a food business operator comes with legislative responsibilities and a requirement to provide safe and suitable food for consumption. The correct construction, maintenance and operation of a food premises ensures the general community is protected from food that is not safe to eat.

Council is responsible for licensing food premises in accordance with the *Food Act 2006* and the Food Safety Standards.

The Act requires Council to monitor the standard of operations in fixed, mobile and temporary food premises. This monitoring is achieved by providing for the licensing of particular food businesses.

Relevant Legislation

Anyone operating a food business is required to comply with the *Food Act 2006* and the Food Safety Standards.

The main purpose of the *Food Act 2006* is to ensure food for sale is safe and suitable for human consumption.

The Food Safety Standards sets out the specific requirements for the food businesses and food handlers that, if complied with, will ensure food does not become unsafe or unsuitable. The standards also set out requirements for food premises and equipment that, if complied with, will facilitate compliance by food businesses with the food safety requirements.

You can obtain a copy of the *Food Act 2006* from Council's website or the Queensland Government website www.legislation.qld.gov.au or call Go Print on 07 3246 3500.

The Food Safety Standards is available on Council's website or the Food Standards Australia New Zealand website www.foodstandards.gov.au.

Licensing Requirements

Who needs a food business licence?

Anyone operating a licensable food business. A licensable food business is a food business that:

- involves the manufacture of food; or
- involves the retail sale of unpackaged food and is not a non-profit organisation; or
- is carried on by a non-profit organisation and involves the sale of meals prepared by the organisation at a particular place, on at least twelve days each financial year.

Examples of licensable food businesses includes (but is not limited to):

- businesses that sell unpackaged food by retail,
- restaurants or delicatessens,
- cafes,
- caterers,
- takeaway food outlets,
- motels providing meals with accommodation,
- unpackaged food from a vending machine,
- child care centres,
- bed and breakfasts,
- hostels,
- private hospitals and nursing homes,
- market stalls.

Under the *Food Act 2006* it is an offence for a person to carry on a licensable food business without holding a food business licence.

You are required to hold a food business licence regardless of whether your premises are fixed, mobile or temporary.

Who does not need a food business licence?

Businesses not requiring a food business licence include:

- production of primary produce eg abattoirs or dairy farms,
- food businesses conducted by the State or a government owned corporation,
- tuck shops operated by a parents and citizens association at a State School,
- handling of food at a person's home that is intended to be given away to a non-profit organisation for sale by the organisation eg cakes made for fundraising,
- sale of unpackaged snack food that is not potentially hazardous food eg corn chips, potato chips, confectionary, nuts, dried or glazed nuts, biscuits and cakes (however the business where the biscuits and cakes are made needs to be licensed),
- sale of whole fruit or vegetables,
- sale of drinks, other than fruit or vegetable juice processed at the place of sale eg tea, coffee, soft drinks, alcoholic drinks,

- sale of ice including flavoured ice,
- provision of meals by a non-profit organisation if the meals consists only of fruit, cereal, toast or similar food,
- provisions of meal by a non-profit organisation if the consumer of the meal helps prepare it,
- sale of unpackaged food, not considered to be a meal, by a non-profit organisation eg barbeque sausage sizzle,
- provision of meals by a non-profit organisation that are prepared by an entity other than the organisation and are stored and heated or otherwise prepared by the organisation in accordance with directions of the meal's manufacturer.

To find out whether your food business requires a licence, contact Council's Customer Service Centre.

Obligations

What are my obligations as a food business operator?

Even though a food business licence may not be required, you have a responsibility to ensure the sale of safe and suitable food and an obligation to comply with the *Food Act 2006* and Food Safety Standards.

What are my obligations as a licensable food business licensee?

You have a responsibility to ensure the sale of safe and suitable food and an obligation to comply with the *Food Act 2006* and Food Safety Standards. You must also comply with all licence conditions at all times and:

- have an accredited food safety program if required under section 99 of the *Food Act 2006*. Comply with the accredited food safety program and allow an auditor to have reasonable access to the premises to conduct audits,
- display the food business licence or a copy of the licence in a prominent position on the premises so the details are easily visible to persons at the premises,
- ensure the premises comply with the Food Standards Code - Food Safety Standard 3.2.3,
- allow an authorised person to have reasonable access to the premises during normal business hours for the food business,
- comply with any other reasonable conditions that Council considers appropriate.

Starting a food business (fixed, mobile or temporary)

There are a number of things that you need to do before you can operate a food business. Obtaining a food business licence is just one of these and it does not mean that all other approval areas have been satisfied. See 'Other Approvals' on page 7.

The first step you need to take with Council is to check if land use approval is required for the proposed location from Council's Development Assessment Unit. For advice contact Council's Customer Service Centre.

You will need to establish the design and layout of your premises. Council's relevant Food Business Fit-Out Guide will assist you. This guide is available on Council's website or from the Customer Service Centres.

Once you have established that you can operate a food business from the location and have determined the design and layout, you will need to apply for a food business licence.

Prelodgement visit

Before you make a decision on the premises you intend to start a food business from, and if the premises are not being used as a food business, you can request one of Council's Environmental Health Officers to meet you and discuss the premises against the Food Safety Standards requirements.

This visit is to provide you with information on the potential of the premises to be a food business and issues you should consider with regards to the premises to ensure compliance with the Food Safety Standards. Approval will not be provided at the visit.

If you wish to discuss the premises with one of Council's Environmental Health Officers, contact Council's Customer Service Centre.

Applying for a Food Business Licence

You can apply to Council for a food business licence. The applicant for the food business licence must be a legal entity ie. a person or a company. A business name or trading name is not a legal entity and cannot be the licence holder.

What do I need to submit when applying for a food business licence?

The following needs to be submitted:

- application for food business licence form,
- site plan (maximum A3 size, 2 copies),
- floor plan (maximum A3 size, 2 copies),
- sectional elevation plans (maximum A3 size, 2 copies),
- hydraulic plans,
- mechanical exhaust ventilation plan,
- food menu and list of potentially hazardous ingredients,
- correct fees,
- food safety supervisor Statement of Attainment,
- food safety program and auditors 'Notice of Written Advice', if your food business is required to have an accredited food safety program,
- recall system details, if the business is a wholesaler, supplier, manufacturer or importer,
- other supporting documentation.

All required items must be submitted at the time of application. You may not be able to lodge your application with Council until all the required documents are provided and the fee is paid.

Application form

Ensure that all sections of the Application for Food Business Licence form are completed and that the form is signed. This form is available on Council's website or from the Customer Service Centres.

Site plan

The site plan should show car parks, waste storage areas, grease trap and adjacent land uses. The plan should be drawn to scale of not less than 1:200.

Floor plan

The floor plan should contain details on the layout of all the equipment, fixtures and fittings in a bird's eye view. The plan must be drawn to a suitable scale (e.g. 1:50).

Sink details should be provided including the type of sink (single bowl, double bowl, triple bowl, hand wash basin or cleaner's sink) and dimensions (or the size and depth of the sink). The plan should also provide details of surface finishes used on equipment, fixtures and fittings, floor, walls and ceiling (e.g. laminate or stainless steel benches, walls and ceilings finished in gloss paint, ceramic tiles on the floor).

When designing the layout of your premises, ensure that the operational flow of work is consistent with the Food Safety Standards. This means having clearly defined "clean" and "dirty" areas. Make sure the separated process areas are clearly identified on your plan. See Appendix 2 for an example of a floor plan.

Sectional elevation plans

A sectional elevation plan is a side-on view of all benches, equipment, fixtures and other fittings showing their height. The plan should be drawn to scale of not less than 1:50.

You must provide details of surface finishes (e.g. laminate or stainless steel benches, walls and ceilings finished in gloss paint, ceramic tiles on the floor). See Appendix 2 for an example of a sectional elevation plan.

Hydraulic plans

Hydraulic plans should show the location of water and sewage pipes and connection types, tundishes and grease traps. The plan should be drawn to a scale of not less than 1:50.

Mechanical exhaust ventilation plan

Mechanical exhaust ventilation plans should show the canopy, filters, exhaust ducting and cleaning access points. The plan should be drawn to a scale of not less than 1:50.

Food menu and list of potentially hazardous ingredients

A copy of the proposed menu and a list of the potentially hazardous ingredients that will be used.

Correct fees

All fees need to be paid up-front when the application is lodged. No part payments will be accepted. The fees are available on Council's website or from the Customer Service Centres.

Food safety supervisor Statement of Attainment

All licensed food businesses are required to nominate one or more food safety supervisors. Anyone including the business owner, the licensee or an employee can be a food safety supervisor for a food business.

The food safety supervisor must:

- meet the required competencies depending on the food business,
- be reasonably available when food handling is being undertaken,
- have the ability to supervise food handling practices at the food business, and
- have the authority to supervise and direct food handlers.

The required competencies for a food safety supervisor are available in Appendix 3. The minimum competencies apply regardless of whether the food business has a food safety program.

If the food safety supervisor is not known at the time of application, licensees are required to notify Council of the details of your food safety supervisor within thirty days of the licence being issued. You can do this by submitting a Nomination or Amendment of Food Safety Supervisor form. This form is available on Council's website or from the Customer Service Centres.

Food safety program and approved auditors 'Notice of Written Advice'

Under the *Food Act 2006*, certain licensable food businesses must have an accredited food safety program, which is a documented system that identifies and controls food safety hazards within a food business.

You are required to have an accredited food safety program if your food business undertakes one or more of the following:

- provides offsite catering (does not include delivery of food) for functions and serves potentially hazardous food at various locations,
- provides onsite catering as the primary activity of the food business,
- provides onsite catering as the primary activity of the food business at part of the premises such as a function room at a large hotel,
- produces potentially hazardous food for vulnerable populations at child care, aged care and hospital facilities,
- operates as part of a private hospital under the *Private Health Facilities Act 1999*.

Onsite catering means preparing and serving potentially hazardous food, to all consumers of the food at the premises from which the business is carried on, under an agreement where type of food, number of persons, time served at and the cost is predetermined.

Onsite catering does not include preparing and serving food at a restaurant, cafe or similar business on the order of a person for immediate consumption by the person, or preparing and displaying food for self service by consumers such as buffets.

Where onsite catering is the primary activity at part of the premises, only those businesses that use a section of their business to cater to two hundred or more people on twelve or more occasions per year are required to have a food safety program.

The local government that issues your food business licence is responsible for accrediting the food safety program for your food business. You must submit the businesses food safety program and the approved auditors 'Notice of Written Advice' with the Application for Food Business Licence.

The food safety program will be assessed when the Application for Food Business Licence is assessed. See Appendix 4. for further information on food safety programs and approved auditors.

Recall system details

A copy of the food businesses recall system/procedure if the business is a wholesaler, supplier, manufacturer or importer.

Other supporting documents

Please supply any supporting documents, such as evidence of personal suitability, technical data, equipment pamphlets and validation documentation for any equipment, when lodging your application.

Application Process

Once your application is submitted to Council, it will be assessed under the *Food Act 2006*. This Act sets out the application process and related timeframes.

Properly made application

When your application is received by Council, it will be assessed to determine if it is properly made or not. This means that the application is made using the correct form, signed by the applicant, accompanied by the fee and all mandatory information is submitted. If it is not properly made, Council will send correspondence advising you what is required to make the application properly made. You will need to provide what is required within the given timeframe.

Assessing application

Once the application has been assessed as being properly made, Council will notify you and commence assessing your application against legislative criteria (suitability of person to hold licence and suitability of premises). If Council requires further information to make a decision on the application, Council will send you correspondence advising what further information is required. You must provide this information within the given timeframe otherwise the application may be considered to be withdrawn.

Decision

Once Council has all the required information, it will decide your application within thirty calendar days. Council will forward you correspondence advising you of the decision and any conditions put on the food business licence. When your application is approved, you can then carry out any proposed works (eg. construction or fit out) in accordance with the approved application.

Inspections

When you are close to completing the construction and fit-out of the premises, contact Council's Environment and Public Health Unit to arrange a final inspection. This inspection is to determine whether the premises comply with the Food Safety Standard 3.2.3 and any specific conditions put on the food business licence. You can not open your business until the premises have had a final inspection and you have been given final approval.

Within two months of your food business opening, or taking over a business, Council's Environmental Health Officers will visit you to discuss food handling processes, health and hygiene requirements, cleaning, sanitising and maintenance practices. Educational material will

also be provided. This is a good opportunity for you to ask the Environmental Health Officer any questions you may have regarding your food business.

Environmental Health Officers are not required to make appointments to conduct inspections of your food business. Under the *Food Act 2006* an Environmental Health Officer is allowed to enter your food business whenever it is open to the public or when food handling practices are being conducted.

When an inspection is completed you will be advised in writing of any non compliance, action(s) required and timeframes in which you must comply. If you are unable to meet the specified timeframes please contact the inspecting Environmental Health Officer.

Other Approvals

There may be other approvals that are required to operate your food business. These must be obtained prior to starting any building. There may be other approvals not listed here.

Development approval

You will need to check that a food business can be operated from the premises. For more information, visit Council's website or contact Council's Customer Service Centres.

Building approval

You may require building approval under the *Building Act 1975*. Exhaust canopies are assessed under the Building Act. Approvals can be obtained through Council or a private certifier (for private certifiers, look under "Building Consultants" in the Yellow Pages). For more information, visit Council's website or contact Council's Customer Service Centres.

Plumbing approval

You may require plumbing approval from Council's Plumbing Section. For more information, visit Council's website or contact Council's Customer Service Centres.

Trade waste approval

If you intend to or discharge trade waste to Council's sewer system you may be required to hold a Trade Waste Permit from Fitzroy River Water. For more information, visit Council's website or contact Council's Customer Service Centres.

Advertising sign approval

You may require advertising sign approval from Council's Local Laws Unit. For more information, visit Council's website or contact Council's Customer Service Centres.

Mobile Food Business

Mobile food premises licensed by Rockhampton Regional Council can operate in all areas of Queensland. Please note the mobile food premises may be inspected by an authorised person in the area where you are operating.

When operating in more than one local government area, the licensee must hold a valid food business licence and comply with the licence conditions from the issuing Council and any additional conditions from the Council in the area where you are operating.

Temporary Premises

If you are proposing temporary premises and the proposed activities meet the definition of a licensable food business, you will require a food business licence. The food business licence may be issued for the term of the event/s.

Buying an Existing Food Business

You may want to take over an existing licensed food business. It is important that you follow the necessary steps to ensure that you can continue operating the business in its current location and fit-out.

Health and Environment Records Search

A prospective buyer can request an Environment and Public Health Records Search from Council prior to purchasing or taking over a licensed food business.

The following searches are available:

- Activity / Facility Records Search,
- Single Activity / Facility Records Search and Inspection,
- Multiple Activity / Facility Records Search and Inspection.

The Activity Records Search will provide the current licence details and status only. The Single and Multiple Activity/Facility Search and Inspection will provide the current licence details, status, non compliance with the licence conditions and a full inspection report for the premises. Please note the Property Search Form must be signed by the current licensee of the food business to consent to release the information to the applicant. This form and relevant fee charged are available on Council's website or from the Customer Service Centres.

How do I amend (transfer) a food business licence?

If you are taking over an existing licensed food business you will need to submit an Application for Amendment of Food Business Licence to Council with the relevant fee. Please note the amendment application must be signed by the current licensee of the food business and proposed licensee to change the licence to the new operator's name. Otherwise the new operator must submit a new Application for Food Business Licence to Council. These forms and relevant fees are available on Council's website or from the Customer Service Centres.

You must also notify Council of any changes to the food safety supervisor or their contact details within fourteen days of the change. You can do this by submitting a Nomination or Amendment of Food Safety Supervisor form. This form is available on Council's website or from the Customer Service Centres. There is no fee for nominating or amending a food safety supervisor.

Renovating or Altering an Existing Food Business

If you are intending to make changes to an existing premises, you should contact Council before undertaking any work for advice on the legislative requirements to ensure the design, materials and equipment you select will comply with the Food Safety Standards and Australian Standard AS4674-2004.

The licensee may be required to submit an Application for Amendment of Food Business Licence to Council with the relevant fee. The application process is the same for a food business licence. This form is available on Council's website or from the Customer Service Centres.

Training

I'm Alert Food Safety free online training program

Council is assisting food businesses to meet their obligations under the *Food Act 2006* and Food Safety Standards by providing free access to the I'm Alert Food Safety online training program via our website www.rockhamptonregion.imalert.com.au. This training will assist food handlers in developing or revising the required skills and knowledge to ensure food is handled in a safe and hygienic manner.

A training acknowledgement certificate can be printed upon completion and be kept as a part of your food safety records. Please note that completing I'm Alert Food Safety online training does not fulfil the required competencies for a food safety supervisor.

Appendix 1 - Key Definitions

Fixed premises means a building or other structure, or part of a building or other structure, that has a permanent address.

Food safety program means a documented program that identifies and controls food safety hazards in the handling of food in a food business.

Food safety supervisor is a person who:

- knows how to recognise, prevent and alleviate food safety hazards of the food business
- has skills and knowledge in matters relating to food safety relevant to the food business
- has the authority to supervise and give directions about matters relating to food safety to persons who handle food in the food business.

Manufacture includes the following:

- making food by combining ingredients eg producing frozen meals in a factory, producing cake mixes,
- significantly changing the condition or nature of food by any process such as milling, peeling, cutting or freezing ,
- bottling or canning food ,
- packing unpackaged food (other than unprocessed primary produce) eg. packing bulk ground coffee for wholesale,
- making ice.

Meal means food that is, or intended to be, eaten by a person sitting at a table, or a fixed structure used as a table, with cutlery and is of adequate substance as to be ordinarily accepted as a meal.

Mobile premises means premises that are a vehicle from which a person sells unpackaged food by retail.

Potentially hazardous food means food that must be kept at a particular temperature to:

- minimise the growth of pathogenic micro-organisms that may be in the food,
- stop the formation of toxins in the food.

Premises includes:

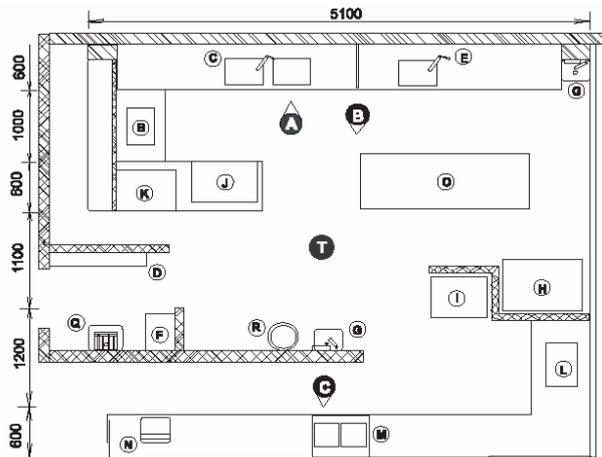
- a building or other structure,
- a part of a building or other structure,
- land where a building or other structure is situated,
- a vehicle.

Temporary premises means premises other than fixed premises or mobile premises, and includes, for example, a stall or a tent.

Unpackaged food means all food, other than food that is sealed in a package at a place other than the food business that sells it by retail in that package.

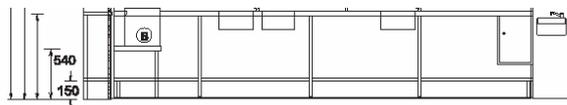
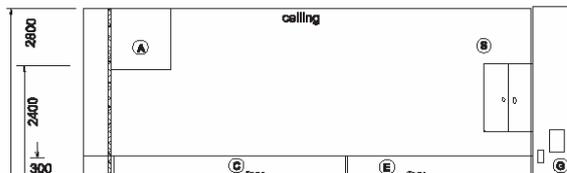
Appendix 2 – Floor Plan and Sectional Elevation Plan

Please note that this plan is not to scale.



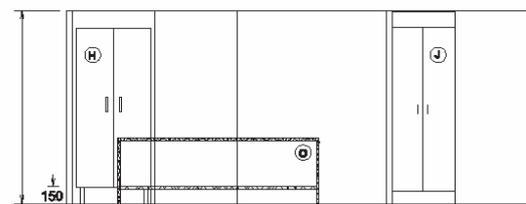
FLOOR PLAN

- A Mechanical exhaust
- B Fryer
- C Stainless steel
- D Staff personal effects storage
- E Stainless food preparation sink
- F Chemical storage unit
- G Stainless steel hand wash basin 400mm by 500mm
- H Upright scope commercial refrigeration unit
- I Scope upright drinks fridge
- J Dry goods pantry
- K Commercial pie warmer
- L Coffee
- M Refrigerated display cabinet
- N Cash register
- O Stainless steel food preparation bench
- P General waste bin
- Q Cleaners sink
- R Waste bin
- S Storage cupboard
- T Floor waste drain

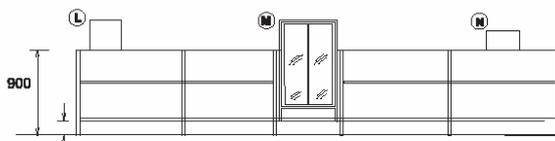


VIEW 'A'

ceiling



VIEW 'B'



VIEW 'C'

- FLOOR Ceramic tiles and coving to all walls.
- WALLS Timber framing.
- WALL LINING 10mm plasterboard gloss enamel finish.
- BENCHES Stainless steel bench and frame.
- FRONT COUNTER Laminex bench top.
- CEILING Sealed plasterboard tiles gloss enamel finish.

- PLUMBING ss basin, knee operated mixer tepid & cold water ss sinks, lever mixer tap, hot and cold water.

- BACKFLOW PREVENTION Air gap to all tapware. Dual check valve to coffee machine.

Appendix 3 – Food Safety Supervisors

What training does a food safety supervisor need?

A food safety supervisor must have a Statement of Attainment issued by a Registered Training Organisation (RTO) for the relevant competencies, or have demonstrated to an RTO that they have the prior skills, experience or training to meet these competencies.

The following table shows the minimum competency standards for a food safety supervisor.

| Food Sector | Competency Code | Competency Title |
|-------------------------------|------------------------------|---|
| Food Processing | FDFCORFSY2A or (FDFCORFSY2A) | Implement food safety program and procedures |
| Retail and Hospitality | SITXOHS002A | Follow workplace hygiene procedures |
| | and SITXFSA001A | Implement food safety procedures |
| | or SIRRFSA001A | Apply retail food safety practices |
| Health and Community Services | HLTFS207B | Follow basic food safety practice |
| | HLTFS309B | Oversee the day-to-day implementation of food safety in the workplace |
| | HLTFS310B | Apply and monitor food safety requirements |
| Transport and Distribution | SITXOHS002A | Follow workplace hygiene procedures |
| | SITXFSA001A | Implement Food Safety Procedures |

The following table shows examples of the types of food businesses under each food sector.

| Food Processing | Retail and Hospitality | Health and Community Services | Transport and Distribution |
|--------------------|--------------------------------|--|--------------------------------|
| Flour Mills | Supermarkets | Hospitals | Warehouses |
| Canneries | Convenience Stores | Childcare Centres | Bulk Food Distribution Centres |
| Packers | Grocers | Nursing Homes | |
| Bakers | Delicatessens | Hotels | |
| Breweries | Restaurants | Meal on Wheels | |
| Airline Caterers | Hotels | Catering for Public or Private Hospitals | |
| Ice manufacturing | Takeaway and Cafes | | |
| Wine Production | Catering for Private Functions | | |
| Pre Prepared Meals | Markets and Stalls | | |

Where can I get the required training or recognition of prior competency?

Food safety supervisor training is conducted by RTOs across Australia. The RTOs who deliver the required food safety supervisor training or assess applications for recognition of prior learning are available on the National Training Information Service website www.ntis.gov.au or the Queensland Health website www.health.qld.gov.au/foodsafety.

Appendix 4 – Food Safety Programs

Some licensable food businesses are required to have an accredited food safety program (FSP), which identifies, documents and controls food safety hazards within a food business.

What must a food safety program contain?

A food safety program must:

- systematically identify the food safety hazards that are reasonably likely to occur in food handling practices of the food business,
- identify where each food safety hazard can be controlled and the means of control,
- provide systematic monitoring of the means of control,
- provide appropriate corrective action to be taken when a hazard identified is not under control,
- provide regular review of the program to ensure it is appropriate for the food business,
- provide appropriate record keeping for the food business including action taken to ensure the food business is conducted in compliance with the program, and
- contain other information, relating to the control of food safety hazards, prescribed under a regulation.

What are the benefits of a food safety program?

A well developed and implemented food safety program will help ensure the food you sell is safe. It can also assist a food business to demonstrate that all due diligence was exercised to prevent a breach of the *Food Act 2006*.

A food safety program is a proven system for managing food safety and can also improve record keeping and cost control.

How do I develop a food safety program?

There are various food safety program templates available to help you develop a food safety program that is tailored to your food business. There are a number of food safety program templates available on Council's or the Queensland Health website. However you are able to use any food safety program template to develop your food safety program provided the completed program meets the necessary criteria under the *Food Act 2006*.

What happens after my food safety program is accredited?

Once your food safety program has been approved, you must arrange for an approved auditor to conduct the first compliance audit within six months of the accreditation. It is the licensee's responsibility to ensure compliance audits are conducted at the frequency specified by Council in your Food Safety Program Accreditation Approval.

How do I find an approved auditor?

A register of approved auditors under the *Food Act 2006* is available on the Queensland Health website. The register contains the name and contact details of approved auditors, the conditions of the auditor's approval and the term of approval.

What happens after an audit?

The approved auditor is required to provide a report identifying any non compliance with the accredited food safety program to the licensee and Council within fourteen days of conducting the audit. If there are any non compliances of a serious nature that could result in unsafe food, the auditor will refer the issue to Council within twenty four hours, who may take further action.



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