

Welcome to Flavours

Winter Edition 2022

Changes to the Food Act

The *Food Act 1984* is currently undergoing a range of changes which include food safety programs, the risk classification system and registrations. For more information regarding the changes, please visit the Department of Health's website:

health.vic.gov.au/food-safety/classification-changes



Food Act registration period

Councils are now able to align their registration periods.

The Act has been amended to allow for each registration issued in the registration period, (or renewal as the case may be), to be aligned to an expiry date set by the registration authority.

What does this mean for your business?

Our Council will be re-aligning all Food Act registrations to a calendar year, (1 January to 31 December). To implement this change, food businesses will soon receive an application to renew their registration until 31 December 2022. A second application for renewal of registration will be issued in December for registration until 31 December 2023 and then for 12 months thereafter.

Changing food safety program type

Food businesses who change their type of food safety program they are using during their registration period, must notify our Council about the change within 14 days. This is particularly relevant to food businesses changing from using a standard food safety program to a non-standard food safety program, (requiring a 3rd party audit).

Food businesses who use a non-standard food safety program, (for example an independent food safety program or HACCP), also need to meet the audit certificate requirements, stating the food safety program meets the requirements of section 19D, prior to the next renewal.

Certificate of food safety program adequacy

When a food business's non-standard food safety program has been assessed as adequate by a 3rd party food safety auditor, who has also observed operational deficiencies, the auditor is then required to ensure those deficiencies have been rectified.

Where the auditor returns to find these deficiencies not rectified, the auditor must:

- issue a certificate stating that the food safety program is adequate, and
- notify our Council about the outstanding deficiencies.

Our Council will then follow up on the deficiencies.



Cancellation of registration

Registrations are no longer permitted to be transferred under the Food Act. Where a business changes ownership or ceases trading, the Food Act Registration will be cancelled. A new proprietor of an already registered food business will need to make an application for registration to our Council.

Changes to the food business classification system

In Victoria, food premises are classified according to the level of food safety risks and the type of food handling activities occurring at the premises, they are classified on their highest risk activity occurring at the premises.

In preparation for the changes that may be occurring around 1 July 2022, amendments to the classification system will be introduced, resulting in some businesses being reclassified, they will need to comply with different food safety requirements. These changes may come into effect when you renew your Food Act registration.

Low risk food manufacturers who produce foods with an allergen free claim

Food businesses who manufacture low risk food, which include allergen free claims, will be reclassified from a class 3 to a class 2, they will also need to demonstrate how this will be achieved. This will require the use of a non-standard food safety program which will identify allergens as a hazard, with control processes identified, monitored and 3rd party audited.

Home-based businesses who produce low-risk packaged or unpackaged foods with an allergen-free claim will remain a class 3.

Food businesses who produce lower risk sweet and savoury foods

Businesses who make sweet or savoury food which do not require temperature control for safety, for a minimum of 24 hours and are:-

- uncooked and may or may not contain dry nuts (whole or crushed), seeds, dry fruits, protein powder (or similar supplement) and other low risk ingredients, or
- after baking, are a low-risk food, including cakes, cup cakes with or without icing, bread, biscuits, crackers, muffins, croissants and other pastry items where all ingredients are cooked; and
- have no potentially hazardous food added to the product after baking, (for example fresh cream or custard)

Will be reclassified to a class 3.

Home or temporary businesses who produce chutney, salsa, tomato sauce and similar products

Home businesses or businesses who operate from temporary premises, such as a hired kitchen, who produce chutney, relish, salsa, tomato sauce and other similar products will now be a Class 3A and must also maintain minimum records.

The food produced must:-

- use a hot-fill process
- have been heat treated to a temperature of 85°C or more, then filled and sealed hot into its packaging; and
- is acidic (pH of less than 4.6); and
- has salt or sugar or any other preservative added
- be made in a home business or temporary kitchen

Food processes which do not follow these requirements will remain as a class 2.

Accommodation getaway businesses who cook for guests

Accommodation getaway businesses who prepare and/or cook potentially hazardous foods which are served to guests for immediate consumption will be a class 3A and must also maintain minimum records.

The Department of Health is currently developing further guidance on these changes and when available will be communicated to businesses.

For further information please visit:

health.vic.gov.au/food-safety/classification-changes

