

AUDIT FAILURE

ACTION REQUIRED

You are receiving this information as an **'unacceptable'** outcome was recorded as a result of your last audit.

What does this mean?

An unacceptable audit means that you have failed to implement your food safety program and take corrective action. An audit failure indicates that the systems and controls in place at your business are not effectively managing food safety or maintaining compliance with required standards.

What happens next?

The authorised officer that attended your food premises is required to take enforcement action when a business fails an audit. As a minimum, you will receive an Improvement Notice to address defects raised in your audit report.

An Improvement Notice records the defects observed by the officer, what action you must take to comply and the date you must complete the required action.

If you do not comply by the deadline, the Improvement Notice will be escalated to a Prohibition Order – preventing you from operating your business, using particular equipment or stopping you from producing food until you comply. On average, businesses that are ordered to close, take three (3) days before they are cleared to re-open – which can result in potential loss of trade and reputation for your business.

What are the penalties for not complying?

Each defect identified in the report is an offence under the *Food Act 2003* and the majority of these attract an on-the-spot fine of \$660 for an individual or \$1320 for a corporation. If the offence is taken to court you may be liable to much higher penalties.

You need to be aware that if you receive a penalty notice or are prosecuted, details about your food business and offences may be made public on the Food Authority website.

Repeat or critical failures will result in a formal interview being undertaken where the deficiencies will be discussed with you. This will then lead to additional action such as penalty notices, prosecution, seizure or a prohibition order being issued. The Food Authority will also consider whether it is appropriate to suspend or cancel your licence.



Department of
Primary Industries
Food Authority



Next steps

Step 1: Check the compliance dates and any directions you have been given.

If you have any questions about the action specified in the Audit Report or Improvement Notice, you need to speak with the responsible officer immediately to clarify their direction.

Step 2: Action the Improvement Notice

You must take immediate and effective action to comply by the due date specified on the Improvement Notice. An Improvement Notice requiring compliance within 24 or 48 hours means that these are critical issues that must be addressed immediately. Failure to do so will result in a Prohibition Order.

Step 3: Seek assistance

Work out what needs to be done and if you need help to comply with the officer's direction. You can request an extension on an Improvement Notice by submitting the request in writing to the officer responsible for issuing the Notice. You will need to give reasons and demonstrate that you have made reasonable efforts to comply. You will be informed of the outcome of your request for extension before the due date.

Extensions will not be granted for matters involving critical food hygiene, process control, cleanliness or pest control matters. You must request and have the extension approved by the officer **before** the due date otherwise the original date will remain effective.

Who will check?

The officer responsible for issuing the Audit Report will schedule an unannounced audit within 30 days. The officer may attend a number of times within the 30 day period to check on compliance with the Improvement Notice. Depending on the severity of the breaches and your compliance history, you may also be asked to attend a formal interview to answer questions about the observed breaches.

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).



Department of
Primary Industries
Food Authority

6 Avenue of the Americas, Newington NSW 2127

PO Box 6682, Silverwater NSW 1811

T 1300 552 406

contact@foodauthority.nsw.gov.au

ABN 47 080 404 416

More resources at foodauthority.nsw.gov.au



nswfoodauthority



nswfoodauth

February 2016
F1260/1602