

FOOD ACT INSPECTION FEES POLICY

Type	Governance
Category	Development & Regulation
Responsible Officer	Director Development & Regulation
First Issued / Adopted	Pre 2009
Review Period	4 Years
Last Reviewed	27 August 2025, 11 December 2019, 22 February 2017
Minutes Reference	OM 213/25, OM468/19, OM52/17
Next Review Date	August 2029
Applicable Legislation	Food Act 2001 Food Act Regulations 2017
Related Documents	Debt Collection Policy Fees & Charges Register (<i>updated by resolution of Council for beginning of each financial year</i>) Australia New Zealand Food Standards Code
Public Consultation Required	No
File Reference	2024.1272 – working document 2025.0804 – MASTER document

1. PURPOSE

The purpose of this policy is to establish when the Authorised Officer of the Council will charge a fee for the inspection of food premises and the level of the fee.

2. SCOPE

This policy applies to food premises and food transport vehicles, which undertake the sale of food as prescribed in the Food Act 2001 and is to be applied by Public and Environmental Health employees of the Council.

3. DEFINITIONS

Refer **APPENDIX 1**

4. POLICY STATEMENT

Council will not impose a fee for:

- a) the routine inspection of any food premises (permanent or temporary), nor mobile food vehicle. However, Council will impose inspection fees for follow-up inspections related to previously identified matters of non-compliance;
- b) inspections carried out in relation to complaints received from the public;
- c) Community and charitable organisations; and
- d) For fundraising events;
- e) festivals, fetes and shows; and
- f) mobile food vehicles that have completed their notification process in an alternative Council area;

4.1 Food Inspection Fees

Fees will be listed in Council's Fees and Charges (Register) and are updated by a resolution of Council in June each year for implementation at the beginning of each financial year.

Food business inspection fee charging practices will not be varied for food businesses that have formal audited food safety programs in place.

4.2 Non-payment of Food Inspection Fees

Food inspection fees which are not paid by the due date of the invoice will be recovered in accordance with council's Debt Collection Policy.

5. DOCUMENT REVIEW

Document Review will occur in accordance with the Policy Review Schedule and/ or when material changes to this document are required due to one or more of the following:

- a) change in legislation;
- b) new information, requirement or commitment;
- c) change to intent;
- d) change to delegated authorities; or
- e) as the CEO or relevant Director determines.

Document No	Version No	Last review	Next review	Page
POL-0001	2.0	27 August 2025	August 2029	Page 2 of 5

6. FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.pirie.sa.gov.au

- a) Port Pirie Council Administration Centre, 115 Ellen Street, Port Pirie
- b) Crystal Brook Office, Bowman Street, Crystal Brook.

Copies will be provided to interested parties upon request, and upon payment of a fee in accordance with Council's Fees and Charges Register.

7. DOCUMENT HISTORY

Version No.	Date Approved	Minute Reference	Notes/ changes
V1.0	Pre 2009		New document
V2.0	27/08/2025	OMC 213/25	Added: Debt Collection Policy; Fees & Charges Register (updated by resolution of Council for beginning of each financial year), and the Australia New Zealand Food Standards Code (Related Documents); Food Inspection Fees (Sect. 4.1); Non-Payment of Food Inspection Fees (Sect.4.2); Document Review (Sect. 5); Document History (Sect.7); definitions – Authorised Officer, Enforcement Agency, Employee, Food, (Appendix 1). Updated: Food Regulations 2002 to 2017; and document formatting.

Document No	Version No	Last review	Next review	Page
POL-0001	2.0	27 August 2025	August 2029	Page 3 of 5

APPENDIX 1 – DEFINITIONS

Act

means the Food Act 2001 (SA).

Authorised Officer

means a person appointed by an Enforcement Agency under [Division 3](#) of [Part 9](#) of the Food Act 2001

Charitable Purpose

means any of the following:

- a) the purpose of advancing health;
- b) the purpose of advancing education;
- c) the purpose of advancing social or public welfare;
- d) the purpose of advancing religion;
- e) the purpose of advancing culture;
- f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- g) the purpose of promoting or protecting human rights;
- h) the purpose of advancing the security or safety of Australia or the Australian public;
- i) the purpose of preventing or relieving the suffering of animals;
- j) the purpose of advancing the natural environment;
- k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j).

Community and Charitable Organisations

means an organisation established for a charitable purpose.

Enforcement Agency (under the Food Act 2001)

means all municipal and district councils under the Local Government Act 1999. (Food Regulations 2017, Section 4(1)(b))

Employee

means a person employed for remuneration under a contract of employment and includes a public employee (Fair Work Act (SA) 1994); and includes Senior Executive Officers (the Local Government Act 1999).

NOTE: in the WHS legislation the term 'worker' is used instead of employee or staff. The WHS term 'worker' includes any contractors, volunteers, trainees, work experience students and consultants undertaking work for, or on behalf of the Council. These are not employees.

Festivals, Fetes and Shows

means a public function, typically held outdoors and organised to raise funds for a charity, including entertainment and the sale of goods and refreshments.

Food

includes—

- a) any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared); or
- b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in [paragraph \(a\)](#); or

Document No	Version No	Last review	Next review	Page
POL-0001	2.0	27 August 2025	August 2029	Page 4 of 5

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 4 September 2025*

- c) any substance used in preparing a substance or thing referred to in [paragraph \(a\)](#) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid; or
- d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum; or
- e) any other substance or thing declared to be food under a declaration in force under section 3B of the *Australian New Zealand Food Authority Act 1991* of the Commonwealth and prescribed by the regulations for the purposes of this paragraph, whether or not the substance, thing or chewing gum is in a condition fit for human consumption.

Food does not include a therapeutic good within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth.

Food Premises

means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves:

- a) the handling of food intended for sale; or
- b) the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

Fund Raising Events

means a public event that encourages people to participate in order to raise money for a specific cause or organisation.

Mobile Food Vehicles

means a vehicle used for the transport of food for sale (or of food ultimately intended for sale).

Regulations

means the *Food Regulations 2017* (SA).

Note: Food Regulations 2002 were revoked on 30/06/2017

Document No	Version No	Last review	Next review	Page
POL-0001	2.0	27 August 2025	August 2029	Page 5 of 5