

Module	<b>FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS</b>
Jurisdictions	<b>CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT</b>

## Module Scope

Does your organisation sell or serve food to vulnerable persons (ie in hospitals, hospices, aged care facilities or child care facilities)?

Does the organisation comply with the Food Standards Code?

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## Module Application

The **FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS** module informs facilities selling or serving food to vulnerable people of their legislated legal obligations. The module also demonstrates effective practical advice and assistance to the facility or business to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the organisation.

To fulfil its purpose the module focuses on providing practical assistance to the facility selling or serving food to vulnerable people intending to establish and maintain a robust foundational framework that determines;

- › How the organisation will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

The organisation, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which they are subject as well as more specific obligations relevant to the particular sector they are operating in. The **FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS** module should be subscribed by all facilities and businesses selling or serving food to vulnerable people, their employees and authorised individuals. The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance throughout the organisation.

State and territory regulators and in some cases local councils are responsible for enforcing and managing compliance with food service to vulnerable people obligations. Each jurisdiction enforces obligations in their own way;

The relevant regulators are;

- › Food Standards Australia New Zealand;
- › Develops the national Food Standards Code but does not enforce it.
- › ACT Health — Health Protection Service;
- › Registrations, safety programs, auditing and inspections;
- › NSW Food Authority;
- › Compliance, licences for some services, safety programs, auditing and inspections, supervisors and third-party auditors;
- › NSW local councils;
- › Notification of retail businesses selling food, child care centres and school canteens;
- › NT Department of Health;
- › Compliance, registrations, auditing, inspections and safety programs;
- › Queensland Department of Health;
- › Regulation and enforcement issues, auditors and advice on food standards;
- › Queensland local councils;
- › Licensing, safety programs, auditing and inspections.
- › SA Health;
- › Regulation and enforcement issues, auditors and advice on food standards;
- › SA local councils;
- › Notifications, food safety programs, auditing and inspections;
- › Tasmanian Department of Health and Human Services;
- › Regulation and enforcement issues, auditors and advice on food standards;
- › Tasmanian local councils;
- › Registrations and notifications, safety programs, auditing and inspections;
- › Victorian Department of Health and Human Services;
- › Regulation and enforcement issues, auditors and advice on food standards;
- › Victorian local councils;
- › Registrations and notifications, safety programs, auditing and inspections;
- › WA Department of Health;
- › Registration of some food businesses, enforcement issues, auditors and advice on food standards; and
- › WA local councils;
- › Registrations and notifications for most food businesses, safety programs, auditing and inspections.

The broad scope of the *FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS* module is to provide the facility or business selling or serving food to vulnerable people with answers to these questions;

- › What are our legal obligations?
- › From where are our legal obligations derived?
- › How can we ensure that we are complying with our legal obligations? and
- › What are the consequences if we are not complying with our legal obligations?

The *FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS* module covers all legislated legal obligations of facilities or businesses selling or serving food to vulnerable people and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation;
- › Obligations; and
- › Consequences.

1. The legislative and regulatory landscape from which the primary legal obligations are derived;

- › Food Standards Code 2016 (Cth);
- › Food Act 2001 & Regulations 2002 (ACT);
- › Food Act 2003 & Regulations 2015 (NSW);
- › Food Act 2004 & Regulations 2014 (NT);
- › Food Act 2006 & Regulations 2016 (QLD);
- › Food Act 2001 & Regulations 2002 (SA);
- › Food Act 2003 & Regulations 2012 (TAS);
- › Food Act 1984 (VIC);
- › Food Act 2008 & Regulations 2009 (WA);
- › Australia and New Zealand Food Standards Codes (FSANZ);
- › National Construction Code; and
- › Electronic Transactions Act 1999 & Regulations 2000 (Cth).

2. The specific areas where legal and regulatory obligations apply to facilities or businesses selling or serving food to vulnerable people;

- › Notification, licensing and registration requirements in each state and territory.
- › The appointment and training of food safety supervisors in each state and territory.
- › Food safety programs;
- › Exemptions for childcare centres that apply in Tasmania;
- › Content of programs;
- › Monitoring of programs;
- › Corrective action and verification; and
- › Record keeping.
- › Food handling;
- › Handlers skills and knowledge;
- › Different stages of the process;
- › Menu design;
- › Temperature control;
- › Display;
- › Packaging;
- › Transportation;
- › Disposal;

- Recall; and
- Child-care centre requirements.
- Health, hygiene, cleaning and maintenance;
- Health and hygiene of handlers;
- Cleaning and sanitising;
- Thermometers;
- Single use items;
- Animals and pests; and
- Child-care centre requirements.
- Design and construction of food premises;
- Layout;
- Water supply;
- Sewerage and waste water;
- Garbage and recyclable matter;
- Ventilation and lighting;
- Flooring, walls and ceilings;
- Fixtures, fittings and equipment;
- Hand washing;
- Storage for non-food items;
- Toilet facilities; and
- Transport vehicles.
- The auditing process and requirements;
- Required labelling and information;
- Special medical purposes; and
- Infant food and formula.
- Food additives, processing aids and microbiological limits.

3. Significant consequences can apply to facilities or businesses selling or serving food to vulnerable people, their employees and authorised individuals found to have breached or not complied with their legal obligations. These consequences vary considerably depending on the nature and extent of the breach or failure. The *FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS* module covers specific consequences in detail.

The *FOOD SERVICE TO AGED AND OTHER VULNERABLE PERSONS* module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of obligations by facilities or businesses selling or serving food to vulnerable people. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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