

VERIFICATION FACT SHEET

Advice to operators of food businesses

The purpose of verification

The purpose is to assist food operators to comply with their primary duty in Section 14 of the Food Act 2014, which is to ensure that food is safe and suitable for human consumption.

The scope of the verification

The verifier will cover a range of verification topics during the verification. All topics relevant to the business will be covered in an initial verification (new food businesses only). In subsequent verifications the scope will include mandatory topics that must be covered in every verification and other topics associated with any issues found during previous verifications. Other topics may be covered during the actual verification depending on conditions found at the time.

The verification process

Verification is not an inspection. Verifiers are not enforcement officers. Verification should be viewed as a means of assisted compliance. Verifiers are simply assisting operators to fulfil their primary duty under the Act (as stated above). This protects both their customers and their business.

Verification involves observation of practices, interviews of staff and checking of records to assess performance and knowledge of the procedures in the food control plan. The process is as follows-

1.	Entry meeting with key personnel (operator and/or day-to-day manager)
2.	Performing the actual verification- <ul style="list-style-type: none"> - checking documentation including staff training records - checking practices against the documented procedures - checking records required by the procedures - carrying out tests such as temperature measurements - interviewing staff to test their knowledge of the procedures
3.	Review and collate findings (verifier only)
4.	Determine overall verification outcome and frequency (verifier only)
5.	Exit meeting with key personnel (agreement on corrective actions and timeframes)
6.	Prepare and issue verification report (verifier only)

Verifiers rights of access and certain verifier powers

Section 294(4) and (5) of the Act bestows rights of access and powers on verifiers. Verifiers may:

- open food-related accessories, such as containers and packages, used in connection with the food control plan and verify their contents;
- identify or mark food and food-related products; and
- ask an operator or another person for assistance in carrying out a verification.

Obstructing a verifier in the performance of their function is an offence under section 235 of the Act.

Operators responsibilities

Section 50(g) of the Act states that operators must give verifiers the freedom and access that will allow them to carry out their verification functions and activities under the Act. In addition to this s.294(1) states that an operator must provide a verifier reasonable access to:

- the food control plan and the places covered by the food control plan;
- information about the food control plan;
- documents (including records) that are required to be kept by the food control plan; and
- food and food related accessories that are used in connection with the food control plan.

Verification topic outcomes

An outcome is assigned to each verification topic. These are described briefly below-

Performing – no issues were found	Conforming – minor deficiencies are found
Non-conforming – failure to follow the plan	Non-complying – breach of legislative requirement

Corrective actions

If any non-compliances or non-conformances are found during the verification then a corrective action (for each one) will be agreed with you, as well as a reasonable timeframe for completion (which will be based on the degree of risk of the non-compliance to food safety/suitability). **It is very important that the corrective actions be completed within the agreed timeframe.** Failure to do so may result in regulatory intervention involving some form of enforcement.

Critical non-compliance

A critical non-compliance means a departure from an applicable requirement of the Act that is reasonably likely to result in an adverse effect on human life or public health. Immediate corrective action is usually required if a critical non-compliance is found during a verification. In this situation the verifier may announce that the verification is suspended and that they are now acting as a warranted Food Safety Officer under the Act. This enables the officer to use an extensive range of powers under the Act to rectify the non-compliance.

Overall outcome of a verification

The verifier will consider the findings obtained during the verification and will decide on the outcome. The outcome will be either 'Acceptable' or 'Unacceptable'.

An unacceptable outcome will automatically apply if any non-compliances with applicable requirements of the Food Act that directly impact on food safety and suitability were identified during the verification. An unacceptable outcome will also result in an increased frequency of verification of your food business (which can be reduced in the future if continuing compliance is found).

Follow-up visits

A follow-up visit may be necessary to determine whether corrective actions have been completed. It may be sufficient to follow-up by way of written communication (providing evidence of completion).

Reconsideration of verification decision

An operator may request a reconsideration of a verification decision by applying in writing to Council's Environmental Health Manager within 15 working days of the receipt of the verification report. Council must reconsider the decision and give written notice of the decision within 20 working days.