

food industry fact sheet



Due diligence fact sheet for industry

From 1 January 2002, food businesses are able to apply the defence of due diligence in proceedings relating to certain offences under the *Food Act 1981*.

What is the defence of due diligence?

The defence of due diligence is a method of defence a business can use in prosecution proceedings to demonstrate that they took all reasonable steps to prevent the offence from occurring.

When can the defence of due diligence be used?

- The defence of due diligence can be used only for offences relating to:
 - Handling or sale of unsafe or unsuitable food
 - False description of food
 - Misleading conduct relating to the sale of food
 - Sale of unfit equipment or packaging or labelling material
 - Compliance with the Food Standards Code

What does this mean for a food service business operator?

A person must satisfy a series of requirements set out in the *Food Act 1981* to prove due diligence. These requirements are designed to show that a person exercised reasonable precautions to prevent an offence or that the offence was due to the actions of another person not under your control.

The person using this defence has to demonstrate due diligence. This would require you to prove how you conduct various aspects of your business, such as temperature control, cross contamination, storage practices, product receipt, cleaning, pest control, and staff knowledge.

Due Diligence for Caterers

Catering businesses can involve a variety of steps in the food preparation process, from food purchase to serving, that may change from function to function depending on the requirements of the customer.

It may be useful to be able to demonstrate the processes are in place to manage food safety with regards to:

- Purchase/receipt of the food to be prepared
- Preparation of the food
- Storage of the food prior to the function/event
- Transportation of the food
- Provision, maintenance and cleaning of equipment and utensils
- Licence and Registration under the *Food Hygiene Regulations 1989*
- Skills and knowledge of food handlers
- Display of food
- Disposal of food
- Health and hygiene of food handlers
- Waste storage and disposal

For more information on the defence of due diligence, contact your local government Environmental Health Officer. Copies of the legislation can be found at www.legislation.qld.gov.au

Where do I go for more information?

- **Restaurant and Catering Queensland**
PO Box 101
Royal Brisbane Hospital
QLD 4029
Telephone: 07 3252 8880
Facsimile: 07 3252 7554

Email:
rcqld@restaurantcater.asn.au

Web Site:
www.restaurantcater.asn.au

or contact the Environmental Health Officer from your local government.



Queensland Government
Queensland Health



LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC.



Australian Institute of Environmental Health

A joint initiative between **Restaurant and Catering Queensland, Queensland Health, Local Government Association of Queensland** and the **Australian Institute of Environmental Health** to assist the food service industry produce safe food.