

## Appendix 1: Local government activities under the *Food Act 2001*

Under the *Food Act 2001* (the Act) it is a mandatory requirement for local government to provide the department with information on the performance and functions by each agency. For the purpose of this Annual Report, a request for information was circulated to all councils. Councils are empowered under Parts 4 and 5 of the Act to ensure that hygienic standards are maintained in relation to the manufacture, transportation, storage and handling of food for sale under Chapter 3 of the Australia and New Zealand Food Standards Code. They are also responsible for taking measures to prevent the sale of unfit food and to investigate complaints related to the sale of unfit food. Environmental Health Officers (EHOs) are authorised under the Act to issue orders and notices and take enforcement action for breaches.

Data in the tables below was provided by 64 councils in SA.

### Authorised Officers

All EHOs must be authorised under Division 3, Section 94 of the Act to be able to monitor and enforce the Act. EHOs must have the necessary skills and knowledge to effectively perform their food related responsibilities to gain authorisation.

**Table A1.1: Authorised Officers' details**

Authorised Officers	Full-time	Part-time
Currently working in local government	101	80*

\* Numbers may be duplicated where EHOs are employed in more than one council

### Inspections

To gain a better understanding of how inspections are organised and undertaken by local government, it is necessary to establish the number and make-up of food businesses across SA. The following tables establish how many food businesses exist and the proportion of businesses by food safety risk categories. These figures have been combined with the number of inspections conducted by local government to ensure that planning and inspection frequencies are appropriate and maintained.

All businesses have been classified using the [South Australian Food Business Risk Classification System \(FBRC\)](#). The FBRC allows council resources for monitoring and enforcement to be aligned with the inherent food safety risk of the business. In addition, the performance of each business influences its inspection frequency, taking into account the performance of the business (refer to Table A1.2).

During this financial year, councils reported all inspection data as priority risk classification, P1, P2, P3 or P4. Where some businesses were still to be classified during the reporting period, details have been reported as not risk classified.

**Table A1.2: Food business risk classification**

Inspections	Food safety risk classification					Total
	P1	P2	P3	P4	Not risk classified	
Number of businesses	6,513	4,922	3,076	1,439	88	16,038
Inspections conducted	5,585	2,952	1,217	147	0	9,901
Follow-up inspections	2,560	676	131	9	0	3,376
Inspections from complaints	555	245	45	3	0	848

### Inspection Fees

The Food Regulations 2002, Part 4 Section 11 makes provision for enforcement agencies to impose an inspection fee. Following is a summary identifying the policy of councils regarding imposing an inspection fee.

**Table A1.3: Number of councils charging inspection fees**

Council inspection fees	Number of councils
Charging fees	38
Not charging fees	26

### Audits

Since 5 October 2008, businesses captured under Food Safety Standard 3.3.1 (Food Safety Programs for Food Services to Vulnerable Persons) have required regulatory food safety audits.

In 2018-19 local government food safety auditors have continued to conduct food safety audits of aged care, child care and private hospitals at a frequency determined by the performance of individual sites, in line with the priority classification for these businesses.

**Table A1.4: Local government audit of Aged care, Child care and Private hospitals**

	Aged care		Child care		Private hospitals		Others		Total
Number of captured businesses	287		348		23		4		662
<b>*Number of audits</b>	<b>321</b>	<b>111.8%</b>	<b>303</b>	<b>87.1%</b>	<b>23</b>	<b>100%</b>	<b>4</b>	<b>100%</b>	<b>651</b>

*\*Businesses may receive > one audit per annum*

The table below identifies the policy of councils regarding the charging of a fee for audits.

**Table A1.5: Number of councils charging audit fees**

<b>Council audit fees*</b>	<b>Number of councils</b>
Number of councils carrying out audits	19
Number of councils charging audit fee	19

*Editorial Note: In the reporting period 2017-18, the number of councils charging an audit fee was reported as 41. This was a typographical error; the actual number of councils charging an audit fee was 21.*

## Complaints

Consumer enquiries and reports of illness, non-compliant businesses or food, constitute an important source of information. In addition, they provide opportunities for the public to interact with EHOs first hand as well as a 'shop window' for food safety, and give EHOs the opportunity to promote food safety. All complaints are logged and generally risk classified to ensure that the most serious cases are dealt with as a priority. Table A1.6 classifies complaints/reports into a list of most likely sources and whether the complaint and investigation was found to be valid or verified by an authorised officer.

**Table A1.6: Breakdown of activities by category**

Type	Complaints/reports	Verified
Foreign matter in food	123	50
Micro contamination	70	22
Chemical contamination or residue	14	4
Alleged food poisoning	177	27
Unclean premises	130	61
Personal hygiene or food handling	169	64
Pest infestation	84	41
Refuse storage	80	46
Labelling issues	30	12
Others	172	66
<b>Total</b>	<b>1,049</b>	<b>393</b>

### Enforcement Actions

The *Food Act 2001* makes provision for enforcement agencies and authorised officers to apply enforcement actions to improve food safety outcomes for the public. Enforcement actions may take the form of written warnings, improvement notices, prohibition orders, expiations or prosecutions. These actions are applied using a graduated and proportionate response.

Tables A1.7 to A1.10 address enforcement actions relating to inspections conducted in food industry sectors defined in the Food Business Risk Classification. Written warnings make up the largest single action applied, progressing to improvement notices and expiations as food businesses fail to respond or issues became more serious. Table A1.11 contains enforcement actions of collective totals from all inspections conducted under Food Safety programs.

**Table A1.7: Number of enforcement actions by retail sector**

<b>Retailer</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Alcoholic beverages packaged	193	15	0	0	0	0	0	0
Bakery products	69	32	3	3	0	0	0	0
Bakery products, perishable fillings	187	119	4	5	2	0	0	0
Continental type delicatessen food	75	47	2	2	0	0	0	0
High risk food, perishable	667	464	6	8	4	0	2	1
Low risk packaged food	948	121	6	6	0	0	0	0
Medium risk food, perishable	733	364	8	13	1	0	0	0
Raw meat & poultry	38	15	0	0	0	0	0	0
Seafood (excludes processing of bivalve mollusc)	28	18	0	0	0	0	0	0
*Other retailers – P1	7	6	1	0	1	0	0	0
*Other retailers – P2	3	2	0	0	0	0	0	0
*Other retailers – P3	46	24	0	0	0	0	0	0
*Other retailers – P4	20	9	0	0	0	0	0	0
<b>Total</b>	<b>3,014</b>	<b>1,236</b>	<b>30</b>	<b>37</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>1</b>

*\*Others may include the businesses which has not been officially classified or council unable to retrieve the data based on above classification.*

**Table A1.8: Number of enforcement actions by food service sector**

<b>Food service</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Catering offsite activity	229	159	2	2	0	0	0	0
Catering onsite	757	530	8	17	2	0	2	0
Medium risk foods perishable	816	304	4	9	1	0	0	0
Restaurants and takeaway ready to eat food - prepared in advance	5,012	4,083	268	218	231	8	36	1
Restaurants and take away food, ready to eat food - express order	2,409	1,482	34	40	16	0	2	0
Restaurants and takeaway ready to eat food - no raw preparation	950	588	14	12	8	0	1	0
*Other food service – P1	33	22	0	4	0	0	0	0
*Other food service – P2	126	39	0	0	0	0	0	0
*Other food service – P3	197	61	0	0	0	0	0	0
*Other food service – P4	79	2	0	0	0	0	0	0
<b>Total</b>	<b>10,608</b>	<b>7,270</b>	<b>330</b>	<b>302</b>	<b>258</b>	<b>8</b>	<b>41</b>	<b>1</b>

*\*Others may include the businesses which has not been officially classified or council unable to retrieve the data based on above classification.*

**Table A1.9: Number of enforcement actions by processor/manufacturer sector**

<b>Processor/manufacturer</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Bakery products, perishable fillings processing	425	309	14	13	17	0	1	0
Baby food processing	2	2	0	0	0	0	0	0
Beverage processing	72	25	0	0	0	0	0	0
Canned food processing	11	3	0	0	0	0	0	0
Canned food processing very small producer and high acid food	33	9	0	0	0	0	0	0
Chocolate processing	8	6	0	0	0	0	0	0
Chocolate processing small producer	43	17	0	0	0	0	0	0
Cereal processing	545	184	1	3	1	0	0	0
Confectionary processing	174	63	0	0	0	0	0	0
Cook-chill food short shelf-life processing	26	10	0	0	0	0	0	0
Cook-chill food extended shelf life processing	13	1	0	0	0	0	0	0
Cook-frozen food processing	11	3	0	0	0	0	0	0
Dairy processing (not including soft cheese)	26	13	0	0	0	0	0	0
Dairy processing - soft cheese processing	4	1	0	0	0	0	0	0
Egg processing	8	0	0	0	0	0	0	0

**Table A1.9 (continued)**

<b>Processor/manufacture</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Fruit and vegetables processing	31	24	2	1	2	1	0	0
Fruit and vegetable processing, frozen	2	1	0	0	0	0	0	0
Fruit and vegetable processing, frozen/blanch, small producer	42	22	0	0	0	0	0	0
Fruit and vegetable juice, unpasteurised processing	4	2	0	0	0	0	0	0
Fruit juice, pasteurisation processing, shelf stable processing	8	5	0	0	0	0	0	0
Fruit juice, pasteurisation processing, shelf stable processing, small producer	15	6	0	0	0	0	0	0
Meat processing, fermented meat processing, small goods processing	7	4	0	0	0	0	0	0
Oils and fats processing	43	11	0	0	0	0	0	0
Peanut butter processing	2	1	0	0	0	0	0	0
Peanut butter processing, small producer	5	3	2	1	1	0	0	0
Poultry processing	3	1	0	0	0	0	0	0
Prepared not ready to eat food processing	15	6	0	0	0	0	0	0
Prepared ready to eat food processing	75	53	1	1	2	0	0	0



**Table A1.9 (continued)**

<b>Processor/manufacturer</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Seafood processing	21	14	1	0	1	0	1	0
Seafood processing ready to eat and shelf stable	7	3	0	0	0	0	0	0
Seafood processing - mollusc processing	32	5	0	0	0	0	0	0
Snack chips processing	6	3	0	0	0	0	0	0
Spices and dried herbs processing	9	3	0	0	0	0	0	0
Spices and dried herbs processing, small producer	37	13	0	0	0	0	0	0
Sushi processing	23	19	4	0	1	0	1	0
Vegetables in oil processing	15	10	0	0	0	0	0	0
*Other processor / manufacturers - P1	2	1	0	1	0	0	0	0
*Other processor / manufacturers - P2	5	3	0	0	0	0	0	0
*Other processor / manufacturers - P3	12	11	5	0	0	0	0	0
*Other processor / manufacturers - P4	8	3	0	0	0	0	0	0
<b>Total</b>	<b>1,838</b>	<b>875</b>	<b>30</b>	<b>20</b>	<b>25</b>	<b>1</b>	<b>3</b>	<b>0</b>

\*Others may include the businesses which has not been officially classified or council unable to retrieve the data based on above classification.

**Table A1.10: Number of enforcement actions by food transport sector**

<b>Food transporter</b>	<b>Total businesses</b>	<b>Businesses inspected</b>	<b>Businesses requiring enforcement action</b>	<b>Written warnings issued</b>	<b>Improvement notices issued</b>	<b>Prohibition orders issued</b>	<b>Expiations issued</b>	<b>Prosecutions</b>
Bulk flour storage distributor	3	1	0	0	0	0	0	0
Bulk milk collection distributor	0	0	0	0	0	0	0	0
Dairy produce distributor	17	2	0	0	0	0	0	0
Dry goods and beverages distributor	50	5	0	0	0	0	0	0
Frozen food distributor	23	9	0	0	0	0	0	0
Fruit and vegetables distributor	19	4	0	0	0	0	0	0
Perishable, ready to eat, packaged, medium risk food distributor	23	3	0	0	0	0	0	0
Perishable, ready to eat, packaged, high risk food distributor	43	19	2	1	1	0	1	0
Processed meat distributor	4	2	0	0	0	0	0	0
Seafood distributor	7	3	0	0	0	0	0	0
Other food transporters - P1	1	1	0	1	0	0	0	0
Other food transporters - P2	0	0	0	0	0	0	0	0
Other food transporters - P3	10	0	0	0	0	0	0	0
Other food transporters - P4	0	0	0	0	0	0	0	0
<b>Total</b>	<b>200</b>	<b>49</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>

# blank cells indicate no offences requiring enforcement action

**Table A1.11: Enforcement actions by number - referenced to Standard 3.2.1 Food Safety Program (FSP)**

Reason for enforcement activity	Written warnings	Improvement notices	Prohibition orders	Expiations	Prosecutions
FSP not prepared, implemented, maintained and monitored	3	1	0	0	0
FSP not audited at the frequency determined by the auditor	0	0	0	0	0
FSP not revised so as to comply with the Regulations	0	0	0	0	0
FSP audit report not retained by business for four years	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Prosecution register

The department publishes on its website details of businesses or individuals that have been found guilty by a court of a breach of the *Food Act 2001*. This website is intended to provide information to the community regarding successful prosecutions under the Act. This is the most serious action available undertaken by local councils and the department.

Since the last reporting period two additional businesses have been added to the prosecution register and one business removed as the period of notification has expired. This information can be viewed on the *Food Act Prosecutions Register* on the SA Health website:

<http://www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Interne t/About+us/Legislation/Food+legislation/Food+prosecution+register>