



Department for Health and Ageing

2016-17 Annual Report

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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 for Health and Ageing 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 hygiene 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 provided in the tables below were provided by 61 councils. Three councils were unable to provide data for the Food Act Report for financial year 2016-17 - Regional Council of Goyder, Northern Areas Council, Southern Mallee District Council.

Authorised Officers

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

Table 1. Authorised Officers

Authorised Officers (Currently working in local Government)	Full-Time	Part-Time
	110	67*

* 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 South Australia. 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 are classified using the SA 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, taking into account the performance of the business. Refer to Table 2.

During 2016-17 councils completed transition from the former system using low, medium and high risk groups to the new FBRC (Refer to Risk Classification and Inspection Frequencies, Section 4). Where some businesses were still to be classified at the time of reporting, details have been reported as not risk classified.

Table 2. Food Business Risk Classification

Inspections	Food Safety Risk Classification					Total
	P1	P2	P3	P4	Not Risk Classified	
Number of Businesses	6198	4454	2576	1697	60	14 985
Inspections Conducted	5087	2978	1044	186	0	9 295
Follow-up Inspections	2460	757	150	3	0	3 370
Inspections from Complaints	523	145	30	8	0	706

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 3. No of Councils Charging Inspection Fees

Council Inspection Fees	No. of Councils
Charging Fees	34
Not Charging Fees	27

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 2016-17 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 4. Local Government Audit of Aged Care, Child Care and Private Hospitals

	Number of Captured Businesses	Number of Audits	
Aged Care	265	271	102.3%
Child Care	306	284	92.8%
Private Hospitals	23	23	100.0%
Others	4	4	100.0%
Total	598	582	

*Businesses may receive > one audit per annum

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

Table 5. No of Councils Charging Audit Fees

Council Audit Fees*	No. of Councils
No of councils carrying out audits	22
No of councils charging audit fee	20

*Not all councils conduct audits and as a result do not charge for audit services

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, 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 6 has classified complaints/reports into a list of most likely sources, in addition to reporting on whether the complaint and investigation was found to be valid or verified by an authorised officer.

Table 6. Breakdown of Activities by Category

Type	Complaints/Reports	Verified
Foreign Matter in Food	105	39
Micro Contamination	76	17
Chemical Contamination or Residue	22	4
Alleged Food Poisoning	252	32
Unclean Premises	136	45
Personal Hygiene or Food Handling	147	47
Pest Infestation	90	41
Refuse Storage	77	51
Labelling Issues	18	8
Others	161	75
Total	1084	359

Enforcement Actions

The *Food Act 2001* makes provision for 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 7 to 10 address enforcement actions relating to inspections conducted in food industry sectors defined in the Food Business Risk Classification. Written warnings making up the largest single action applied, progressing to improvement notices and expiations as food businesses fail to respond or issues became more serious. Table 11 remain collective totals from all inspections conducted under Food Safety programs.

Table 7. Number of Enforcement Actions by Retail Sector

Retailer	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Alcoholic beverages packaged	142	17						
Bakery products	82	45						
Bakery products, perishable fillings	149	129	3	4	2	1		
Continental type delicatessen food	71	47	5	3	3		2	
High risk food, perishable	569	454	24	9	16		5	
Low risk packaged food	738	95		1				
Medium risk food, perishable	573	254	4	3	2	1		
Raw meat & poultry	23	15						
Seafood (excludes processing of bivalve mollusc)	20	12	1	2				
*Other Retailers – P1	131	117	86	94	13		1	
*Other Retailers – P2	84	96	41	40	2			
*Other Retailers – P3	79	85	27	27				
*Other Retailers – P4	62	16						
Total	2723	1382	191	183	38	2	8	0

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

blank cells indicate business types not requiring enforcement action

Table 8. Number of Enforcement Actions by Food Service Sector

Food Service	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Catering offsite activity	172	111	4		1			
Catering onsite	480	390	11	7	9			
Medium risk foods perishable	415	190	1					
Restaurants and takeaway ready to eat food - prepared in advance	3723	2987	332	119	279	9	51	
Restaurants and takeaway food ready to eat food - express order	1760	1207	47	21	26			
Restaurants and takeaway ready to eat food - no raw preparation	595	445	7	2	4		2	
*Other Food Service – P1	31	13		6				
*Other Food Service – P2	160	16						
*Other Food Service – P3	93	23						
*Other Food Service – P4	145	4						
Total	7574	5386	402	155	319	9	53	0

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

blank cells indicate no offences requiring enforcement action

Table 9. Number of Enforcement Actions by Processor / Manufacturer Sector

Processor/ Manufacturer	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Bakery products Perishable fillings processing	299	243	41	11	32	1	5	
Baby Food processing	1	1						
Beverage processing	68	21						
Canned food processing	9	5						
Canned food processing very small producer & high acid food	33	14						
Chocolate processing	5	4						
Chocolate processing small producer	24	7						
Cereal processing	326	106	4	1	3			
Confectionary processing	83	32						
Cook-Chill food Short shelf-life processing	10	4						
Cook-chill food extended shelf life processing;	5	5						
Cook-frozen food processing	8	7	1		3			
Dairy processing (not including soft cheese)	21	13						
Dairy processing - Soft cheese processing								
Egg Processing	7							

Table 9 cont. Number of Enforcement Actions by Processor / Manufacturer Sector

Processor/ Manufacturer	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Fruit and Vegetables processing	23	16	1		1			
Fruit and vegetable processing frozen	5	6	1		1			
Fruit and vegetable processing frozen Blanch/small producer	10	4	1		1			
Fruit and vegetable Juice Unpasteurised processing	2	2	1		2			
Fruit juice, Pasteurisation processing, Shelf stable processing	2							
Fruit juice Pasteurisation processing, Shelf stable processing Small producer	1	1						
Meat Processing, Abattoir/ Boning Room	2	1						
Meat Processing, Fermented meat Processing, Small Goods Processing	5	4	2	3				
Oils and fats processing	23	7						
Peanut Butter processing	1							
Peanut Butter processing Small Producer	1	1						
Poultry processing	1	1	0	0	0	0	0	0

Table 9 cont. Number of Enforcement Actions by Processor / Manufacturer Sector

Processor/ Manufacturer	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Prepared not ready to eat food processing	9	8						
Prepared ready to eat food processing	62	45	3	0	4	1		
Seafood processing	27	21	1	1				
Seafood processing RTE and shelf stable	5	3	1	1	1			
Seafood processing - Mollusc processing	8	6						
Snack chips processing	2	2	1	1				
Spices and dried herbs processing	4							
Spices and dried herbs processing small producer	15	2						
Sushi processing	20	17						
Vegetables in oil processing	11	7						
Other Processor / Manufacturers- P1	11							
Other Processor / Manufacturers- P2	9	5						
Other Processor / Manufacturers- P3	47	16						
Other Processor / Manufacturers- P4	1	1						
Total	1206	638	58	18	48	2	5	0

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

blank cells indicate no offences requiring enforcement action

Table 10. Number of Enforcement Actions by Food Transporter Sector

Food Transporter	Total Businesses	No. of Businesses Inspected	No. of Businesses requiring enforcement action	No. of written warnings issued	No. of improvement notices issued	No. of prohibition Orders issued	No. of Expiations issued	No. of Prosecutions
Bulk flour storage distributor								
Bulk milk collection distributor								
Dairy produce distributor	9	2						
Dry goods and beverages distributor	44	22	1	1				
Frozen food distributor	12	10						
Fruit and vegetables distributor	16	6						
Perishable ready to eat, packaged, medium risk food distributor	22	9						
Perishable, ready to eat, packaged, high risk food distributor	37	16						
Processed meat distributor	1	1						
Seafood distributor	7	4						
Other Food Transporters-P1								
Other Food Transporters-P2								
Other Food Transporters-P3								
Other Food Transporters-P4								
Total	148	70	1	1	0	0	0	0

blank cells indicate no offences requiring enforcement action

Table 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	1	3			
FSP not audited at the frequency determined by					
FSP not revised so as to comply with the regulations					
FSP audit report not retained by business for					
Total	1	3			

blank cells indicate no offences requiring enforcement action

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 Food Act prosecutions, the most serious action available, undertaken by local councils and the department. Since the last reporting period three additional businesses have been added to the prosecution register and two 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](#):