

Appendix 1: Local government activities under the *Food Act 2001 2022-23*

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 of the local government 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 68 councils in South Australia.

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 A2.1: Authorised officers' details

No. of authorised officers working in local government*	Full-time	Part-time
	96	86

Note: *at 30 June 2023. Numbers may be duplicated where EHOs are employed in more than one council.

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 2022-23 local government food safety auditors continued to conduct food safety audits of aged care facilities, childcare centres, private hospitals and other facilities captured by Standard 3.3.1 at a frequency determined by the performance of individual sites, in line with the priority classification for these businesses.

Table A2.2: Local government audits of businesses captured by Std 3.3.1

	Type of facility				Total
	Aged care facilities	Childcare centres	Private hospitals	Others	
No. of businesses captured	259	375	19	12	665
No. of audits	245	360	15	11	631
Percentage of businesses audited*	95%	96%	79%	92%	95%

Note: *Some facilities may be audited more than once in a financial year, hence the actual percentage of businesses audited may be slightly lower than indicated in the table.

The following is a summary of councils' policies regarding imposing audit fees.

Table A2.3: Number of councils charging audit fees

Number of councils carrying out audits	20
Number of councils charging audit fees	20

Inspections

To gain a better understanding of how inspections are organised and undertaken by local government, it is necessary to establish the number and risk profile of food businesses across SA. 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 for example, poor compliance results in more frequent inspections. Table A2.4 details the number of food businesses across SA councils as per their food safety risk category, and the number and type of inspections conducted by local government.

During 2022-23, councils reported all inspection data as priority risk classifications P1, P2, P3 or P4.

Table A2.4: Food business risk classification

	Food safety risk classification				Total
	P1	P2	P3	P4	
No. of businesses	7,202	4,681	3,829	1,468	17,180
No. of routine inspections	5,566	3,114	1,331	81	10,092
No. of follow-up inspections	1,763	469	137	3	2,372
No. of inspections from complaints	531	198	33	2	764

Inspection Fees

The *Food Regulations 2017*, Part 4 Section 13 makes provision for enforcement agencies to impose an inspection fee. The following is a summary of councils' policies regarding imposing an inspection fee.

Table A2.5: Number of councils charging inspection fees

Council inspection fee policy	Number of councils
Charging fees	39
Not charging fees	25

Complaints

Reports of illness, non-compliant businesses, non-compliant food and general enquiries from consumers provides an important source of information on food safety. In addition, receiving complaints allows the public to interact with qualified EHOs and provides opportunities for them 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 A2.6 lists the number of complaint/reports received by local government per type and whether the complaint was found to be valid or justified when investigated by an authorised officer.

Table A2.6: Breakdown of activities by category

Complaint type	No. of complaints received	No. of complaints justified
Allergens	21	11
Foreign matter in food	103	38
Microbial contamination	86	30
Chemical contamination or residue	7	4
Alleged food poisoning	300	31
Unclean premises	166	85
Personal hygiene or food handling	247	90
Pest infestation	93	40
Refuse storage	57	24
Labelling issues	25	12
Others	104	40
Total	1,209	405

Enforcement Actions

The Act 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 A2.7 to A2.10 detail enforcement actions relating to inspections conducted per the businesses food industry sector as 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 A2.11 contains enforcement actions taken by Local Government in relation to audits of Food Safety Programs conducted under Standard 3.3.1.

Table A2.7: Number of enforcement actions by retail sector

Retailer	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Alcoholic beverages packaged	P4	144	6	0	0	0	0	0	0
Bakery products	P3	112	61	2	10	0	0	1	0
Bakery products, perishable fillings	P2	167	111	3	4	5	0	0	0
Continental type delicatessen food	P2	67	53	2	4	1	0	0	0
High risk food, perishable	P2	658	418	29	48	13	0	4	0
Low risk packaged food	P4	1080	81	1	6	0	0	0	0
Low risk unpackaged food	P3	184	60	2	16	0	0	0	0
Medium risk food, perishable	P3	763	297	9	51	5	2	2	0
Raw meat & poultry	P2	29	4	1	1	0	1	1	0
Seafood (excludes processing of bivalve mollusc)	P2	27	19	0	0	0	0	0	0
*Other retailers – P2	P2	14	10	0	1	0	0	0	0
*Other retailers – P3	P3	61	5	0	0	0	0	0	0
*Other retailers – P4	P4	9	2	0	0	0	0	0	0
Total**		3315	1127	49	141	24	3	8	0

Notes:

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

**Total business and enforcement action data is not included for one Council due to unavailability of data in the absence of environmental health officer.

Table A2.8: Number of enforcement actions by food service sector

Food service	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Catering offsite activity	P1	220	158	2	1	1	0	0	0
Catering onsite	P1	695	382	9	12	1	1	3	0
Medium risk foods perishable	P3	995	376	11	49	1	0	0	0
Restaurants and takeaway ready to eat food - prepared in advance	P1	5509	4059	308	455	203	8	42	1
Restaurants and take away food, ready to eat food - express order	P2	2531	1613	54	157	20	0	5	0
Restaurants and takeaway ready to eat food - no raw preparation	P2	950	618	16	71	7	0	2	0
*Other food service – P1	P1	78	26	0	0	0	0	0	0
*Other food service – P2	P2	65	22	0	2	0	0	0	0
*Other food service – P3	P3	116	20	0	0	0	0	0	0
Total**		11159	7274	400	747	233	9	52	1

Notes:

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

**Total business and enforcement action data is not included for one Council due to unavailability of data in the absence of environmental health officer.

Table A2.9: Number of enforcement actions by processor/manufacturer sector

Processor/manufacturer	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Bakery products, perishable fillings processing	P1	378	280	24	24	21	0	1	0
Baby food processing	P2	1	1	0	0	0	0	0	0
Beverage processing	P3	154	37	1	3	0	0	0	0
Beverage processing small producer	P3	31	12	0	0	0	0	0	0
Canned food processing	P2	15	10	0	0	0	0	0	0
Canned food processing very small producer and high acid food	P3	34	7	0	1	0	0	0	0
Chocolate processing	P2	15	6	0	0	0	0	0	0
Chocolate processing small producer	P3	32	11	1	1	0	0	0	0
Cereal processing & medium/low risk bakery	P3	816	296	9	18	5	0	0	0
Confectionary processing	P3	284	78	1	5	0	0	0	0
Cook-chill food short shelf-life processing	P1	29	17	0	0	0	0	0	0
Cook-chill food extended shelf-life processing	P1	11	9	2	4	0	0	0	0
Cook-chill food extended shelf-life processing; aseptic packaging	P2	4	2	0	0	0	0	0	0
Cook-frozen food processing	P2	26	13	1	1	0	0	0	0
Dairy processing (excluding soft cheese)	P2	22	13	0	0	0	0	0	0
Dairy processing (soft cheese)	P1	3	1	0	0	0	0	0	0
Egg processing	P2	6	2	0	0	0	0	0	0
Fruit and vegetables processing	P1	49	27	1	3	1	0	0	0
Fruit and vegetable processing (frozen)	P2	8	3	0	0	0	0	0	0

Processor/manufacturer	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Fruit and vegetable processing, frozen/blanch (small producer)	P3	110	28	0	3	0	0	0	0
Fruit and vegetable juice, unpasteurised processing	P1	11	6	0	0	0	0	0	0
Fruit juice, pasteurisation or shelf stable processing (medium-large producer)	P2	9	2	0	0	0	0	0	0
Fruit juice, pasteurisation or shelf stable processing (small producer)	P3	5	2	0	0	0	0	0	0
Infant formula product processing	P1	0	0	0	0	0	0	0	0
Meat processing abattoir/boning room	P2	4	1	0	0	0	0	0	0
Meat, fermented meat and small goods processing	P1	14	4	0	0	0	0	0	0
Oils and fats processing	P3	34	8	0	0	0	0	0	0
Peanut butter processing	P2	5	1	0	0	0	0	0	0
Peanut butter processing, small producer	P3	10	3	0	0	0	0	0	0
Poultry processing	P1	1	1	0	0	0	0	0	0
Prepared not ready to eat food processing	P2	22	13	0	0	0	0	0	0
Prepared ready to eat food processing	P1	83	62	3	3	1	0	1	0
Salt & other low risk ingredients/additives processor	P3	6	1	0	0	0	0	0	0
Seafood processing (excluding molluscs)	P2	22	17	2	1	0	0	1	0
Seafood processing ready to eat and shelf stable	P2	8	3	0	0	0	0	0	0

Processor/manufacturer	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Seafood processing - mollusc processing	P1	13	12	1	1	0	0	0	0
Snack chips processing	P3	4	2	0	0	0	0	0	0
Spices and dried herbs processing	P2	15	9	1	1	0	0	0	0
Spices and dried herbs processing, small producer	P3	46	12	0	1	0	0	0	0
Sprout processing	P1	2	0	0	0	0	0	0	0
Sushi processing	P1	20	17	2	1	1	0	2	0
Vegetables in oil processing	P1	30	12	0	0	0	0	0	0
*Other processor / manufacturers - P1	P1	2	2	0	0	0	0	0	0
*Other processor / manufacturers - P2	P2	7	2	0	0	0	0	0	0
*Other processor / manufacturers - P3	P3	58	6	0	0	0	0	0	0
Total**		2459	1051	49	71	29	0	5	0

Notes:

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

**Total business and enforcement action data is not included for one Council due to unavailability of data in the absence of environmental health officer.

Table A2.10: Number of enforcement actions by food transport sector

Food transporter	Risk classification	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Bulk flour storage distributor	P3	2	1	0	0	0	0	0	0
Bulk milk collection distributor	P2	1	1	0	0	0	0	0	0
Dairy produce distributor	P3	16	5	0	0	0	0	0	0
Dry goods and beverages distributor	P4	82	8	0	0	0	0	0	0
Frozen food distributor	P3	25	12	0	0	0	0	0	0
Fruit and vegetables distributor	P3	21	8	0	1	0	0	0	0
Perishable, ready to eat, packaged, medium risk food distributor	P3	38	17	0	0	0	0	0	0
Perishable, ready to eat, packaged, high risk food distributor	P2	38	25	0	0	0	0	0	0
Processed meat distributor	P2	1	0	0	0	0	0	0	0
Seafood distributor	P2	8	4	0	0	0	0	0	0
Other food transporters - P2	P2	0	0	0	0	0	0	0	0
Other food transporters - P3	P3	4	2	0	0	0	0	0	0
Other food transporters - P4	P4	1	1	0	0	0	0	0	0
Total*		237	84	0	1	0	0	0	0

Notes:

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

**Total business and enforcement action data is not included for one Council due to unavailability of data in the absence of environmental health officer.

Table A2.11: 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	0	0	0	0	0
FSP not audited at the frequency determined by the auditor	3	0	0	0	0
FSP not revised 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
Total	3	0	0	0	0

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 Act. This website is intended to provide information to the community regarding successful prosecutions under this Act. This is the most serious action available that can be undertaken by local councils and the Department.

There has been one food business prosecuted in the financial year 2022-23, however details of this prosecution have yet to be published on Food Prosecution Register on the SA Health website:

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/legislation/food+legislation/food+prosecution+register>