Appendix 1: Local government activities under the *Food Act 2001 2023-24*

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 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 A2.1: Authorised officers' details

No. of authorised officers working in local government*	Full-time	Part-time
	96	89

*Note: *at 30 June 2024. 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 2023-24 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	256	391	18	1	666
No. of audits	240	373	17	1	631
Percentage of businesses audited*	94%	95%	94%	100%	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	21
Number of councils charging audit fees	21

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 this financial year, councils reported all inspection data as priority risk classifications P1 (highest), P2, P3 or P4 (lowest).

Table A2.4: Food business risk classification

	Food safety risk classification				**Total**
	P1	**P2**	**P3**	**P4**	
No. of businesses	7325	4716	4207	1404	17652
No. of routine inspections	5792	3038	1435	59	10324
No. of follow-up inspections	1844	486	126	10	2466
No. of inspections from complaints	517	193	42	3	755

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	42
Not charging fees	22

Complaints

Reports of illness, non-compliant businesses, non-compliant food and general enquiries from consumers provide 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	10
Foreign matter in food	101	41
Microbial contamination	85	34
Chemical contamination or residue	5	2
Alleged food poisoning	257	20
Unclean premises	177	73
Personal hygiene or food handling	173	62
Pest infestation	85	39
Refuse storage	60	25
Labelling issues	34	14
Others	139	32
Total	**1137**	**352**

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 as 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	140	4	0	0	0	0	0	0
Bakery products	P3	88	43	0	1	0	0	0	0
Bakery products, perishable fillings	P2	157	101	3	5	2	0	0	0
Continental type delicatessen food	P2	67	43	2	1	2	0	0	0
High risk food, perishable	P2	571	394	24	18	11	1	1	0
Low risk packaged food	P4	1093	51	1	2	0	0	0	0
Low risk unpackaged food	P3	227	55	0	0	0	0	0	0
Medium risk food, perishable	P3	751	288	8	10	3	0	0	0
Raw meat & poultry	P2	30	3	0	0	0	0	0	0
Seafood (excludes processing of bivalve mollusc)	P2	30	20	0	0	0	0	0	0
*Other retailers – P2	P2	31	9	0	0	0	0	0	0
*Other retailers – P3	P3	43	22	0	0	0	0	0	0
*Other retailers – P4	P4	54	4	0	0	0	0	0	0
Total**		**3282**	**1037**	**38**	**37**	**18**	**1**	**1**	**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*

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	256	151	3	4	2	0	0	0
Catering onsite	P1	661	373	10	16	0	0	0	0
Medium risk foods perishable	P3	1051	407	4	10	0	0	0	0
Restaurants and takeaway ready to eat food - prepared in advance	P1	5677	4384	264	295	168	10	49	0
Restaurants and take away food, ready to eat food - express order	P2	2635	1610	62	71	40	1	9	0
Restaurants and takeaway ready to eat food - no raw preparation	P2	905	598	11	13	2	0	4	0
*Other food service – P1	P1	16	12	0	2	0	0	0	0
*Other food service – P2	P2	99	28	0	0	0	0	0	0
*Other food service – P3	P3	167	54	0	0	0	0	0	0
Total**		11467	7617	354	411	212	11	62	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 A2.9: 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	259	16	13	11	1	0	0
Baby food processing	P2	1	0	0	0	0	0	0	0
Beverage processing	P3	166	33	0	0	0	0	0	0
Beverage processing small producer	P3	27	9	0	0	0	0	0	0
Canned food processing	P2	11	6	0	0	0	0	0	0
Canned food processing very small producer and high acid food	P3	38	12	1	1	0	0	0	0
Chocolate processing	P2	8	5	0	0	0	0	0	0
Chocolate processing small producer	P3	32	15	0	0	0	0	0	0
Cereal processing & medium/low risk bakery	P3	849	316	3	4	4	0	1	0
Confectionary processing	P3	323	98	0	0	0	0	0	0
Cook-chill food short shelf-life processing	P1	35	23	2	2	1	0	0	0
Cook-chill food extended shelf-life processing	P1	12	8	2	2	1	0	0	0
Cook-chill food extended shelf-life processing; aseptic packaging	P2	8	6	0	0	0	0	0	0
Cook-frozen food processing	P2	27	17	0	0	0	0	0	0
Dairy processing (excluding soft cheese)	P2	25	15	0	0	0	0	0	0
Dairy processing (soft cheese)	P1	0	0	0	0	0	0	0	0
Egg processing	P2	7	1	0	0	0	0	0	0
Fruit and vegetables processing	P1	56	29	3	0	2	0	1	0

Fruit and vegetable processing (frozen)	P2	8	4	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	113	37	0	0	0	0	0	0
Fruit and vegetable juice, unpasteurised processing	P1	8	4	1	1	0	0	0	0
Fruit juice, pasteurisation or shelf stable processing (medium-large producer)	P2	10	5	0	0	0	0	0	0
Fruit juice, pasteurisation or shelf stable processing (small producer)	P3	2	1	0	0	0	0	0	0
Infant formula product processing	P1	1	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	12	7	0	1	0	0	0	0
Oils and fats processing	P3	31	7	0	1	0	0	0	0
Peanut butter processing	P2	7	4	0	0	0	0	0	0
Peanut butter processing, small producer	P3	11	3	0	0	0	0	0	0
Poultry processing	P1	2	1	0	0	0	0	0	0
Prepared not ready to eat food processing	P2	23	12	0	0	0	0	0	0
Prepared ready to eat food processing	P1	66	52	0	1	0	0	0	0
Salt & other low risk ingredients/additives processor	P3	6	2	0	0	0	0	0	0
Seafood processing (excluding molluscs)	P2	27	15	2	1	1	0	0	0

Seafood processing ready to eat and shelf stable	P2	3	2	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	19	10	0	0	0	0	0	0
Snack chips processing	P3	6	3	0	0	0	0	0	0
Spices and dried herbs processing	P2	14	7	2	2	0	0	0	0
Spices and dried herbs processing, small producer	P3	54	16	0	0	0	0	0	0
Sprout processing	P1	2	0	0	0	0	0	0	0
Sushi processing	P1	29	24	2	3	1	0	0	0
Vegetables in oil processing	P1	25	12	1	0	1	0	0	0
*Other processor / manufacturers - P1	P1	2	0	0	0	0	0	0	0
*Other processor / manufacturers - P2	P2	2	2	0	1	0	0	0	0
*Other processor / manufacturers - P3	P3	56	10	0	1	0	0	0	0
Total**		**2546**	**1093**	**35**	**34**	**22**	**1**	**2**	**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	0	0	0	0	0	0	0
Bulk milk collection distributor	P2	7	0	0	0	0	0	0	0
Dairy produce distributor	P3	22	4	0	0	0	0	0	0
Dry goods and beverages distributor	P4	88	2	0	0	0	0	0	0
Frozen food distributor	P3	30	11	0	0	0	0	0	0
Fruit and vegetables distributor	P3	76	33	0	0	0	0	0	0
Perishable, ready to eat, packaged, medium risk food distributor	P3	49	12	0	0	0	0	0	0
Perishable, ready to eat, packaged, high risk food distributor	P2	34	10	0	0	0	0	0	0
Processed meat distributor	P2	1	0	0	0	0	0	0	0
Seafood distributor	P2	14	8	0	0	0	0	0	0
Other food transporters - P2	P2	0	0	0	0	0	0	0	0
Other food transporters - P3	P3	3	2	0	0	0	0	0	0
Other food transporters - P4	P4	6	2	0	0	0	0	0	0
Total*		**332**	**84**	**0**	**0**	**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	1	0	0	0	0
FSP not audited at the frequency determined by the auditor	2	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 no food business prosecuted in the financial year 2023-24. Details of other prosecutions are available on the SA Health website here:

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