

OFFICIAL

Coversheet

# 2021 – 22 Annual Report DHW

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

*Page 71 –DHW Annual Report 2021-22 Appendix 1*

## 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 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
	94	90

*Note: \*at 30 June 2022. 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 2021-22 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	
<b>No. of businesses captured</b>	259	363	19	12	653
<b>No. of audits</b>	229	346	15	10	600
<b>Percentage of businesses audited*</b>	88%	95%	79%	83%	92%

*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. Audits of some facilities in the reporting period were delayed due to COVID-19 restrictions.*

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

**Table A2.3: Number of councils charging audit fees**

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

### 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 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, P2, P3 or P4.

**Table A2.4: Food business risk classification**

	Food safety risk classification				Total
	P1	P2	P3	P4	
<b>No. of businesses</b>	6,977	4,802	3,744	1,561	17,084
<b>No. of routine inspections</b>	4,953	2,745	1,226	129	9,053
<b>No. of follow-up inspections</b>	1,984	473	142	1	2,600
<b>No. of inspections from complaints</b>	444	171	41	3	659

It is important to note that local council EHO resources, particularly in metropolitan Adelaide, were significantly impacted in the 2021-22 financial year as they were assisting SA Health in undertaking compliance and monitoring activities for COVID-19 under the *Public Health Act 2011*. Some businesses were also closed temporarily or permanently during and after COVID-19 lockdowns, which may have impacted the number of inspections conducted.

### 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**

<b>Council inspection fee policy</b>	<b>Number of councils</b>
Charging fees	38
Not charging fees	26

### 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 risk classified to ensure that the most serious cases are dealt with as a priority. Table A2.6 lists the number of complaints/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**

<b>Complaint type</b>	<b>No. of complaints received</b>	<b>No. of complaints justified</b>
Foreign matter in food	87	38
Microbial contamination	75	23
Chemical contamination or residue	4	3
Alleged food poisoning	231	20
Unclean premises	153	76
Personal hygiene or food handling	224	95
Pest infestation	71	34
Refuse storage	58	32
Labelling issues	26	9
Others	133	57
<b>Total</b>	<b>1062</b>	<b>387</b>

### 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.