

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

Under the *Food Act 2001* 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 *Food Act 2001* 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 *Food Act 2001* to be able to monitor and enforce this 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	99	78*

Note: * 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 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 (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	6,922	4800	3633	1496	58	16909
Inspections conducted	4,867	2,766	1,251	71	10	8965
Follow-up inspections	2,235	633	157	1	12	3038
Inspections from complaints	524	190	24	0	0	738

Inspection Fees

The *Food Regulations 2017*, Part 4 Section 13 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	39
Not charging fees	25

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 2020-21 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	289	381	21	22	713
*Number of audits	247	344	20	20	631
Percentage of audits conducted	85%	90%	95%	91%	88%

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

Council audit fees*	Number of councils
Number of councils carrying out audits	18
Number of councils charging audit fee	18

Complaints

Consumer enquiries, reports of illness and non-compliant businesses or food, provides an important source of information. In addition, receiving complaints allows the public to interact with EHOs and gives 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	102	53
Microbial contamination	46	22
Chemical contamination or residue	10	3
Alleged food poisoning	197	23
Unclean premises	143	74
Personal hygiene or food handling	233	88
Pest infestation	74	34
Refuse storage	52	22
Labelling issues	29	11
Others	104	43
Total	990	373

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 taken by Local Government in relation to audits of Food Safety Programs conducted under Standard 3.3.1.

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

Retailer	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Alcoholic beverages packaged	164	6	0	0	0	0	0	0
Bakery products	94	57	4	3	2	0	2	0
Bakery products, perishable fillings	181	120	8	10	3	0	0	0
Continental type delicatessen food	61	35	4	3	2	0	0	0
High risk food, perishable	665	454	31	21	13	0	0	0
Low risk packaged food	935	42	3	3	0	0	0	0
Low risk unpackaged food	104	46	3	3	0	0	0	0
Medium risk food, perishable	603	224	11	11	1	0	0	0
Raw meat & poultry	25	10	0	0	0	0	0	0
Seafood (excludes processing of bivalve mollusc)	26	24	1	1	0	0	0	0
*Other retailers – P1	9	10	3	2	1	0	0	0
*Other retailers – P2	25	19	0	2	0	0	0	0
*Other retailers – P3	12	6	0	0	0	0	0	0
*Other retailers – P4	2	0	0	0	0	0	0	0
Total**	2,906	1053	68	59	22	0	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.

**Enforcement action data is not included for one Council due to processing issues with the Council's IT system

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

Food service	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Catering offsite activity	205	114	5	4	0	1	0	0
Catering onsite	560	269	17	16	2	0	0	0
Medium risk foods perishable	845	308	10	10	1	0	0	0
Restaurants and takeaway ready to eat food - prepared in advance	482 1	365 4	387	238	186	16	57	3
Restaurants and take away food, ready to eat food - express order	229 6	128 5	85	62	34	2	15	0
Restaurants and takeaway ready to eat food - no raw preparation	822	472	18	15	4	0	1	0
*Other food service – P1	67	29	3	3	0	0	0	0
*Other food service – P2	129	56	0	0	0	0	0	0
*Other food service – P3	221	32	0	0	0	0	0	0
*Other food service – P4	101	1	0	0	0	0	0	0
Total**	10,067	6,220	525	348	227	19	73	3

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

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

Processor/manufacture	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	399	292	22	15	10	0	0	0
Baby food processing	3	1	0	0	0	0	0	0
Beverage processing	70	20	1	1	0	0	0	0
Beverage processing small producer	26	8	0	0	0	0	0	0
Canned food processing	7	7	0	0	0	0	0	0
Canned food processing very small producer and high acid food	44	14	1	1	0	0	0	0
Chocolate processing	7	6	0	0	0	0	0	0
Chocolate processing small producer	35	12	0	0	0	0	0	0
Cereal processing & medium/low risk bakery	641	248	10	8	3	0	0	0
Confectionary processing	185	58	4	4	0	0	0	0
Cook-chill food short shelf-life processing	19	11	3	2	1	0	0	0
Cook-chill food extended shelf life processing	12	3	0	0	0	0	0	0
Cook-chill food extended shelf life processing; aseptic packaging	2	0	0	0	0	0	0	0
Cook-frozen food processing	17	8	1	0	0	1	1	0
Dairy processing (not including soft cheese)	28	16	1	1	0	0	0	0
Dairy processing - soft cheese processing	4	2	0	0	0	0	0	0
Egg processing	4	1	0	0	0	0	0	0

Table A1.9 (continued)

Processor/manufacture	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Fruit and vegetables processing	38	19	4	4	0	0	0	0
Fruit and vegetable processing, frozen	6	4	0	0	0	0	0	0
Fruit and vegetable processing, frozen/blanch, small producer	63	15	1	1	0	0	0	0
Fruit and vegetable juice, unpasteurised processing	7	4	2	1	1	0	0	0
Fruit juice, pasteurisation processing, shelf stable processing	1	0	0	0	0	0	0	0
Fruit juice, pasteurisation processing, shelf stable processing, small producer	6	2	0	0	0	0	0	0
Infant Formula product processing	1	0	0	0	0	0	0	0
Meat processing Abattoir/Boning Room	10	4	0	0	0	0	0	0
Meat processing, fermented meat processing, small goods processing	12	3	1	1	0	0	0	0
Oils and fats processing	36	6	1	1	0	0	0	0
Peanut butter processing	2	2	0	0	0	0	0	0
Peanut butter processing, small producer	4	2	0	0	0	0	0	0
Poultry processing	1	1	0	0	0	0	0	0
Prepared not ready to eat food processing	19	11	0	0	0	0	0	0
Prepared ready to eat food processing	91	60	6	2	4	0	0	0

Table A1.9 (continued)

Processor/manufacturer	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Salt & other low risk ingredients/additives processor	2	1	0	0	0	0	0	0
Seafood processing	17	10	1	0	0	0	1	0
Seafood processing ready to eat and shelf stable	8	5	1	1	0	0	0	0
Seafood processing - mollusc processing	31	6	0	0	0	0	0	0
Snack chips processing	4	1	0	0	0	0	0	0
Spices and dried herbs processing	17	4	0	0	0	0	0	0
Spices and dried herbs processing, small producer	33	12	0	0	0	0	0	0
Sprout processing	2	0	0	0	0	0	0	0
Sushi processing	24	21	4	1	4	1	4	0
Vegetables in oil processing	23	12	1	1	0	0	0	0
*Other processor / manufacturers - P1	8	5	0	0	0	0	0	0
*Other processor / manufacturers - P2	18	15	0	0	0	0	0	0
*Other processor / manufacturers - P3	24	22	2	2	0	0	0	0
*Other processor / manufacturers - P4	1	0	0	0	0	0	0	0
Total**	201 2	954	67	47	23	2	6	0

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

**Enforcement action data is not included for one Council due to processing issues with the Council's IT system

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

Food transporter	Total businesses	Businesses inspected	Businesses requiring enforcement action	Written warnings issued	Improvement notices issued	Prohibition orders issued	Expiations issued	Prosecutions
Bulk flour storage distributor	3	1	0	0	0	0	0	0
Bulk milk collection distributor	1	1	1	0	1	0	0	0
Dairy produce distributor	14	3	0	0	0	0	0	0
Dry goods and beverages distributor	63	6	0	0	0	0	0	0
Frozen food distributor	20	4	0	0	0	0	0	0
Fruit and vegetables distributor	15	5	0	0	0	0	0	0
Perishable, ready to eat, packaged, medium risk food distributor	30	10	0	0	0	0	0	0
Perishable, ready to eat, packaged, high risk food distributor	34	19	1	0	2	0	0	0
Processed meat distributor	4	0	0	0	0	0	0	0
Seafood distributor	8	5	0	0	0	0	0	0
Other food transporters - P1	0	0	0	0	0	0	0	0
Other food transporters - P2	0	0	0	0	0	0	0	0
Other food transporters - P3	14	0	0	0	0	0	0	0
Other food transporters - P4	1	0	0	0	0	0	0	0
Total*	207	54	2	0	3	0	0	0

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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	1	1	0	0	0
FSP not audited at the frequency determined by the auditor	0	1	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
Total	1	2	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 *Food Act 2001*. 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.

Since the last reporting period six additional businesses have been added to the prosecution register. This information can be viewed on the *Food Act 2001* Prosecutions 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>