



WA Food Regulation: Report on the *Food Act 2008*

This document contains reports from enforcement agencies on the performance of food regulatory functions for the period 23 October 2009 to 30 June 2010





A Message from the Director General

When the Parliament of Western Australia enacted the *Food Act 2008* and *Food Regulations 2009* it ushered in a new era for the regulation of food businesses in this State. An outcome based approach replaced previous prescriptive legislative conditions, providing greater opportunity for retail, manufacturing and service sectors to be innovative and creative in meeting consumer demand for nutritious, quality and safe food.

At the same time the Food Act streamlined and added rigour to the regulatory process, providing stronger penalties and tools for enforcement agencies to apply where warranted.

In presenting this inaugural report, the 2009 - 2010 Reporting Requirements for Enforcement Agencies of functions carried out as a result of the implementation of the Food Act, I congratulate all parties for working diligently to provide assurances on the safety of food available for sale in the local marketplace.

The objective of this report is to anticipate issues associated with the administration of the Food Act. In doing this, the report provides information on the food regulatory functions performed by enforcement agencies, including their approach to food safety risk management. In addition, it considers areas for further policy development and recognises potential resourcing issues.

At a time when public awareness has been strengthened by the proliferation of television and lifestyle programs about food, we can all be proud of our achievements so far in meeting the intent of the new Food Act.

Signed by Kim Snowball July 2011

Kim Snowball

DIRECTOR GENERAL

Prepared by the Department of Health Western Australia

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Cities

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Shires

Ashburton, Augusta-Margaret River, Beverley, Boddington, Boyup Brook, Bridgetown-Greenbushes, Brookton, Broome, Broomehill, Bruce Rock, Busselton, Capel, Carnamah, Carnarvon, Chapman Valley, Chittering, Collie, Coolgardie, Coorow, Corrigin, Cranbrook, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dardanup, Denmark, Derby-West Kimberley, Donnybrook-Balingup, Dowerin, Dumbleyung, Dundas, East Pilbara, Esperance, Exmouth, Gingin, Gnowangerup, Goomalling, Halls Creek, Harvey, Irwin, Jerramungup, Kalamunda, Katanning, Kellerberrin, Kent, Kojonup, Kondinin, Koorda, Kulin, Lake Grace, Laverton, Leonora, Manjimup, Meekatharra, Menzies, Merredin, Mingenew, Moora, Morawa, Mt Magnet, Mt Marshall, Mukinbudin, Mullewa, Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Ngaanyatjarraku, Northam, Northampton, Nungarin, Peppermint Grove, Perenjori, Pingelly, Plantagenet, Quairading, Ravensthorpe, Roebourne, Sandstone, Serpentine-Jarrahdale, Shark Bay, Tambellup, Tammin, Three Springs, Toodyay, Trayning, Upper Gascoyne, Victoria Plains, Wagin, Wandering, Waroona, West Arthur, Westonia, Wickepin, Williams, Wiluna, Wongan-Ballidu, Woodanilling, Wyalkatchem, Wyndham/East Kimberley, Yalgoo, Yilgarn and York.

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CONTENTS

A Message from the Director General	i
Acknowledgement	iii
Table of Contents	iv
List of figures	v
List of tables	vi
Abbreviations, Acronyms and Definitions	vii
Executive summary	viii
Background	viii
Report objectives	viii
Key reporting areas and findings	viii
Authorised officers	viii
Registration, notification and assessment	ix
Compliance and enforcement	ix
Regulatory food safety auditing	ix
Issues and highlights	x
Key findings / issues identified	x
1. Introduction	1
2. Enforcement Agencies and Food Businesses	3
3. Authorised Officers	5
3.1. Appointment of authorised officers	5
3.2. Number of authorised officers	6
3.3. Qualification of authorised officers	7
3.4. Recruitment difficulties	8
4. Registration and Assessment of Food Businesses	11
4.1. Overview of registration and assessment	11
4.2. Notification and registration of food businesses	12
4.3. Assessment of food businesses	13
4.4. Principle activity of food businesses	14
4.5. Risk profiling of food businesses	15
5. Compliance and Enforcement Activities	17
5.1. Compliance and enforcement overview	17
5.2. Improvement notices	19

5.3. Infringement notices	20
5.4. Prohibition orders	20
5.5. Seizure powers	21
5.6. Legal action through the Courts	21
5.7. Publication of names of offenders	21
6. Regulatory Food Safety Auditing	23
7. Issues and Highlights	27
7.1. Education and awareness	28
7.2. Monitoring and programs	29
7.3. Policy and Training Considerations	30
7.4. Resourcing	32
7.5. Primary issues	32
8. Conclusion	35
9. Way Forward / Next Stages	37
Appendices	39
Appendix 1: 2009 / 2010 proforma	41
Appendix 2: Summary of results from enforcement agencies	45
Appendix 3: Region and local government maps	69
Appendix 4: Results maps	81
Appendix 5: 2010 / 2011 proforma	89

List of figures

Figure 3.1: Delegated authority to undertake appointment	6
Figure 3.2: Number of authorised officers per region	7
Figure 3.3: Qualification of authorised officers by region	8
Figure 3.4: Percentage of enforcement agencies with recruitment difficulties	8
Figure 4.1: Annual assessment rate of food businesses by jurisdiction	13
Figure 4.2: Percentage of designated risk of food businesses by region	16
Figure 5.1: Compliance and enforcement activities overview	18
Figure 5.2: Improvement notices by region	19
Figure 5.3: Infringement notices	20
Figure 5.4: Publication of names of offenders	22
Figure 6.1: Percentage of enforcement agencies to provide RFSA services	24
Figure 6.2: When RFSA services will be made available	25

Figure 7.1: Risk profiling issues	34
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List of tables

Table 2.1: Enforcement agencies and food businesses in WA	4
Table 4.1: Registration and assessment of food businesses	12
Table 4.2: WA food businesses grouped by activity	15
Table 7.1: Issues and highlights comments received	28
Table 7.2: Food safety education to food businesses	29

Abbreviations, Acronyms and Definitions

Assessment	The process of reviewing a food business in order to confirm compliance or non-compliance with the Food Act, Food Regulations or Code
CEO of LG	A Chief Executive Officer of Local Government
CEO of the DOH	Chief Executive Officer (Director General) of the Department of Health
Code	<i>Australia New Zealand Food Standards Code</i>
DOH	Department of Health, Western Australia
Enforcement Agency	The CEO of the DOH or local government
Food Act	<i>Food Act 2008</i>
Food Business	A business, enterprise or activity that involves the handling of food intended for sale or the sale of food.
Food Regulations	<i>Food Regulations 2009</i>
FSANZ	Food Standards Australia New Zealand
FSP	Food Safety Program - a working document that systematically identifies potential hazards, means of control, monitoring of controls including record keeping, appropriate corrective action and regular review of the program.
Health Region	A region of WA (as defined by the DOH) that for this report is to be used for statistical purposes.
LG	Local Government
Metropolitan WA	The local governments of the North Metropolitan and South Metropolitan Health regions.
PEHO	Principal Environmental Health Officer
Regional City	A city-based local government outside of the metropolitan area that contains a greater number of food businesses than surrounding areas.
Regional WA	The Goldfields, Great Southern, Kimberley, Midwest, Pilbara, South West and Wheatbelt Health regions.
RFSA	Regulatory Food Safety Auditing
WA	Western Australia

Executive Summary

Background

On the 23rd day of October 2008 the *Food Act 2008* and *Food Regulations 2009* replaced the *Health Act 1911* and *Health Food Hygiene Regulations 1993*, as the appropriate governing legislation for food regulation in WA. The Food Act has moved food regulation from a prescriptive to outcome based approach in the way food safety risk management practices are implemented within food businesses. In simple terms, when applying the Food Act, there may be more than one path to reach a singular destination, that being providing safe food to the community.

Reports objectives

This report outlines enforcement agencies' performance of functions under the Food Act during the first seven months following proclamation. In total, including the DOH, there are 140 enforcement agencies across WA. These enforcement agencies are responsible for administering food regulatory requirements to approximately 15,000 food businesses operating within the State.

In part the value of knowing the food regulatory activities undertaken by enforcement agencies is to gauge the level of consistency in which food laws are being administered. This in turn identifies knowledge gaps and areas for future policy development and resource allocation. Additionally, the Food Act has allowed enforcement agencies to be innovative and demonstrate new ways of doing things that exceed standard practice. For example, one enforcement agency worked with indigenous communities to develop a food safety program that would enable the food safety risks within these communities to be appropriately managed.

Key reporting areas and findings

Authorised officers

Authorised officers are appointed by the delegate of an enforcement agency, which for most is the local government's chief executive officer, to perform food regulatory functions under the Food Act. It was found that of the 140 enforcement agencies, 131 implemented procedures to manage authorised officer appointment and in regional areas a great proportion of appointees possessed qualifications other than an environmental health degree.

Registration, notification and assessment

The Food Act requires that a food business either register or notify the appropriate enforcement agency of its operation. The figures seemed to indicate some confusion regarding registration and notification requirements, with at least 35% of food businesses in WA that are both notifying and registering.

Most enforcement agencies determine regulatory measures based on the risk and the activities of a food business. Whilst there is no mandatory requirement within the Food Act to profile the risk of a food business' activity, the majority of enforcement agencies have completed such exercises to assist with food business monitoring and compliance.

In total, for the seven month reporting period 18, 796 food business assessments (inspections) were conducted by enforcement agencies. Essentially, this indicates an assessment rate of 1.6 assessments per food business per year.

Compliance and enforcement

The introduction of the Food Act has resulted in a broader range of compliance and enforcement options being made available to enforcement agencies. Compliance and enforcement tools include warning letters, improvement notices, infringement notices, prohibition orders, powers of seizure and also the ability to prosecute. The reporting response on this matter ascertained that 481 compliance options were initiated by enforcement agencies to approximately 3% of food businesses.

Figures showed that 63% of enforcement agencies did not have a "Compliance and Enforcement Policy" in place and a higher proportion of those that did were based in the metropolitan area where there are a larger number of food businesses. In terms of compliance action, there were 44 Infringement Notices, 409 Improvement Notices, six Prohibition Orders and 20 seizures instigated during the reporting period. Additionally, there were two successful prosecutions taken under the Food Act, both recorded in the Department of Health 'Publication of Names of Offenders' webpage.

Regulatory food safety auditing

RFSA of food businesses is a new area for enforcement agencies. Figures indicated that only 21% of enforcement agencies were planning to provide RFSA services, with a small

number of these willing to provide this service in other jurisdictions (districts). The reasons provided by enforcement agencies for not providing auditing services included staffing and resourcing issues, the service not being required in many smaller jurisdictions, and there being a view that auditing would be more suitably conducted by the private sector.

Issues and highlights

In addition to the figures requested by the DOH in preparation of this report, local government enforcement agencies were provided opportunity for further comment. A total of 97 comments were received from enforcement agencies on a range of matters including:

- Food regulatory education and awareness;
- Food sampling;
- Food safety and recognition programs;
- Areas of benefit and difficulty associated with the Food Act;
- Further policy considerations; and
- Resourcing matters, particularly in relation to staffing.

Finally, for the reporting period the DOH received 12 recommendations from local government enforcement agencies that identified areas for further policy development and training and the usefulness of DOH publications associated with administering the Food Act.

Key finding / issues identified

This report identifies three primary issues affecting the majority of enforcement agencies. These are recruitment and resourcing, registration and notification requirements, and uniformity of risk profiling practices. While there is no immediate solution to the resourcing matters raised by enforcement agencies, work to clarify registration and notification requirements and consistency in risk profiling is already underway. As this is the inaugural report of activities under the Food Act, it has assisted in refining the information requested for the next (2010-2011) reporting period.

1. Introduction	
Part 10, Division 2 of the <i>Food Act 2008</i> – Reports by and about Enforcement Agencies	
DOH Guidelines	WA Food Regulation: Department of Health Reporting Requirements on Enforcement Agencies' Activities
Key Determinations	The legislation places a requirement on enforcement agencies to report to the Chief Executive Officer of the Department of Health at specified intervals on the performance of functions under the Food Act by persons employed or engaged by the agency.

This report is a first for WA. Until now there has been no concise reporting on food business activities in WA. The introduction of Food Act in 2008 in WA has changed this however, now mandating that enforcement agencies report on the performance of food regulatory functions. The information received from enforcement agencies to prepare this report has been sourced in accordance with section 121 of the Food Act.

The Food Act aligns WA with the national food legislative model, and presents many opportunities for State and Local Governments, the food industry and consumers. This legislation has provided greater flexibility in how food laws are applied, allowing enforcement agencies to apply a risk management framework in the application and enforcement of these laws. The DOH has provided information to all enforcement agencies to assist them to adopt a practical and risk based approach to compliance and enforcement of the legislation. Open communication and collaboration will continue to be integral to the success of the Food Act's implementation.

For this reporting period enforcement agencies provided information on:

- Authorised officer numbers and approval procedure;
- Registration of food businesses (the number and process followed);
- Compliance and enforcement activities; and
- Issues or highlights of performance of functions under the Food Act.

It is envisaged the information contained in this report will be utilised by enforcement agencies to benchmark or develop the resources needed to further raise awareness of safe food practices with food businesses in their districts.

2. Enforcement Agencies and Food Businesses

Part 2 – Interpretation of the *Food Act 2008* and Part 1 – Preliminary of the *Food Regulations 2009*

Food Act Definitions (s. 8)	<p>Enforcement Agency means the CEO (of the DOH) or local government.</p> <p>Food Business means a business, enterprise or activity (other than primary food production) that involves the handling of food intended for sale or the sale of food, regardless of whether the business, enterprise or activity is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.</p>
Key Determinations	<p>Enforcement Agencies and Food Businesses – 140 enforcement agencies administer the Food Act to approximately 15,000 food businesses in WA. The smallest enforcement agency administers one food business and the largest administers 839 food businesses, with a statewide average of 107 food businesses per enforcement agency.</p> <p>Response Rate – A 100% response rate to the reporting requirements was achieved.</p>

In WA, 140 enforcement agencies administer the Food Act, comprising of 139 local governments and the DOH. Each local government is the appropriate enforcement agency for all food businesses within its district. There are some exceptions including food businesses not within a district like at Kings Park and Rottnest Island, dairy food businesses, food businesses engaged in the production of bi-valve molluscs and public hospitals. The DOH is the appropriate enforcement agency for these food businesses. There are approximately 15,000 food businesses in WA, of which two thirds are located in the Perth metropolitan area.

The response to the reporting requirements has been extremely positive with all 139 local government enforcement agencies submitting a report to the CEO of the DOH. Enforcement agencies have recognised that reporting to the CEO will help to shape the policy direction of food safety regulation in WA.

Some analysis in this report has been based on the regions of WA (as defined by the DOH). There are nine Health Regions in WA, each with its own characteristics that may

affect the method that each enforcement agency administers the Food Act. Some factors with potential affect on the administration of the Food Act include:

- Size of local government area;
- Remoteness from Perth or regional cities;
- Population of local government; and
- Types of food premises that are unique to particular areas, such as mining camps, aboriginal community stores, primary production and processing, and manufacturers.

Figure 2.1 summarises the number of enforcement agencies and food businesses that are in WA. Maps of each region can be viewed in Appendix 3. Each enforcement agency in these maps is shaded to reflect the number of food businesses within its jurisdiction.

Table 2.1 – Enforcement agencies and food businesses in WA

Health Region	Number of Enforcement Agencies	Number of Food Businesses	Number of Food Businesses per Enforcement Agency		
			Average	Smallest	Largest
GOLDFIELDS	9	507	56	3	220
GREAT SOUTHERN	11	762	69	3	480
KIMBERLEY	4	466	117	20	262
MIDWEST	22	639	29	1	265
NORTH METROPOLITAN	17	5 180	305	17	839
PILBARA	4	442	111	81	144
SOUTH METROPOLITAN	16	4 497	281	35	555
SOUTH WEST	12	1 485	124	17	443
WHEATBELT	44	646	15	3	72
DOH	1	298	298	-	-
WESTERN AUSTRALIA	140	14 922	107	1	839

3. Authorised Officers

Part 10, Division 3 of the *Food Act 2008* – Appointment of Authorised Officers

DOH Guidelines	Guideline on the Appointment of Authorised Officers, including for designated officers and persons assisting authorised officers	Fact Sheet 4: Authorised Officers
Key Determinations	<p>Appointment of Authorised Officers – Nine enforcement agencies are yet to implement a procedure for the appointment of authorised officers.</p> <p>Number of Authorised Officers – To enable accurate reporting in future years, enforcement agencies will need to advise of the number of full-time equivalent authorised officers (and persons assisting authorised officers) that are working in the area of food safety.</p> <p>Qualification of Authorised Officers – Regional areas of WA are employing greater proportions of authorised officers who possess qualifications other than an environmental health degree.</p> <p>Recruitment Difficulties – More than 50% of enforcement agencies in metropolitan and regional WA are experiencing recruitment difficulties. This is a particular issue for the Kimberley and Pilbara regions.</p>	

3.1 Appointment of authorised officers

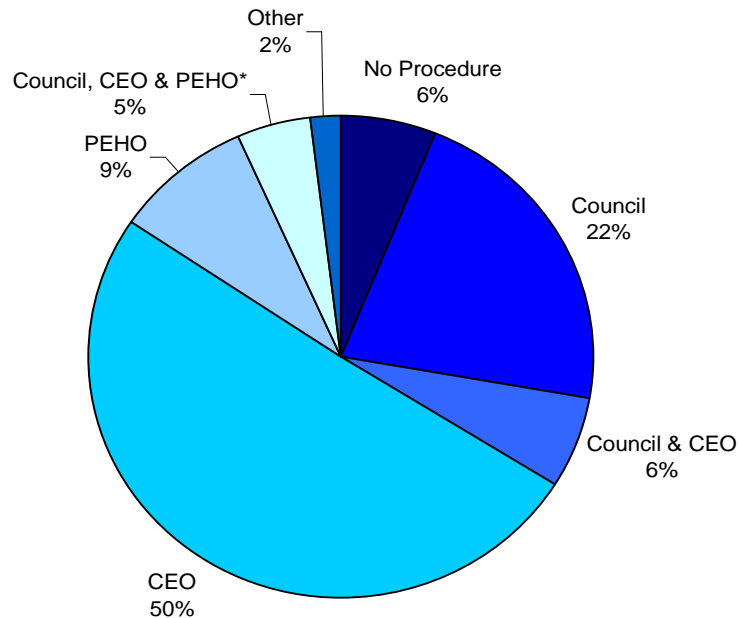
The introduction of the Food Act has allowed each enforcement agency to appoint authorised officers. To assist with this process, the CEO of the DOH has issued guidelines that detail appropriate qualifications and experience required to perform the functions of an authorised officer under the Act.

The authority to appoint authorised officers can be delegated by local government councils to CEOs, PEHOs or other officers. In all circumstances, the person(s) delegated to appoint authorised officers should follow a procedure that is based on the DOH guidelines to ensure that the authorised officers are suitably qualified and / or experienced.

Of the 140 enforcement agencies in WA, 131 (94%) have a procedure in place to manage the appointment of authorised officers. The authority to undertake appointments has been delegated to the chief executive officer in most cases (61% of all LGs) with the PEHO having this authority in 14% of cases. Figures indicate that one third of all LG councils are

exercising their authority to appoint authorised officers. In the DOH, the CEO has delegated this function to the Director Environmental Health. Figure 3.1 shows who undertakes authorised officer appointments by percentage of enforcement agencies.

Figure 3.1 – Delegated authority to undertake appointments



* Some LGs have multiple delegated authorities to undertake appointments.

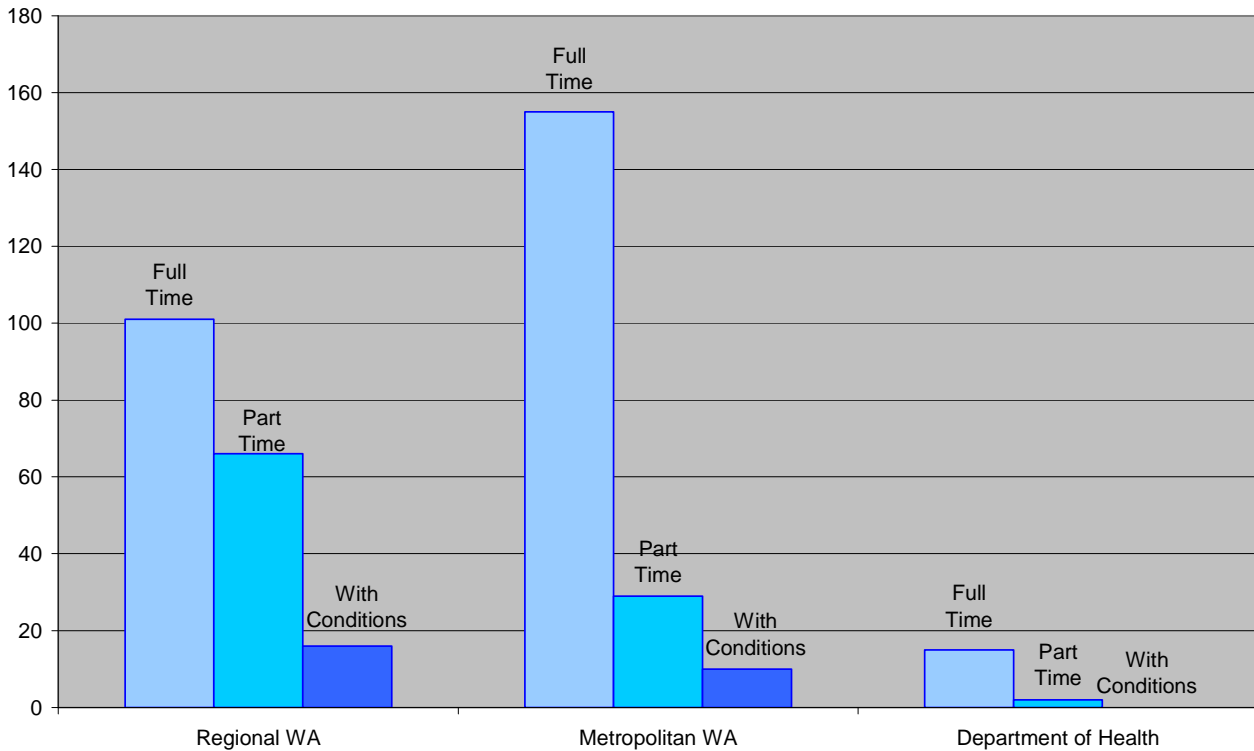
3.2 Number of authorised officers

The reporting requirements template included sections concerning the number and qualification of authorised officers. According to the survey, there are 396 authorised officers in WA.

Based on the results, the average number of authorised officers per enforcement agency is more than 2.5; however the range from the smallest to the largest enforcement agencies is vast. For example, the largest LG in WA employs 14 authorised officers. In comparison, seven of the smallest LGs share one authorised officer. The DOH represents only five percent of the total number of authorised officers in WA, with the bulk of monitoring being conducted by local government.

Figure 3.2 demonstrates the number of authorised officers in Regional WA, Metropolitan WA and the DOH. The larger number of part time authorised officers in regional areas would be attributed to the services of one authorised officer being shared by many enforcement agencies. Due to the larger size of metropolitan enforcement agencies in terms of the number of food businesses, the appointment of more than one authorised officer is common practice.

Figure 3.2 – Number of authorised officers per region

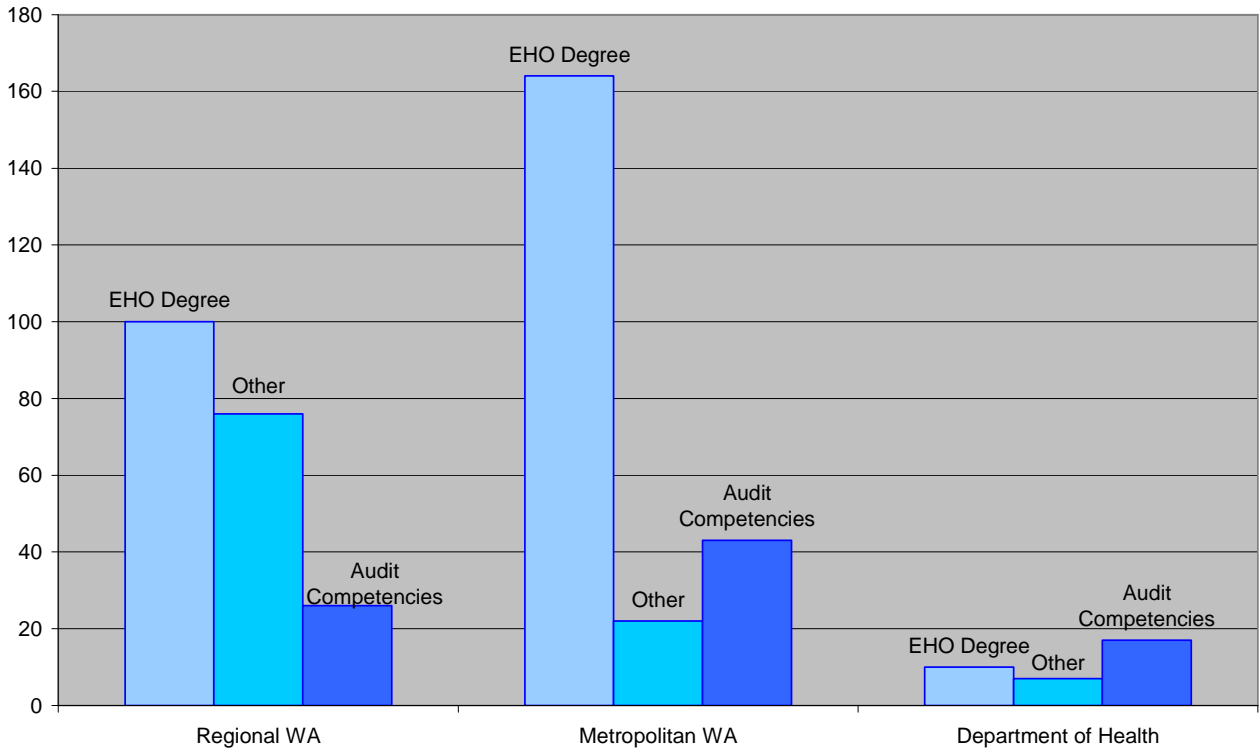


Data from enforcement agencies indicated that the declaration of authorised officer numbers was duplicated in many circumstances due to resource sharing of authorised officers by enforcement agencies. To avoid duplication of declared authorised officers, the 2010 / 2011 financial year reporting template has been amended to ask enforcement agencies the number of full-time equivalent authorised officers (including persons assisting authorised officers) that are working in food safety. This should provide a more accurate snapshot of the scope of Food Act administration in WA, considering that many authorised officers also work in other environmental health fields and / or other disciplines such as building surveying.

3.3 Qualification of authorised officers

The 2009 / 2010 reporting period figures indicated that of all authorised officers in WA, 280 possess an environmental health degree and 105 have other qualifications. 88 authorised officers have further competencies in auditing. Regional areas in WA have a higher percentage of authorised officers with other qualifications. This may be attributed to environmental health officers engaging in other disciplines such as building surveying, planning or community development. Other qualifications include the environmental health diploma which was made available in WA prior to the introduction of an environmental health degree. Figure 3.3 details the number of authorised officers by qualification in WA.

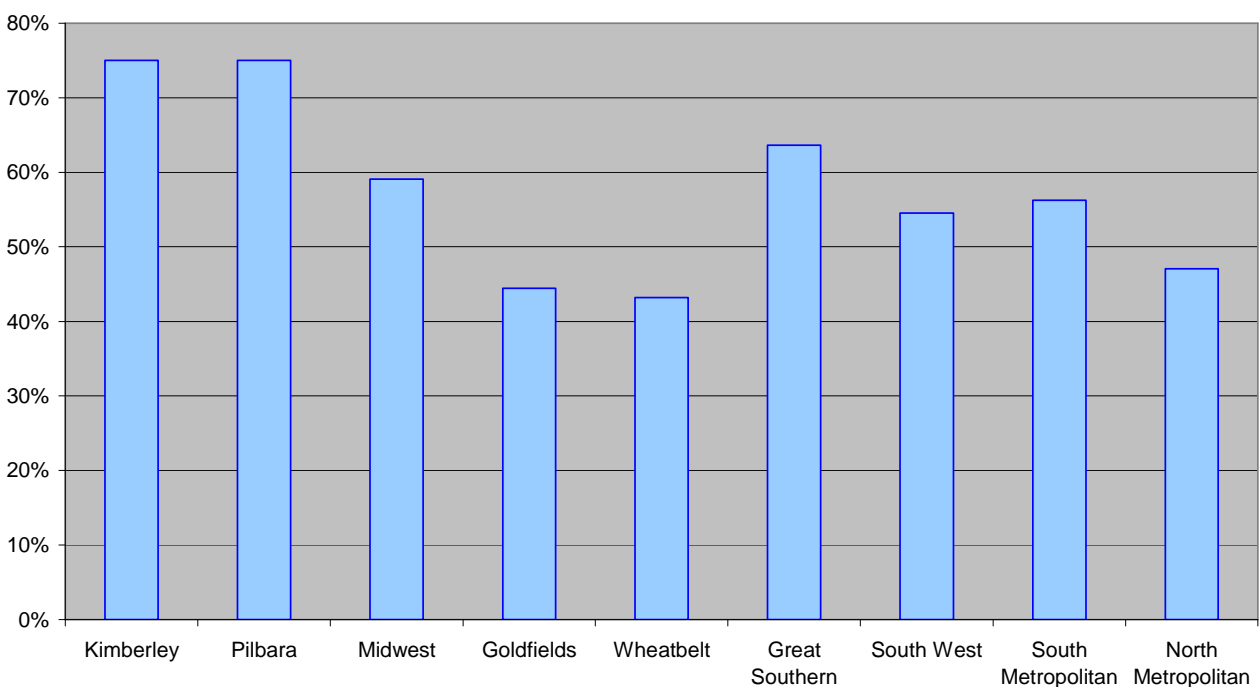
Figure 3.3 – Qualification of Authorised Officers by Region



3.4 Recruitment difficulties

More than 50% of enforcement agencies in WA have advised they are experiencing recruitment difficulties. This ranges from the Wheatbelt region where 43% of enforcement agencies are experiencing recruitment difficulties to 75% in the Kimberley and Pilbara regions, as demonstrated in Figure 3.4.

Figure 3.4 – Percentage of enforcement agencies with recruitment difficulties



Recruitment difficulties have been discussed by many enforcement agencies in the 'Issues and Highlights' section of the report and is an issue that affects many enforcement agencies across WA. Recruitment issues are discussed in more detail in the 'Issues and Highlights' section of this report (refer to page 32).

4. Registration and Assessment

Part 9 of the *Food Act 2008* – Registration of food businesses

DOH Guidelines	Fact Sheet 2: Registration of food businesses	Fact Sheet 3: Exempted food businesses	Food Business Risk Profiling Guideline
Key Determinations	<p>Registration and Notification of Food Businesses – There is some confusion regarding registration and notification requirements with at least 35% of food businesses in WA that are both notifying and registering. A food business is only required to notify (if exempt from registration) or register, not both.</p>		
Key Determinations	<p>Registering Food Businesses – The phasing in of registration requirements has not been completed by all enforcement agencies and will continue into the 2010/2011 financial year.</p>		
Key Determinations	<p>Assessment of Food Businesses – Enforcement agencies can use and have used different monitoring techniques for assessment of food businesses in accordance with the Food Act. The average food business is assessed 1.6 times per year.</p>		
Key Determinations	<p>Food Business Risk Profiling and Activity Determination – Whilst not being a mandatory requirement of the Food Act, food business activity determination and risk profiling have not been completed by all enforcement agencies. These exercises assist with food business monitoring and compliance.</p>		
Key Determinations	<p>Risk Profiling Uniformity – Risk profiling of food businesses has not been uniformly applied by enforcement agencies.</p>		

4.1 Overview of registration and assessment

Enforcement agencies can register (or receive notification from) food businesses in order to collect information to determine the appropriate level of assessment for each business. Part 9 of the Act provides the framework for registration and notification. Registration is a once-off administrative mechanism that applies to most food businesses in WA. For those food businesses exempted from registration (these are clearly specified in the Food Act) there remains a requirement to notify the appropriate enforcement agency of its activities.

An assessment of a food business is the process of reviewing the business in order to confirm compliance or non-compliance with the Food Act, Food Regulations and the Code. The food business assessment process is at the discretion of each enforcement

agency. Table 4.1 provides an overview of notification, registration and assessment in WA.

Table 4.1 – Registration and assessment of food businesses

Total Number of Food Businesses	14 922
Number of Notifications	7 031 (47% of all food businesses)
Number of Registered Food Businesses	13 093 (88% of all food businesses)
Number of Assessments	18 796 (1.26 assessments per food business during the reporting period)
Number of Food Businesses that have been designated an activity	10 136 (68% of all food businesses)
Number of Food Businesses that have been designated a risk rating	13 729 (92% of all food businesses)

4.2 Notification and registration of food businesses

The requirement for a food business to either notify or register was introduced when the Food Act came into force. Previous to this, only eating house licences were required depending on each enforcement agency's local laws.

As registration and notification are a new requirement for enforcement agencies and the food industry, it is recognised that it would take some time for the registration / notification process to be completed for all food businesses. Many enforcement agencies conduct annual licensing according to the financial year. As a result, enforcement agencies have reported that 88% of all food businesses were registered during the reporting period. The Food Regulations prescribe a number of food businesses as exempt from registration. These are businesses that:

- Are conducted solely for charitable or community purposes and prepare non-potentially hazardous foods or foods that, after being appropriately cooked, are served for immediate consumption;
- Sell certain packaged food;
- Provide complimentary drinks in conjunction with another kind of business; and
- Form part of premises registered under the *Commonwealth Export Control Act 1982*.

Exempt food businesses must **notify** the appropriate enforcement agency of its intention to operate. Registered food businesses do not have to notify. The Food Act requires a food business to either notify **or** register, not both. There has been some confusion about these requirements and this was reflected in the figures reported. Enforcement agencies have advised that 88% of food businesses are registered and have also advised that 47% of food businesses have notified. This means that at least 35% of food businesses have registered **and** notified, which is contrary to the requirements of the Food Act.

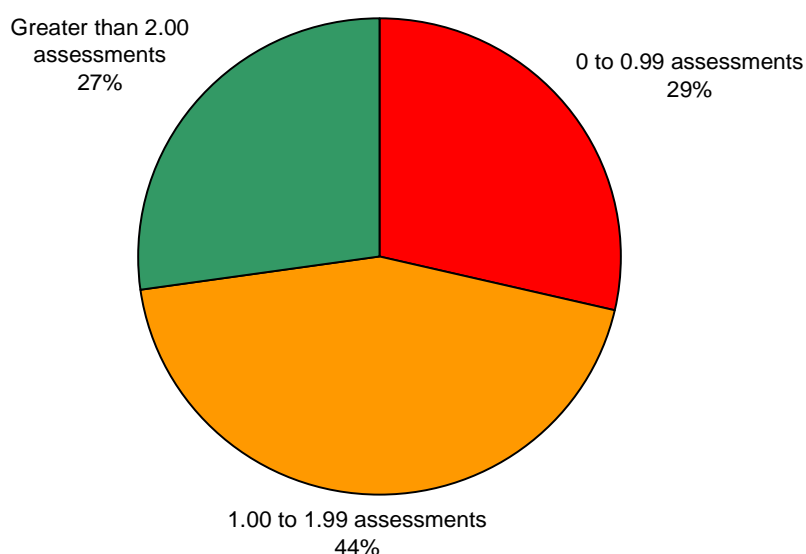
A number of enforcement agencies have advised that some difficulties have been experienced in relation to registration and notification. This is covered in more detail in the 'Issues and Highlights' section of this report.

4.3 Assessment of food businesses

In terms of the Food Act and the Code, there are many ways that a food business can be monitored including on-site assessments, auditing, sampling or document verification. Each enforcement agency has the flexibility to determine the scope, frequency and duration of each food business assessment, taking into consideration risk management principles and the activities of the food business.

During the reporting period 18 796 food business assessments were conducted which is an average annual assessment rate of 1.6 assessments per food business. The annual rate of assessment of food businesses by enforcement agencies is shown in Figure 4.1.

Figure 4.1 – Annual assessment rate of food businesses by jurisdiction



These findings demonstrate that the number of assessments undertaken by enforcement agencies varies between jurisdictions. Some enforcement agencies may focus on other forms of monitoring like document verification, while others have greater focus on providing food hygiene training to food businesses. The variation in assessment rate amongst enforcement agencies is located in Appendix 4 – Results Maps.

4.4 Principle activity of food businesses

The principle type of activity for each food business will assist enforcement agencies to determine monitoring programs, risk profiling and priority classification of food businesses. A number of Standards in the Code contain specific requirements for particular sectors of the food industry. For example, Standard 3.3.1 requires food businesses that process food for service to vulnerable populations (i.e. hospitals, nursing homes, child care centres etc) to implement a documented and auditable FSP. To effectively implement this Standard and other parts of the Code, it will assist enforcement agencies to keep a record of the principle type of activity for each food business.

The principle activity of each food business can be determined during the registration / notification process and / or during routine assessments. The food business activity has been determined by 92 enforcement agencies which represents 68% of all food businesses.

The reporting template did not specify categories for activity types, but instead allowed enforcement agencies to advise the DOH of the categories selected. Some enforcement agencies use broad categories such as Manufacturer / Processor or Restaurant / Take away / Café. Others use more prescriptive categories such as Theatrical Building or Pizza Shop. The result is 131 categories of food businesses being used by enforcement agencies across WA.

The DOH has sorted the 131 categories into five main groups based on the general principle activity of the food business. Table 4.2 details these groups and demonstrates the composition of the food industry in WA.

Table 4.2 – WA food businesses grouped by activity

Food Business Activity Group	Total Number of Food Businesses per Group	Number of Categories per Group Used by Enforcement Agencies
Food Service	6 153 (61% of WA*)	41
Food Service to Vulnerable Populations	568 (6% of WA)	8
Primary Production / Manufacturer / Distributor	829 (8% of WA)	35
Retail	2 180 (22% of WA)	31
Other	406 (4% of WA)	16
Activity Not Determined	4 397	-

* Percentage of determined activity in WA.

The groupings used by the DOH in this document are not mandatory for enforcement agencies to use. Instead, they are intended to be a simple guide to the composition of the food industry in WA. In referring to the figures in Table 5.4, it is the food service and retail sectors that comprise the greatest portion of food activities, with 83% of all food businesses fitting within these sectors.

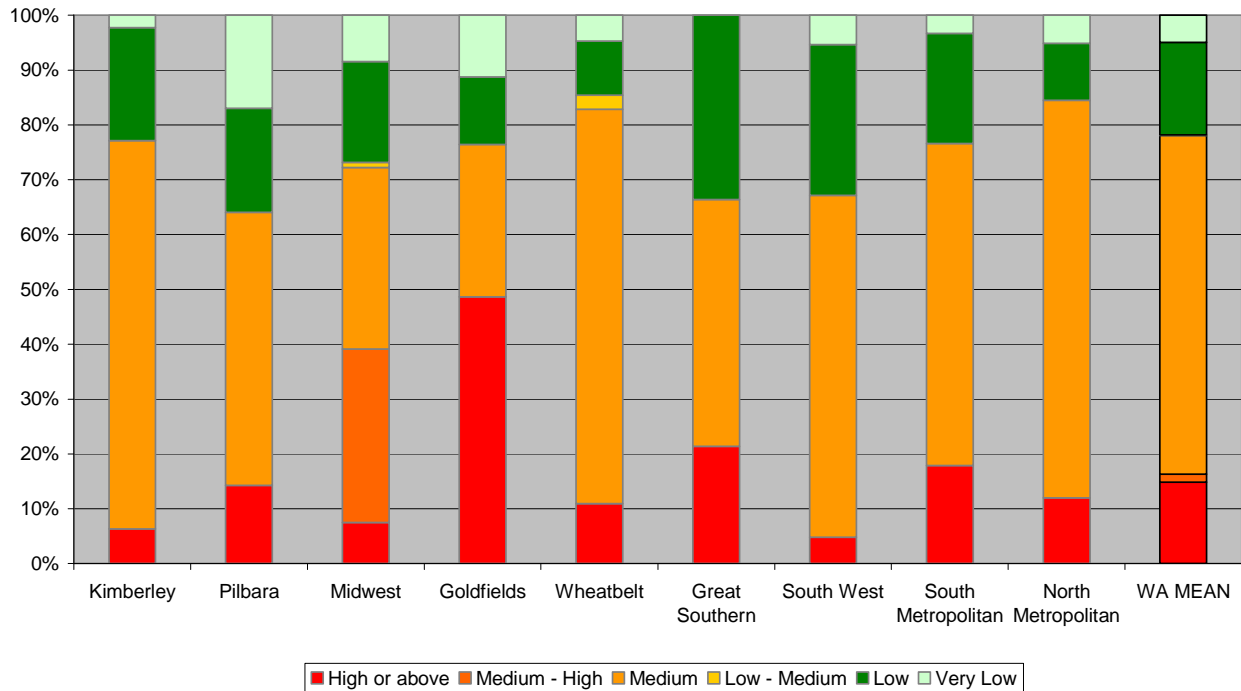
4.5 Risk profiling of food businesses

Risk profiling of food businesses enables enforcement agencies to determine the level of assessment appropriate for each food business, based on the nature of activity being undertaken. The DOH has developed the *Food Business Risk Profiling Guideline* and enforcement agencies may choose to implement this tool. Alternatively enforcement agencies may develop their own risk profiling tool.

Food business risk profiles have been determined by 112 enforcement agencies which represents 92% of all food businesses. Like the DOH, most enforcement agencies have four separate risk profiling categories being high, medium, low and very low (or exempt). Some enforcement agencies have created intermediate categories including very high, medium-high and low-medium.

The mean for risk profiling is 16% high risk, 61% medium risk, 18% low risk and 4% very low risk. Figure 4.2 shows the percentage of designated risk of businesses by region and illustrates how risk is being assessed by all enforcement agencies. It highlights that perceived risk is not uniform across enforcement agencies. While risk profiles in many regions are similar to the mean, there are regions which deviate significantly.

Figure 4.2 – Percentage of designated risk of food businesses by region



Some explanation has been provided for several of the deviations from the State mean. For example, one enforcement agency has broadened the scope of its risk profiling tool to include other indicators such as food business performance history. The DOH is looking to broaden its guideline for classifying food businesses to encompass inherent risk and other factors including compliance history, risk reduction tools and policy considerations. The DOH only monitors specific sectors of the food industry and therefore would have a percentage of designated risk of food businesses that is significantly different from the mean. Risk profiling will be discussed further in the Issues and Highlights section of this report.

5. Compliance and Enforcement

Parts 5, 6 and 11 and Section 143 of the *Food Act 2008*

DOH Guidelines	Compliance and Enforcement Policy	Publication of Names of Offenders Policy
Key Determinations	<p>Adoption of Compliance and Enforcement Policy and Publication of Names of Offenders Procedure – Most enforcement agencies have not implemented a Compliance and Enforcement Policy (63%) or a Publication of Names of Offenders Procedure (77%). Metropolitan and regional city based enforcement agencies that administer a larger number of food businesses are more likely to adopt this approach.</p> <p>Use of Compliance Tools – 481 compliance tools were issued in WA which is approximately 3% of the total number of food businesses in WA.</p> <p>Improvement Notices – Improvement Notices were the most commonly used compliance tool accounting for approximately 85% of the total. 83% of Improvement Notices were complied with.</p> <p>Infringement Notices – 44 Infringement Notices were issued with a total combined penalty of \$18750.</p> <p>Prohibition Orders – Six Prohibition Orders were issued, mainly in Metropolitan WA.</p> <p>Seizure Powers – Twenty seizures were conducted during the reporting period. Most enforcement agencies do not keep data on the value of seizures.</p> <p>Legal Actions – Two successful prosecutions were undertaken under the Food Act. Both appear on the ‘Publication of Names of Offenders’ list.</p>	

5.1 Compliance and enforcement overview

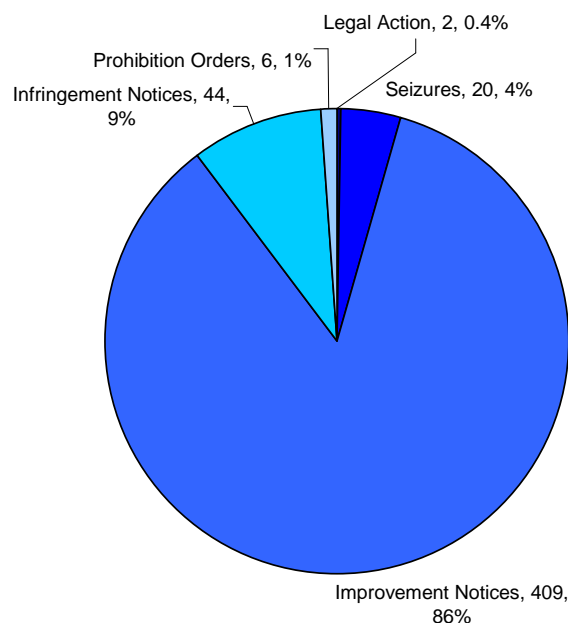
The DOH has recommended that all enforcement agencies adopt a *Compliance and Enforcement Policy* for the purposes of the Food Act. This Policy is based on a graduated and proportional response and aims to achieve consistency, efficiency, transparency and sound decision making. The *DOH Compliance and Enforcement Policy*, based on national guidelines, has been made available to enforcement agencies for assistance.

Data indicated that 37% of enforcement agencies had a Compliance and Enforcement Policy in place. Approximately a quarter of regional WA enforcement agencies have a Policy in place compared with two thirds of metropolitan WA enforcement agencies.

Adopting a Compliance and Enforcement Policy in metropolitan and rural city areas could assist in streamlining processes due to there being a large number of food businesses monitored by more than one authorised officer (in most cases). At the other end of the scale, only 14% of enforcement agencies in the Wheatbelt Region have adopted a Compliance and Enforcement Policy. The Wheatbelt Region also has the lowest ratio of food businesses per enforcement agency.

The Food Act provides authorised officers and enforcement agencies with five compliance tools; Legal Action, Seizures, Improvement Notices, Infringement Notices and Prohibition Orders. As demonstrated in Figure 5.1, for the 2009 / 2010 period, Improvement Notices were used significantly more than any other compliance tool.

Figure 5.1 – Compliance and enforcement activities overview



Compliance tools were utilised 481 times in WA, which account for approximately 3% of the total number of food businesses. Many enforcement agencies also advised that they prefer to use written warnings instead of legislative compliance tools.

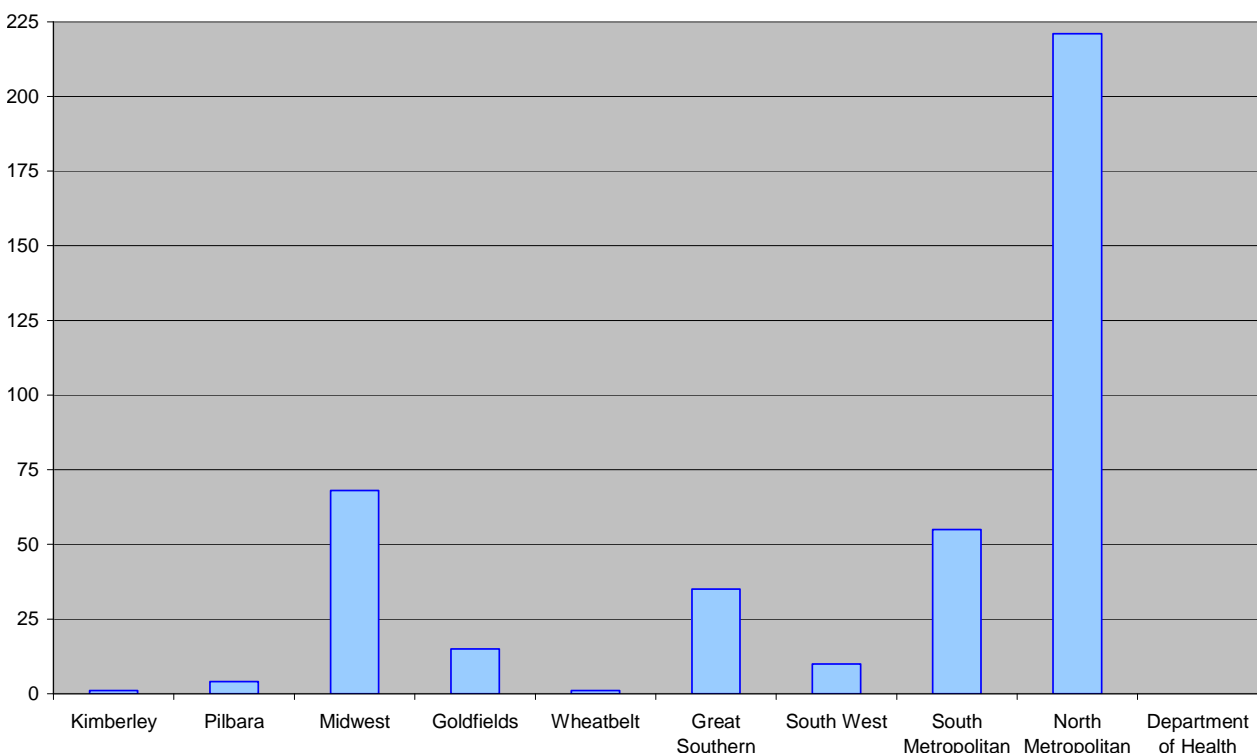
Maps showing the rate of use of compliance tools per food business can be viewed in Appendix 4. These maps demonstrate the varying use of compliance tools in WA. Whilst most enforcement agencies have not used compliance tools, some have for more than 10% of food businesses. This may be attributed to the existence of different compliance and enforcement policies.

5.2 Improvement notices

Improvement notices are statutory notices that must only address prescribed issues and have prescribed content. An authorised officer may issue an Improvement Notice to the proprietor of a food business if it is believed that the business is acting in contravention to the Food Act, the Food Regulations or the Code.

In the 2009 / 2010 reporting period, 409 Improvement Notices were issued, in which 83% were complied with and 6% were not complied with. The final 11% remain unaccounted for, and may not have been followed up before the end of the reporting period. Figure 5.2 demonstrates the number of Improvement Notices that were issued in each region.

Figure 5.2 – Improvement notices by region



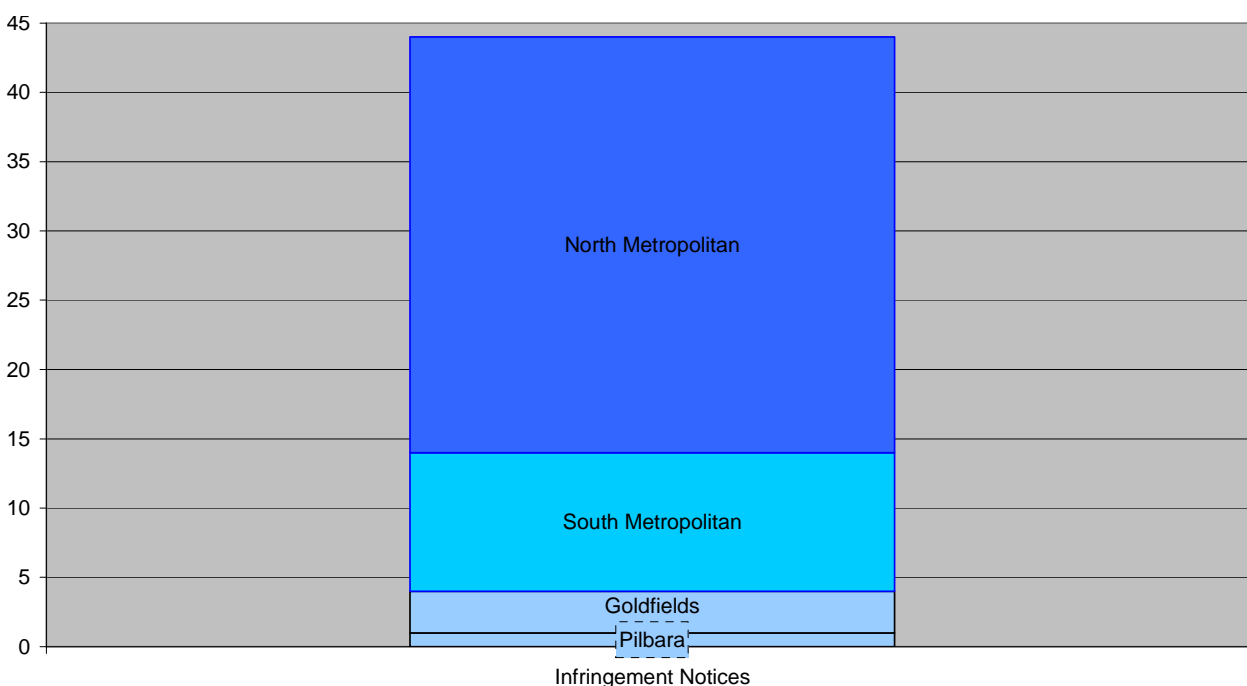
Two enforcement agencies in the North Metropolitan region were responsible for issuing the majority of Improvement Notices in that region, with 60% between them. One enforcement agency explained in its submission that any work instructions to be undertaken by the food business that were identified during inspections resulted in an

Improvement Notice being served. A number of enforcement agencies have adopted a similar policy and have amended their standard assessment report templates to allow it to be converted into an Improvement Notice. The Midwest Region has a particularly high rate of use of compliance tools at 11.2%.

5.3 Infringement notices

An infringement notice is a notice to the effect that the person to whom it is directed has committed a specified offence under the Food Act, Food Regulations or the Code. It is used where the person (alleged offender) does not wish to have the matter dealt with by a court. It requires payment of a specified amount for the offence, within a specified time period. During the 2009 / 2010 reporting period, 44 Infringement Notices were issued in WA with the total value on penalties equalling \$18,750. These Infringement Notices were only issued by enforcement agencies in four regions as illustrated by Figure 5.3. In summary, three enforcement agencies issued more than 50% of Infringement Notices in WA.

Figure 5.3 – Infringement notices



5.4 Prohibition orders

Prohibition orders may be issued where it is necessary to prevent or mitigate a serious danger to public health or where an improvement notice has been issued and there has been a failure to comply with the specified criteria. A prohibition order will prohibit the

handling of food on specified food premises, vehicles or equipment. It may also prohibit the handling of food in a specified way or for a specified purpose. Reflecting the serious nature of this compliance tool, only 6 Prohibition Orders were issued during the reporting period. Five were issued in metropolitan WA and one in regional WA. No enforcement agency issued more than one Prohibition Order.

5.5 Seizure powers

The severity of seizure as an enforcement measure can vary considerably, depending on not only the value of the food, equipment or materials seized, but the subsequent impact of the loss of the food, equipment or materials on the conduct of the business. A total of 20 seizures were ordered in WA, with 16 in metropolitan WA and 4 in regional WA. Only four enforcement agencies could provide data on the value of seized items. On reflection, The DOH does not consider this to be of value to the reporting requirements and has removed this question from the 2010 / 2011 template. Four enforcement agencies conducted more than one seizure.

5.6 Legal action through the Courts

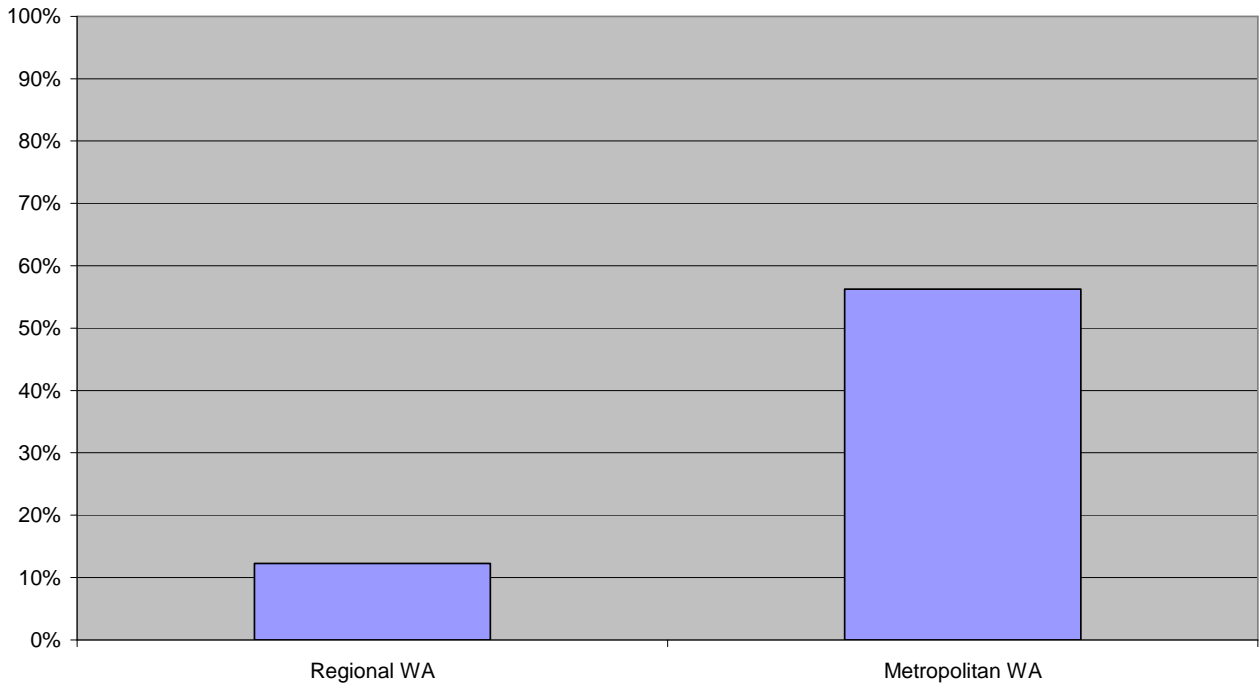
Prosecution will normally be reserved for the more serious breaches or matters where less severe enforcement action has not changed the non-compliant behaviour. Only 2 prosecutions, one by the City of Perth and the other by the City of Cockburn, occurred under the Food Act during the reporting period. Due to the time legal action takes to progress through the legal system, actions taken under the *Health Act 1911* (as amended) and associated regulations continued to be resolved after the introduction of the Food Act. Many prosecutions based on offences that occurred during the reporting period were scheduled after 30 June 2010.

5.7 Publication of names of offenders

It will be the normal procedure for the CEO of the DOH to publicise, within the prescribed timeframe, format and procedure, the details of a conviction as outlined in the *WA Food Regulation: Publication of Names of Offenders Policy*. Successful prosecutions are reported to the DOH by the relevant enforcement agency once legal proceedings have been finalised.

Overall, 23% of WA enforcement agencies have a procedure in place to manage the publication of names of offenders. There is a marked difference between metropolitan and regional areas in terms of adopting a procedure, as demonstrated in Figure 5.4. Furthermore, some enforcement agencies have advised that their focus is on education and would prefer to work with food businesses to resolve non-compliance matters. Legal action is viewed as a last resort for serious non-compliances and ongoing matters.

Figure 5.4 – Publication of names of offenders procedure



6. Regulatory Food Safety Auditing

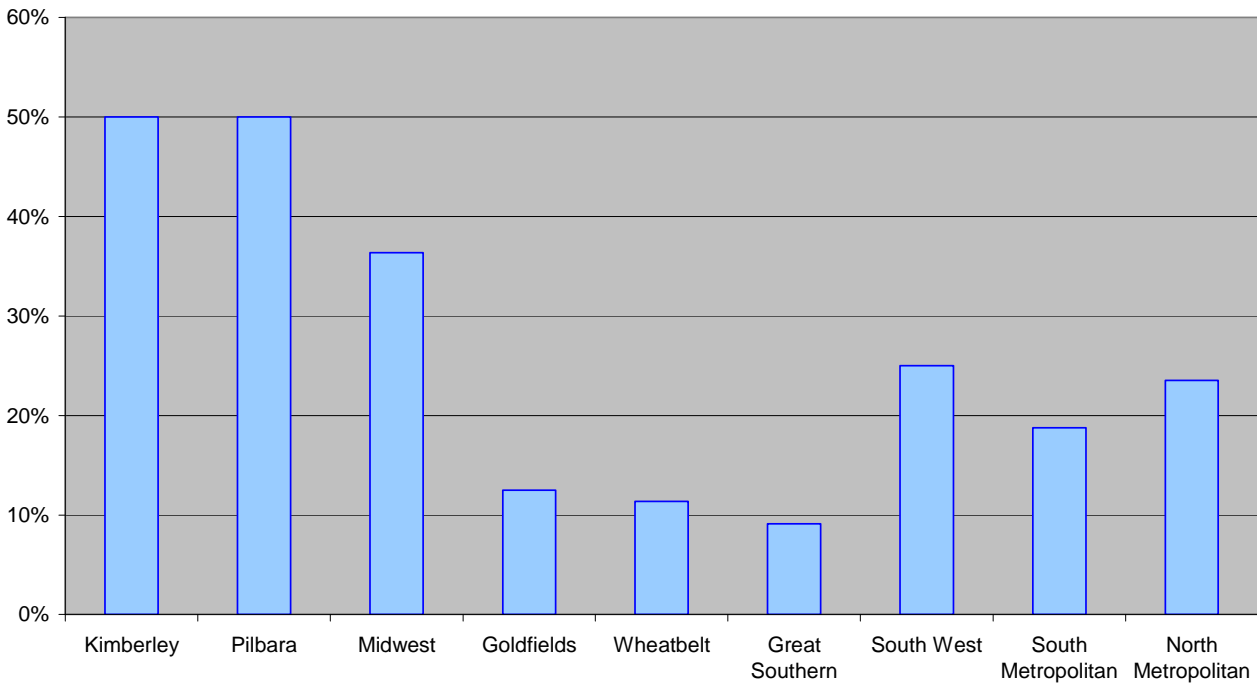
Part 8 of the *Food Act 2008* - Auditing

DOH Guidelines	Food Unit Notice 08.06 – Application of Standard 3.3.1	Regulatory Guideline No. 1 – Introduction of Regulatory Food Safety Auditing in Western Australia *	WA Priority Classification System *	Verification of Food Safety Program Guideline *
<i>*These documents were produced after 30 June 2010 but are applicable to this report.</i>				
Key Determinations	<p>Regulatory Food Safety Auditing Services – 21% of enforcement agencies are planning to provide regulatory food safety auditing services. The main reasons provided by enforcement agencies for not providing this service include staffing and resourcing issues, the service not being required in many smaller jurisdictions and there being a view that auditing would be more suitably conducted by the private sector.</p>			
	<p>Auditing Services in Other Jurisdictions – Of the 30 enforcement agencies that are planning to provide regulatory food safety auditing services, 6 will be and 7 may be providing this service in other jurisdictions.</p>			
	<p>When Regulatory Food Safety Auditing Services Will Be Made Available – 13 enforcement agencies have scheduled when auditing services will commence. The other 17 enforcement agencies are awaiting further advice, resourcing or training.</p>			

'Part 8 – Auditing' of the Food Act only came into effect on 23 October 2010, however The DOH was keen to gauge enforcement agencies' views on regulatory food safety auditing (RFSA). In accordance with Standard 3.3.1 of the Code, businesses that provide food service to vulnerable persons are required to have a documented and auditable FSP in place. Auditing may be undertaken by enforcement agencies or an approved third party auditor. It is at the discretion of the food business proprietor as to whom they employ to audit their FSP.

The decision to provide RFSA services is made by each individual enforcement agency. 21% of enforcement agencies advised that they were planning to provide RFSA services, both in metropolitan and regional WA. Figure 6.1 shows the percentage of enforcement agencies in each region that plan to provide RFSA services.

Figure 6.1 – Percentage of enforcement agencies to provide RFSA services



The Kimberley, Pilbara and Midwest regions have the higher percentage of enforcement agencies planning to provide RFSA. This could be due to the distance of these regions from the metropolitan area, where many auditors would be based.

Many smaller communities would not have a food business that is captured by Standard 3.3.1, and hence the provision of RFSA services is not required. Enforcement agencies responsible for these smaller communities are common in the Goldfields, Wheatbelt and Great Southern regions.

Other issues for enforcement agencies providing RFSA services include:

- Not having suitably qualified staff.
- There being only a small number of Standard 3.3.1 food businesses in some jurisdictions;
- That RFSA is not considered to be the role of local government; and
- Other resourcing constraints.

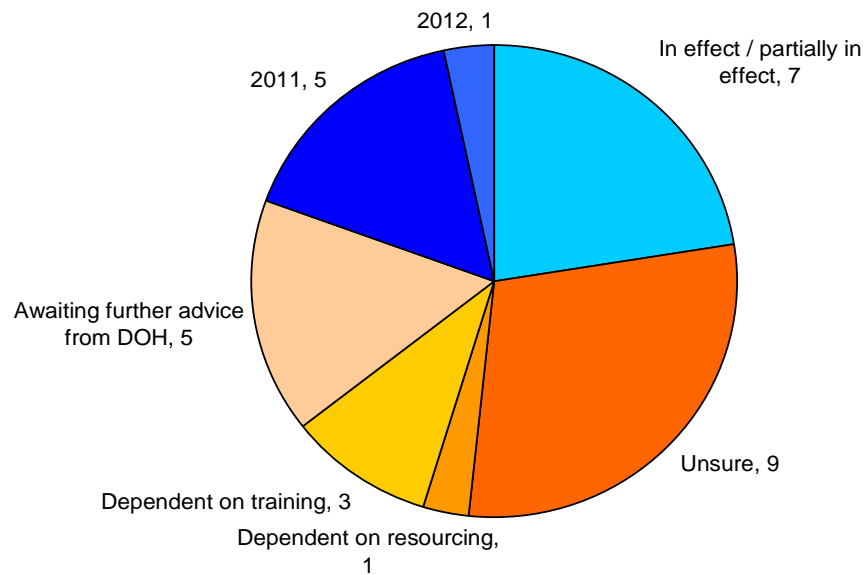
Other enforcement agencies have advised that it is likely that RFSA services will be provided to food businesses in other enforcement agency jurisdictions creating potential for service sharing. There are 30 enforcement agencies planning to provide RFSA

services, six of which are intending to provide services in other jurisdictions and seven still considering their position on sharing services.

The range of policy decisions made by enforcement agencies regarding RFSA can be reflected by reviewing the comments provided by the two largest local governments in WA. The first advised that it is not considered that auditing is the role of local government but rather it is the role of the private sector and considered that inclusion of auditing services would create conflicts, while the other is considering providing a service that to both local food businesses and to those located within other municipalities.

Enforcement agencies planning to provide RFSA were asked about service availability. The responses to this are detailed in Figure 6.2, with more than half of these enforcement agencies being unsure or waiting for further advice, training or resourcing before finalising when and how services will be offered.

Figure 6.2 – When RFSA services will be made available



7. Issues and Highlights

Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code

DOH Guidelines	<div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; width: 150px; margin: 5px;">6 Food Unit Notices*</div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; width: 150px; margin: 5px;">6 Fact Sheets*</div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; width: 150px; margin: 5px;">2 Food Unit Communiqués*</div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; width: 150px; margin: 5px;">6 WA Food Regulation Policies*</div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; width: 150px; margin: 5px;">10 Food Act Seminars</div>
	<i>*Only includes documents produced during the reporting period</i>
Key Determinations	<div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; margin-bottom: 10px;"> <p>Issues and Highlights Overview – 97 comments were received from enforcement agencies regarding education and awareness, monitoring and programs, policy and training considerations, and resourcing.</p> </div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; margin-bottom: 10px;"> <p>Education and Awareness – 39 comments were provided on education and awareness in relation to the introduction of the Food Act.</p> </div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; margin-bottom: 10px;"> <p>Monitoring and Programs – 19 comments were provided in relation to food sampling, food safety programs, and recognition programs. Other comments were provided in relation to the benefits and difficulties associated with the Food Act.</p> </div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; margin-bottom: 10px;"> <p>Policy and Training Considerations – Local government provided 12 recommendations to the DOH for consideration in relation to policy development and the provision of training. Feedback was also received regarding the usefulness of DOH publications.</p> </div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px; margin-bottom: 10px;"> <p>Resourcing – 23 enforcement agencies provided comment on resourcing implications, particularly in relation to staffing difficulties.</p> </div> <div style="border: 1px solid #ccc; background-color: #d4edda; padding: 5px;"> <p>Primary Issues – Analysis of the 140 enforcement agency reports has revealed that there are three primary issues that are affecting a large proportion of WA enforcement agencies. These are recruitment and resourcing difficulties (54% of enforcement agencies), lack of clarity regarding registration and notification (66%), and achieving uniformity of risk profiling (30%).</p> </div>

As well as being requested to provide information on specific Food Act functions, each enforcement agency was given the opportunity to detail any issues and / or highlights that were experienced during the reporting period. A total of 97 comments were received and have been categorised by the DOH into four categories, as detailed in Table 7.1.

Table 7.1 – Issues and highlights comments received

Health Region	Education and Awareness	Monitoring and Programs	Policy and Training Considerations	Resourcing
GOLDFIELDS	1	0	5	1
GREAT SOUTHERN	0	1	0	3
KIMBERLEY	0	2	0	1
MIDWEST	4	2	0	1
NORTH METROPOLITAN	9	9	7	1
PILBARA	0	0	0	2
SOUTH METROPOLITAN	11	4	1	4
SOUTH WEST	8	0	0	4
WHEATBELT	6	1	3	6
WESTERN AUSTRALIA	39	19	16	23

7.1 Education and awareness

7.1.1 Introduction of the Food Act

Upon adoption of the Food Act, many enforcement agencies undertook campaigns to raise awareness to food businesses of its requirements of the Food Act. Three enforcement agencies specifically discussed Food Act awareness initiatives that were presented through various media avenues, including letters, newsletters, seminars, information sheets and advertisements in local newspapers.

7.1.2 Food safety education to food businesses

Food safety education to food businesses has been a vital function of enforcement agencies with many recognising that education may prevent compliance issues. Food safety education to food businesses has generally been delivered in seminars, on the internet and in print media, as demonstrated in Table 7.2.

Table 7.2 – Food safety education to food businesses

Method of Delivery	Number of Enforcement Agencies
Workshops / Seminars	13
Internet	8
Print Media	7

The DOH recognises that many other enforcement agencies may not have provided comment on food safety education for this reporting period. As a result, a question on food safety education and training has been included in the 2010 / 2011 Reporting Requirements template.

7.1.3 Food safety education to the community

Many enforcement agencies have extended food safety education and awareness programs to community groups and the general public. Five enforcement agencies have advised that food safety sessions are delivered for various groups and one provides fact sheets to charity and community groups.

7.1.4 Aligning Food Act reporting with local government reporting

One enforcement agency has advised that it has included the information required under Section 121 of the Food Act into its Annual Report. This could be a worthwhile practice as it raises awareness of functions of the Food Act with other Local Government officers, elected members, residents and businesses.

7.2 Monitoring and programs

7.2.1 Food sampling

Many enforcement agencies conduct sampling for the purposes of determining a food business's compliance with the Food Act. Sampling may be carried out during routine assessments, to investigate complaints and in conducting surveys. A specific question on sampling was not included in the reporting template, however seven enforcement agencies advised that they had participated in state and regional sampling projects or had developed their own targeted microbiological sampling programs.

7.2.2 Food safety programs

The Code requires dairy food businesses, and other types of food businesses that serve vulnerable populations to have a FSP in place. One enforcement agency has encouraged indigenous communities to also adopt a FSP to aid in risk management. Another enforcement agency has developed a FSP template to assist local food businesses.

7.2.3 Recognition and assistance programs

A recognition program involves having a system in place to rate an individual food business' performance in terms of compliance with the Food Act, and to then publicly recognise those food businesses that achieve high standards. Two enforcement agencies advised that they had a recognition program in place. One of these enforcement agencies also incorporated nutrition criteria into the recognition program, while another advised that an executive chef is employed to assist food businesses with kitchen layouts.

7.2.4 Other monitoring highlights and issues

Some enforcement agencies advised that various mechanisms in the Food Act had assisted with food safety management. This includes being able to issue Infringement Notices, Improvement Notices and being able to ascertain food business activities during the registration process.

Other enforcement agencies provided comment on some difficulties experienced with the Food Act. This included the application of the Code in relation to animals in alfresco areas and inconsistent charging of fees for school canteens and other types of organisations. Both of these matters were brought to the attention of the DOH and have since been addressed.

One enforcement agency advised of the number of food complaints that it had received. Another reported positive outcomes experienced at a large annual event in relation to the application of good food safety practices.

7.3 Policy and Training Considerations

This section of the document details feedback and recommendations that local government have provided to the DOH for consideration. Many recommendations provided by local government have already been considered by the DOH and are in the process of being addressed.

7.3.1 Training recommendations to the DOH

Four enforcement agencies made recommendations in relation to training of authorised officers regarding the auditing framework, compliance and enforcement activities and risk profiling.

7.3.2 Policy recommendations to the DOH

Nine local government enforcement agencies made policy recommendations in relation to food handler skills and knowledge, food premises fit-out, food safety programs, residential food premises and temporary food premises.

One enforcement agency recommended that the DOH publish a list of approved food safety training organisations. It was further suggested the Code be amended to require senior staff members in high risk food businesses to complete nationally accredited food safety training. Another enforcement agency requested that a food handler skills assessment tool be produced.

In relation to food premises construction and fit-out, one enforcement agency recommended *Australian Standard 4674:2004: Construction and fit-out of food premises* be a provision of the Code, rather than an editorial note. Alternatively, it was suggested the DOH develop fit-out guidelines for WA food businesses'.

Two enforcement agencies made recommendations in relation to auditing and FSPs. One enforcement agency requested the DOH develop a FSP template and another sought clarification on RFSA competencies.

Two enforcement agencies advised that policy assistance was required in relation to temporary and mobile food businesses, and another advised of difficulties in relation to assessment and approval of food production in residential premises. The DOH is aware of the difficulties associated with monitoring and compliance regarding these types of food businesses and is addressing these concerns.

7.3.3 Feedback to the DOH

Three enforcement agencies advised that the DOH publications including Food Unit Notices have been useful. Another enforcement agency advised that it had participated in policy consultation including the National Review of Food Labelling Law and Policy.

7.4 Resourcing

7.4.1 Authorised officers and auditors

Thirteen enforcement agencies advised that staffing difficulties had impacted on implementation and administration of the Food Act. Staffing difficulties have generally arisen from not being able to recruit suitably qualified people. Enforcement agencies have advised these difficulties have delayed the implementation of registration, risk profiling, monitoring and auditing activities. Three enforcement agencies advised of significant administration time having been allocated to registration and notification processes.

Some enforcement agencies advised that in order to solve staffing issues, food safety assessments were either outsourced or shared with larger enforcement agencies.

One remotely located enforcement agency expressed future concerns regarding the availability of suitably qualified food safety auditors.

8.4.2 Information Systems

Four enforcement agencies advised that information technology databases had been updated to accommodate the Food Act and reporting requirements.

7.5 Primary issues

Analysis of the 140 enforcement agency reports has revealed there are three primary issues affecting a large portion of enforcement agencies. The three primary issues are:

- Recruitment and resourcing difficulties;
- Lack of clarity regarding Registration and Notification requirements; and
- Achieving uniformity of food business risk profiling.

7.5.1 Recruitment and resourcing difficulties

In WA, 75 enforcement agencies (54%) have advised they are experiencing recruitment and / or resourcing difficulties. Employing appropriately trained authorised officers and having adequate resources are considered to be fundamental aspects for effectively administering the Food Act. Especially in regards to registration, monitoring and compliance activities.

Difficulties in resourcing and recruitment may be a factor attributing to other enforcement issues, including:

- 20 enforcement agencies not registering food businesses;
- 15 enforcement agencies assessing food businesses less than once every two years;
- Activity types not assigned to 32% of food businesses;
- Incomplete risk profiling of food businesses;
- Compliance and enforcement policies not adopted by 63% of enforcement agencies; and
- Only 21% of enforcement agencies intending to provide regulatory food safety auditing services.

7.5.2 Registration and notification difficulties

The Food Act contains two administrative options to ensure enforcement agencies are aware of the activities of all food businesses operating in their district. These options are contained in the 'notification' provisions (section 107) or 'registration' provisions (section 110) of the Food Act. The Food Regulations designate which type of businesses need to notify and which need to register.

There seems to be some confusion in relation to registration and notification. The Food Act only requires a food business to either register or notify, yet figures indicate 35% of food businesses are doing both. The practice of both registering and assessing the notification from the same food business is being conducted by 92 enforcement agencies (66%).

7.5.3 Risk profiling

The Food Act and the Code are outcomes based, and should require a risk management approach to be effectively administered. It is evident from information received that 8% of

food businesses have not been assigned a risk profile. Further to this, a uniform approach to risk profiling has not been adopted by all enforcement agencies. Ideally a particular type of food business should have the same inherent risk profile regardless of its location.

Figure 7.1 details the percentage of enforcement agencies in each region that have not completed risk profiling or have conducted risk profiling that significantly deviates from how the majority are managing risk profiling.

Figure 7.1 – Risk Profiling Issues

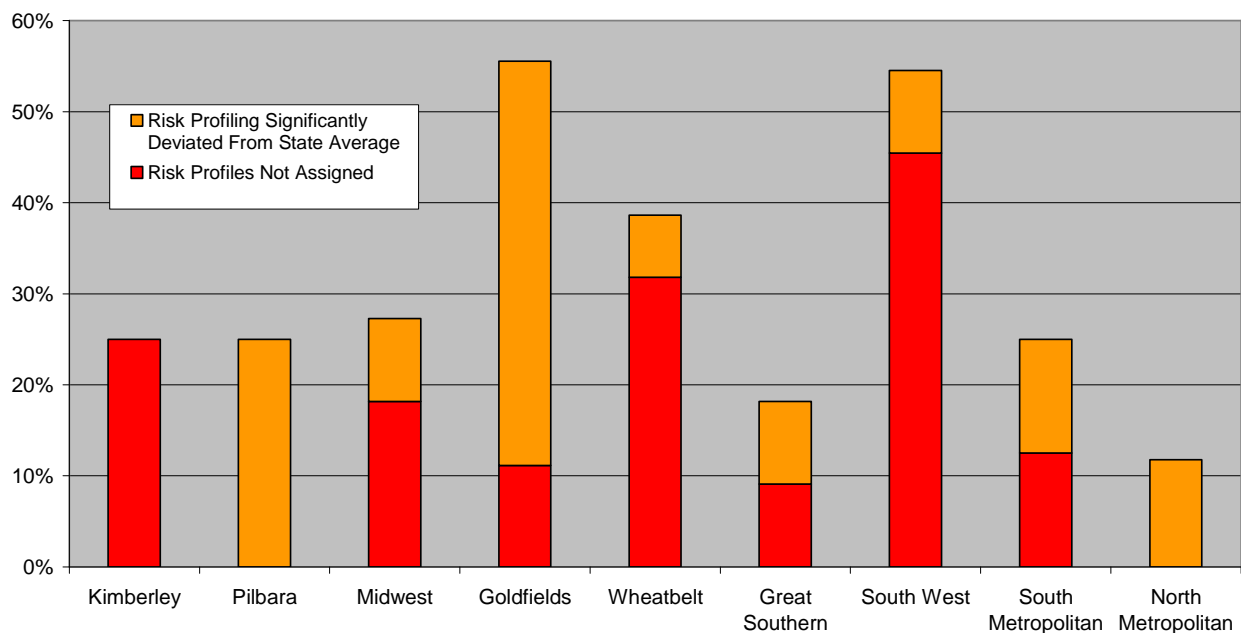


Figure 7.1 demonstrates that risk profiling issues are affecting a greater portion of enforcement agencies in Regional WA.

8. Conclusion

This report has been produced in line with section 121 of the Food Act and provides a snapshot of food regulatory activities in WA for the period 23 October 2009 to 30 June 2010. The move from a prescriptive to an outcome based legislative framework, has presented some challenges for enforcement agencies. Yet, overall the uptake of this new legislation and its requirements by both enforcement agencies and food business has been positive.

The report highlights a number of ongoing implementation matters where enforcement agencies have expressed concern. During the reporting period, implementation measures for certain provisions and functions of the Food Act have been ongoing. This has ultimately been reflected in the information received. Consequently, this report provides a starting point, to which future progress can be compared.

The DOH has commenced revision of certain policies and guidelines as a result of the feedback local government enforcement agency have provided. In addition, the outcomes of this report have assisted in the refinement of information requested for the 2010-2011 reporting period. Ultimately, the information contained in this report will assist with future policy direction and greater effectiveness in the management of food safety risks in this State.

9. Way Forward / Next Stages

The introduction of reporting requirements under the Food Act has meant for the first time, the collection and collation of information about food regulation and its application across this State. The DOH acknowledges the valuable input from all 140 enforcement agencies contributing to the information and viewpoints regarding the implementation of the Food Act expressed in this report.

The introduction of the Food Act resulted in many changes, not least:

- Moving from a prescriptive to an outcome-based approach;
- Reduction in the number of regulations and local laws;
- Flexibility of compliance and enforcement options; and
- Greater symmetry with national standards.

The DOH is committed to working with local government and other interested parties on matters arising from this report, with work commenced in the following areas:

- Review of the *WA (DOH) Health Risk Profiling Guideline*;
- Review of the Food Regulations; and
- Planning the review of the Food Act.

Meanwhile, documents to assist in the administration of the below two matters have been since been completed:

- Development of policies / guidelines to deal with such matters as temporary and mobile food businesses; and
- Development of support material for the *WA Regulatory Food Safety Auditing Framework*.

All other issues and determinations presented in this report will form part of the ongoing strategic direction for food regulation in WA.

APPENDICES

Appendix 1	41
2009 / 2010 proforma – information from the DOH and local government on Food Act activities	
Appendix 2	45
Summary of results from enforcement agencies on Food Act activities	
Appendix 3	69
Region and local government maps	
Appendix 4	81
Results maps	
Appendix 5	89
2010 / 2011 proforma – information from the DOH and local government on Food Act activities	

Appendix 1

2009 / 2010 proforma – information from the DOH and local government on Food Act activities

Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken		Value		Number Returned	
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	

Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available?		
	Will the regulatory auditing services be made available to businesses outside your jurisdiction?		
Signed Declaration by Enforcement Agency	Local government office		
	Authorised by local government Chief Executive Officer		
	Date		

Appendix 2

Summary of results from enforcement agencies on Food Act activities

- 2.1 Goldfields Region**
- 2.2 Great Southern Region**
- 2.3 Kimberley Region**
- 2.4 Midwest Region**
- 2.5 North Metropolitan Region**
- 2.6 Pilbara Region**
- 2.7 South Metropolitan Region**
- 2.8 South West Region**
- 2.9 Wheatbelt Region**
- 2.10 Department of Health**

Appendix 2.1 – Summary of Results for the GOLDFIELDS REGION (page 1 of 2)

GOLDFIELDS														
City of Kalgoorlie-Boulder. Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku and Ravensthorpe.														
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	9 LGs	-	3 LGs	3 LGs	2 LGs	1 LG	8	7	1	9	6	4	4 LGs	5 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	397		484		584		11 Vulnerable Populations 69 Retail 21 Manufacture / Distribution 152 Food Service 16 Other 236 Not Determined			233 High – Very High (46% of all food businesses) 133 Medium (26%) 59 Low (12%) 54 Very Low (11%) 28 Not Determined (6%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	3 LGs	6 LGs	3 LGs	-	Nil		Nil		Nil	N/A	N/A			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
15	14	1		3	\$750	Nil	Nil	Nil	N/A	N/A		N/A		

Appendix 2.1 – Summary of Results for the GOLDFIELDS REGION (page 2 of 2)

GOLDFIELDS	City of Kalgoorlie-Boulder. Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku and Ravensthorpe.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	1 LG	8 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	Education and Awareness 1 LG holds Food Act workshops for food businesses.		
	Policy and Training Considerations 1 LG has recommended that the DOH publish a list of approved food safety training organisations and that the Code be amended to require senior staff members in high risk food businesses to complete nationally accredited food safety training. 1 LG has requested training from the DOH in relation to the auditing framework. 1 LG has recommended that Australian Standard 4674:2004: Construction and fit-out of food premises be adopted under the Code. 1 LG has requested that the DOH provide workshops in relation to compliance and enforcement activities. 1 LG has advised that the information available on the DOH has been of assistance.		
	Resourcing 1 LG has expressed difficulties in recruiting suitably qualified staff. 1 LG has expressed concerns regarding the availability of suitably qualified auditors.		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – awaiting advice / workshops from the DOH and subject to retaining suitably qualified staff.		8 LGs
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? 1 LG – unsure.		8 LGs

Appendix 2.2 – Summary of Results for the GREAT SOUTHERN REGION (page 1 of 2)

GREAT SOUTHERN	City of Albany. Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling.													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	9 LGs	2 LGs	2 LGs	7 LGs	2 LGs	-	7	7	2	4	10	3	7 LGs	2 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	296		775		559		2 Vulnerable Populations 63 Retail 26 Manufacture / Distribution 118 Food Service 19 Other 546 Not Determined			162 High (21% of all food businesses) 341 Medium (45%) 255 Low (33%) 4 Not Determined (1%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts			Seizure Powers						
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	2 LGs	9 LGs	2 LGs	-	Nil		Nil		Nil	N/A	N/A			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
35	35	Nil		Nil	N/A	N/A	N/A	Nil	N/A	N/A		N/A		

Appendix 2.2 – Summary of Results for the GREAT SOUTHERN REGION (page 2 of 2)

GREAT SOUTHERN	City of Albany. Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	1 LG	10 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Monitoring Programs 1 LG employs an executive chef to provide advice on kitchen layouts.</p> <p>Resourcing 1 LG advised that there is lack of staff and resources to be able to commit enough time to registration, risk rating and auditing. 1 LG advised that the main challenge has been recruiting qualified staff. 1 LG advised that registration has not been completed due to resourcing.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – awaiting further clarification from the DOH on auditing competencies.		10 LGs
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? No – 1LGA		10 LGs

Appendix 2.3 – Summary of Results for the KIMBERLEY REGION (page 1 of 2)

KIMBERLEY	Shires of Broome, Derby-West Kimberley, Halls Creek and Wyndham-East Kimberley.														
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties		
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No	
	4 LGs	-	-	4 LGs	-	-	11	1	2	10	-	1	3 LGs	1 LG	
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating					
	240		185		402		87 Retail 41 Food Service 22 Aboriginal Communities 9 Other 315 Not Determined			28 High (6% of all food businesses) 316 Medium (68%) 92 Low (20%) 10 Very Low/Exempt (2%) 20 Not Assigned (4%)					
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers						
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned				
	1 LG	3 LGs	1 LG	-	Nil		Nil		Nil	N/A	N/A				
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders						
	Issued	Complied With	Not Complied with	Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with	Withdrawn				
1	-	1	Nil	N/A	N/A	N/A	Nil	N/A	N/A	N/A					

Appendix 2.3 – Summary of Results for the KIMBERLEY REGION (page 2 of 2)

KIMBERLEY	Shires of Broome, Derby-West Kimberley, Halls Creek and Wyndham-East Kimberley.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	-	4 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Monitoring Programs 1 LG advised that it has participated in state wide sampling surveys and the DOH Food Access and Costs Survey. 1 LG has introduced Food Safety Programs (FSPs) to Aboriginal Communities.</p> <p>Resourcing 1 LG has advised that it has been short staffed in Environmental Health for some years.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 2 LGs – both unsure when the service will be available.		2 LGs
Will the regulatory auditing services be made available to businesses outside your jurisdiction? Yes – 1 LG Unsure – 1 LG		2 LGs	

Appendix 2.4– Summary of Results for the MIDWEST REGION (page 1 of 2)

MIDWEST	City of Geraldton-Greenough. Shires of Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Irwin, Meekatharra, Mingenew, Morawa, Mt Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna and Yalgoo													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	22 LGs	-	4 LGs	8 LGs	10 LGs	-	22	19	7	22	19	7	13 LGs	9 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	465		626		879		11 Vulnerable Populations 110 Retail 34 Manufacture / Distribution 351 Food Service 5 Other 60 Not Determined			47 High (7% of all food businesses) 198 Medium-High (31%) 207 Medium (32%) 6 Low-Medium (1%) 115 Low (18%) 53 Very Low (8%) 13 Not Determined (2%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	12 LGs	10 LGs	12 LGs	-	Nil		Nil		3	Unknown	Nil			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with	Withdrawn		
68	16	10		Nil	N/A	N/A	N/A	1	-	1	-			

Appendix 2.4– Summary of Results for the MIDWEST REGION (page 1 of 2)

MIDWEST	City of Geraldton-Greenough. Shires of Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Irwin, Meekatharra, Mingenew, Morawa, Mt Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna and Yalgoo		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	4 LGs	18 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Education and Awareness 2 LGs provide the I'm Alert food safety training package on their websites. 1 LG provides food safety education sessions to the public. 1 LG distributes food safety pamphlets during assessments.</p> <p>Monitoring Programs 1 LG has adopted a food safety star rating program. 1 LG has created a food safety program template for local businesses.</p> <p>Resourcing 1 LG has advised that staff shortages have impacted on surveillance and registration / notification of food businesses.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 2 LGs have implemented auditing. 1 LG - unsure 2 LGs - dependent on training 3 LGs – 2011		14 LGs
Will the regulatory auditing services be made available to businesses outside your jurisdiction? Yes – 2 LGs Unsure – 2 LGs No – 4 LGs		14 LGs	

Appendix 2.5– Summary of Results for the NORTH METROPOLITAN REGION (page 1 of 3)

NORTH METROPOLITAN	Cities of Bayswater, Joondalup, Nedlands, Perth, Stirling, Subiaco, Swan and Wanneroo. Shires of Kalamunda, Mundaring and Peppermint Grove. Towns of Bassendean, Cambridge, Claremont, Cottesloe, Mosman Park and Vincent.													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	15 LGs	2 LGs	2 LGs	13 LGs	2 LGs	-	85	17	6	97	11	24	8 LGs	9 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	1365		5032		8638		206 Vulnerable Populations 882 Retail 219 Manufacture / Distribution 2934 Food Service 175 Other 631 Not Determined			621 High or above (12% of all food businesses) 3754 Medium (72%) 540 Low (10%) 265 Very Low (5%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	11 LGs	6 LGs	11 LGs	-	1		1		6	Unsure	Nil			
	Number of Improvement Notices			Number of Infringement Notices				Number of Prohibition Orders						
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
221	208	8		30	\$14750	Nil	2	3	3	Nil		Nil		

Appendix 2.5– Summary of Results for the NORTH METROPOLITAN REGION (page 2 of 3)

NORTH METROPOLITAN	Cities of Bayswater, Joondalup, Nedlands, Perth, Stirling, Subiaco, Swan and Wanneroo. Shires of Kalamunda, Mundaring and Peppermint Grove. Towns of Bassendean, Cambridge, Claremont, Cottesloe, Mosman Park and Vincent.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	1
	9 LGs	8 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Education and Awareness 1 LG runs food safety seminars for employees and food businesses. 1 LG conducts food safety presentations to community groups. 3 LGs release a newsletter for food businesses. 1 LG has included this Food Act report as a part of its Annual Report. 1 LG informed food businesses of Food Act changes through letters, newsletters, seminars, information sheets and the local paper. 2 LGs provide online food handler training.</p> <p>Monitoring Programs 1 LG advised that animals in alfresco areas had become a local political issue. 1 LG advised that there is not consistency on advice in relation to charging of fees for school canteens and other types of organisations. 1 LG advised that registration requirements have worked well in identifying food business activities. 1 LG advised that any work required as a result of an inspection is deemed to be an Improvement Notice. 1 LG advised that Infringement Notices have been ideal for managing food safety. 3 LGs have participated in food sampling projects. 1 LG provides a healthy eating options program.</p> <p>Policy and Training Considerations 1 LG has recommended that a food safety program template be developed for food businesses. 1 LG requested clarification on what audit competencies were required. 1 LG advised that Food Unit notices and other publications have been useful. 1 LG advised that officers have been experiencing difficulties in relation to residential premises. 2 LGs have experienced difficulties with temporary and mobile food businesses. 1 LG provided a submission to the Food Labelling Law and Policy Review.</p> <p>Resourcing 1 LG advised that significant administration time was allocated to Registration / Notification.</p>		

Appendix 2.5– Summary of Results for the NORTH METROPOLITAN REGION (page 3 of 3)

NORTH METROPOLITAN	Cities of Bayswater, Joondalup, Nedlands, Perth, Stirling, Subiaco, Swan and Wanneroo. Shires of Kalamunda, Mundaring and Peppermint Grove. Towns of Bassendean, Cambridge, Claremont, Cottesloe, Mosman Park and Vincent.		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – dependent on staffing 1 LG – unsure 1 LG – in place 1 LG - 2011		13 LGs
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? Yes – 1 LG No – 3 LGs		13 LGs

Appendix 2.6– Summary of Results for the PILBARA REGION (page 1 of 2)

PILBARA														
Shires of Ashburton, East Pilbara, Port Hedland and Roebourne														
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	4 LGs	-	1 LG	2 LGs	-	1 LG	9	1	-	6	2	3	3 LGs	1 LG
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	310		336		272		48 Food Service 34 Mining Camps 5 Aboriginal Communities 31 Other 283 Not Determined			63 High (14% of all food businesses) 220 Medium (50%) 84 Low (19%) 75 Very Low (17%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	2 LGs	2 LGs	2 LGs	-	Nil		Nil		Nil	N/A	N/A			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
4	3	1		1	N/A	-	1	Nil	N/A	N/A		N/A		

Appendix 2.6– Summary of Results for the PILBARA REGION (page 2 of 2)

PILBARA	Shires of Ashburton, East Pilbara, Port Hedland and Roebourne		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	3 LGs	1 LG	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	Resourcing 2 LGs reported that there have been difficulties getting food businesses to register / notify.		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – From October 2010 1 LG – Awaiting advice from DOH		2 LGs
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? 2 LGs - No		2 LGs

Appendix 2.7– Summary of Results for the SOUTH METROPOLITAN REGION (page 1 of 2)

SOUTH METROPOLITAN	Cities of Armadale, Belmont, Canning, Cockburn, Fremantle, Gosnells, Mandurah, Melville, Rockingham and South Perth. Shires of Murray, Waroona and Serpentine-Jarrahdale. Towns of East Fremantle, Kwinana and Victoria Park.													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	14 LGs	2 LGs	2 LGs	9 LGs	4 LGs	-	70	12	4	67	11	19	9 LGs	6 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	2703		4113		5271		223 Vulnerable Populations 672 Retail 195 Manufacture / Distribution 1768 Food Service 40 Other 1500 Not Determined			745 High (17% of all food businesses) 2441 Medium (54%) 834 Low (19%) 139 Very Low (3%) 338 Not Determined (8%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	11 LGs	5 LGs	11 LGs	-	1		1		10	Unsure	Nil			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with	Withdrawn		
55	53	2		10	\$3250	Nil	Nil	2	2	Nil	Nil			

Appendix 2.7– Summary of Results for the SOUTH METROPOLITAN REGION (page 2 of 2)

SOUTH METROPOLITAN	Cities of Armadale, Belmont, Canning, Cockburn, Fremantle, Gosnells, Mandurah, Melville, Rockingham and South Perth. Shires of Murray, Waroona and Serpentine-Jarrahdale. Towns of East Fremantle, Kwinana and Victoria Park.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	1
	9 LGs	7 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Education and Awareness 2 LGs produce a newsletter for food businesses. 1 LG advised that it has communicated the Food Act changes to food business proprietors. 3 LGs offer safe food handling sessions. 1 LG undertakes quarterly food safety inductions. 1 LG offers accredited food handler training. 1 LG has developed its website to contain a high level of food business related material. 1 LG advised that it offers the Foodsafe course. 1 LG offers community food safety workshops.</p> <p>Monitoring Programs 2 LGs have a targeted microbiological sampling program. 1 LG advised that it conducts monitoring surveys. 1 LG advised of the number of food complaints that it had received.</p> <p>Policy and Training Considerations 1 LG has requested that a food handler skills assessment tool be produced.</p> <p>Resourcing 3 LGs advised that IT databases are being updated to accommodate the Act. 1 LG advised that EH service provision could not be maintained at all times due to staffing issues.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – to be determined. 1 LG – dependent on criteria for audit competencies 1 LG – based on contract arrangements.		13 LGs
Will the regulatory auditing services be made available to businesses outside your jurisdiction? Unsure – 2 LGs; No – 1 LG		13 LGs	

Appendix 2.8– Summary of Results for the SOUTH WEST REGION (page 1 of 2)

SOUTH WEST	City of Bunbury. Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup.													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	10 LGs	1 LG	1 LG	11 LGs	-	-	20	7	4	21	13	7	6 LGs	6 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	752		753		1277		20 Vulnerable Populations 218 Retail 119 Manufacture / Distribution 509 Food Service 35 Other 532 Not Determined			42 High (3% of all food businesses) 545 Medium (37%) 240 Low (16%) 47 Very Low (3%) 611 Not Determined (41%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	2 LGs	10 LGs	2 LGs	-	Nil		Nil		Nil	N/A	N/A			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
	10	9	1		Nil	N/A	N/A	N/A	Nil	N/A	N/A		N/A	

Appendix 2.8– Summary of Results for the SOUTH WEST REGION (page 2 of 2)

SOUTH WEST	City of Bunbury. Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	-	12 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Education and Awareness 2 LGs provides free online food handler training. 1 LG advised that significant resources have been spent on educating food businesses. 1 LG advised that it has been training community groups in safe food handling. 1 LG has been engaging in public food safety education. 1 LG advised that it offers the Foodsafe course. 1 LG has advertised Food Act changes in the local newspaper. 1 LG has provided copies of the Food Safety Standards to food businesses.</p> <p>Resourcing 1 LG advised that new software is being implemented to assist with Food Act reporting. 2 LGs advised that lack of staffing has affected Food Act implementation. 1 LG is outsourcing food safety assessments and auditing.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 2 LGs – 2011 1 LG – partially in place		9 LGs
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? No – 3 LGs		9 LGs

Appendix 2.9– Summary of Results for the WHEATBELT REGION (page 1 of 2)

WHEATBELT	Shires of Beverley, Boddington, Brookton, Bruce Rock, Chittering, Corrigin, Cuballing, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Moora, Mt Marshall, Mukinbudin, Narembeen, Narrogin, Northam, Nungarin, Pingelly, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, Westonia, West Arthur, Wickepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn and York. Town of Narrogin.													
Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	42 LGs	2 LGs	17 LGs	3 LGs	23 LGS	-	25	25	0	30	26	3	19 LGs	18 LGs
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	494		500		610		8 Vulnerable Populations 79 Retail 25 Manufacture / Distribution 198 Food Service 32 Other 294 Not Determined			51 High (8% of all food businesses) 336 Medium (52%) 12 Low-Medium (2%) 46 Low (7%) 22 Very Low (3%) 179 Not Determined (28%)				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken		Value		Number Returned	
	6LGs	35 LGs	6 LGs	-	Nil		N/A		1		\$13 244		Nil	
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
1	1	-		Nil	N/A	N/A	N/A	Nil	N/A	N/A		N/A		

Appendix 2.9– Summary of Results for the WHEATBELT REGION (page 2 of 2)

WHEATBELT	Shires of Beverley, Boddington, Brookton, Bruce Rock, Chittering, Corrigin, Cuballing, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Moora, Mt Marshall, Mukinbudin, Narembeen, Narrogin, Northam, Nungarin, Pingelly, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, Westonia, West Arthur, Wickepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn and York. Town of Narrogin.		
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	Nil
	4 LGs	40 LGs	
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
	<p>Education and Awareness 1 LG provides free online food handler training. 4 LGs provide food safety lectures to food businesses. 1 LG provides food safety fact sheets to charity and community groups.</p> <p>Monitoring Programs 1 LG advised of positive outcomes relating to good food safety practices at a large annual event.</p> <p>Policy and Training Considerations 1 LG has requested WA food business fit-out guidelines. 2 LGs requested assistance from the DOH in relation to risk profiling.</p> <p>Resourcing 2 LGs advised that poor staffing has delayed the implementation of the Act. 2 LGs have advised that due to resourcing issues, focus on health is prioritised to legislative minimum. 2 LGs advised that they have recently commenced a resource sharing agreement with a larger LG.</p>		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? 1 LG – once training has been completed. 1 LG – 2011 / 2012 1 LG – when a premises opens that requires auditing 1 LG – 2010 / 2011 1 LG – awaiting further information from the DOH		39 LGs
Will the regulatory auditing services be made available to businesses outside your jurisdiction? Yes – 1 LG; Unsure – 1 LG; No - 3 LGs		39 LGs	

Appendix 2.10 – Summary of Results for the Department of Health (page 1 of 2)

Authorised Officers	Procedures in place to manage appointment of authorised officers		Delegated Authority to undertake appointments				The number of authorised officers			The qualifications of authorised officers			Recruiting Difficulties	
	Yes	No	Council	CEO	PEHO	Other	Full-time	Part-time	With Conditions	EHO Degree	Other	Audit Competencies	Yes	No
	Yes					Yes	15	2		10	7	17		No
Registration of Food Businesses	The number of notifications assessed		The number of registered food businesses		The number of assessments conducted		The number of food businesses by principle or type of activity			The number of food businesses by risk rating				
	9		289		304		87 Hospitals 17 Not in LG area 162 Dairy farms 28 Dairy Processors 4 Bi-valve molluscs			119 High 179 Low				
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place		If yes, does it follow the DOH guidelines		Legal Actions through the Courts				Seizure Powers					
	Yes	No	Yes	No	Number Prosecutions		Number Successful		Number taken	Value	Number Returned			
	Yes		Yes		0		N/A		0	N/A	N/A			
	Number of Improvement Notices				Number of Infringement Notices				Number of Prohibition Orders					
	Issued	Complied With	Not Complied with		Issued	Value + Paid	Court	Withdrawn	Issued	Complied With	Not Complied with		Withdrawn	
	0	N/A	N/A		0	N/A	N/A	N/A	0	N/A	N/A		N/A	

Appendix 2.10 – Summary of Results for the Department of Health (page 2 of 2)

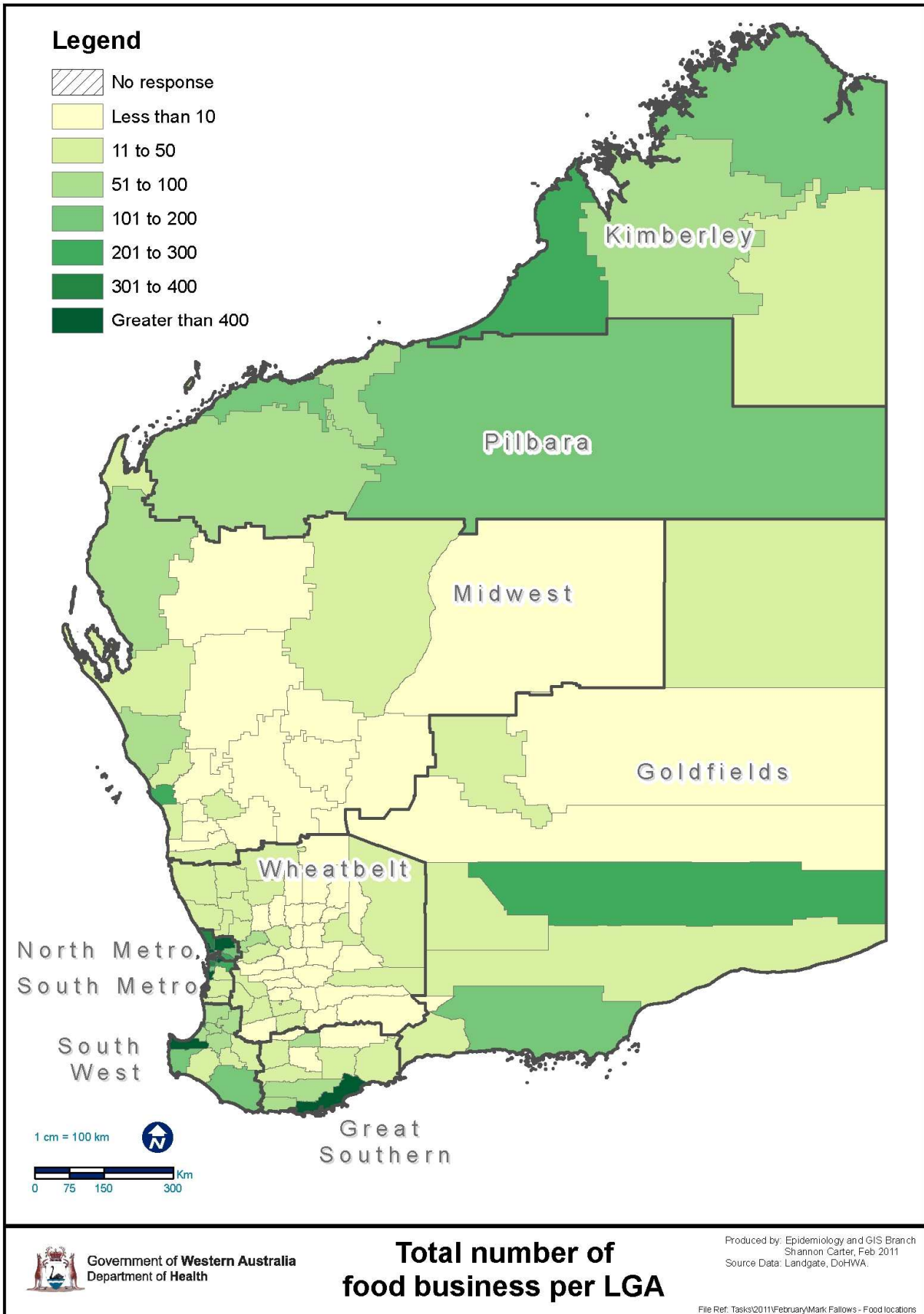
Publication of Names of Offenders	Do you have procedures in place to managing the publication of names of offenders?		How many successful prosecutions were reported to DOH?
	Yes	No	0
	Yes		
Issues or Highlights of Local Government Activities	Other Matters (for example food safety education, food safety surveys undertaken)		
Regulatory Food Safety Auditing – provision of auditors	Does the local government plan to provide regulatory food safety auditing services?		
	Yes	Comments if yes	No
	When is it envisaged that this service will be available? These are currently in effect in relation to Dairy and Public Hospitals		
	Will the regulatory auditing services be made available to businesses outside your jurisdiction? Yes, as currently in place		

Appendix 3

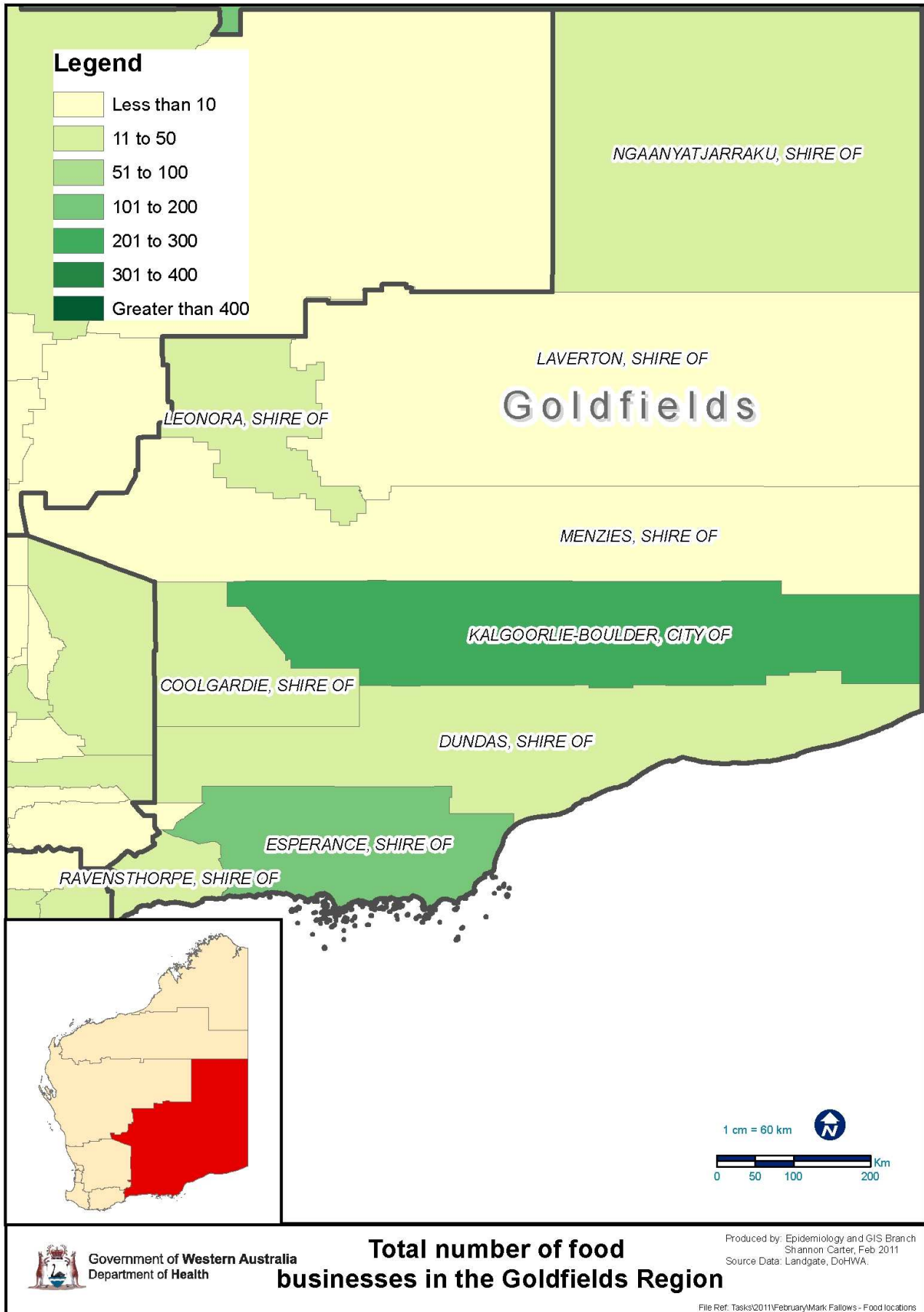
Region and local government maps

- 3.1 Regions of Western Australia**
- 3.2 Goldfields Region**
- 3.3 Great Southern Region**
- 3.4 Kimberley Region**
- 3.5 Midwest Region**
- 3.6 North Metropolitan Region**
- 3.7 Pilbara Region**
- 3.8 South Metropolitan Region**
- 3.9 South West Region**
- 3.10 Wheatbelt Region**

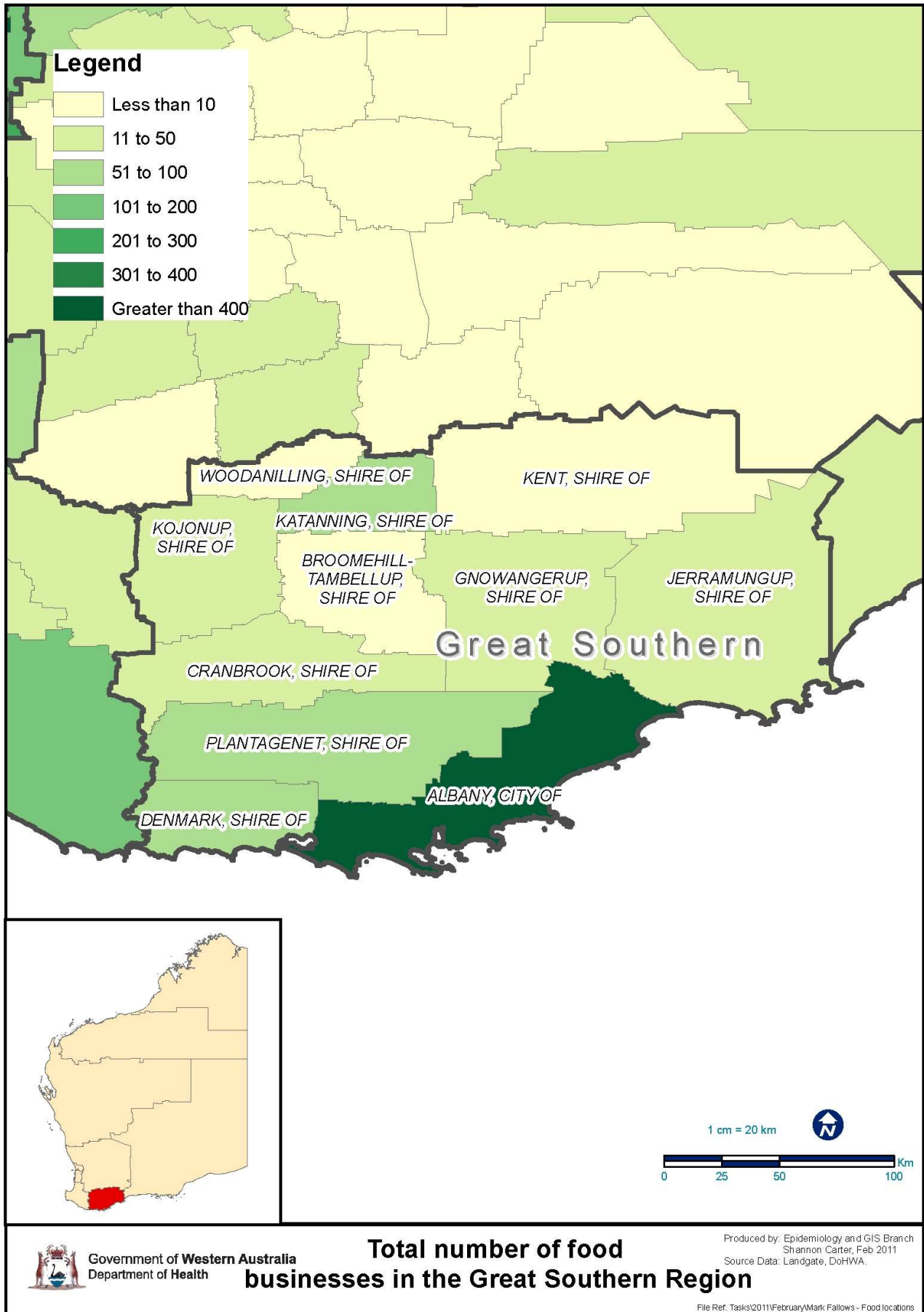
Appendix 3.1 – Regions of Western Australia



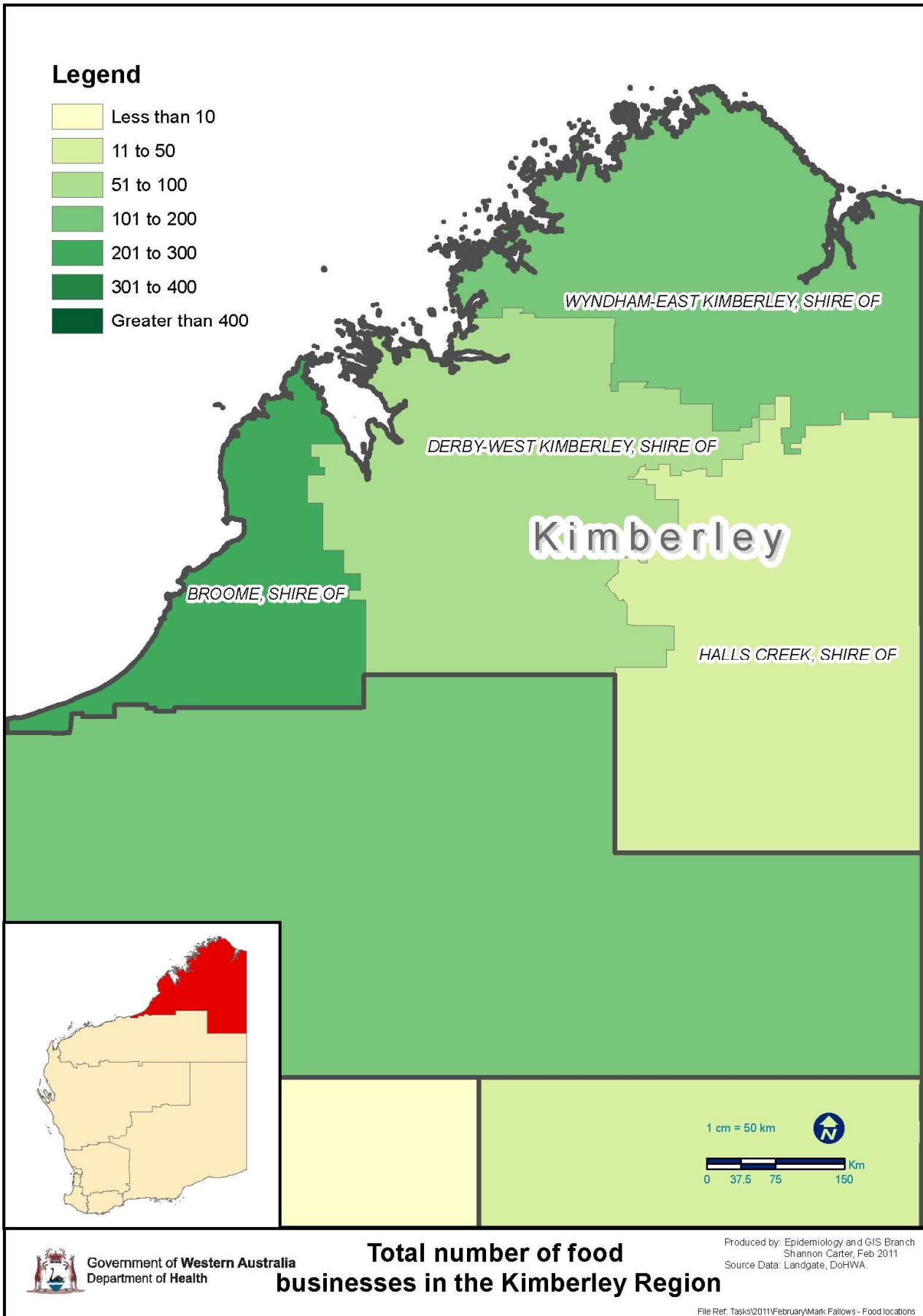
Appendix 3.2 – Goldfields Region



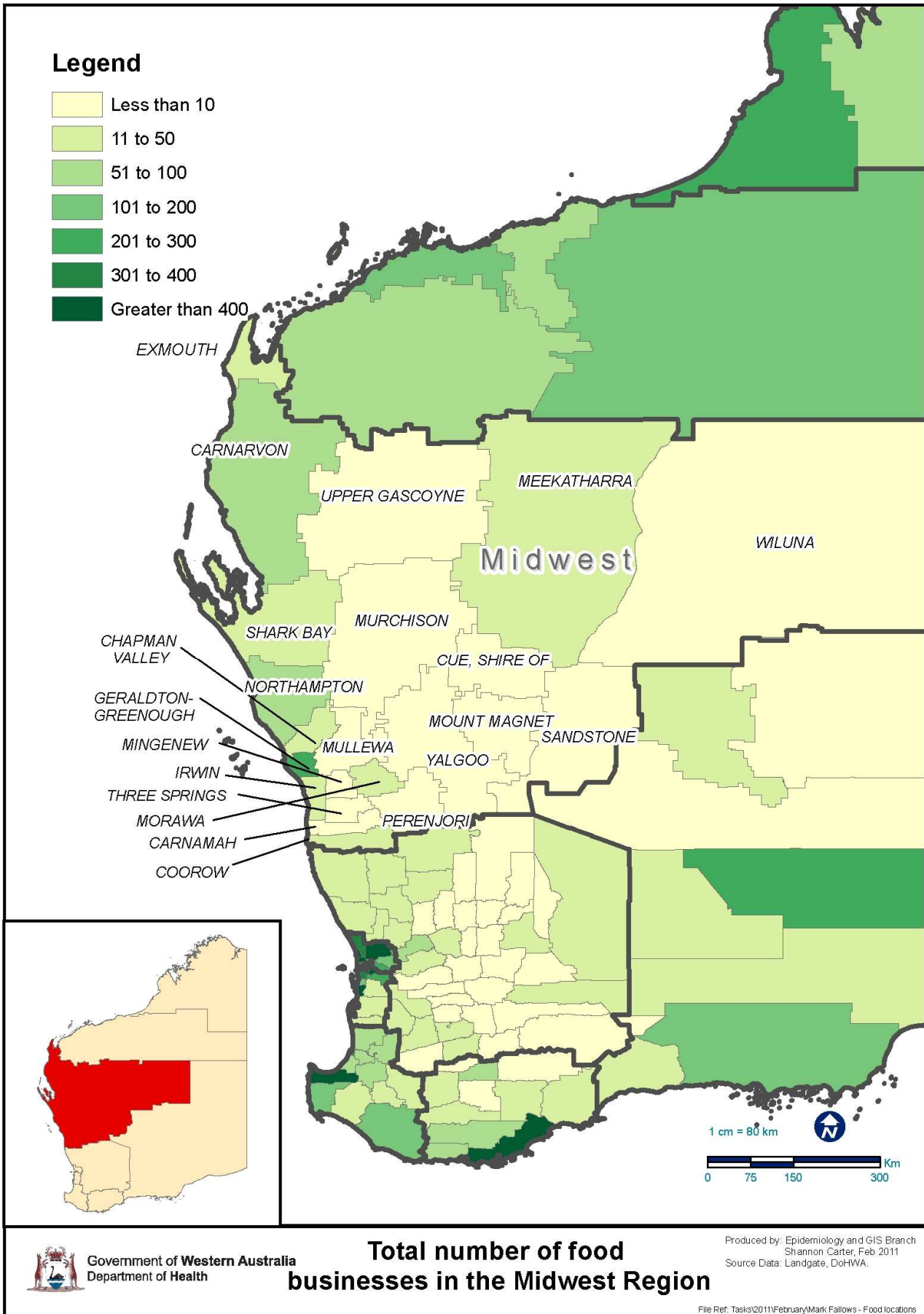
Appendix 3.3 – Great Southern Region



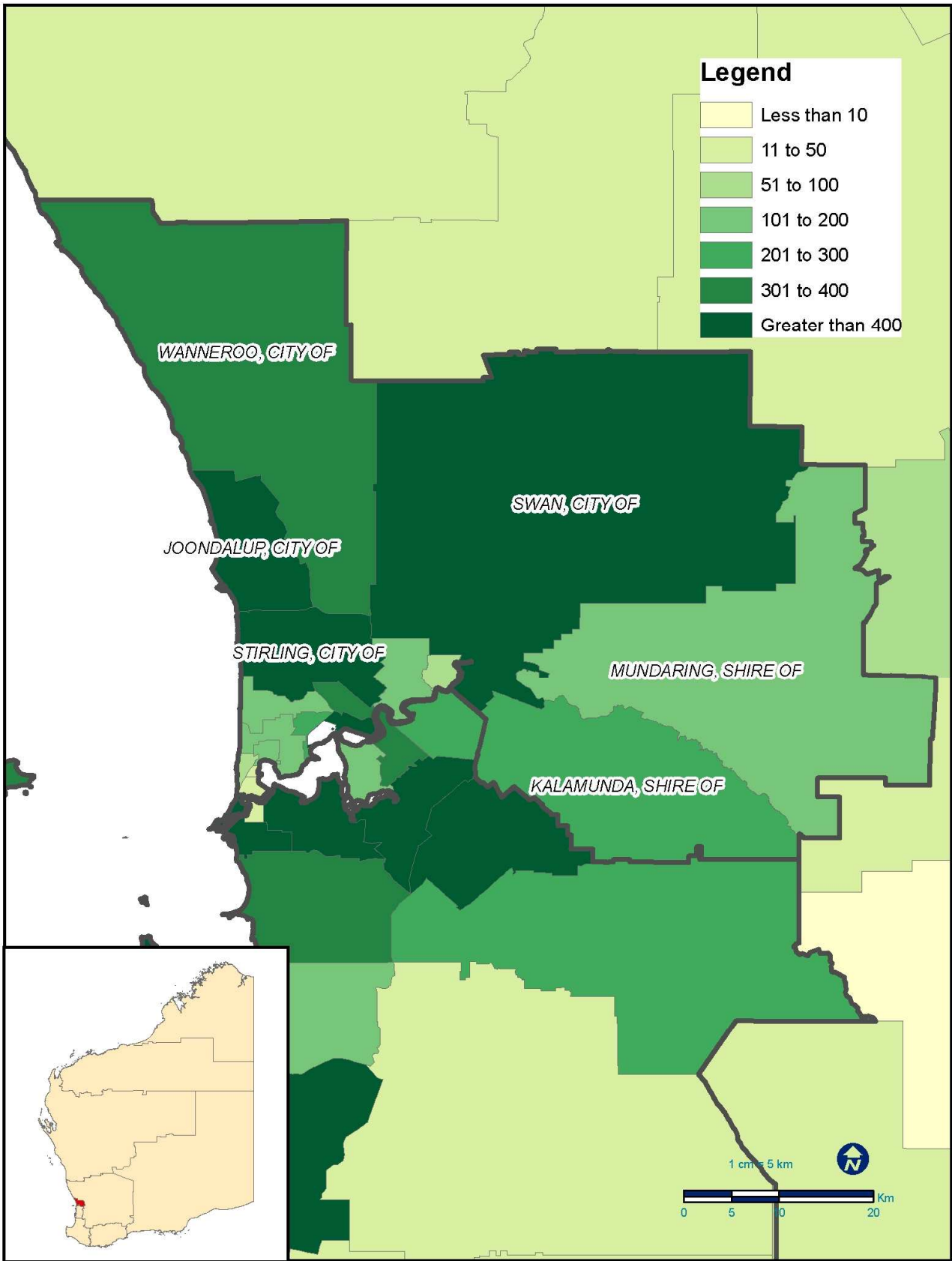
Appendix 3.4 – Kimberley Region



Appendix 3.5 – Midwest Region



Appendix 3.6 – North Metropolitan Region (Page 1 of 2)



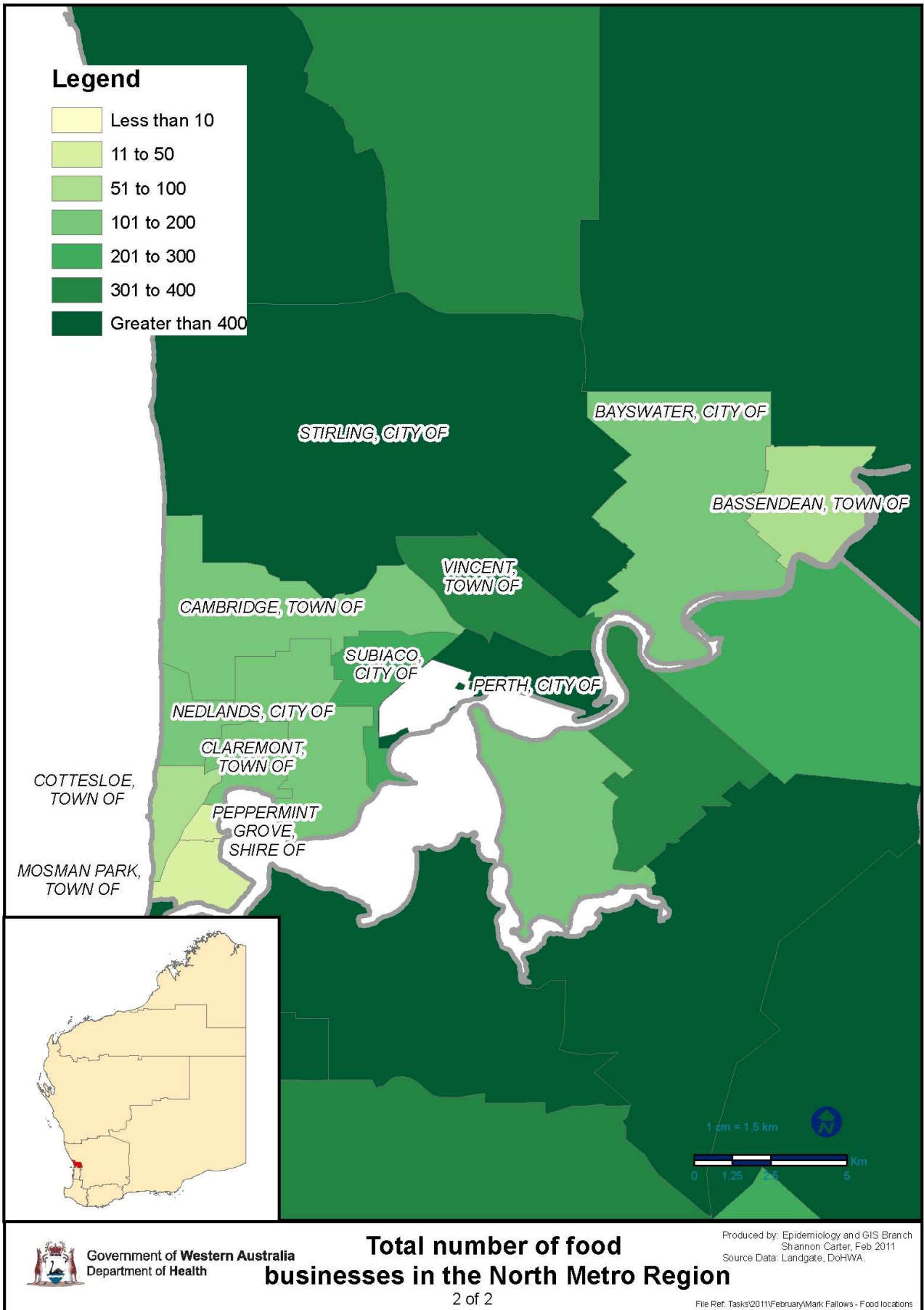
Government of Western Australia
 Department of Health

Total number of food businesses in the North Metro Region

1 of 2

Produced by: Epidemiology and GIS Branch
 Shannon Carter, Feb 2011
 Source Data: Landgate, DoHWA.

File Ref: Tasks\2011\February\Mark Fallows - Food locations

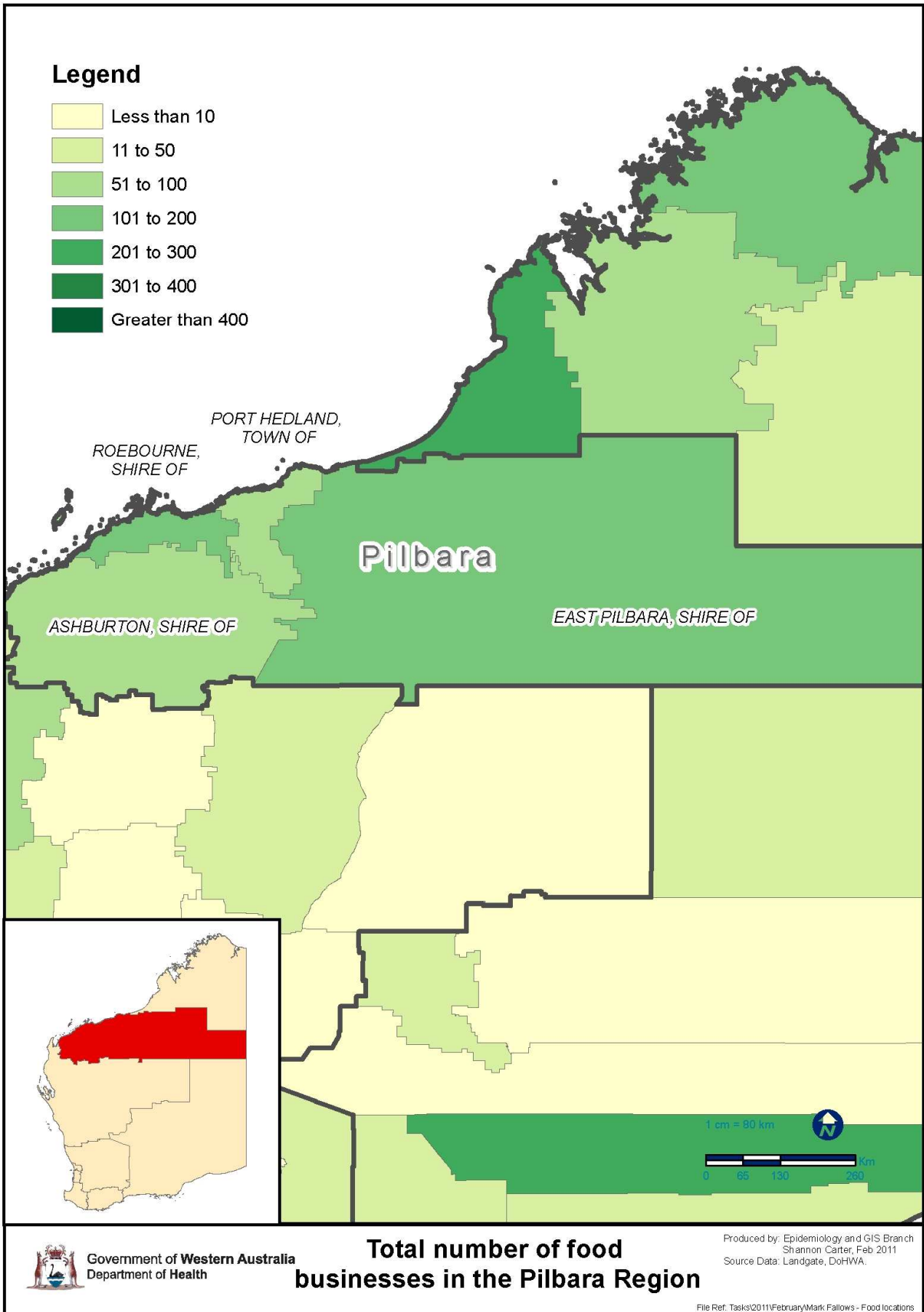


Government of Western Australia
Department of Health

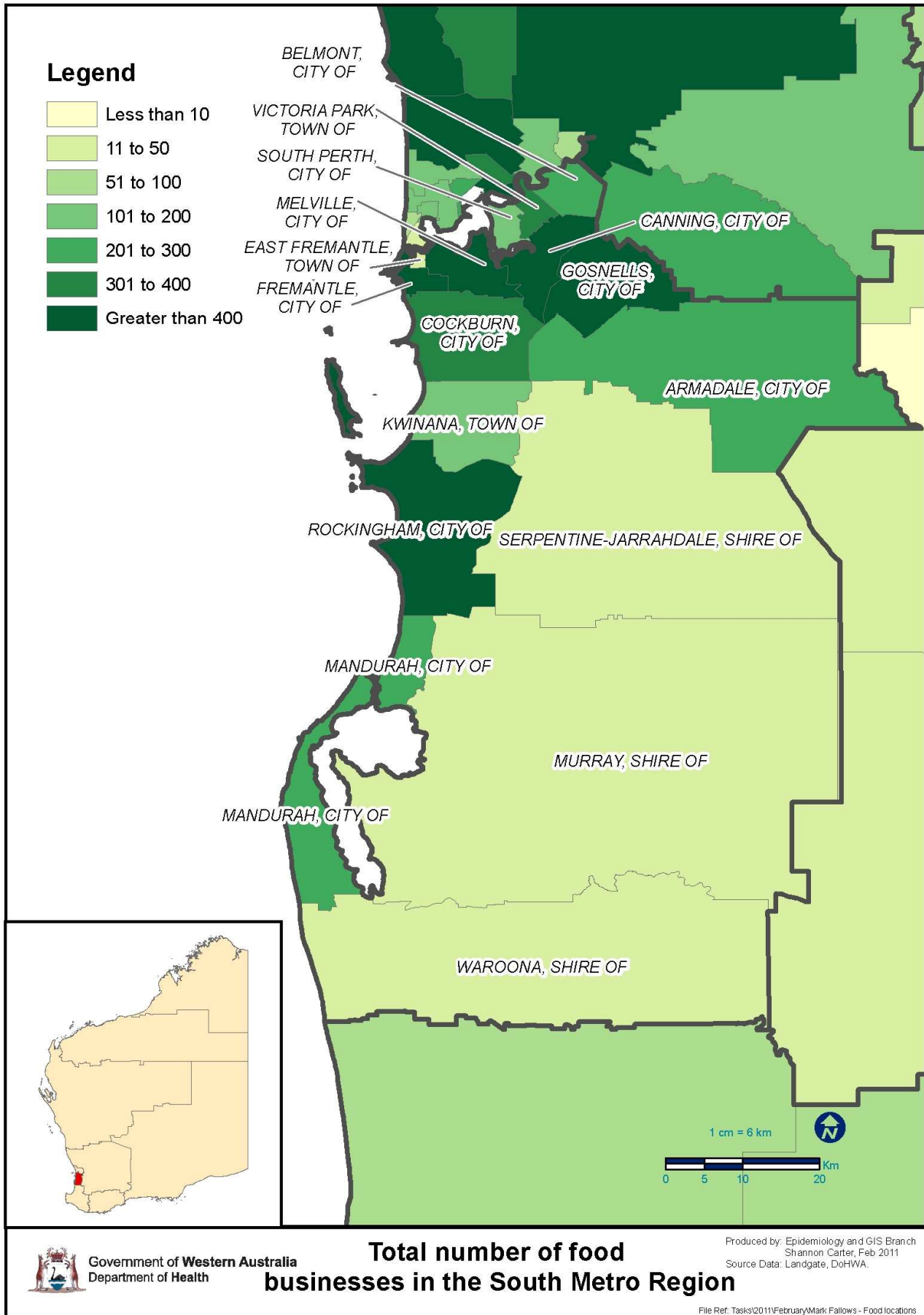
Total number of food businesses in the North Metro Region

2 of 2

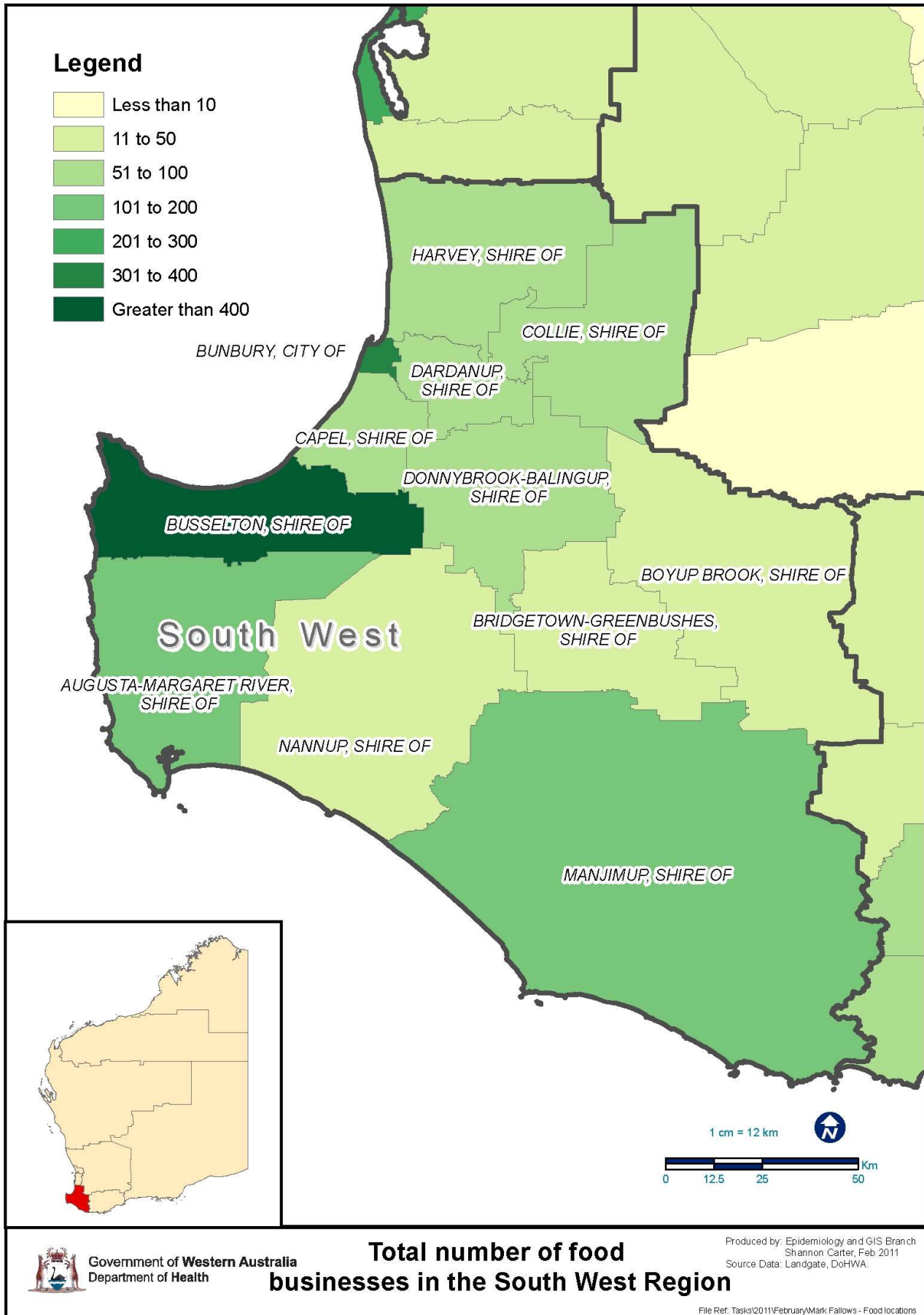
Appendix 3.7 – Pilbara Region



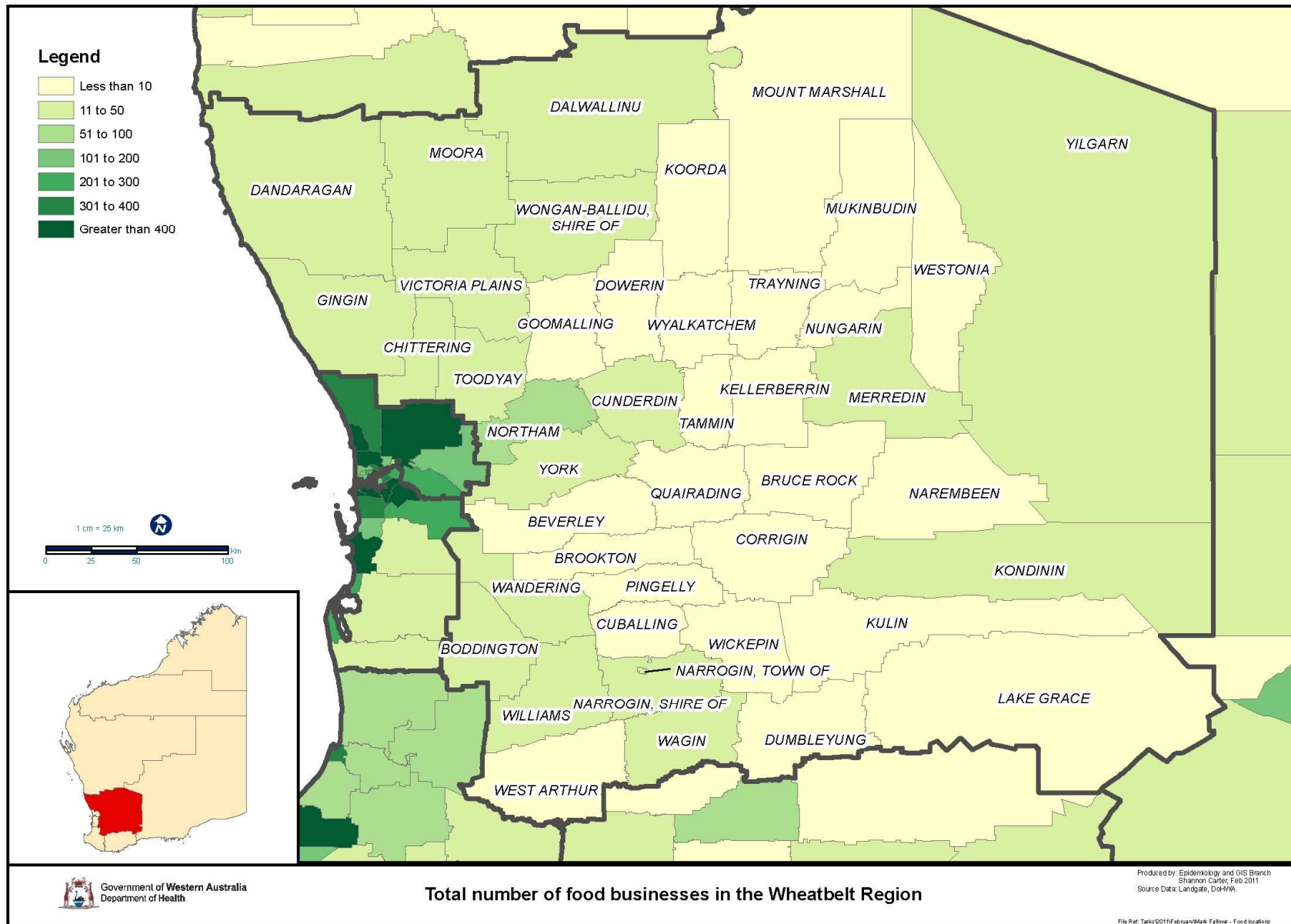
Appendix 3.8 – South Metropolitan Region



Appendix 3.9 – South West Region



Appendix 3.10 – Wheatbelt Region

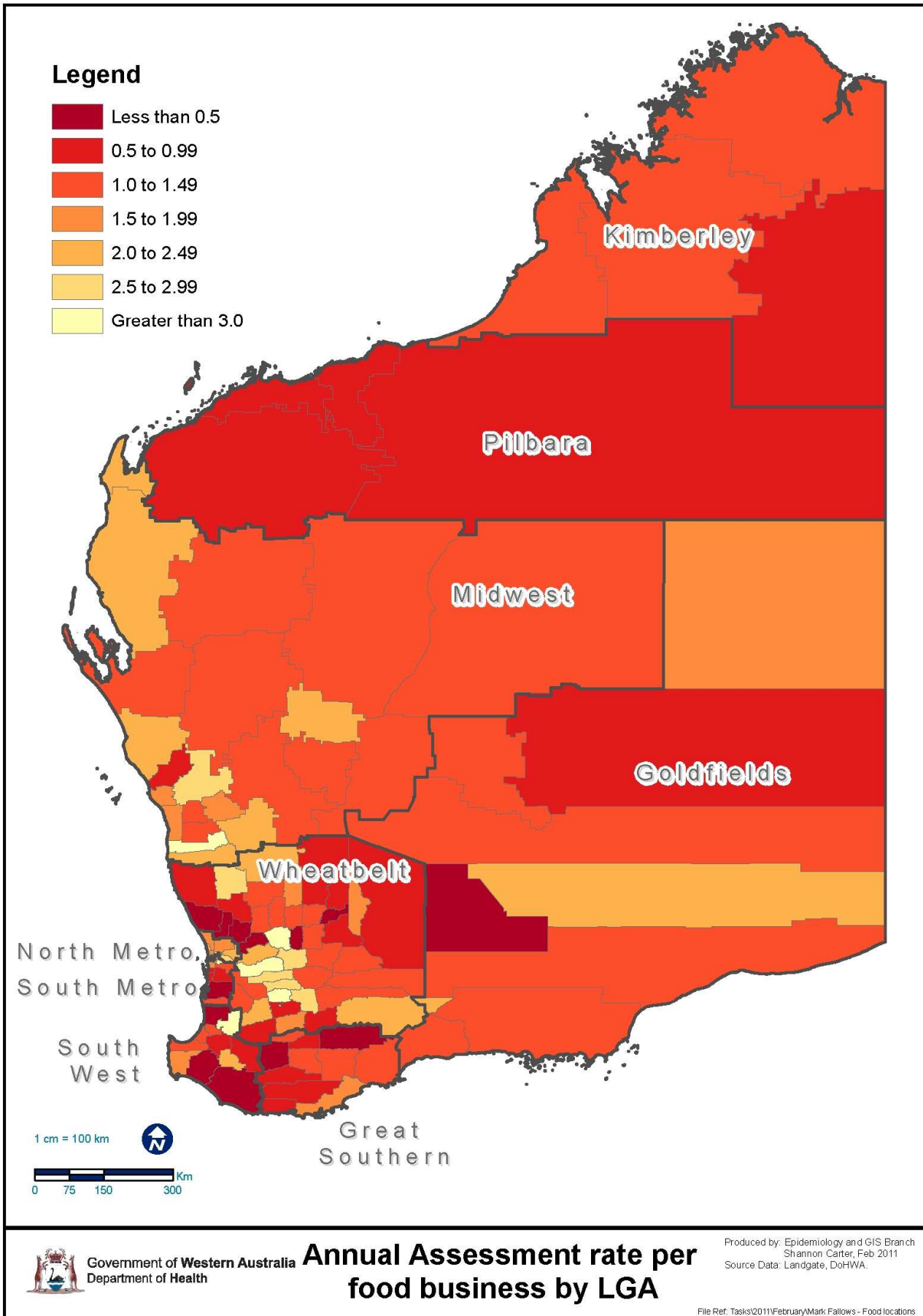


Appendix 4

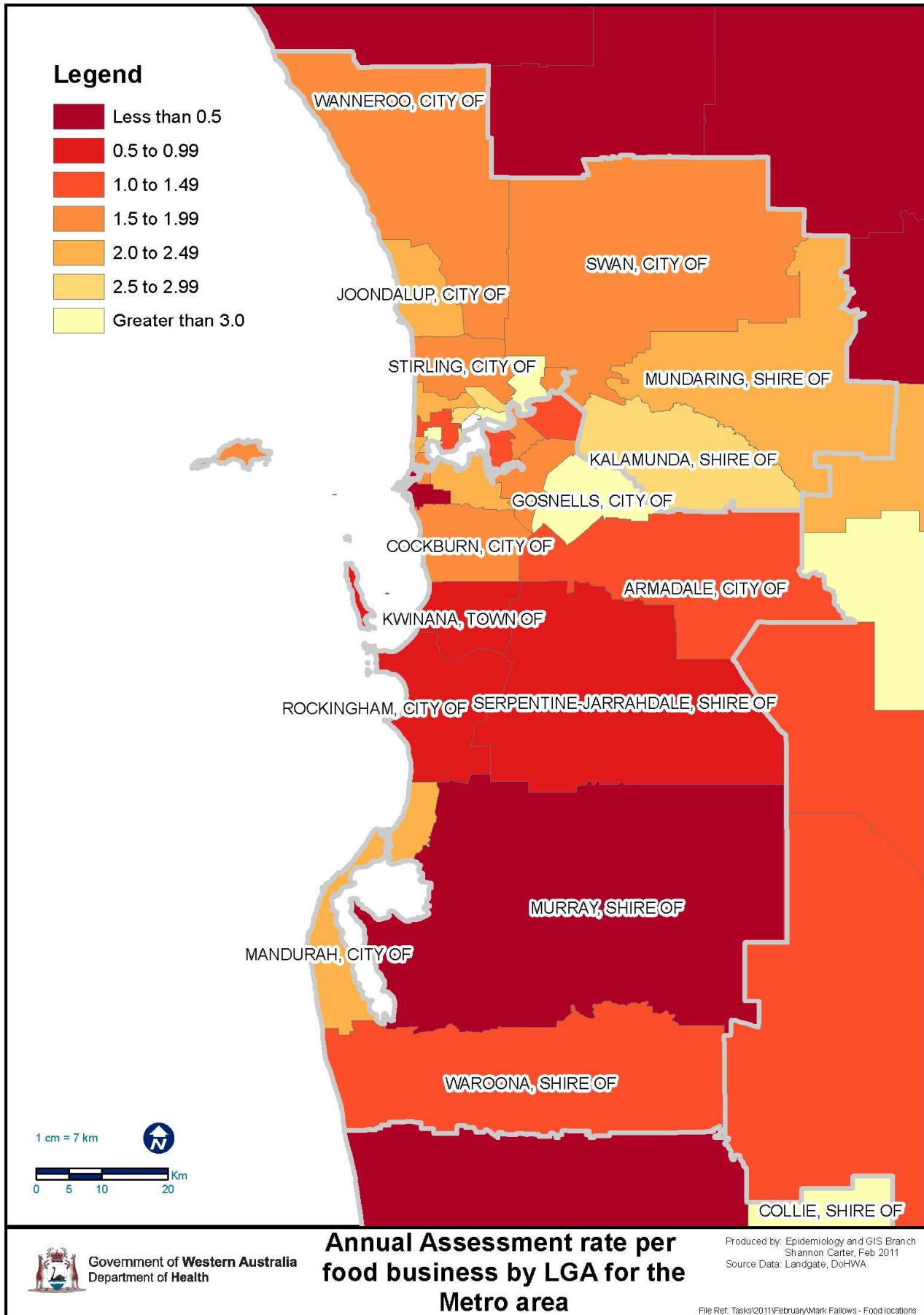
Results maps

- 4.1 Annual assessment rate – Regional WA**
- 4.2 Annual assessment rate – Metropolitan WA**
- 4.3 Use of compliance tools – Regional WA**
- 4.4 Use of compliance tools – Metropolitan WA**
- 4.5 Recruitment issues – Regional WA**
- 4.6 Recruitment issues – Metropolitan WA**

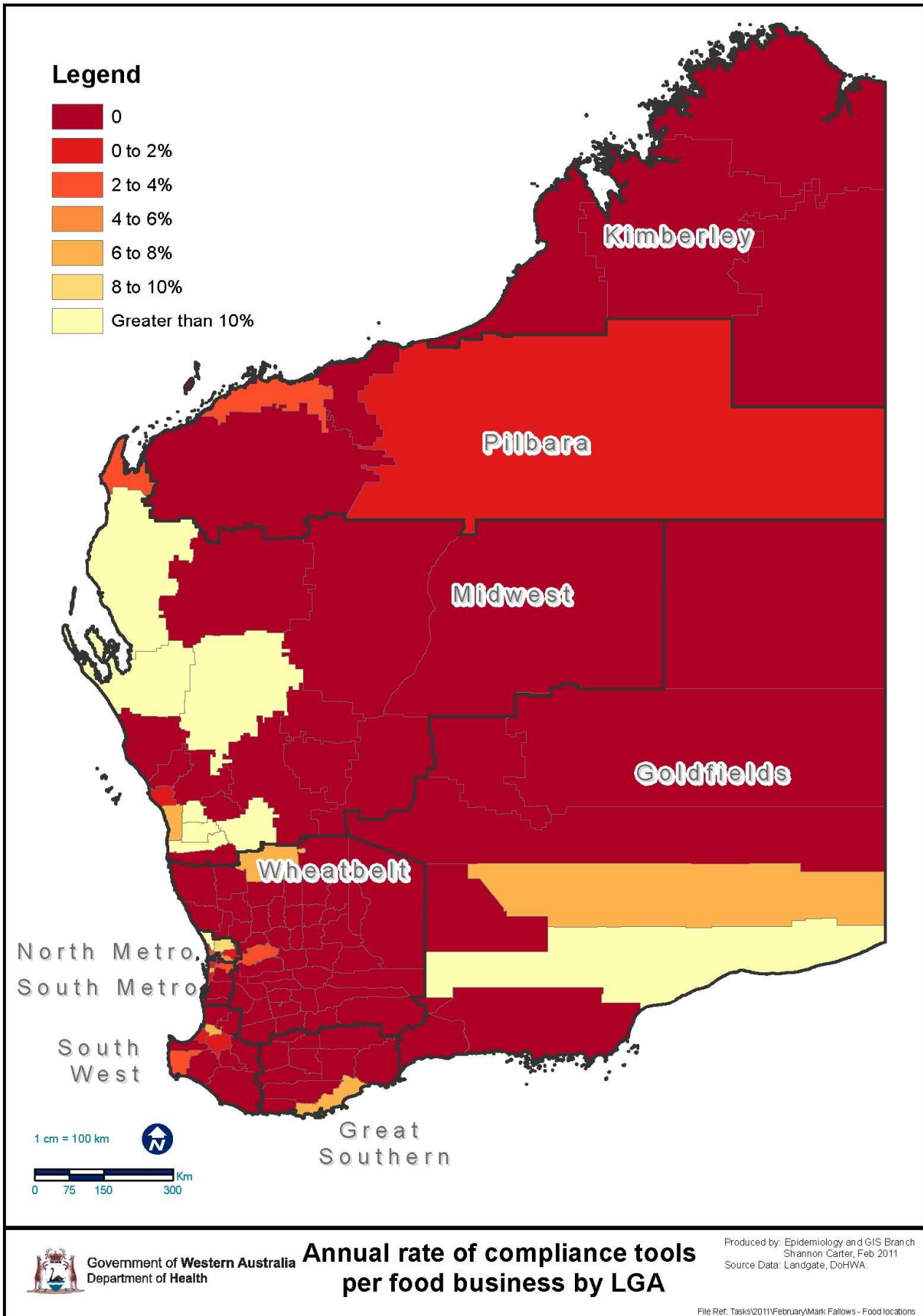
Appendix 4.1 – Annual assessment rate – Regional WA



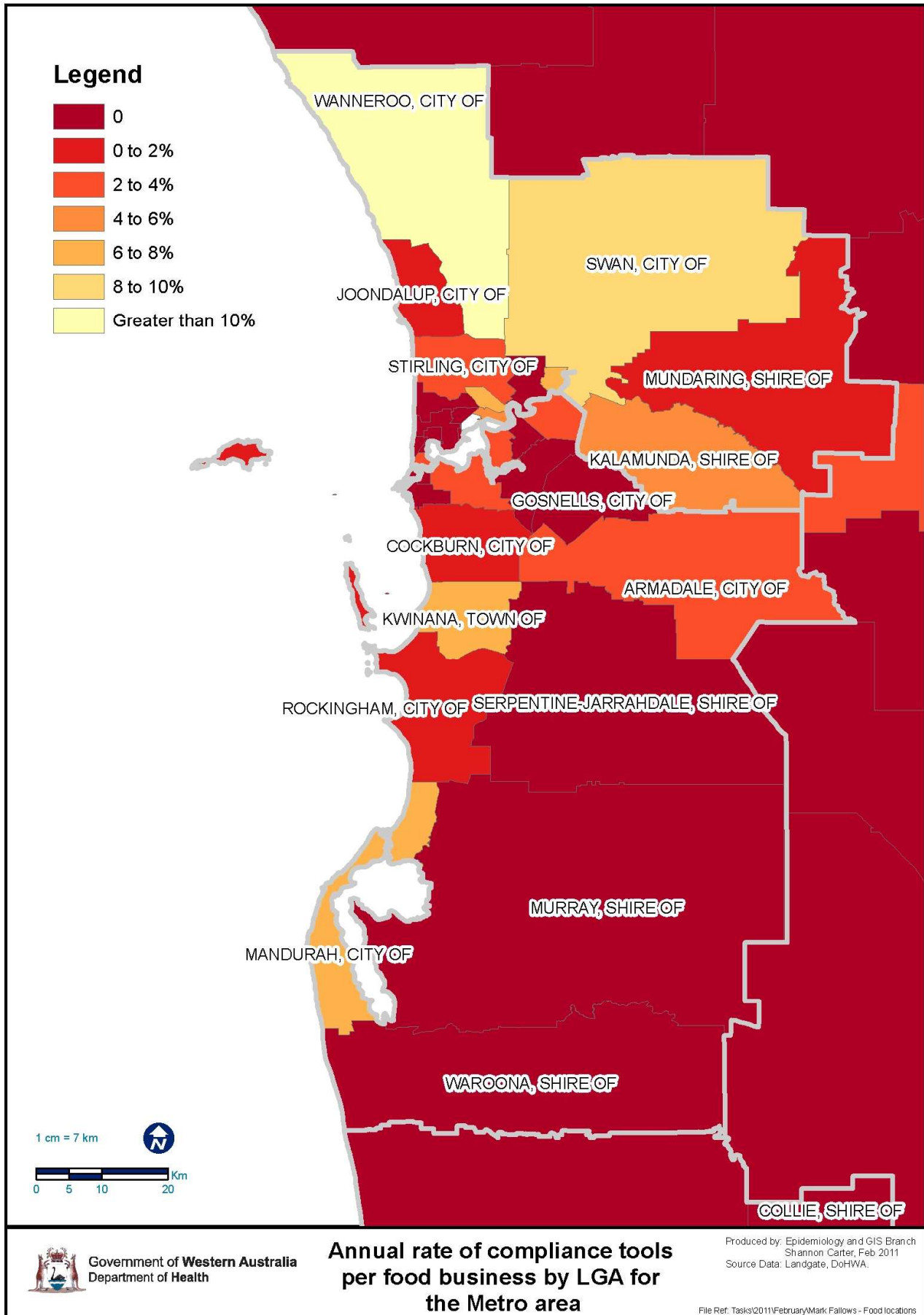
Appendix 4.2 – Annual assessment rate – Metropolitan WA



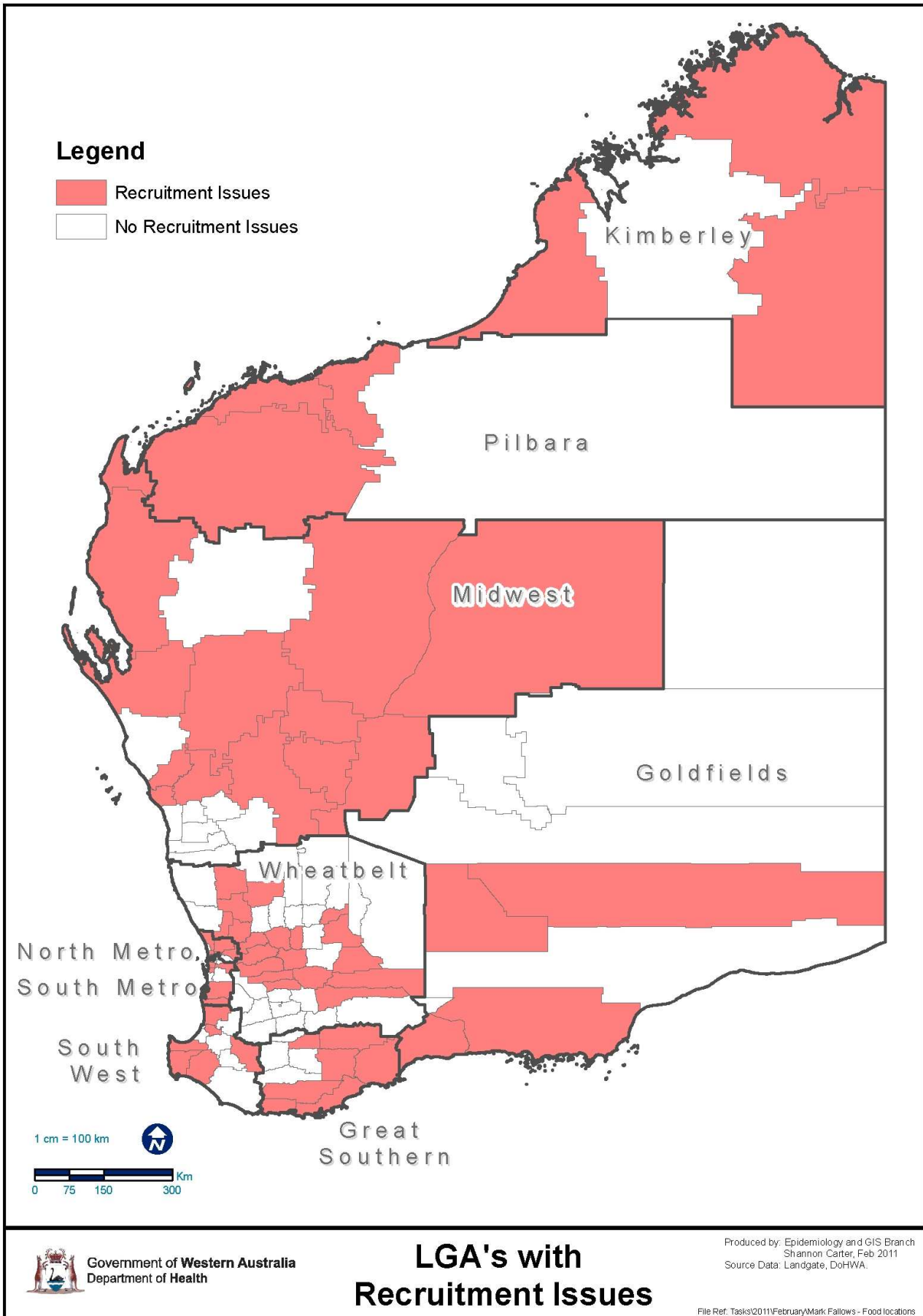
Appendix 4.3 – Use of compliance tools – Regional WA



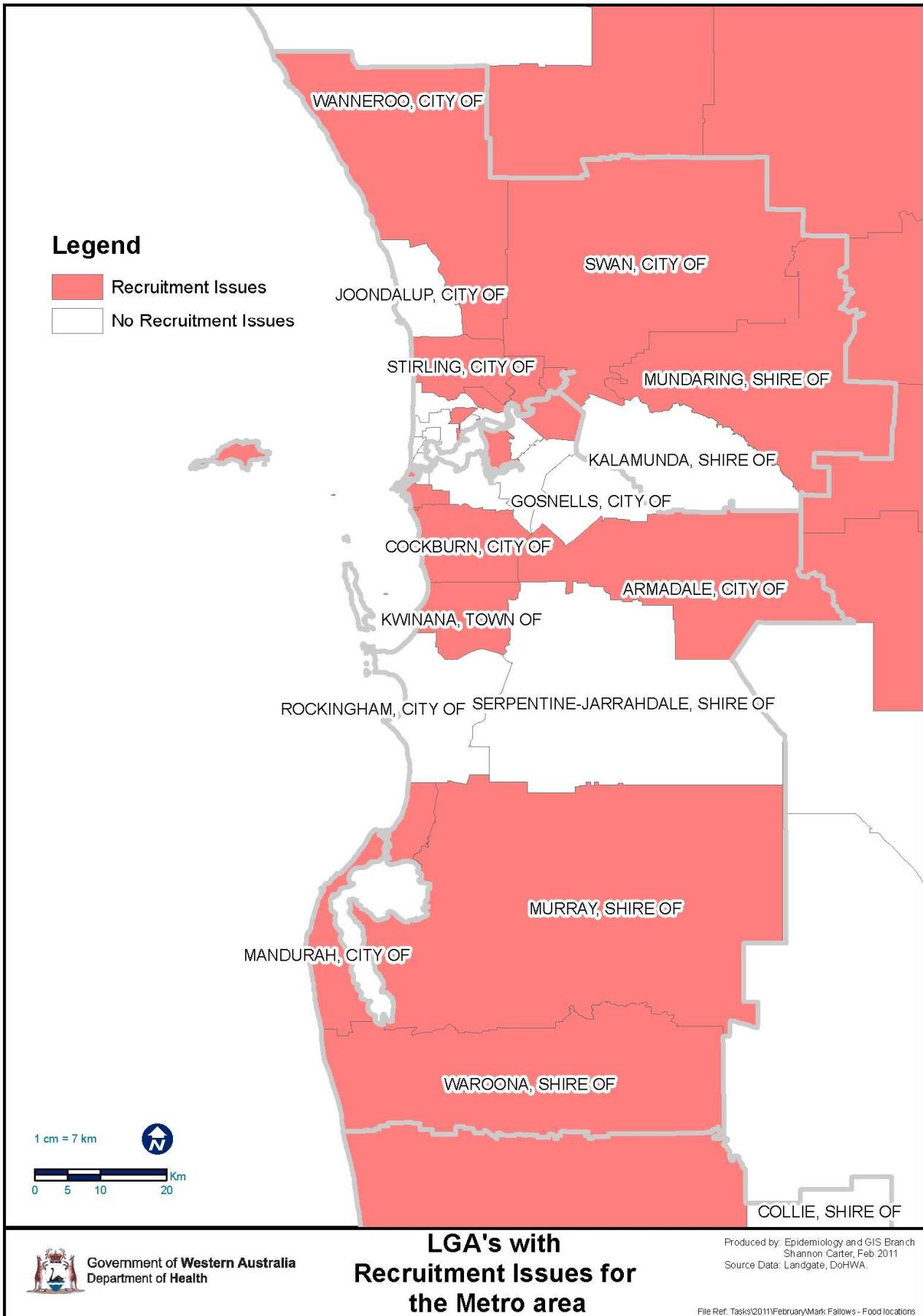
Appendix 4.4 – Use of compliance tools – Metropolitan WA



Appendix 4.4 – Recruitment issues – Regional WA



Appendix 4.4 – Recruitment issues – Metropolitan WA



Appendix 5

2010 / 2011 proforma – information from the DOH and local government on Food Act activities

Authorised Officers	Delegated Authority to undertake appointments				The number of full time equivalent (FTE) authorised officers working in food safety.*	The number of full time equivalent (FTE) authorised officers assisting in working in food safety.*	The qualifications of authorised officers			Recruiting Difficulties	
	Council	CEO	PEHO	Other			EHO Degree	Audit Competencies	Other (please specify)	Yes	No
Registration and Assessment of Food Businesses	The total number of food businesses		The number of notifications		The number of registered food businesses	The number of assessments** conducted	The number of food businesses by principle or type of activity		The number of food businesses by risk rating	Number of food businesses subject to mandatory auditing	
Compliance and Enforcement Activities	Compliance and Enforcement Policy in place				Legal Actions through the Courts		Seizure Powers		Substantiated Complaints		
	Yes		No		Number Prosecutions	Number Successful	Number taken		Number		
	Number of Improvement Notices				Number of Infringement Notices			Number of Prohibition Orders			
	Issued	Complied With	Not Complied with		Issued	Court	Withdrawn	Issued	Complied With	Not Complied with	Withdrawn

* An authorised officer working in food safety one day a week is considered to be 0.2FTE

** The process of reviewing a food business in order to confirm compliance or non-compliance with the Food Act 2008, Food Regulations 2009 or Australia New Zealand Food Standards Code

Highlights of Local Government Activities	Does the local government provide food safety education or training?		Key highlights of last 12 months			
	Yes	No				
If yes, please specify						
Regulatory Food Safety Auditing – provision of auditors	Is the local government providing regulatory food safety auditing services?		Will the regulatory auditing services be made available to businesses outside your jurisdiction?		Has regulatory food safety auditing compliance assessments for those businesses captured by Standard 3.3.1	
	Yes	No	Yes	No	Yes	No
Signed Declaration by Enforcement Agency	Local government office					
	Authorised by local government Chief Executive Officer					
	Date					



Delivering a **Healthy WA**

