



Food Act 2008 **Enforcement Agency** **Reporting Information** **(1 July 2010 to 30 June** **2012)**

This document contains a summary of the reports from enforcement agencies on the performance of food regulatory functions for the periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 30 June 2012

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Acknowledgements

The following agencies contributed to this report:

Cities

Albany, Armadale, Bayswater, Belmont, Bunbury, Busselton¹, Canning, Cockburn, Fremantle, Greater Geraldton², Gosnells, Joondalup, Kalgoorlie/Boulder, Mandurah, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent³ and Wanneroo.

Shires

Ashburton, Augusta-Margaret River, Beverley, Boddington, Boyup Brook, Bridgetown-Greenbushes, Brookton, Broome, Broomehill-Tambellup, Bruce Rock, 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, Mullewa², Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Ngaanyatjarraku, Northam, Northampton, Nungarin, Peppermint Grove, Perenjori, Pingelly, Plantagenet, Quairading, Ravensthorpe, Roebourne, Sandstone, Serpentine-Jarrahdale, Shark Bay, Tammin, Three Springs, Toodyay, Trayning, Upper Gascoyne, Victoria Plains, Wagin, Wandering⁴, Waroona, West Arthur, Westonia, Wickiepin, Williams, Wiluna, Wongan-Ballidu, Woodanilling, Wyalkatchem, Wyndham/East Kimberley, Yalgoo, Yilgarn and York.

Towns

Bassendean, Cambridge, Claremont, Cottesloe, East Fremantle, Kwinana, Mosman Park, Narrogin, Port Hedland and Victoria Park.

Department of Health

Environmental Health Directorate (Food Unit)

¹ The Shire of Busselton was renamed as the City of Busselton on 1 January 2012.

² The City of Geraldton-Greenough and the Shire of Mullewa amalgamated on 1 July 2011 as the City of Greater Geraldton.

³ The Town of Vincent was renamed as the City of Vincent on 1 July 2011.

⁴ For 2011/12 only.

Abbreviations, Acronyms and Definitions

Assessment	The process of reviewing a food business in order to confirm compliance or non-compliance with the Act, Regulations or Code
CEO of LG	A Chief Executive Officer of Local Government
CEO of the Department of Health	Chief Executive Officer (Director General) of the Department of Health
Code	<i>Australia New Zealand Food Standards Code</i>
Enforcement Agency	The CEO of Department of Health 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
LG	Local Government
Metropolitan WA	The local governments of the North Metropolitan and South Metropolitan Health regions
Regional WA	The Goldfields, Great Southern, Kimberley, Midwest, Pilbara, South West and Wheatbelt Health regions
RFSA	Regulatory Food Safety Auditing
FTE	Full-time equivalent
WA	Western Australia

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Introduction

Under section 121 of the Food Act, the CEO of the Department of Health has requested Food Act enforcement agencies report annually on their food regulatory functions. The information from these reports is collated to help anticipate issues relating to the implementation of the Food Act, and considerations for future policy development.

A comprehensive report with full analysis of the information received from enforcement agencies will be published every 3 years. The first of these reports, the *Report on the Food Act 2008* (Food Act Report) for the period 23 October 2009 to 30 June 2010, was published in 2011. In the interim years a summary of the information received from enforcement agencies will be released.

This report is a compilation of the information that was received from enforcement agencies for the periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 30 June 2012. The next Food Act Report, due to be published in 2014, will include a full analysis of this data in addition to the 2012/13 reporting period.

Executive Summary

Background

The first *WA Food Regulation: Report on the Food Act 2008* (Food Act Report) for the period of 23 October 2009 to 30 June 2010 was published in 2011. The report provided valuable insight into the application of the Food Act by enforcement agencies across the State. The analysis of the data highlighted issues requiring further policy development to support enforcement agencies. As required under Section 121 of the Food Act, enforcement agencies were again asked to report on their Food Act functions for the periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 30 June 2012.

Report objectives

This report outlines enforcement agencies' performance of functions under the Food Act during the 1 July 2010 to 30 June 2011 and 1 July 2011 to 30 June 2012 reporting periods. In total there are 139 Food Act enforcement agencies across WA. Collectively, these enforcement agencies are responsible for administering the Food Act regulatory requirements to approximately 18,358¹ food businesses operating within the State. In WA each local government is the appropriate enforcement agency for food businesses within its district, except for those food businesses for which the Department of Health is the enforcement agency. The Department of Health is the appropriate enforcement agency for food businesses that are located and prepare food for patients in a public hospital, dairy primary production and processing businesses, primary production and manufacturing of bivalve mollusc businesses and food businesses that are not in a district.

The information collated from enforcement agencies provides a valuable insight into the implementation of the Food Act in WA. The Department of Health, as the state government agency responsible for the Food Act administration, will use this information to identify areas requiring improvement or support, and to guide policy development.

Key reporting areas and findings

Authorised officers

Authorised officers are appointed by the enforcement agency or nominated delegate to perform Food Act regulatory functions. In most circumstances appointment of authorised officers has been delegated to the Chief Executive Officer of the enforcement agency; 71% of enforcement agencies in 2010/11, and 81% in 2011/12.

Data on the number of authorised officers from the 2009/10 report indicated that there was duplication in the number of authorised officers reported due to staff resource sharing between enforcement agencies. The 2010/11 report template was subsequently changed, requiring that the number of FTE authorised officers be provided in order to avoid duplication. An authorised officer who spends one day a week working in food safety is considered to be 0.2FTE. In 2010/11 there were 247 FTE authorised officers working in food safety with a decrease to 219 in 2011/12. In 2010/11, 46% of enforcement agencies experienced recruiting difficulties rising to 51% in 2011/12.

¹ Data from the 2011/12 reporting period

The majority of authorised officers possess an environmental health degree (241 in 2011/12). In 2011/12 there were 56 authorised officers with other qualifications including environmental health diplomas and masters, meat inspection, health surveying and dairy technology. There were 73 authorised officers with audit competencies in 2010/11 and 68 in 2011/12.

Registration, notification and assessment

The total number of food businesses in Western Australia was approximately 16 968 in 2010/11 and approximately 18 358 in 2011/12. In the 2009/10 Food Act Report, it was identified that there was some confusion regarding registration and notification requirements among enforcement agencies. The data from the subsequent reporting periods indicates that there is now a greater understanding of the registration and notification process.

Enforcement agencies were asked to provide information on the number of food businesses by principal type of activity. This information should be gathered by enforcement agencies during the registration/notification process and can be used when risk profiling each food business. During 2010/11, 102 enforcement agencies maintained records on the principal activity of each food business. This increased to 105 enforcement agencies in 2011/12. It was determined that there was great variance in the way each enforcement agency categorised the principal activity of its food businesses. For example, some enforcement agencies had adopted broader categories such as retailer or manufacturer, while other enforcement agencies adopted a more specific approach using categories such as newsagent or oil bottler. In order to be able to effectively analyse this information in the future, the reporting proforma for 2012/13 will specify categories of food business activities based on the notification form contained in the *Safe Food Australia: A Guide to the Food Safety Standards* (FSANZ, 2001).

The majority of enforcement agencies (130) have undertaken risk prioritisation of food businesses resulting in an average of 96.2% of food businesses being risk profiled during the reporting periods. It is not mandatory for enforcement agencies to undertake risk prioritisation of food businesses; however, it assists to determine the frequency and type of assessment for each food business. Adopting sound risk principles can also improve consistency between enforcement agencies in terms of monitoring and compliance of food businesses. The average assessment rate across the reporting periods was 1.57 assessments per food business per year.

Compliance and enforcement

In Western Australia, 59% of enforcement agencies did not have a compliance and enforcement policy in place during both reporting periods. The enforcement agencies that have a compliance and enforcement policy in place are predominantly in the Perth metropolitan area and in districts with a greater population.

Enforcement tools were used a total of 1426 times in 2010/11 and 998 times in 2011/12.

- Improvement notices were the most preferred enforcement tool with 1021 served in 2010/11 and 667 served in 2011/12.
- Infringement notices were served 238 times in 2010/11 and 204 times in 2011/12.
- In 2010/11 131 seizures were taken, and 79 in 2011/12.
- In 2010/11 there were 24 prosecutions (of which 22 were successful) and of the 26 prosecutions in 2010/11, 22 were successful.
- There were 12 prohibition orders served in 2010/11 and 22 served in 2011/12.

- Over the two years of the reporting periods there was an average of 913 verified food safety related complaints a year.

Regulatory food safety auditing

Regulatory food safety auditing requirements apply to those food businesses that are required to implement a documented food safety program in accordance with the Code. This includes businesses that serve food to vulnerable populations (Standard 3.3.1) and some primary production and processing food businesses (Chapter 4 of the Code).

Only 77 out of 139 enforcement agencies are responsible for food businesses that are required to implement a food safety program. This is because many enforcement agencies do not have a large enough population base to accommodate child care centres, nursing homes and hospitals.

In 2010/11 only 21 enforcement agencies advised that the verification of food safety programs and the setting of audit frequencies had commenced. This increased to 41 enforcement agencies in 2011/12. This represents only 58.6% of enforcement agencies that are required to perform this function. The Department of Health has received comments from the enforcement agencies outlining the issues surrounding the implementation of the Part 8 – Regulatory Food Safety Auditing, of the Food Act. The Department of Health has addressed many of these issues by providing workshops on verification of food safety program to authorised officers.

Issues and highlights

In 2010/11 53% of enforcement agencies provided food safety education and training covering 80.5% of food businesses in WA, increasing to 57.6% of enforcement agencies and 86.3% of food businesses in 2011/12. Enforcement agencies use a wide range of methods to improve skills and knowledge in food safety, including;

- Online training packages.
- Training for specific purposes such as for temporary food stall owners, food businesses required to implement a food safety program, schools, aboriginal health training, special event workers, and volunteers.
- Presentations, workshops and seminars including general training for food handlers and proprietors.
- Distribution of food safety information via: newsletters, websites, posters.
- Ad hoc and one-on-one training during food safety assessments.

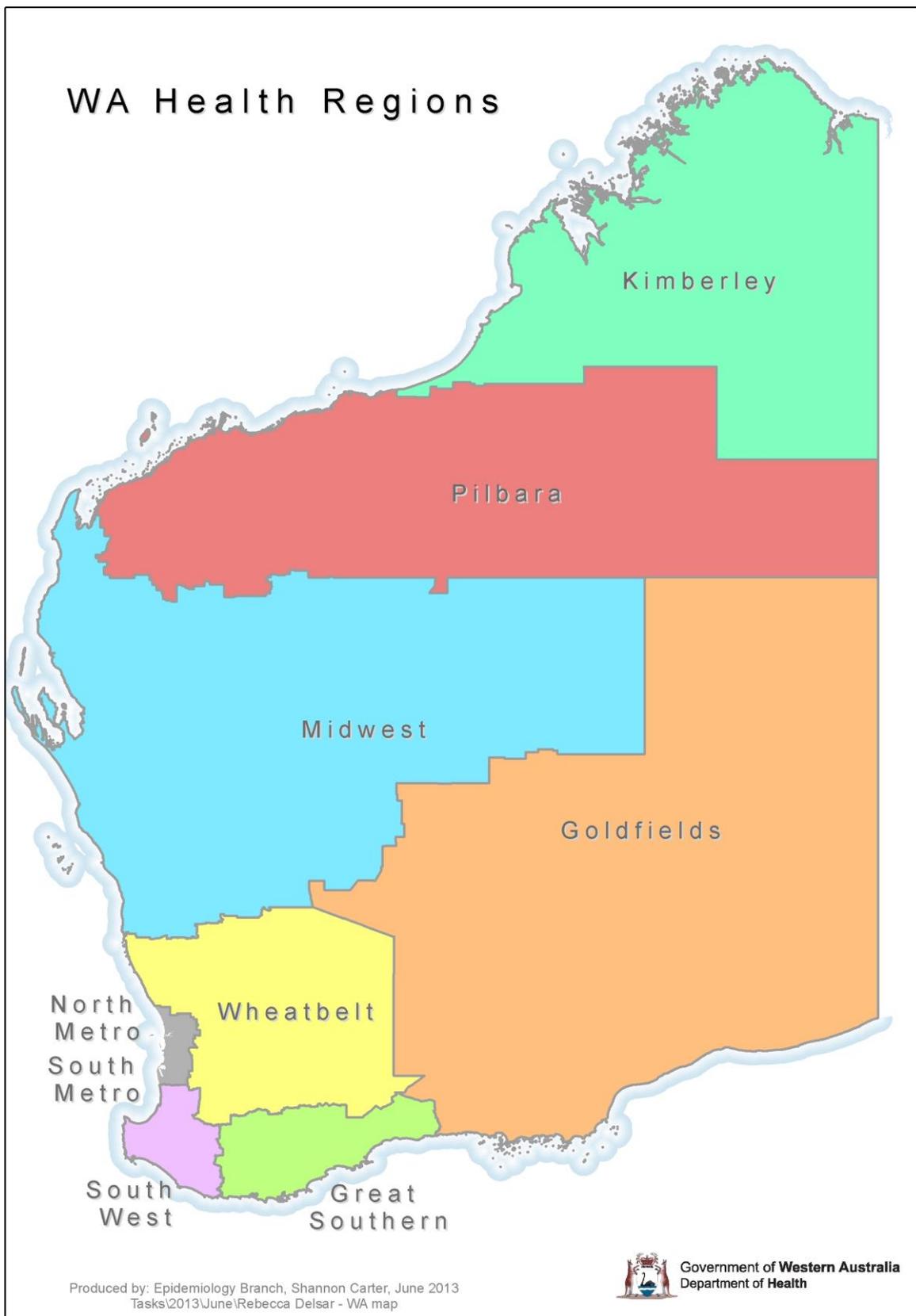
Enforcement agencies were given the opportunity to provide further comment on the performance of their food regulatory functions. Highlights and issues were received from enforcement agencies on a range of matters, including:

- Feedback on the benefits and challenges associated with the Food Act
- Food business monitoring, compliance and enforcement and sampling programs
- Food safety awards and recognition schemes
- Regulatory food safety auditing and verification of food safety programs

- Management of industry sectors including temporary and mobile food businesses
- Policy recommendations, including workshop and training suggestions
- Registration, notification and risk profiling of food businesses
- Staff recruitment and resourcing matters

Some of the issues were previously identified in the 2009/10 Food Act Report. The Department of Health has developed strategies in response to a number of these issues in the Strategic Plan 2012-2014 Section 121 Reporting on Performance of Food Regulatory Functions by Enforcement Agencies. Several workshops have since been delivered and guidance materials have been developed in response to comments received from enforcement agencies.

Map of Regions of Western Australia



Enforcement Agencies by Region

Goldfields region

City of Kalgoorlie-Boulder. Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku and Ravensthorpe.

Great Southern region

City of Albany. Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling.

Kimberley region

Shires of Broome, Derby-West Kimberley, Halls Creek and Wyndham-East Kimberley.

Midwest region

Cities of Greater Geraldton¹. Shires of Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Irwin, Meekatharra, Mingenew, Morawa, Mt Magnet, Mullewa¹, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna and Yalgoo.

North metropolitan region

Cities of Bayswater, Joondalup, Nedlands, Perth, Stirling, Subiaco, Swan, Vincent² and Wanneroo. Shires of Kalamunda, Mundaring and Peppermint Grove. Towns of Bassendean, Cambridge, Claremont, Cottesloe and Mosman Park.

Pilbara region

Shires of Ashburton, East Pilbara, Port Hedland and Roebourne.

South metropolitan region

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.

South West region

City of Bunbury and Busselton³, Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup.

Wheatbelt region

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, Westonia, West Arthur, Wickepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn and York. Town of Narrogin.

¹ The City of Geraldton-Greenough and the Shire of Mullewa amalgamated on 1 July 2011 as the City of Greater Geraldton.

² The Town of Vincent was renamed as the City of Vincent on 1 July 2011.

³ The Shire of Busselton was renamed as the City of Busselton on 1 January 2012.

2010 / 2011 proforma – information from enforcement agencies on Food Act activities



Delivering a Healthy WA



Food Act 2008 Section 121 Reporting Requirements

Information from Department of Health and Local Government on Food Act Activities for 1 July 2010 and 30 June 2011

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



Delivering a Healthy WA



Government of Western Australia
Department of Health

Food Act 2008 Section 121 Reporting Requirements

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 been undertaken?	
	Yes	No	Yes	No	Yes	No
Signed Declaration by Enforcement Agency	Local government office					
	Authorised by local government Chief Executive Officer					
	Date					

Summary of results from enforcement agencies on Food Act activities for 1 July 2010 to 30 June 2011

Authorised Officers Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	22	17	4	16	12	44	1	140
Delegated Authority to undertake appointments (number of enforcement agencies)	Council	3	3	0	5	2	1	2	0	11	0	27
	CEO	5	6	3	14	14	3	13	11	30	0	99
	PEHO	2	2	0	7	2	0	4	3	6	0	26
	Other	0	0	1	0	0	0	0	0	0	1	2
Number of FTE authorised officers working in food safety		10.28	6.7	9.6	19.81	72.65	7.6	60.12	29.2	19.38	11.5	246.8
Number of FTE authorised officers assisting in working in food safety		0	1.85	1	8.4	23.5	0.4	16.7	2.1	2	0	56
Qualifications of authorised officers	EHO degree	11	8	11	12	70	6	64	22	34	8	246
	Audit competencies	4	5	2	4	19	3	16	2	6	12	73
	Other	3	9	1	14	13	1	7	8	16	5	77
Recruiting Difficulties (number of enforcement agencies)	Yes	7	7	3	10	7	3	8	5	14	0	64
	No	2	4	1	12	10	1	8	7	28	1	74

Summary of results from enforcement agencies on Food Act activities for 1 July 2010 to 30 June 2011

Registration and Assessment of Food Businesses Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	22	17	4	16	12	44	1	140
Total number of food businesses		514	663	454	694	6259	434	4988	1832	786	344	16 968
Number of notifications		144	472	102	102	1502	218	934	1068	460	9	5011
Number of registered food businesses		515	599	224	657	5686	386	4522	1511	677	255	15 032
Number of assessments conducted		1018	637	521	900	12501	528	7521	1653	721	554	26 554
Number of food businesses by principal or type of activity	Vulnerable Populations	10	2	3	13	186	0	314	12	12	85	637
	Retail	40	48	27	99	376	14	614	83	76	0	1377
	Manufacture / Distributor	31	35	0	38	194	0	330	136	31	235	1030
	Food Service	298	132	55	356	2213	121	1776	594	298	0	5723
	Other	9	6	16	33	687	19	506	22	9	24	1325
	Not Determined	360	440	353	155	2603	280	1448	985	360	0	6876
Number of food businesses by risk rating	High	203	139	27	201	659	70	830	101	27	141	2398
	Medium	165	297	264	260	4176	221	2852	910	556	201	9902
	Low	64	211	100	113	894	63	1009	442	111	2	3009
	Very Low	60	0	25	68	494	57	248	122	27	0	1101
	Not Determined	23	0	38	44	0	0	9	70	29	0	213
Number of food businesses subject to mandatory auditing		19	16	15	259	307	14	267	44	18	320	1279

Summary of results from enforcement agencies on Food Act activities for 1 July 2010 to 30 June 2011

Compliance and Enforcement Activities Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	22	17	4	16	12	44	1	140
Compliance and enforcement policy in place (number of enforcement agencies)		2	1	0	12	11	1	11	4	13	1	56
Prosecutions	Number Instigated	Nil	Nil	Nil	Nil	14	Nil	10	Nil	Nil	Nil	24
	Number Successful	N/A	N/A	N/A	N/A	14	N/A	8	N/A	N/A	N/A	22
Seizure powers used		3	Nil	1	Nil	83	Nil	37	Nil	7	Nil	131
Validated or verified complaints		11	2	3	3	567	9	253	55	8	Nil	911
Improvement Notices	Issued	41	33	14	39	724	3	131	20	14	2	1021
	Complied With	38	33	8	34	697	2	105	19	12	1	949
	Not Complied With	3	0	6	5	26	1	1	1	2	1	46
Infringement Notices	Issued	9	Nil	1	Nil	166	Nil	60	2	Nil	Nil	238
	Taken to Court	0	N/A	0	N/A	8	N/A	1	0	N/A	N/A	9
	Withdrawn	0	N/A	0	N/A	7	N/A	4	0	N/A	N/A	11
Prohibition Orders	Issued	Nil	Nil	Nil	Nil	3	Nil	6	1	2	Nil	12
	Complied With	N/A	N/A	N/A	N/A	2	N/A	5	1	1	N/A	9
	Not Complied With	N/A	N/A	N/A	N/A	0	N/A	1	0	0	N/A	1
	Withdrawn	N/A	N/A	N/A	N/A	0	N/A	0	0	1	N/A	1

Summary of results from enforcement agencies on Food Act activities for 1 July 2010 to 30 June 2011

Highlights of Enforcement Agency Activities Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	22	17	4	16	12	44	1	140
Number of enforcement agencies that provide food safety education or training		3	3	4	11	12	4	11	10	15	1	74
Food safety training or education provided (number of enforcement agencies)	Workshops/seminars/presentations	1	0	0	1	3	0	1	0	4	1	11
	Online training	1	0	2	6	8	4	6	7	12	0	46
	Newsletters/fact sheets/guidelines	0	0	0	1	5	0	1	0	0	1	8
	Targeted/ad hoc/on demand training	1	3	2	6	1	0	3	1	2	1	20
Key highlights during reporting period (number of comments provided on each topic)	Food safety education and awareness	3	1	0	11	8	1	5	3	9	0	41
	Staff resourcing	0	4	0	5	4	1	3	3	7	0	27
	Monitoring programs	7	0	2	8	20	3	28	14	25	1	108
	Authorised officer training considerations	3	0	1	0	0	0	0	0	0	0	4
	Policy considerations	3	0	0	0	1	0	0	0	1	1	6

Summary of results from enforcement agencies on Food Act activities for 1 July 2010 to 30 June 2011

Regulatory Food Safety Auditing Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	22	17	4	16	12	44	1	140
Regulatory food safety auditing services provided by the enforcement agency	Yes	0	1	0	2	2	2	0	1	0	1	9
	No	5	5	4	0	13	1	13	7	13	0	61
	N/A	4	5	0	20	2	1	3	4	30	0	69
Regulatory food safety auditing services provided by the enforcement agency outside their jurisdiction	Yes	0	0	0	0	0	1	0	0	0	0	1
	No	0	1	0	2	2	1	0	1	0	1	8
	N/A	9	10	4	20	14	2	16	11	43	0	129
Compliance assessments undertaken for those food businesses captured under Standard 3.3.1	Yes	1	2	1	2	5	0	5	1	3	1	21
	No	4	2	3	0	9	3	8	5	11	0	45
	N/A	4	6	0	20	3	1	3	5	29	0	71

2011 / 2012 proforma – information from enforcement agencies on Food Act activities



Food Act 2008 Section 121 Reporting Requirements

Information from Department of Health and Local Government on Food Act Activities for 1 July 2011 and 30 June 2012

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		Validated or Verified 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



Food Act 2008 Section 121 Reporting Requirements

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 been undertaken?	
	Yes	No	Yes	No	Yes	No
Signed Declaration by Enforcement Agency	Local government office					
	Authorised by local government Chief Executive Officer					
	Date					

Summary of results from enforcement agencies on Food Act activities for 1 July 2011 to 30 June 2012

Authorised Officers Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	21	17	4	16	12	44	1	139
Delegated Authority to undertake appointments (number of enforcement agencies)	Council	4	3	1	7	4	1	3	0	6	0	29
	CEO	5	9	4	12	14	4	14	10	41	0	113
	PEHO	3	1	1	5	5	1	4	3	4	0	27
	Other	0	0	1	0	9	0	0	1	0	1	12
Number of FTE authorised officers working in food safety		9.81	5.02	8.65	9.75	77.9	5.6	47.5	22.1	20.73	12	219
Number of FTE authorised officers assisting in working in food safety		0.6	1.7	2.45	1.7	16.5	1.3	9.3	8.3	1	0	42.9
Qualifications of authorised officers	EHO degree	11	6	10	16	68.4	9	57	24	33	7	241.4
	Audit competencies	5	4	1	1	23	3	16	7	4	4	68
	Other	5	3	0	7	8	0	8	7	12	6	56
Recruiting Difficulties (number of enforcement agencies)	Yes	7	5	3	12	8	3	8	5	14	1	66
	No	2	5	1	5	9	1	8	6	27	0	64

Summary of results from enforcement agencies on Food Act activities for 1 July 2011 to 30 June 2012

Registration and Assessment of Food Businesses Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	21	17	4	16	12	44	1	139
Total number of food businesses		510	662	520	815	6658	495	5669	1830	841	358	18 358
Number of notifications		147	446	204	264	1470	139	1083	1048	305	21	5127
Number of registered food businesses		510	627	390	704	4634	336	3764	1339	753	238	13 295
Number of assessments conducted		1061	606	176	1337	13965	537	8364	1630	880	296	28 882
Number of food businesses by principal or type of activity	Vulnerable Populations	9	4	6	29	253	7	320	31	21	84	764
	Retail	39	46	27	86	826	13	706	154	110	0	2007
	Manufacture / Distributor	48	27	2	38	235	0	349	270	47	224	1240
	Food Service	155	126	95	399	2658	155	1894	537	329	0	6348
	Other	197	30	30	8	782	77	590	349	54	45	2162
	Not Determined	62	429	360	255	1904	243	1810	489	280	0	5832
Number of food businesses by risk rating	High	198	134	39	192	584	66	744	107	75	147	2286
	Medium	156	317	293	355	4284	268	3052	1002	465	188	10 381
	Low	74	194	100	132	898	85	1069	531	114	2	3199
	Very Low	63	28	50	45	479	74	424	139	18	0	1320
	Not Determined	19	-11	39	91	413	2	380	51	168	0	1151
Number of food businesses subject to mandatory auditing		15	20	10	29	326	154	312	81	25	313	1285

Summary of results from enforcement agencies on Food Act activities for 1 July 2011 to 30 June 2012

Compliance and Enforcement Activities		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Question												
Number of enforcement agencies		9	11	4	21	17	4	16	12	44	1	139
The number of enforcement agencies with a compliance and enforcement policy in place		1	0	2	8	12	4	10	5	15	1	58
Prosecutions	Number Instigated	Nil	Nil	Nil	Nil	14	Nil	11	Nil	1	Nil	26
	Number Successful	N/A	N/A	N/A	N/A	11	N/A	10	N/A	1	N/A	22
Seizure powers used		Nil	Nil	Nil	3	45	Nil	21	Nil	10	Nil	79
Validated or verified complaints		46	3	19	20	595	12	180	23	16	Nil	914
Improvement Notices	Issued	30	20	25	7	368	8	174	18	14	3	667
	Complied With	27	20	18	6	321	5	164	16	11	3	591
	Not Complied With	3	0	7	1	40	3	3	2	1	0	60
Infringement Notices	Issued	2	0	4	4	132	1	57	0	4	Nil	204
	Taken to Court	0	0	0	0	3	0	3	0	0	N/A	6
	Withdrawn	0	0	0	0	5	0	2	1	0	N/A	8
Prohibition Orders	Issued	1	Nil	Nil	1	11	1	8	Nil	1	Nil	22
	Complied With	N/A	N/A	N/A	0	10	0	6	N/A	1	N/A	17
	Not Complied With	1	N/A	N/A	1	1	1	0	N/A	0	N/A	3
	Withdrawn	0	N/A	N/A	0	0	0	2	N/A	1	N/A	3

Summary of results from enforcement agencies on Food Act activities for 1 July 2011 to 30 June 2012

Highlights of Enforcement Agency Activities Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	21	17	4	16	12	44	1	139
Number of enforcement agencies that provide food safety education or training		4	3	3	8	13	3	13	8	24	1	80
Food safety training or education provided (number of enforcement agencies)	Workshops/seminars/presentations	1	0	0	1	3	0	1	0	4	1	11
	Online training	1	0	2	6	8	4	6	7	12	0	46
	Newsletters/fact sheets/guidelines	0	0	0	1	5	0	1	0	0	1	8
	Targeted/ad hoc/on demand training	1	3	2	6	1	0	3	1	2	1	20
Key highlights during reporting period (number of comments provided on each topic)	Food safety education and awareness	5	4	1	3	7	0	5	4	1	1	31
	Staff resourcing	1	3	0	0	4	2	2	0	6	0	18
	Monitoring programs	6	1	2	3	11	2	18	9	3	0	55
	Authorised officer training considerations	0	0	0	0	0	0	0	0	0	1	1
	Policy considerations	2	0	0	0	0	0	0	0	1	1	4

Summary of results from enforcement agencies on Food Act activities for 1 July 2011 to 30 June 2012

Regulatory Food Safety Auditing Question		Goldfields	Great Southern	Kimberley	Midwest	North Metro	Pilbara	South Metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies		9	11	4	21	17	4	16	12	44	1	139
Regulatory food safety auditing services provided by the enforcement agency	Yes	1	0	0	3	1	3	1	1	1	1	12
	No	3	5	3	4	13	0	14	8	15	0	65
	N/A	5	6	1	15	3	1	1	3	27	0	62
Regulatory food safety auditing services provided by the enforcement agency outside their jurisdiction	Yes	0	0	0	0	0	2	0	0	1	0	3
	No	1	0	0	4	1	1	3	1	0	1	12
	N/A	8	10	4	17	16	1	13	11	39	0	119
Compliance assessments undertaken for those food businesses captured under Standard 3.3.1	Yes	0	2	0	3	11	2	11	5	11	1	41
	No	3	2	3	3	2	1	5	3	5	0	29
	N/A	5	7	1	13	3	1	1	4	1	0	64

2012 / 2013 Proforma

Food Act Report Submission Form

Information from *Food Act 2008* (Food Act) enforcement agencies for the period 1 July 2012 to 30 June 2013 as required under Section 121 of the Food Act

Enforcement Agency:	
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Part A The information gathered in this section relates to your core functions as a Food Act enforcement agency

Authorised officers

1.	Who has the delegated authority to appoint authorised officers?				
	Council <input type="checkbox"/>	CEO <input type="checkbox"/>	PEHO <input type="checkbox"/>	Other (please specify) <input type="text"/>	
2.	What is the number of full time equivalent (FTE) ¹ Food Act authorised officers?			<input type="text"/>	
3.	What is the number of full time equivalent (FTE) ¹ persons that assist with the discharge of duties of Food Act authorised officers? ²			<input type="text"/>	
4.	What are the qualifications of Food Act authorised officers (please specify the number of authorised officers with the following qualifications) ²				
	Environmental Health degree	<input type="text"/>	Audit competencies	<input type="text"/>	
	Other (number)	<input type="text"/>	(please specify qualifications)	<input type="text"/>	
5.	Has the enforcement agency experienced recruiting difficulties during the reporting period?			Yes	<input type="checkbox"/>
				No	<input type="checkbox"/>

Registration and assessment of food businesses

6.	What is the total number of food businesses in the enforcement agency's jurisdiction ³ ?				<input type="text"/>	
7.	How many onsite assessments ⁴ were conducted during this reporting period?			<input type="text"/>		
8.	What is the number of food businesses by risk rating?					
	High	<input type="text"/>	Medium	<input type="text"/>	Low	<input type="text"/>
	Very low/exempt	<input type="text"/>	Not determined	<input type="text"/>	Other	<input type="text"/>

¹ An authorised officer working in food regulation one day a week is considered to be 0.2FTE.

² The response to this question should be in line with the [guidelines on the appointment of authorised officers](#) issued by the CEO of the Department of Health.

³ Include all food businesses that are registered with the enforcement agency and those exempt from registration (notified only). Do not include temporary and mobile food businesses from other jurisdictions.

⁴ The process of reviewing a food business onsite in order to confirm compliance with the Food Act, *Food Regulations 2009* or the *Australia New Zealand Food Standards Code*.

9.	What is the number of food businesses by principal type of activity?		
Manufacturer/producer		Hotel/motel/guesthouse	
Retailer		Pub/tavern	
Food service		Canteen/kitchen	
Distributor/importer		Hospital/nursing home	
Packer		Childcare centre	
Storage		Home delivery	
Transport		Mobile food operator	
Restaurant/café		Market Stall	
Snack bar/takeaway		Charitable/community organisation	
Caterer		Temporary food premises	
Meals-on-wheels		Primary processor ⁵	
Primary producer ⁵		Unable to extract data	
Not determined			

Compliance and enforcement activities

10.	Does the enforcement agency have a compliance and enforcement policy in place?		Yes	<input type="checkbox"/>
			No	<input type="checkbox"/>
11.	Number of prosecutions		number of successful prosecutions	
12.	Number of seizures taken			
13.	Number of improvement notices served			
	Number: complied with		not complied with	
14.	Number of infringement notices served			
	Number: paid		referred to court	withdrawn
15.	Number of prohibition orders served			
	Number: complied with		not complied with	withdrawn

Regulatory food safety auditing

16.	What is the total number of food businesses captured under Standard 3.3.1?	
17.	In relation to question 16, what is the total number of food safety programs that have been verified ⁶ as of 30 June 2013? ⁷	
18.	In relation to question 17, how many of these businesses have had at least their first regulatory food safety audit as of 30 June 2013? ⁷	
19.	How many regulatory food safety audits have lead to compliance and enforcement action as of 30 June 2013? ⁷	

⁵ Primary producers and processor that are captured under Chapter 4 of the Food Standards Code

⁶ Leading to the setting of priority classification and audit frequency as per Food Act Section 100

⁷ Since commencement of Part 8 of the Food Act on 23 October 2010

Part B

The Food Act has given enforcement agencies greater autonomy to implement food related public health initiatives in addition to their core Food Act functions. This section provides you with the opportunity to share these initiatives and to suggest future policy considerations.

20.	Does the enforcement agency provide food safety education or training?	Yes No	<input type="checkbox"/> <input type="checkbox"/>
If yes please specify:			
21.	Key highlights of the last 12 months In addition to any highlights related to Food Act functions, please provide details of any food safety or nutrition related public health initiatives you have implemented, for example food business recognition programs, projects with subsectors of the community, point of sale nutrition information or surveys you have undertaken.		

Signed declaration by enforcement agency

Enforcement Agency:			
Authorised by enforcement agency Chief Executive Officer:			
Signature:		Date:	

This report should be submitted to the Department of Health by 31 August 2013

Please submit reports by:

Email to: foodunit@health.wa.gov.au

Fax to: (08) 9382 8119

Post to: Food Unit, Environmental Health Directorate, Department of Health,
PO Box 8172, Perth Business Centre WA 6849

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