



Government of **Western Australia**
Department of **Health**

Report on the *Food Act* 2008 (WA)

**A report on the performance of *Food Act 2008* (WA)
regulatory functions for the period 1 July 2013 to 30 June
2016**

Prepared by the Department of Health

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A Message from the Director General

I am pleased to release this report into food regulatory activities in Western Australia during 2013 to 2016.

The Department of Health has strong partnerships with local government and food industry bodies to manage food safety risks. This triennial report provides a snapshot into the essential compliance, monitoring and enforcement activities in place to ensure food safety standards within Western Australia are maintained.

As of 30 June 2016, there were approximately 23 000 food businesses in Western Australia. It is the responsibility of each of these businesses to comply with relevant legislation including the *Food Act 2008 (WA)* (Food Act).



Enforcement of food legislation in Western Australia is the joint responsibility of the Department of Health and local governments. Monitoring of the production and sale of food is an essential public health service, which assists to reduce the risk of foodborne illness.

I would like to take this opportunity to thank the 139 local governments and their Food Act authorised officers who contributed to this report and work with the Department of Health to monitor and enforce food safety standards in Western Australia.

In addition to monitoring and enforcement roles, the Department of Health provides support to the food industry and enforcement agencies to help ensure effective implementation of the food safety legislation. During 2013 to 2016 a number of guidance materials were produced to assist with understanding and meeting the legislative requirements.

At a national level, the Department of Health provided representation on a number of national committees and working groups and contributed a number of submissions to ensure that food legislation and standards are contemporary and implementation is consistent.

The Department of Health also coordinated statewide investigations and fed into national food safety incident responses including a *Salmonella typhimurium* outbreak, hepatitis A contamination in frozen berries and undeclared dairy allergens in coconut milk products.

I look forward to the continuation of Western Australia's high food safety standards over the next three year period, and thank all food businesses and local governments for their individual and combined contributions.

Dr D J Russel-Weisz
Director General
Department of Health Western Australia
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Acknowledgements

The following agencies contributed to this report:

Cities

Albany, Armadale, Bayswater, Belmont, Bunbury, Busselton, Canning, Cockburn, Fremantle, Gosnells, Greater Geraldton, Joondalup, Kalgoorlie-Boulder, Karratha¹, Kwinana, Mandurah, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent 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, Mundaring, Murchison, Murray, Nannup, Narembeen, Narrogin, Ngaanyatjarraku, Northam, Northampton, Nungarin, Peppermint Grove, Perenjori, Pingelly, Plantagenet, Quairading, Ravensthorpe, Roebourne¹, Sandstone, Serpentine-Jarrahdale, Shark Bay, Tammin, Three Springs, Toodyay, Trayning, Upper Gascoyne, Victoria Plains, Wagin, Wandering, 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, Mosman Park, Narrogin, Port Hedland and Victoria Park.

Department of Health

Environmental Health Directorate (Food Unit), Communications Directorate

¹ The Shire of Roebourne was renamed the City of Karratha on 1 July 2014

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Abbreviations, acronyms, initialisms and definitions

Assessment	means the process of reviewing a food business in order to confirm compliance or non-compliance with the Food Act, Food Regulations or the Code
ASQAAC	Australian Shellfish Quality Assurance Advisory Committee
ASQAP	Australian Shellfish Quality Assurance Program
Authorised officer	means a person appointed under Part 10 Division 3 of the Food Act
CEO	chief executive officer
Code	Australia New Zealand Food Standards Code
Enforcement	means the use of regulatory options to achieve compliance
Enforcement agency	the CEO of Department of Health or local government
Food Act	<i>Food Act 2008 (WA)</i>
Food business	means a business, enterprise or activity that involves the handling of food intended for sale or the sale of food
Food Regulations	Food Regulations 2009 (WA)
the Forum	Australia New Zealand Ministerial Forum on Food Regulation
FRA	Food Regulation Agreement
FRSC	Food Regulation Standing Committee
FSANZ	Food Standards Australia New Zealand
FTE	full-time equivalent
ISFR	Implementation Sub-Committee for Food Regulation
LHAAC	Local Health Authorities Analytical Committee
Metropolitan WA	means the North Metropolitan and South Metropolitan health regions
PEHO	principal environmental health officer
Regional WA	means the Goldfields, Great Southern, Kimberley, Midwest, Pilbara, South West and Wheatbelt health regions
WA	Western Australia
WAFMP	WA Food Monitoring Program
WAMFVA	WA Mobile Food Vendors Association
WASQAP	Western Australian Shellfish Quality Assurance Program

Executive summary

Introduction

This report provides an overview of food regulatory activities in Western Australia (WA) during 2013 to 2016. In WA there are 139 *Food Act 2008* (WA) (Food Act) enforcement agencies, consisting of local governments and the Department of Health, that administer the food legislation to approximately 23 000 food businesses. These enforcement agencies report annually to the Department of Health on their functions under the Food Act. This report contains an analysis of the information provided by enforcement agencies over three reporting periods from 1 July 2013 to 30 June 2016.

The Department of Health is the state government agency responsible for administering the Food Act and has a range of roles and responsibilities at a state and national level. This report contains summaries of the activities of the Department of Health over the three years, including enforcement agency functions, statewide activities and representation of WA in the national food regulatory system.

Department of Health Activities 2013 to 2016

Food safety and legislative guidance

The Department of Health works to ensure effective and consistent implementation of the food legislation in WA by supporting stakeholders through the provision of food safety and legislative guidance. Guidance is provided through a variety of means including policies, guidelines, fact sheets, notices, newsletters, workshops, seminars and presentations. During 2013 to 2016 the Department of Health provided guidance on a range of food safety and regulatory matters including food allergen declarations, compliance and enforcement, food recalls, imported food labelling, self-service food displays, primary production and processing standards and outbreak investigations.

Statewide monitoring and surveillance

The Department of Health manages the WA Food Monitoring Program which undertakes statewide surveys with the assistance of local government environmental health officers who conduct sampling and investigation activities. Two programs were delivered to monitor agricultural chemical residue levels in fresh fruit and vegetables, and monitor the microbiological safety of high risk ready-to-eat food.

The WA component for national surveys is coordinated by the Department of Health. The survey data is used to determine general compliance as well as inform new and existing food standards. WA contributed samples and resources for a range of national surveys including the Survey of Cyanogenic Glycosides in Plant-Based Foods (2010-2013), the National Surveillance Program for Genetically Modified Foods (2012-2013), a survey of trans fatty acids (2013; report pending), the 25th Australian Total Diet Study (2013-2014; report pending).

Mandatory notifications to the Department of Health of the detection of prescribed pathogens in food or anything associated with a food business (as required by the Food Regulations 2009 (WA)) are monitored by the Department of Health, liaising with enforcement agencies to ensure action is taken by the food business to mitigate the risk.

Regulation of the food industry by the Department of Health

The Department of Health is the appropriate enforcement agency for dairy primary production, processing and transport businesses; food businesses in Kings Park, Rottnest Island and that are not in a local government district; food businesses in public hospitals that prepare food for

the patients; primary production and manufacturing of bivalve molluscan shellfish businesses, and certain export registered food businesses. The Department of Health's authorised officers carry out a range of compliance monitoring and enforcement activities of these food businesses including food business registrations; desktop and on-site compliance assessments and verifications; sampling; complaint and outbreak investigations, and undertaking enforcement action when required.

National food regulatory system

The Department of Health has a role to provide input into the national food regulatory system, including submissions on applications and proposals to change the Australia New Zealand Food Standards Code (the Code), input into the development of policy guidelines and representation on national committees and working groups.

During 2013 to 2016 the Department of Health made submissions on a range of proposals and applications including for microbiological limits for food, primary production and processing of meat, minimum age labelling for infant foods, health claims, per serving declarations in the nutrition information panel, voluntary addition of vitamin D to breakfast cereals, infant formula and the review of Food Standards Australia New Zealand *Safe Food Australia – A Guide to the Food Safety Standards*.

The Department of Health provided representation on a range of national committees and working groups, including the Food Regulation Standing Committee and the Implementation Subcommittee for Food Regulation.

Legislation, supporting projects and initiatives

To ensure the consistent and effective implementation of the food legislation, the Department of Health undertakes supporting projects and initiatives. A centralised register for 'unique identifiers' of eggs (egg stamps) was developed to assist with the implementation of the newly introduced Standard 4.2.5 of the Code - *Primary Production and Processing Standard for Eggs and Egg Product*. The Department of Health is also undertaking a review of the Food Act and Regulations as required by the Food Act, and is reviewing the WA Regulatory Food Safety Auditing Framework to ensure its effectiveness.

Incident management

Foodborne disease outbreaks and food safety related incidents often span across multiple local government districts, and sometimes across states and territories. In such cases the Department of Health coordinates statewide investigations, and feeds in to national incident responses. A coordinated approach is required to allow for the successful identification, investigation and control of outbreaks and incidents. During 2013 to 2016 the Department of Health investigated a *Salmonella typhimurium* outbreak, hepatitis A contamination in frozen berries and undeclared dairy allergens in coconut milk products.

Performance of food regulatory functions by Food Act enforcement agencies 2013 to 2016

Food Act authorised officers

Food Act authorised officers are appointed by enforcement agencies to carry out certain functions of the Food Act that allow them to determine food businesses' compliance with the food legislation and take enforcement action when evidence of a breach of the food legislation is found. Functions include powers to enter and inspect food premises, taking samples for analysis, seizure of items, and enforcement action including serving improvement notices and infringement notices.

Part 10 of the Food Act allows enforcement agencies to delegate their functions which may assist with efficiency in operation of the enforcement agency by avoiding the need to report to Council. Over the three years there has been little change to the delegation of the authority to appoint authorised officers, indicating that the majority of enforcement agencies have settled on an appropriate delegation for their operations since the Food Act came in to effect.

The data on the number of authorised officers in WA has been represented on a full-time equivalent (FTE) basis. In 2015/16 the number of FTE authorised officers in enforcement agencies ranged from 13 to 0.004. The majority of authorised officers have an environmental health degree (305 in 2015/16) and 41 authorised officers have other qualifications. These numbers have remained relatively consistent over the three years.

Food business registration and assessment

As of 30 June 2016 there were a total of 23 089 food businesses that were registered or notified with their appropriate enforcement agency. A total of 32 139 assessments were conducted of food business in WA. Over the three years there was a steady increase in both the number of food businesses that have registered or notified with enforcement agencies (19 917 in 2013/14 to 23 089 in 2015/16) and the number of assessments (29 264 in 2013/14 to 32 139 in 2015/16).

As of 2015/16 all enforcement agencies had undertaken risk profiling of food businesses within their jurisdiction. Risk profiling of food businesses assists enforcement agencies to determine an appropriate level of monitoring of the food business.

Compliance and enforcement

The Food Act equips authorised officers with a range of enforcement options that can be utilised when evidence of a breach of the food legislation by food businesses has been found. The enforcement tools under the Food Act range in severity and include improvement notices, infringement notices, seizures, prohibition orders and prosecution.

There was an increase in the number of improvement notices served by enforcement agencies in WA from 773 in 2013/14 to 937 in 2014/15 and 977 in 2015/16. A greater number of infringement notices were served in metropolitan WA compared to regional WA, which is likely to be due to the larger number of food businesses within that area. There was an increase in the number of infringement notices served in the South and North Metropolitan, and South West regions over the three years. There has been little change in the number of prohibition orders served over the three years.

A larger number of seizures under the Food Act were conducted in metropolitan WA where there are a greater number of food businesses (9 in metropolitan WA compared to 4 in regional WA in 2015/16). There was a decrease in the number of prosecutions instigated from 32 in 2013/14 to 20 in 2014/15, and 21 instigated in 2015/16.

Regulatory food safety auditing

Food businesses that provide food service to vulnerable persons are required to comply with Standard 3.3.1 of the Code – *Food Safety Programs for Food Service to Vulnerable Persons*. Standard 3.3.1 requires these food businesses to implement a documented food safety program. Enforcement agencies are required to verify that the food safety program meets the requirements of Standard 3.3.1, and once verified the food business must commence regulatory food safety audits. Between 2013/14 and 2014/15 there was an increase in the percentage of food businesses that had their food safety programs verified (69 per cent to 73 per cent) and food businesses that have had a regulatory food safety audit (58 per cent to 65 per cent).

Food safety education and training

The data shows that 72 per cent of enforcement agencies provided food safety education and training in regional WA in 2015/16. This is an increase compared to 2014/15 where 56 per cent of enforcement agencies provided food safety and education training. 88 per cent of enforcement agencies within metropolitan WA provided food safety education and training in 2015/16. This has remained relatively stable since 2013/14.

Different forms of food safety education and training are provided by enforcement agencies. Online training has by far become the most popular form of food safety education and training provided by enforcement agencies. 97 enforcement agencies offered online training in 2015/16 compared to 56 enforcement agencies in 2013/14.

Conclusion

This report contains a summary of the activities of the Department of Health Food Unit and an analysis of information provided by enforcement agencies on their food regulatory functions from 2013/14 to 2015/16. The information provided in this report will assist the Department of Health Food Unit to form its strategic direction for the coming years.

To fulfil the requirements of the Food Act, data will continue to be collected from WA enforcement agencies on an annual basis. The next Food Act report will be released by the end of 2018/19.

1. Introduction

1.1 About this report

This report provides an overview of the food regulatory activities in Western Australia (WA) during 2013 to 2016. In WA 139 enforcement agencies administer the food legislation to approximately 23 000 food businesses. These enforcement agencies are asked to report annually to the Department of Health on their functions under the *Food Act 2008* (WA) (Food Act). Information was requested on the following:

- Food Act authorised officers
- food business registration and assessment
- compliance and enforcement
- regulatory food safety auditing
- food safety education and training.

This report contains an analysis of the above information over three reporting years from 2013/14 to 2015/16, providing insight into the implementation of the food legislation in WA.

The Department of Health is the state government agency responsible for administering the Food Act and has a range of roles and responsibilities at a state and national level. This report contains summaries of the activities of the Department of Health over the three years, including enforcement agency functions, statewide activities and representation of WA in the national food regulatory system.

1.2 The food regulatory system

Australia and New Zealand have a bi-national food regulatory system, underpinned by two agreements:

1. the Agreement Between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System
2. the Food Regulation Agreement (FRA).

The food regulatory system aims are to:

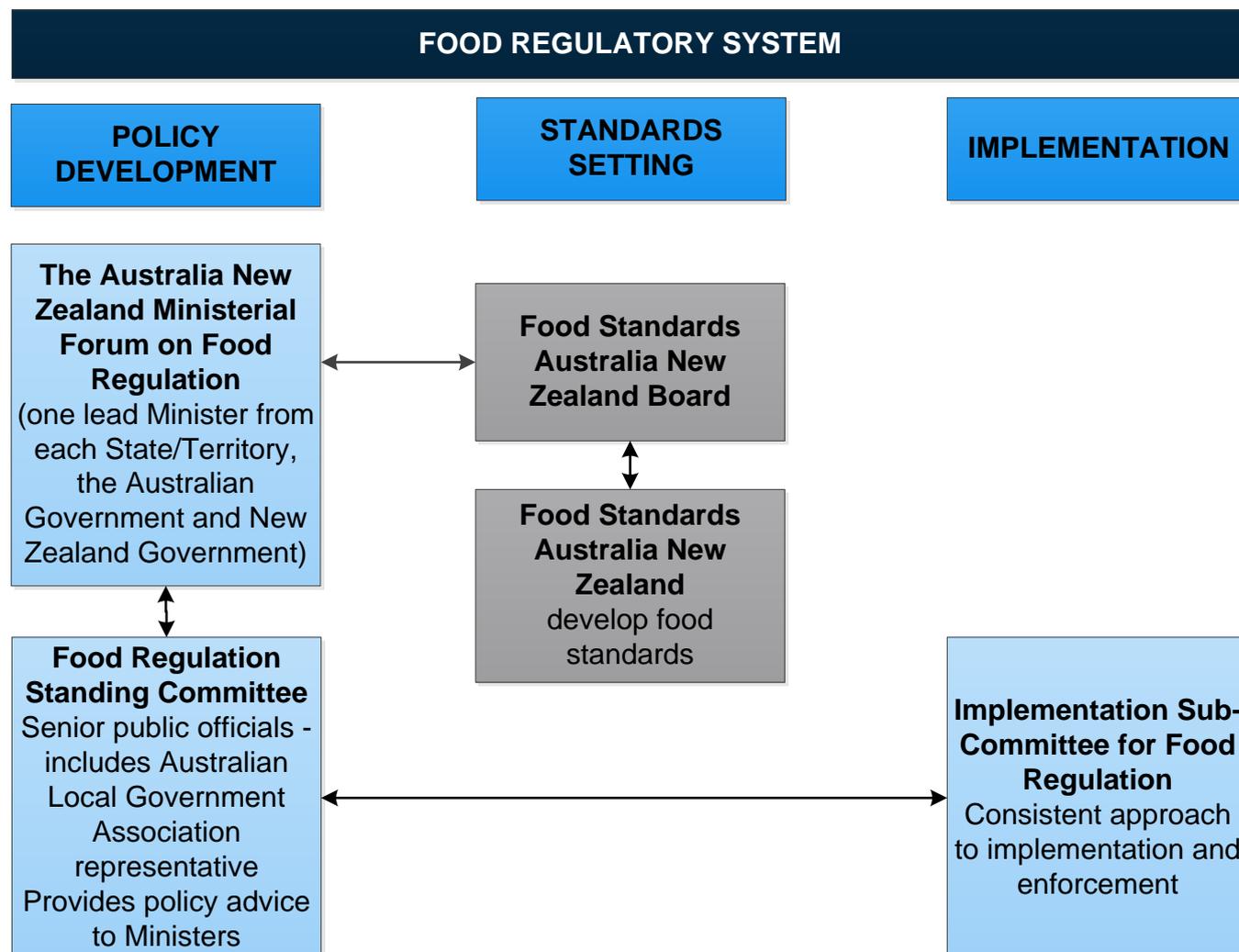
- protect the health and safety of consumers by reducing food-related risks
- help consumers make informed choices about food by making sure they have information they need and are not misled
- support public health by promoting healthy food choices; maintaining and enhancing the nutritional qualities of food and responding to specific public health concerns
- support a strong, sustainable food industry that offers a diverse, affordable food supply that also benefits the Australian and New Zealand economies.

The FRA is an inter-governmental agreement to establish a national approach to food regulation in Australia. One of the requirements of the FRA is for states and territories to have legislation in force based on the Model Food Provisions, which adopts the Australia New Zealand Food Standards Code (the Code). In WA the Food Act and Food Regulations 2009 (WA) (the Food Regulations) have been in operation since 2009.

Food standards are developed by Food Standards Australia New Zealand (FSANZ), which can be accepted, amended or rejected by the Australia New Zealand Ministerial Forum on Food Regulation (the Forum). The Forum consists of Ministers from each state and territory and the Australian and New Zealand Governments. The WA representative of the Forum is the Minister for Health. The Forum is supported by the Food Regulation Standing Committee (FRSC) which provides policy advice to the Forum, and the Implementation Sub-Committee for Food

Regulation (ISFR) ensures a consistent approach to implementation and enforcement of the Standards. WA representatives of these committees are the Department of Health’s Executive Director Environmental Health (for FRSC) and the Manager Food Unit (for ISFR).

The food regulatory system



1.3 Roles and responsibilities

It is the responsibility of food businesses to comply with the food legislation, whilst the Department of Health and local governments have responsibility for enforcing the food legislation in WA.

Under the Food Regulations local government is the appropriate enforcement agency for food businesses within their district. The Department of Health is the appropriate enforcement agency for food businesses that are:

- conducted at public hospitals and prepare food for patients
- dairy primary producers, transporters or processors
- primary producers or processors of bivalve molluscs
- not within a local government district
- conducted at premises on Rottnest Island or in Kings Park.

Further detail of enforcement agency activities during 2013 to 2016 is provided in section 3 of this report.

As the state government agency responsible for administering the food legislation, the Department of Health has a wide range of roles within the food safety system across all levels of government (national, state and local government). Nationally the Department of Health supports the Minister for Health, the WA representative of the Forum, participates on national committees and working groups, and prepares written submissions on proposals to change the food legislation.

The Department of Health promotes consistent implementation of the food legislation in WA by providing support to enforcement agencies and the food industry through the development of statewide policies, guidelines, guidance documents, workshops, seminars and presentations. The Department of Health coordinates statewide food safety activities such as food recalls, cross-jurisdictional food safety incident and outbreak investigations and statewide food safety monitoring. Further detail of the Department of Health's activities during 2013 to 2016 is in section 2 of this report.

2. Department of Health Activities 2013 to 2016

2.1 Food safety and legislative guidance

As the state government agency responsible for administering the Food Act, the Department of Health has a role to provide guidance on food safety and food regulatory matters to stakeholders including enforcement agencies, food businesses and the general public. Guidance includes guidance documents (such as fact sheets, newsletters, notices and policies), workshops, seminars and presentations.

Guidance documents

Food allergen declaration resources

Food allergen declaration resources were produced in response to requests from stakeholders for guidance and resources on food allergen management. Sensitised individuals rely on allergen declaration information provided to make decisions on what food is safe for them to purchase and eat. There is an increased prevalence of food allergy in Australia and it is becoming increasingly important to provide up to date information and resources in this area. The allergen management resources were developed to provide information on the allergen declaration requirements of the Code for food businesses and enforcement agencies and to present a practical and consistent compliance and enforcement approach. The resources include:

- *Guideline for Allergen Declarations by Food Businesses*
- *Tool for Local Government: Understanding Allergen Declarations*
- *Authorised Officer Allergen Declaration Checklist*
- *Food Allergen Declarations Information for Food Businesses*
- *Food Allergy: Creating Safer Food Choices.*

The resources can be viewed on the [Department of Health website](#)².

Updated compliance and enforcement policy and compliance and enforcement guideline for enforcement agencies

The Department of Health reviewed and updated the *Department of Health Compliance and Enforcement Policy* (the Policy), and the *Compliance and Enforcement Guideline for Enforcement Agencies* (the Guideline). The Policy, which details the approach taken by the Department of Health for compliance and enforcement of the food legislation, is based on the *Australian and New Zealand Food Regulation Enforcement Guideline* and is subject to regular reviews. Enforcement agencies are encouraged to use the documents as a framework to develop their own Food Act compliance and enforcement policy.

The Policy and Guideline can be viewed on the [Department of Health website](#)³.

Food recall fact sheet

The food recall fact sheet was developed to provide guidance to enforcement agencies and food businesses on determining the suitability of conducting a food recall. The fact sheet outlines the process of conducting a food recall and also captures issues such as determining

² http://ww2.health.wa.gov.au/Articles/F_I/Food-allergen-declarations

³ http://ww2.health.wa.gov.au/Articles/A_E/Compliance-and-enforcement-of-food-legislation-in-WA

the type and level of a food recall, outlining roles and responsibilities and stating the key points that need to be considered when conducting a food recall.

The food recall fact sheet can be viewed on the [Department of Health website](#)⁴.

Imported food labelling fact sheet

The imported food labelling fact sheet provides guidance on food labelling requirements for food importers. It outlines the food labelling requirements of the Code and is designed to help food importers ensure that imported food complies with food legislative requirements in Australia. The fact sheet is available for enforcement agencies to provide to food importers within their jurisdictions.

The imported food labelling fact sheet can be viewed on the [Department of Health website](#)⁵.

Guidance on the primary production and processing standards for eggs, poultry and sprouts

A fact sheet was developed in response to enquiries from enforcement agencies and the egg industry relating to Standard 4.2.5 of the Code - *Primary Production and Processing Standard for Eggs and Egg Products*, and in particular the requirement for individual eggs to be stamped. The fact sheet is designed to assist the egg industry and enforcement agencies with interpretation and implementation of Standard 4.2.5 and provides guidance on the centralised register of 'unique identifiers' (egg stamps) that is managed by the Department of Health.

The fact sheet can be viewed on the [Department of Health website](#)⁶.

Another fact sheet was developed to provide guidance and assistance to food businesses and enforcement agencies on:

- Standard 4.2.2 *Primary Production and Processing Standard for Poultry Meat*
- Standard 4.2.5 *Primary Production and Processing Standard for Eggs and Egg Products*
- Standard 4.2.6 *Production and Processing Standard for Seed Sprouts*.

The fact sheet can be viewed on the [Department of Health website](#)⁷.

Food for Thought newsletters

Food for Thought is a newsletter for authorised officers covering topical food safety and legislative matters and the current work priorities of the Department of Health Food Unit. The newsletter aims to support authorised officers in carrying-out their role with articles on:

- legislative updates
- response to frequently asked questions from authorised officers
- guidance on the interpretation and application of the legislation
- new and emerging trends in food safety
- case studies of effective incident investigation and response, and compliance and enforcement action

⁴ http://ww2.health.wa.gov.au/Articles/F_I/Food-recalls

⁵ http://ww2.health.wa.gov.au/Articles/F_I/Food-labelling-for-food-importers

⁶ http://ww2.health.wa.gov.au/Articles/S_T/Standard-4,-d-,2,-d-,5-Primary-production-and-processing-standard-for-eggs-and-egg-product

⁷ http://ww2.health.wa.gov.au/Articles/N_R/Primary-production-and-processing-standard-for-eggs-poultry-and-sprouts

- Department of Health projects and initiatives
- raising awareness of Department of Health guidance documents for stakeholders.

The newsletters can be viewed on the [Department of Health website](#)⁸.

Self-service food display fact sheet

The self-service food display fact sheet was developed following a number of enquiries regarding the interpretation and application of the food legislation in relation to self-service food displays. Development and implementation of new market concepts in relation to self-service food displays, driven predominately by the larger supermarket chains, has seen a trend towards “naked foods”. These are foods for sale in non-traditional display units, such as a loaf of bread for sale unwrapped, or loose olives available for self-service in display units without a traditional sneeze guard. The fact sheet is designed to provide guidance to enforcement agencies when determining the suitability of such self-service display units.

The fact sheet can be viewed on the [Department of Health website](#)⁹.

Workshops, seminars and presentations

Outbreak investigation presentation at Curtin University

The Department of Health delivers an annual presentation on foodborne disease outbreak investigations to Curtin University third year students undertaking the Food Safety Management unit. The presentation included information on differentiating between sporadic cases and outbreaks, reviewing the outbreak investigation procedure, identifying roles and responsibilities of different government agencies followed by reviewing different case studies.

Environmental Health Australia Conference presentation on the outcomes of an investigation of a Salmonella outbreak associated with poultry meat

A presentation was delivered at the National Environmental Health Australia Conference in September 2013 on the outcomes of an investigation of a *Salmonella typhimurium* outbreak associated with poultry meat consumption in WA. The presentation also highlighted how the primary production and processing standards of the Code can be applied.

WA Health Conference presentation on monitoring environmental health standards and analysis of risk management in WA’s shellfish and poultry industries

The Department of Health delivered a presentation entitled – ‘monitoring environmental health standards through the food supply chain – an analysis of how risks are managed in WA’s shellfish and poultry industries’. This presentation was designed to give health practitioners an understanding of aspects of the food industry work and the work done by regulators in relation to food safety risk management.

Presentation on the Food Standards Code Standard 1.2.7 – Nutrition, Health and Related Claims

A presentation was conducted on Standard 1.2.7 of the Code – *Nutrition, Health and Related Claims* to industry and local government representatives at the ChemCentre, as well as industry representatives at a function organised by the Australian Institute of Food Science and Technology at Brownes Dairy. The presentation included information on the Transitional Health Claims Standard 1.1A2, an overview of Standard 1.2.7 and implementation issues including the

⁸ http://ww2.health.wa.gov.au/Articles/F_I/Food-regulation-in-WA

⁹ http://ww2.health.wa.gov.au/Articles/S_T/Self-service-food-displays

role of the ISFR in developing guidance documents for use by industry and enforcement agencies.

“Back to Basics” course for Food Act authorised officers

The Department of Health delivered a “Back to Basics” course for Food Act authorised officers in November 2014 as part of Australian Food Safety Week. The course was designed to give an overview of food safety management and food regulation in WA. A series of presentations were delivered by officers from the Department of Health Food Unit and OzFoodNet, including:

- the food regulatory system
- food legislation compliance and enforcement
- labelling
- food recall
- manufacturing food
- pathogens
- food safety standards
- outbreak investigation.

Feedback was positive with attendees rating the course as highly relevant, and 97 per cent would recommend the course to others.

Environmental Health WA State Conference – “Challenges and Opportunities of Communicating Allergen Information” presentation

The 68th 2014 Environmental Health WA State Conference was held in Perth in October 2014. A presentation provided by the Department of Health covered challenges and opportunities of communicating allergen information and provided a platform for the launch of a suite of communicating allergen information resources. Provision and dissemination of this information contributes to the key role of the Department of Health of protecting public health, as rigorous allergen declarations is an essential risk management for food allergic individuals.

Precautionary allergen labelling roundtable

The Department of Health has a role to provide input and leadership on issues of major public health significance such as risk management of food allergy. Within this role, the Department of Health participated in a national consultation on the future direction of precautionary allergen labelling (PAL) held at the Royal Children’s Hospital, Melbourne on 14 November 2014. This roundtable brought together a diverse range of sectors including medicine, industry, government, research and the community. This consultation commenced a national dialogue on this important labelling issue and provided the opportunity to share current knowledge, discuss strengths and weaknesses of current PAL approach, and identify opportunities for the application of the PAL and research priorities for the future.

Communicating allergen information

The communicating allergen information resources were developed to provide information on allergen declaration requirements for food businesses and enforcement agencies. Dissemination of the new resources included advice to key stakeholders including the Australasian Society of Clinical Immunology and Allergy, Allergy and Anaphylaxis Australia, the Environmental Health Association and the Allergen Bureau. The resources were launched during a presentation at the 68th Environmental Health WA State Conference in October 2014 along with a presentation to the Australian Institute of Food Science and Technology Allergen Workshop in April 2015. Further communication of the new resources also occurred at the 23rd Canteen Conference and Health Choice Food Expo in July 2015.

Central Wheatbelt Health and Building Group meeting

The Department of Health attended the Central Wheatbelt Health and Building Group meeting in York on 27 March 2015. Topics discussed included recent food safety initiatives and incidents as well as the review of the Food Act and WA Regulatory Food Safety Auditing Framework.

Saudi Food and Drug Authority presentation

The Department of Health was invited by the Australian College of Training to present information to a delegation of colleagues from the Saudi Food and Drug Authority. The presentation provided the opportunity for representatives to share innovations in each country. The presentation was well received and feedback was provided stating, "They appreciated the briefing on your organisation's operations."

Raise awareness of food safety, nutrition and food regulation topics during Australian Food Safety Week 2015

The theme of Australian Food Safety Week 2015 (9 – 13 November 2015) was "did you know?" (busting the food safety myths). During this week, the Department of Health organised a number of events including seminars for Food Act authorised officers, food industry and public health groups across the State. The seminars covered a diverse range of topics including labelling, foodborne disease outbreaks and the review of the Food Act. The seminars on labelling were presented by a FSANZ expert and were well received by all delegates. The Department of Health also partnered with the WA School Canteen Association (WASCA) and promoted food safety and hygiene through the WASCA website and 'CanTeam', the official publication of the WASCA on food safety myths and facts.

Central Wheatbelt Region Health and Building Group Symposium

On the 13 November 2015, two officers from the Department of Health were invited to attend the Central Wheatbelt Region Health and Building Group Symposium which was held at the Shire of Toodyay council chambers. During this session, updates on the review of the Food Act and the WA Regulatory Food Safety Auditing Framework were provided.

2.2 Statewide monitoring and surveillance

Notification of isolation of pathogens

The isolation of a prescribed pathogen (*Salmonella* species, *Listeria monocytogenes*, *Shigella* species and verotoxigenic *E.coli*) by a laboratory is subject to mandatory notification requirements under Part 4 of the Food Regulations. The proprietor of a food business and the person in charge of a laboratory is required to notify the Department of Health when a pathogen is isolated or is suspected to have been isolated from a food, person, premises, vehicle or anything else associated with the food business.

The Department of Health notifies the appropriate enforcement agency of an isolation or suspected isolation of pathogen, and either the Department of Health or the enforcement agency will contact the food business to make sure that measures are taken by the food business to manage the potential risks.

The following table summarises the total number of notifiable pathogens that the Department of Health has been notified of between December 2015 and June 2016.

Reported pathogen	Number of reported pathogens
<i>Listeria monocytogenes</i>	24
<i>Salmonella</i> species	39
<i>Shigella</i> species	0
Verotoxigenic <i>E. coli</i>	0

Coordinated WA food surveys

The Department of Health manages the WA Food Monitoring Program (WAFMP) which was established in 1990 by the WA Cabinet as an ongoing and proactive public health measure in WA. Food surveys coordinated under the WAFMP are conducted statewide with the assistance of local government environmental health officers who conduct sampling and investigation activities. As part of routine surveillance activities under the WAFMP the following two programs were delivered.

1. Monitoring agricultural chemical residue levels in fresh fruit and vegetables

Surveys were conducted during 2013 and 2015 to monitor the level and current use of pesticides in local and imported fresh fruit and vegetables sold from WA food businesses. The results were used to inform food businesses and the relevant enforcement agencies where test results indicate the presence of pesticide levels that are not permitted and to identify the presence of agricultural chemicals that are not approved for use.

Agricultural chemicals are used in food production to control insect pests, fungal diseases and weeds. Whilst the use of these chemicals can control pests and diseases, they should also be safe for people and the environment. With over 10 000 agricultural and veterinary products registered for use in Australia, managing the safe use of these chemicals and the sale of safe and suitable food involves a number of different government agencies and legislation.

This program is particularly important as it allows the Department of Health to work with industry bodies and local governments to ensure the provision of safe fruit and vegetables for our consumers. It also provides the opportunity to educate growers and businesses to ensure that food safety risks are being managed.

Between 2009 and 2015, 108 693 tests for more than 70 different chemicals were carried out on 1241 samples. Of the samples tested, 91.8 per cent were compliant with the maximum residue limits set under the Code reporting minimal food safety risk from agricultural chemical residues on our local produce. Where non-compliant samples were found, further investigation was conducted by local government environmental health officers and the relevant food businesses and growers were informed, enabling them to address the issue.

A copy of the report published in February 2016 can be found on the [Department of Health website \(PDF 754 KB\)](#)¹⁰.

2. Monitoring microbiological safety of high risk ready-to-eat food

Surveys were conducted in 2013 and 2015 to monitor the microbiological safety of a range of high risk ready-to-eat food prepared by various food businesses including aged care and child

¹⁰ http://ww2.health.wa.gov.au/~/_/media/Files/Corporate/general%20documents/food/PDF/Monitoring-agricultural-chemical-residue-levels-updated18Feb.ashx

care community services. The results were used to identify areas of food safety risk and to work with food businesses to improve food safety controls and practices.

Foodborne illness is mainly caused by eating food contaminated by bacteria in the environment or by infected food handlers. As ready-to-eat foods are not expected to undergo further cooking or processing prior to consumption these foods are considered potentially hazardous, particularly where the food can become contaminated by pathogenic microorganisms and consumed by the elderly, young children, pregnant women and people with weakened immune systems.

Between 2011 and 2015, 2274 food samples were analysed for the presence of various microorganisms. The food commodities tested included sushi and rice paper rolls, bakery products containing custard or meat, sliced deli meats, pre-packaged cheese, pre-packaged sandwiches and food served at aged care and child care community services.

Results of the surveys found that overall, 93.3 per cent of samples were free from microorganisms such as *L. monocytogenes*, *Salmonella*, *E. coli*, *Bacillus cereus*, *Clostridium perfringens* and Coagulase-positive staphylococci. All food samples tested from aged care and child care services were free from *L. monocytogenes*. These results showed that in nearly all cases food handling controls by food businesses were able to prevent microbial contamination of food. Where detection was found, further investigation was carried out by environmental health officers to determine the cause of contamination.

These surveys are an essential component of the monitoring program as it provides for regular surveillance of food businesses' food handling controls and practices to prevent microbial contamination of food. It also provides local governments the opportunity to work together with food handlers to educate and improve consumer safety.

Coordinated and participated in the WA component for national surveys

The Department of Health participated in national and bi-national monitoring and research programs often coordinated by FSANZ or other government public health agencies. The survey data is used to determine general compliance as well as inform new and existing food standards. WA contributed samples and resources for a range of national surveys including, the Survey of Cyanogenic Glycosides in Plant-Based Foods (2010-2013), the National Surveillance Program for Genetically Modified Foods (2012-2013), a survey of trans fatty acids (2013; report pending), the 25th Australian Total Diet Study (2013-2014; report pending). A copy of the completed survey reports can be found on the [FSANZ website](#)¹¹ and the [NSW Food Authority website \(PDF 283 KB\)](#)¹²

Local Health Authorities Analytical Committee

The Local Health Authorities Analytical Committee (LHAAC) is a state committee responsible for formulating and operating a scheme for the provision of analytical services for use by local governments in WA. LHAAC formulate and operate a food sampling program for use by all local governments in WA. The LHAAC membership consists of representatives from local government authorities and the WA Local Government Association. The Department of Health does not have membership but attends LHAAC meetings to provide updates, information and advice regarding state and national food monitoring and surveillance activities.

¹¹ <http://www.foodstandards.gov.au/publications/Pages/Report-on-survey-of-cyanogenic-glycosides-in-plant-based-foods.aspx>

¹² http://www.foodauthority.nsw.gov.au/_Documents/scienceandtechnical/national_surveillance_program_for_gm_foods.pdf

2.3 Regulation of the food industry by the Department of Health

Dairy primary production, processing and transport businesses

The Department of Health is the appropriate enforcement agency for dairy primary production, processing and transport businesses. The Department of Health conducts food safety assessments of these food businesses to determine compliance with the food legislation. These food businesses are required to comply with Standard 4.2.4 of the Code – *Primary Production and Processing Standard for Dairy Products*. This Standard requires the implementation of a documented food safety program. The Department of Health has a role to verify that these food safety programs meet the requirements of Standard 4.2.4 before they can commence regulatory food safety audits.

Food businesses in Kings Park, Rottnest Island and not in a district

Under the Food Regulations, the Department of Health is the appropriate enforcement agency for food businesses not within a local government district, and food businesses conducted at premises on Rottnest Island and in Kings Park. As the enforcement agency, the Department of Health conducts routine food safety assessments of these food businesses to determine compliance with the food legislation. The following table shows the total number of food businesses that are not within a district, on Rottnest Island and in Kings Park and also the total number of food safety assessments conducted.

Year	Number of food businesses not within a district, on Rottnest Island and in Kings Park	Number of food safety assessments conducted
2013/14	31	37
2014/15	24	14
2015/16	25	31

In 2014/15, there was a decrease in the number of food businesses not within a district due to the City of Joondalup altering their boundaries to incorporate food businesses that were originally not within a district. This change is also reflected in the number of food safety assessments that were conducted during that period.

Public hospitals

The Department of Health is the appropriate enforcement agency for food businesses that prepare food for patients in public hospitals. In 2015/16 there were 82 public hospitals within WA that fall under the jurisdiction of the Department of Health. Under the provisions of the Food Act, food businesses that serve food to vulnerable persons (including hospitals, child care centres and aged care facilities) are required to implement a documented food safety program which has to be audited by an approved regulatory food safety auditor.

Meat controlling authority

Under Regulation 19 of the Food Regulations the Department of Health is the Controlling Authority for meat processing premises. These businesses are required to implement an auditable system of controls and procedures called an approved arrangement to comply with the below standards as adopted by the Food Act:

- *The Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696)*
- *The Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption (AS 4466)*

- *The Australian Standard for the Hygienic Production of Ratite (Emu/ Ostrich) Meat for Human Consumption (AS 5010)*
- *The Australian Standard for Hygienic Production of Crocodile Meat for Human Consumption (AS 4467)*
- *The Australian Standard for Hygienic Production of Wild Game Meat for Human Consumption (AS 4464)*
- *The Australian Standard for Construction of Premises and Hygienic Production of Poultry Meat for Human Consumption (AS 4465)*
- *The Australian Standard for the Hygienic Production of Natural Casings for Human Consumption (AS 5011)*
- *The Australian Standard for the Hygienic Rendering of Animal Products (AS 5008).*

As the Controlling Authority, the Department of Health performs an initial verification of the approved arrangement to determine compliance with the requirements of the relevant Australian Standard. Routine audits are then conducted of the food business to determine compliance with the Australian Standard. The following table gives the number of meat food businesses and audits conducted by the Department of Health between 2013 and 2016.

Year	Number of meat food businesses	Number of audits conducted
2013/14	116	220
2014/15	112	137
2015/16	128	139

Export activities

Under the Food Regulations, local government is the appropriate enforcement agency for poultry, red meat, as well as those businesses engaged in fish handling and processing, fishing vessels and eggs. In some cases these food businesses are involved in undertaking exporting of their food products (prescribed goods) to other countries. An agreement via a letter of exchange has been signed between the Department of Health and the Commonwealth Department of Agriculture and Water Resources. The letter confirms service delivery arrangements in relation to certain export registered establishments. The Letter of Exchange also extends to dairy processing and dairy stores, for which the Department of Health is the appropriate enforcement agency.

A Food Act Regulatory Guideline has been adopted to outline the Department of Health’s position to enforcement agencies and food businesses in relation to Section 8 (appropriate enforcement agency) of the Food Act in regards to export activities, and the delivery arrangements agreed under the Letter of Exchange. The Regulatory Guideline can be viewed on the [Department of Health website \(PDF 19 KB\)](#)¹³.

The Department of Health is the appropriate enforcement agency for red meat Tier 1 food businesses of which there are five (as of 30 June 2016 four were active and one suspended). The Department of Health conducts routine audits of these businesses twice a year, with additional audits in the event of complaints or overseas listings.

There are three shellfish growing areas that are export listed. The Department of Health performs assessments of these areas.

¹³

<http://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/food/PDF/FoodAct2008RegulatoryGuideline4ExportActivities.ashx>

Bi-valve molluscan shellfish

Under the Food Regulations the Department of Health is the appropriate enforcement agency for food businesses that are engaged in the primary production or manufacturing of bivalve molluscan shellfish molluscs, for example oysters, mussels, pipis, clams.

The Department of Health has adopted an internationally accepted program for the reduction of food safety risks for shellfish consumption, the Australian Shellfish Quality Assurance Program (ASQAP). The Department of Health implements the principles and guidelines established under the ASQAP via various legislative instruments such as the Western Australian Shellfish Quality Assurance Program (WASQAP) Operations Manual and the Food Act. The ASQAP ensures that shellfish for human consumption are only harvested from waters that are free of harmful contaminants. This is achieved with intensive microbiological, phytoplankton, chemical and biotoxin testing programs specific to each food business. Additionally, the Department of Health as the Shellfish Controlling Authority regularly reviews these results and produces annual reviews and triennial reports for each growing area.

Triennial reports and annual reviews of shellfish harvesting areas

The Department of Health has responsibility for overseeing the WASQAP. This involves undertaking comprehensive sanitary surveys of all commercial shellfish harvesting areas. The identification of potential pollution sources and subsequent risk assessment into the likely impacts to the quality of the shellfish is critical to ensuring the most appropriate classification is applied.

A correctly classified harvest area considers a range of human activities, including discharges of untreated or poorly treated human waste, direct discharges of industrial wastes and runoff from urban and agricultural areas this is particularly important given bivalve molluscs are filter feeders, extracting phytoplankton, bacteria and suspended organic and inorganic particles from the surrounding water as their food supply. Therefore harvesting areas are continually assessed and monitored to ensure the shellfish are safe to eat.

Annual reviews and triennial reports take into account findings of sanitary surveys and are conducted regularly to assess the dynamic level of risks associated with shellfish harvesting in WA. The triennial reports are completed every three years and the harvesting areas are classified annually and confirmed in the annual reviews for each growing area.

Biotoxin risk assessment for WA

Following the biotoxin contamination of Tasmanian shellfish in 2012 and the subsequent Safefish Review, the Department of Health, in conjunction with Curtin University Centre of Excellence for Science, Seafood and Health, conducted a cross sector risk assessment relating to biotoxins in WA seafood.

The Department of Health also commissioned the Curtin University Centre of Excellence for Science, Seafood and Health to review the Tasmanian paralytic shellfish toxin event and SafeFish recommendations to determine an interim risk management approach for WA.

The report concluded that there is a low putative biotoxin risk in WA's commercially harvested areas, however the report acknowledged that there was insufficient biotoxin data to inform a detailed risk analysis (as the report was based primarily on the analysis of phytoplankton data).

During 2015/16 the Department of Health initiated a further biotoxin study in collaboration with the shellfish industry that involved routine monitoring for biotoxins in mussels and oysters. During this survey biotoxins were detected but only on one occasion was a biotoxin (Diarrhetic Shellfish Poisoning) observed which was found to be on the regulatory limit specified in Standard 1.4.1 of the Code - *Contaminants and Natural Toxicants*.

The survey concluded that there must be routine monthly testing for biotoxins in commercial bivalve mollusc (for example oyster and mussel) harvesting areas. At the time the frequency for biotoxin testing in shellfish was not prescribed unless the phytoplankton levels were above threshold levels. The results of this survey coincided with the release of the updated ASQAP that also specified that biotoxin testing must be undertaken at a minimum of monthly intervals. Additionally, the survey enabled the current Marine Biotoxin Monitoring and Management Plan to be reviewed and updated accordingly.

2.4 National food regulatory system

The Department of Health has a role to provide input into the national food regulatory system, including submissions on applications and proposals to change the Code, input into the development of policy guidelines and representation on national committees and working groups.

Submissions

From 1 July 2013 to 30 June 2016, the Department of Health made a number of submissions, including on the following:

- Regulation of caffeine in foods
- Proposal P1017 – Criteria for *Listeria monocytogenes* – Microbiological Limits for Food
- Primary production and processing of meat
- Proposal P274 – Review of minimum age labelling of foods for infants
- Raw milk
- Proposal P1030 – Health Claims – Formulated Supplementary Sports Foods and Electrolyte Drinks
- Labelling Review Recommendation 17: Per serving declarations in the nutrition information panel
- Application A1090 – Voluntary addition of vitamin D to breakfast cereals
- Review of FSANZ *Safe Food Australia – A Guide to the Food Safety Standards*
- Proposal P1028 - Infant Formula.

Committees and working-groups

From 1 July 2013 to 30 June 2016, the Department of Health provided representation on the following national committees and working groups:

Food Regulation Standing Committee

FRSC provides advice on food policy to the Forum. FRSC membership includes senior officials of relevant government Departments from Australian states and territories, the Australian and New Zealand governments and the Australian Local Government Association. The Department of Health Executive Director Environmental Health represents WA on this committee.

In addition the Department of Health provided representation on the following FRSC working groups and committees:

FRSC Primary Production and Processing Working Group

Examines food safety regulatory options for the primary production sector, particularly for horticulture.

Advisory Committee on Novel Food

A national committee made up of state and territory representatives that provides recommendations in response to enquiries about whether particular foods meet the definition of

'non-traditional food' in Standard 1.5.1 of the Code - *Novel foods*, and whether or not an assessment of public health and safety is required. The committee convenes once a month and assesses approximately three to five new food items, making a decision in relation to the novelty status of the food.

Implementation Subcommittee for Food Regulation

ISFR is a sub-committee of FRSC to ensure a consistent approach to implementation and enforcement of the food standards. ISFR members include the Australian Government, New Zealand and Australian state and territory senior officials responsible for food regulation and the Australian Local Government Association. The Department of Health Manager Food Unit represents WA on this committee and has also been the ISFR Deputy Chair since 2006.

In addition the Department of Health provided representation on the following ISFR working groups and committees:

ISFR Surveillance and Monitoring Working Group

A national surveillance group that is represented by all Australian states and territories and New Zealand to develop and implement agreed national survey priorities to provide recommendations on developing policy for consistent implementation and enforcement of the food standards.

ISFR Food-Medicine Interface Working Group

Interprets the application of the food legislation to products that are either not considered therapeutic products by the Therapeutic Goods Administration, and/or are food products that contain a therapeutic substance. The working-group convenes on an ad-hoc basis when an assessment of a product is required.

ISFR Nutrition, Health and Related Claims Working Group

Standard 1.2.7 of the Code - *Nutrition, Health and Related Claims* was gazetted on 18 January 2013. All food businesses in Australia and New Zealand must comply with Standard 1.2.7 when making nutrition content and health claims on food labels, in advertisements and in endorsements from 18 January 2016.

ISFR established a Nutrition and Health Claims Implementation Working Group with the aim of developing a framework for the consistent implementation and enforcement of Standard 1.2.7, in consultation with an industry reference group and supported by consistent communication.

The activities and deliverables of that working group were divided into three stages of work:

- Stage 1 – development of industry guidance documentation
- Stage 2 – development of implementation and compliance guidance material
- Stage 3 – development of a monitoring and review framework for implementation of Standard 1.2.7.

Stages 1 and 2 have been completed by the working group with stage 3 currently in progress. The aims of Stage 3 are to consider the effectiveness of the implementation of Standard 1.2.7 through:

- Monitoring industry compliance and understanding of Standard 1.2.7:
 - Review industry guidance material
 - Assess compliance understanding and awareness of small to medium enterprises
 - Assess compliance against Standard 1.2.7 through industry surveys and complaints data.
- Monitoring effectiveness of outcomes and consistency of implementation of Standard 1.2.7 by jurisdictions:
 - Review implementation and compliance guidance material for industry and regulators

- Regularly review the ongoing activities of the working group and their benefit in achieving its aims.

ISFR Food Safety Management Working Group

Foodborne illness outbreaks in the food service and related retail sectors (for example restaurants, takeaways, bakeries, commercial caterers) account for just under two-thirds of all reported foodborne illness outbreaks in Australia. The absence of a national risk-based food safety management strategy in these sectors is seen as a key contributor to the continued outbreaks.

The ISFR Food Safety Management Working Group was established to progress work to develop nationally-consistent food safety management arrangements in Australia.

The aim of the working group is to ensure that food safety management:

- reduces foodborne illness by ensuring food is safe
- targets food safety risk in a cost-effective manner
- is consistent with international best practice.

The work is focused on the food safety outcomes to be achieved. Improving food safety management outcomes will require the development of a package of food safety measures, both regulatory and non-regulatory, and also improvements to the food safety culture within the food service and closely related retail sectors.

Australian Shellfish Quality Assurance Advisory Committee

The Australian Shellfish Quality Assurance Advisory Committee (ASQAAC) plays an important role as the coordinator and technical advisory group in the development and the application of the ASQAP. The ASQAAC provides a continuing forum for discussion between the state shellfish control agencies, state and federal government departments and the shellfish growing and export industry, concerning the domestic consumption and export of bi-valve molluscan shellfish (for example oysters, mussels, clams and cockles) from Australia.

Avian Industries Consultative Group

The Avian Industries Consultative Group was formed to streamline consultation between the WA Department of Agriculture and Food and the avian industry, providing a forum to consider cross-industry issues.

WA Food Alliance Working Group

The WA Food Alliance Working Group was reconvened in 2015 following a call for nomination of local government members in March 2015. The working group is made up of representatives from eight local governments:

- City of Melville
- City of Kwinana
- City of Kalgoorlie-Boulder
- City of Swan
- City of Busselton
- City of Cockburn
- Town of Victoria Park
- City of Joondalup.

The primary purpose of the WA Food Alliance Working Group is to guide the consistent and practical administration of the Food Act and its subsidiary legislation within WA.

2.5 Legislation, supporting projects and initiatives

Centralised register of 'unique identifiers' of eggs (egg stamps)

In 2012 Standard 4.2.5 of the Code - *Primary Production and Processing Standard for Eggs and Egg Product* came in to effect. One of the requirements of the Standard is for individual eggs and egg products to be marked with a unique identifier (egg stamp). This unique identifier is designed to enable the source of an individual egg or egg product to be quickly identified and traced back to its producer/processor. To assist enforcement agencies and the egg industry with the implementation of Standard 4.2.5, the Department of Health developed and is managing a centralised register of 'unique identifiers'. The information contained in the centralised register can be utilised to effectively and efficiently perform a trace-back of implicated eggs and/or egg products in a suspected foodborne disease outbreak investigation.

The review of the Food Act and the Food Regulations

The Department of Health is reviewing the Food Act and Food Regulations. Section 146 of the Food Act requires that, "the Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the fifth anniversary of the commencement of this section" (the Act came into operation on 23 October 2009) and "the Minister must prepare a report based on the review and, as soon as practicable after the report is prepared, must cause it to be laid before each House of Parliament."

This review is intended to fulfil the requirements of Section 146 and will:

- examine and report on the operation and effectiveness of the Food Act
- examine and report on the operation and effectiveness of the Food Regulations made under Section 144 of the Act
- make recommendations on amendments to the Food Act and the Food Regulations, if necessary, based on best practice in other states and territories in Australia and on the results of stakeholder consultation
- consider measures that will strengthen existing legislation in order to ensure the objects of the Act as set out in Section 3 are met.

A number of drafts of the consultation paper for the Food Act review have been prepared with the drafting nearing completion.

The next steps are:

1. To finalise the drafting of the discussion paper
2. Release the discussion paper and seek submissions from key stakeholders
3. Statewide presentations on the discussion paper will be conducted to facilitate the understanding of the review and to support the requests for stakeholder submissions
4. Prepare and release a report on the outcomes of the consultation
5. Review report incorporating information on the effectiveness of the Food Act and Food Regulations will be submitted for consideration by the Minister for Health.

Review and evaluate the WA Regulatory Food Safety Auditing Framework

The Department of Health is undertaking a review and evaluation of the WA Regulatory Food Safety Auditing Framework (the Framework) which consists of Part 8 of the Food Act and all of the administrative policies, procedures and documents that are in place to ensure its effective administration. The Framework deals with the management of the regulatory food safety audit process, including how the Department of Health manages consistency in, and the integrity of

regulatory food safety auditing performed by approved regulatory food safety auditors in accordance with Part 8 of the Food Act.

The review has identified a number of changes that will improve the Framework and will benefit and reassure all stakeholders including the general public, food businesses, food safety auditors, local governments and the Department of Health.

The review has included a conformity assessment of the Framework with Australian Standard 17024:2013 - *General Requirements for Bodies Operating Certification of Persons* and a survey of stakeholders.

The review report and associated improvement implementation plan are nearing completion.

Approval of Regulatory Food Safety Auditors

The Department of Health is responsible for approving regulatory food safety auditors to undertake regulatory food safety audits of food businesses that are required to implement a food safety program.

During 2013 to 2016 the Department of Health approved 16 new regulatory food safety auditors. A list of regulatory food safety auditors can be viewed on the [Department of Health website](#)¹⁴.

Amendment of the Food Regulations – carcass branding

Amendments to the Food Regulation were gazetted on 11 August 2015 which allows the movement of carcasses from an abattoir to a boning room without the application of a health brand provided the carcasses are for processing into consumer products. Such carcasses only require the application of a tag or tags, depending on the species, that identifies the name of the processing abattoir and the date of production for traceability purposes.

In all other situations such as where carcasses are sold directly to retail outlets, the application of health brands on carcasses is still required.

Management of temporary and mobile food businesses and food manufactured in residential and commercial environments

In 2015 the Department of Health, in conjunction with local government representatives, commenced a project to address administrative and compliance challenges relating to public events and food manufactured in residential and commercial environments. Temporary and mobile food businesses, by their nature, trade in many different locations including at markets, festivals and concerts. This can make it more difficult for enforcement agencies to administer the Food Act and seek information on food businesses. It was also identified that enforcement agencies required further guidance on the application of the legislation to food manufacturing businesses in residential and commercial environments; specifically, building on the existing skills and knowledge of authorised officers in relation to the risk assessment of different foods to achieve a more consistent approach to the assessment of manufacturing food businesses during the registration process.

As part of this project the Department of Health together with local government representatives met with the WA Mobile Food Vendors Association (WMFVA). The WMFVA was formed to improve the communication between Perth's mobile food industry and government agencies, liaise with and educate event coordinators on how best to engage mobile food vendors for events, and educate their members about the Food Act and what vendors need to be doing to

¹⁴ http://ww2.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA

ensure compliance. The meeting operated as a discussion forum to enable open communication across the three stakeholder groups that were represented.

The Department of Health ran consultation sessions for authorised officers in May 2016. Feedback from the consultation sessions identified that authorised officers were able to reach in-principle agreement on moving towards a more consistent model of working, including the implementation of a statewide register for temporary and mobile food businesses and the development of guidance material for the registration and risk assessment of food manufacturing businesses.

The Department of Health has continued to drive the project on consistency in managing temporary and mobile food businesses, and the risk assessment of food manufacturing businesses. The Department of Health has sought approval for the development of a centralised database that will streamline food safety management for temporary and mobile food businesses within WA. Such a register could enable enforcement agencies to quickly access administrative and compliance information relating to temporary and mobile food businesses.

Approval of laboratories and analysts

Part 7 of the Food Act provides the legal requirements for the taking and analysis of food samples. This is an important function to ensure that food available for sale in WA is safe, suitable and in compliance with the food safety legislation. The requirements for the approval of laboratories are given in Division 3, and analysts in Division 4 of Part 7 of the Food Act. The Department of Health is responsible for approving laboratories and analyst. The Department of Health's policy for the approval of laboratories and analysts can be viewed on the [Department of Health's website](#)¹⁵ as well as a list of the approved laboratories and analysts in WA.

2.6 Incident management

Food recalls

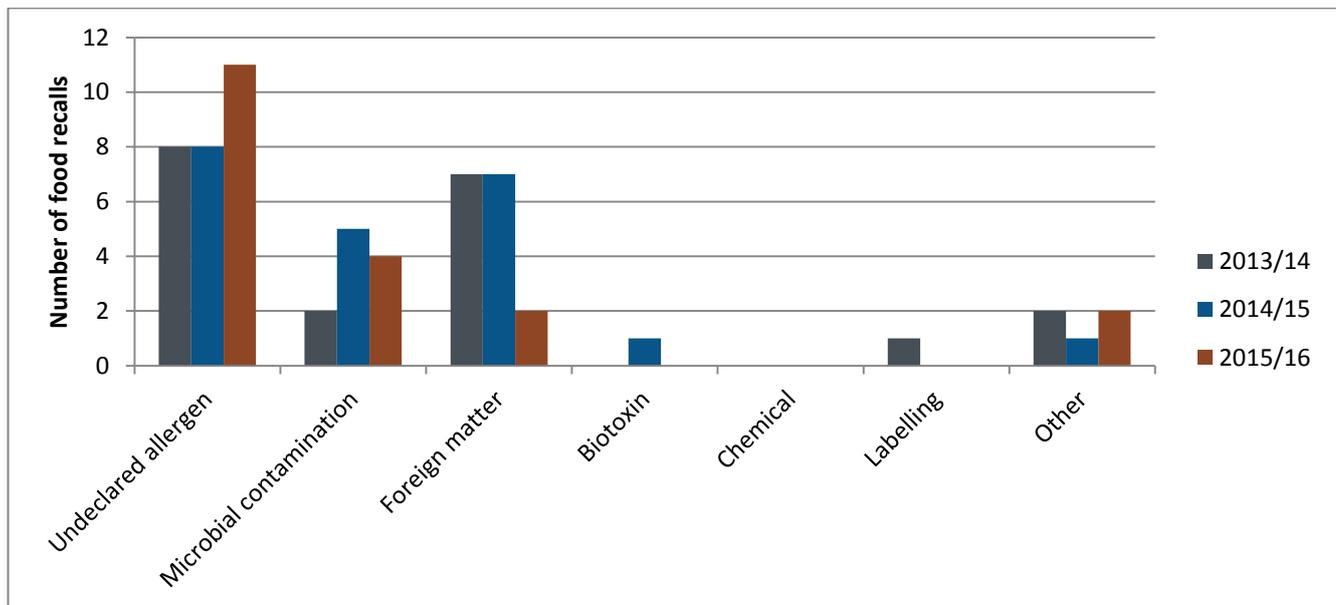
The Department of Health acts as an advisory body to enforcement agencies regarding food recalls. As the advisory body, the responsibilities include:

- where appropriate, provide technical advice to enforcement agencies in establishing risks related to potential food recalls
- in consultation with enforcement agencies, advise on whether a food product should be recalled
- if a recall is required, assisting enforcement agencies to advise food businesses on recall actions and requirements
- liaising with the FSANZ recall coordinator regarding food recalls occurring within WA
- assisting enforcement agencies with monitoring the effectiveness of food recalls within WA.

To assist with the management of food recalls within WA, a food recall jurisdictional meeting takes place annually while other food recall meetings such as teleconferences are organised on a case by case basis with relevant, or all jurisdictions when required.

Between 2013/14 and 2015/16, there were a total of 61 notified recalls affecting WA. The number of food recalls shown by classification over the past three years is outlined via the following graph.

¹⁵ http://ww2.health.wa.gov.au/Articles/J_M/Laboratories-and-analysts-under-the-Food-Act



For the past three years, the highest number of recalls within WA has been due to undeclared allergens. This has significantly increased during 2015/16. Whereas food recalls resulting from foreign matter contamination has decreased during 2015/16.

Food safety incident and outbreak investigations

Foodborne disease outbreaks and food safety related incidents often span across multiple local government districts, and sometimes across states and territories. In such cases the Department of Health will coordinate statewide investigations, and feed into national incident responses. A coordinated approach is required to allow for the successful identification, investigation and control of outbreaks and incidents. The following is a summary of some of the outbreak and incident investigations that occurred during 2013 to 2016.

Salmonella outbreaks

Salmonella typhimurium is the most common *Salmonella* serotype diagnosed and reported in WA. Eggs and poultry are common food vehicles for *S.typhimurium* contamination. Epidemiological studies have found a statistical link between illness and the consumption of raw/undercooked eggs. Increases in the number of cases year on year have been attributed to a specific community-wide outbreak.

Environmental investigations of food businesses implicated in recent *S.typhimurium* outbreaks in WA have indicated the handling and processing of eggs and egg-based products as a causative factor (i.e. the cooking method used for eggs within a specific food business), rather than being associated with an egg brand's distribution network.

The Department of Health is working with authorised officers to ensure egg food businesses comply with relevant legislative requirements, and that they have *Salmonella* controls in place.

Hepatitis A contamination in frozen berries

Most cases of hepatitis A diagnosed and reported in Australia are acquired overseas in developing countries. Locally acquired cases are very uncommon, and when they do occur are generally linked to contaminated imported foods.

Between October 2015 and early January 2016 several acquired cases of hepatitis A were confirmed in WA. All cases had eaten a variety of different frozen berry types from a number of brands during their incubation period.

The Bi-National Food Safety Network shared and discussed information between FSANZ, state and territory jurisdictions, the Commonwealth Department of Agriculture and Water Resources and the New Zealand Ministry for Primary Industries.

The Department of Health sought assistance from eight local governments within the Perth metropolitan area to investigate the WA importers of frozen berries. Determining the ultimate source of the imported berries and whether they were connected with the early 2015 outbreak in Australia and those noted in New Zealand proved to be extremely complex.

Undeclared dairy allergen in coconut milk products

In January 2014 there was a recall of a coconut drink due to the presence of an undeclared allergen (milk). A further recall of another coconut milk-based drink occurred in August 2015; both products were imported. These recalls, in addition to a death and a case in WA of anaphylaxis, prompted further action by state and territory authorities across Australia to investigate other similar coconut drinks for sale.

The Department of Health liaised with FSANZ, other jurisdictions and the Commonwealth's Department of Agriculture and Water Resources to gather intelligence, enabling the identification of possible importers of coconut milk products to then coordinate a response for WA with the assistance of local governments.

Further testing by WA and other state and territory authorities detected undeclared milk in coconut powder, resulting in further recalls. Recalls were initiated by food businesses located in four states - WA, New South Wales, Victoria and Queensland. In total 27 recalls of food products were associated with undeclared milk allergens in coconut milk foods.

The response had a number of challenges, including:

- identifying importers of coconut milk products
- selecting which coconut milk products to assess
- undertaking labelling assessments of suspected products
- submitting for laboratory analysis (allergen detection) suspected products which made an allergen-related health claim or had no declaration of allergens
- what to do if undeclared allergens were identified and the allocation of resources to enable enforcement agencies to respond proportionately to the risk.

Outcomes of the WA response are as follows:

- 36 local governments provided assistance following a request from the Department of Health
- 11 local governments submitted samples from WA-based importers, located within 9 different local governments
- 42 samples in total were submitted for laboratory allergen detection analysis - including coconut milk powders, coconut water, coconut milk ice cream, coconut creams, and coconut milk juice drinks
- test results concluded in three WA food recalls affecting four products in two local governments
- one recall affecting a single product has ceased, following a request by the food recall sponsor (importer).

A whole-of-government approach was taken to respond to the coconut milk issue, from Commonwealth to local government level. The Department of Health coordinated a cross-jurisdictional response in WA by supporting local government in both identifying importing food businesses and assessing undeclared allergen non-compliances within the Code.

Furthermore, following the coordination of information from local governments, a number of WA-based importers operating unregistered food businesses were brought to the attention of the relevant enforcement agency.

The Department of Health would like to thank all local governments involved in the response and continues to work effectively with them in response to significant food safety matters.

2.7 Journal articles

In October 2015, the following research journal article was published. Details of the journal article are outlined below:

Title

Public Concern about the Sale of High-Caffeine Drinks to Children 12 years or Younger: An Australian Regulatory Perspective

Reference

Christina Mary Pollard, Catrina Lisa McStay, and Xingqiong Meng, *BioMed Research International*, vol. 2015, Article ID 707149, 8 pages, 2015. Doi: 10.1155/2015/707149

Abstract:

Background: Dietary exposure to high caffeine is a health risk for children. Governments are considering measures to restrict the sale of formulated caffeinated beverages (FCB) to children.

Objectives: To investigate community concern about sales of high-caffeine drinks to children among Western Australian adults and describe Australian and New Zealand regulatory processes regarding FCB.

Methods: Data from the 2009 and 2012 Department of Health's Nutrition Monitoring Survey Series of 2832 Western Australians aged 18–64 years was pooled with descriptive and ordinal logistic regression analysis performed. Current regulatory processes for FCB are reported.

Results: Most (85%) participants were concerned about the sale of high-caffeine drinks to children; 77.4% were very concerned in 2012 compared to 66.5% in 2009, $p < .008$. Females and those living with children had higher concern (odds ratio (OR) 2.11; 95% confidence interval (CI) 1.44–3.10; OR 2.16; 95% CI 1.51–3.09, resp., $p < .001$). Concern increased with each year of age (OR 1.04; 95% CI 1.02, 1.05, $p < .001$).

Conclusions: Community concern regarding sale of high-caffeine energy drinks to children is high and increasing. Being female and living with children were associated with greater concern. These findings support the Australian and New Zealand regulatory controls of FCB, including labelling, promotion, and advertising to children.

3. Performance of food regulatory functions by Food Act enforcement agencies 2013 to 2016

The following is an analysis of information received from the 139 enforcement agencies in WA on their performance of food regulatory functions over the three reporting years: 2013/14, 2014/15 and 2015/16.

The information has been reported in the following categories of functions:

- Food Act authorised officers
- food business registration and assessment
- compliance and enforcement
- regulatory food safety auditing
- food safety education and training
- highlights from enforcement agencies.

3.1 Food Act authorised officers

Authorised officers are appointed by enforcement agencies to carry out certain functions of the Food Act that allow them to determine food businesses' compliance with the food legislation and take enforcement action when evidence of a breach of the food legislation is found. Functions include powers to enter and inspect food premises, taking samples for analysis, seizure of items, and enforcement action including serving improvement notices and infringement notices.

Enforcement agencies may also appoint persons to assist with the discharge of duties of an authorised officer; these officers have some but not all of the powers of authorised officers. The Department of Health has issued guidelines under Section 122 of the Food Act to provide enforcement agencies with guidance on the appointment of authorised officers, including the appropriate qualifications and experience to perform the role, and the scope of the powers of persons that assist with the discharge of duties of authorised officers. Further information, including the guidelines on the appointment of authorised officers can be found on the [Department of Health website](#)¹⁶

Delegated authority to appoint authorised officers

Part 10 of the Food Act allows enforcement agencies to delegate their functions which may assist with efficiency in operation of the enforcement agency by avoiding the need to report to Council. The authority to appoint authorised officers can be delegated by local councils to CEOs, principal environmental health officers or other officers.

The majority of enforcement agencies have delegated this function to the CEO (81.8 per cent in 2015/16). In 2015/16 this function remained with Council in 9.1 per cent of enforcement agencies, the majority of which are smaller enforcement agencies (in terms of number of food businesses). Over the three years there has been little change to delegations of this function, indicating that the majority of enforcement agencies have settled on an appropriate delegation for their operations since the Food Act came in to effect.

Number of FTE authorised officers

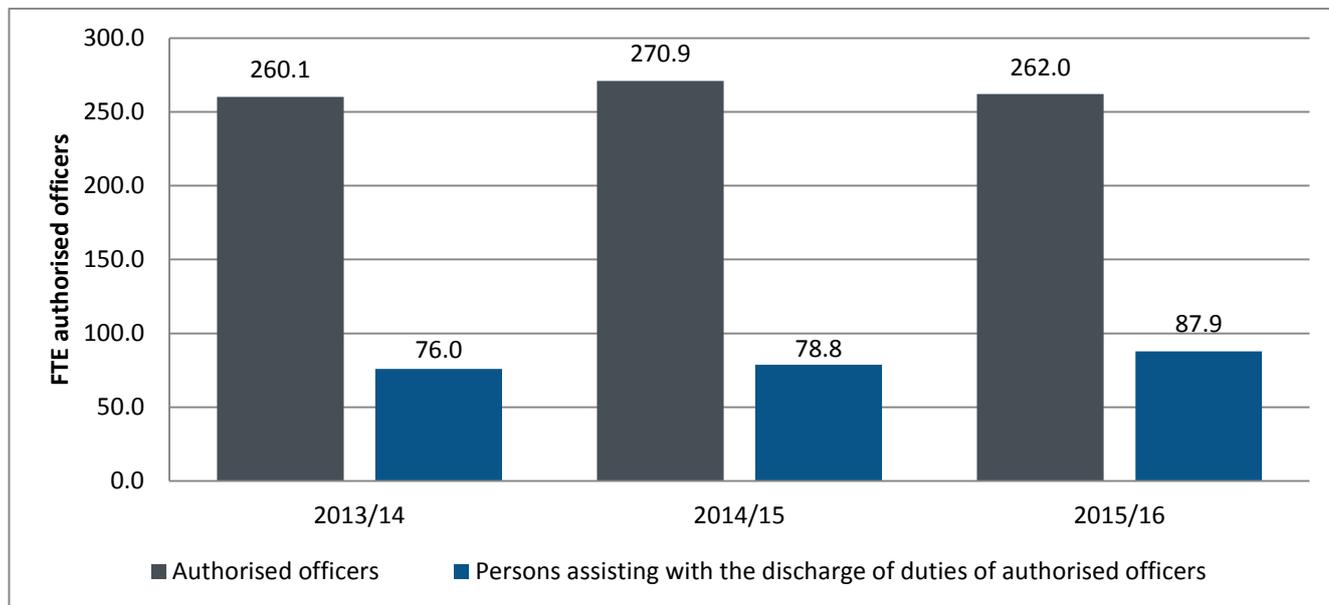
The data on the number of authorised officers in WA has been represented on an FTE basis (for example an authorised officer that works one day a week is 0.2 FTE). This takes in to consideration authorised officers that work for more than one enforcement agency (which is a

¹⁶ http://ww2.health.wa.gov.au/Articles/A_E/Authorised-officers-under-the-Food-Act-2008

common practice, particularly in regional and remote areas), and that authorised officers deliver other functions in local government in addition to food safety.

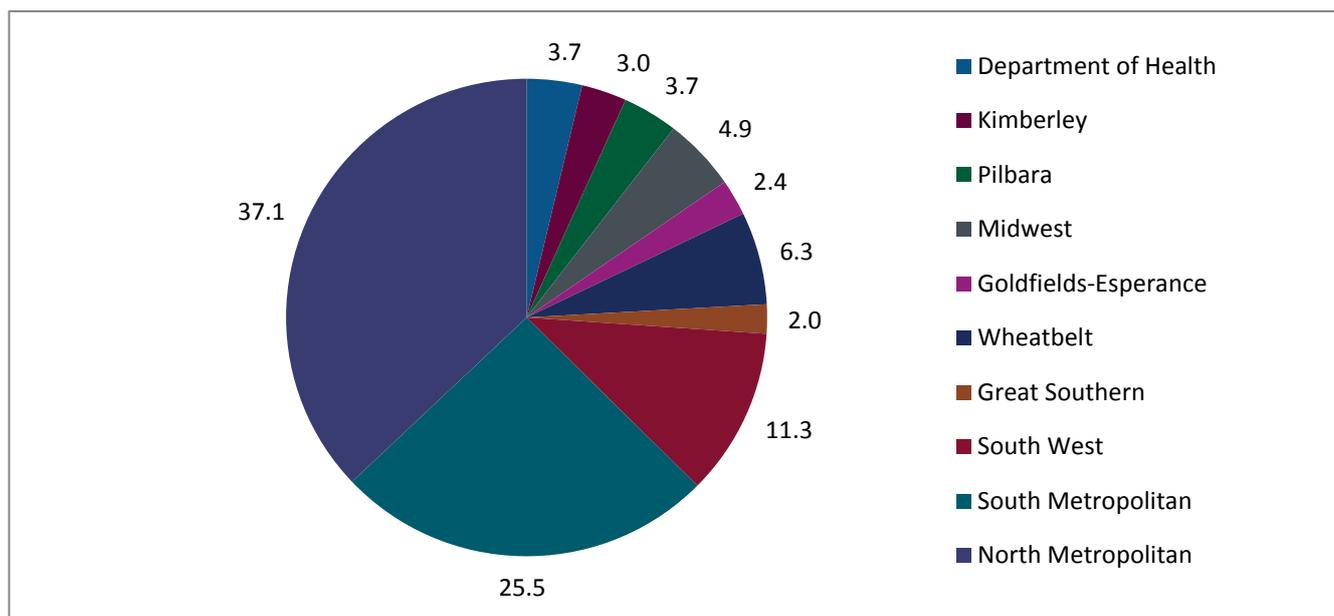
The chart below gives the number of FTE authorised officers and persons assisting with the discharge of duties of authorised officers in WA over the three years. The numbers have remained relatively consistent over the years, ranging from 260.1 to 270.9 FTE authorised officers, and 76 to 87.9 FTE persons assisting with the discharge of duties of authorised officers.

Number of FTE authorised officers in WA



In 2015/16 the number of FTE authorised officers in enforcement agencies ranged from 13 to 0.004. The majority of FTE authorised officers are in metropolitan enforcement agencies as shown in the below chart; 62.6 per cent of authorised officers in WA were in metropolitan enforcement agencies in 2015/16. This is due to the higher number of food businesses in metropolitan areas.

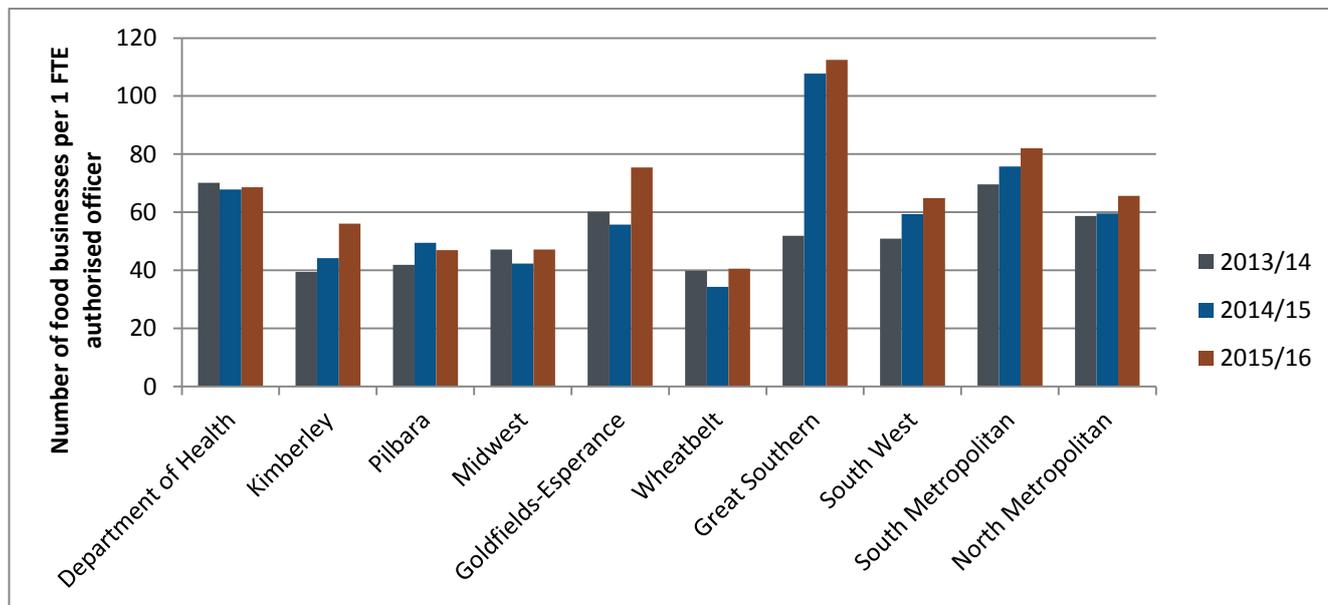
Percentage of FTE authorised officers by region in 2015/16



The average number of food businesses per 1 FTE authorised officer/person assisting with discharge of duties of authorised officers shows the correlation between food businesses and FTE officers as given in the below chart.

Over the three years the average number of food businesses per FTE has ranged from 34 in the Wheatbelt region to 113 in the Great Southern region. This figure has remained relatively stable across the three years, other than a significant increase in the Great Southern region between 2013/14 and 2014/15 which was due to a drop in the number of FTE from 14.2 to 7.

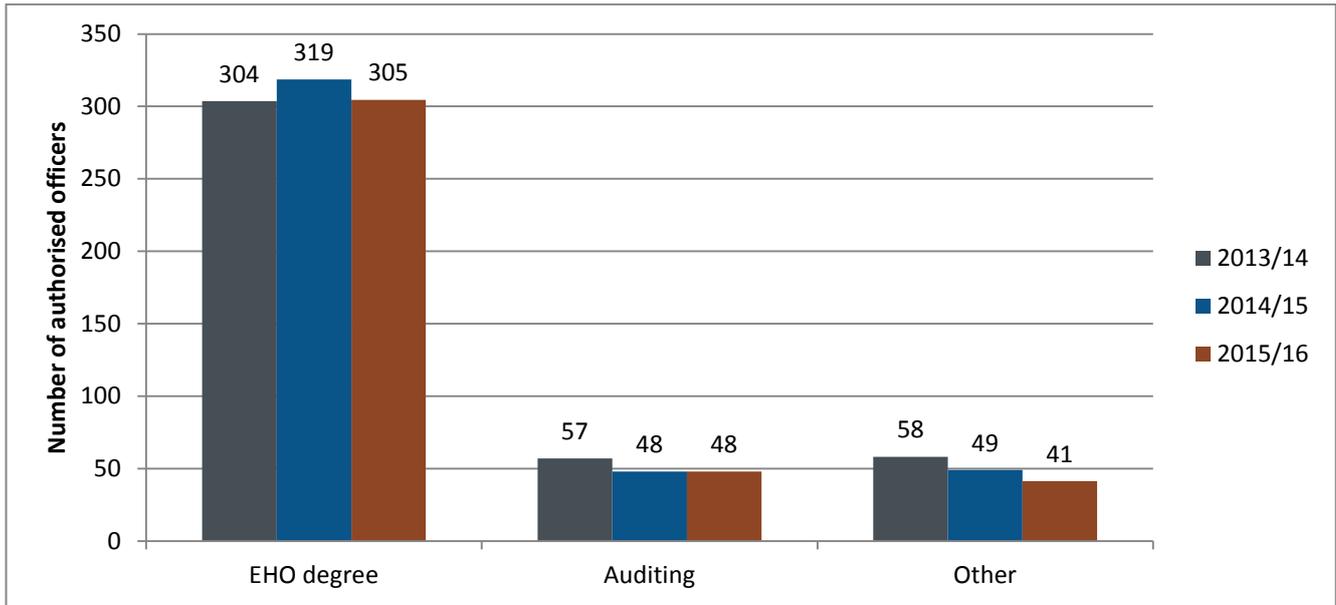
Number of food businesses per 1 FTE authorised officer by region



Qualifications of authorised officers

Section 122 of the Food Act allows an enforcement agency to appoint a person to be an authorised officer if they hold office as an environmental health officer under the *Health Act 1911*, or have appropriate qualifications and experience to perform the functions of an authorised officer in accordance with guidelines issued by the Department of Health. The majority of authorised officers have an environmental health degree (305 in 2015/16) and 41 authorised officers have other qualifications. Other qualifications include food science and technology degree, environmental health diploma, health surveying diploma, bachelor of applied science, meat inspection diploma, cadet environmental health officer and technical officer. Some authorised officers also have auditing qualifications which are required if they wish to become a regulatory food safety auditor. The chart below gives the number of authorised officers with environmental health, auditing and other qualifications. The numbers have remained relatively consistent over the three years.

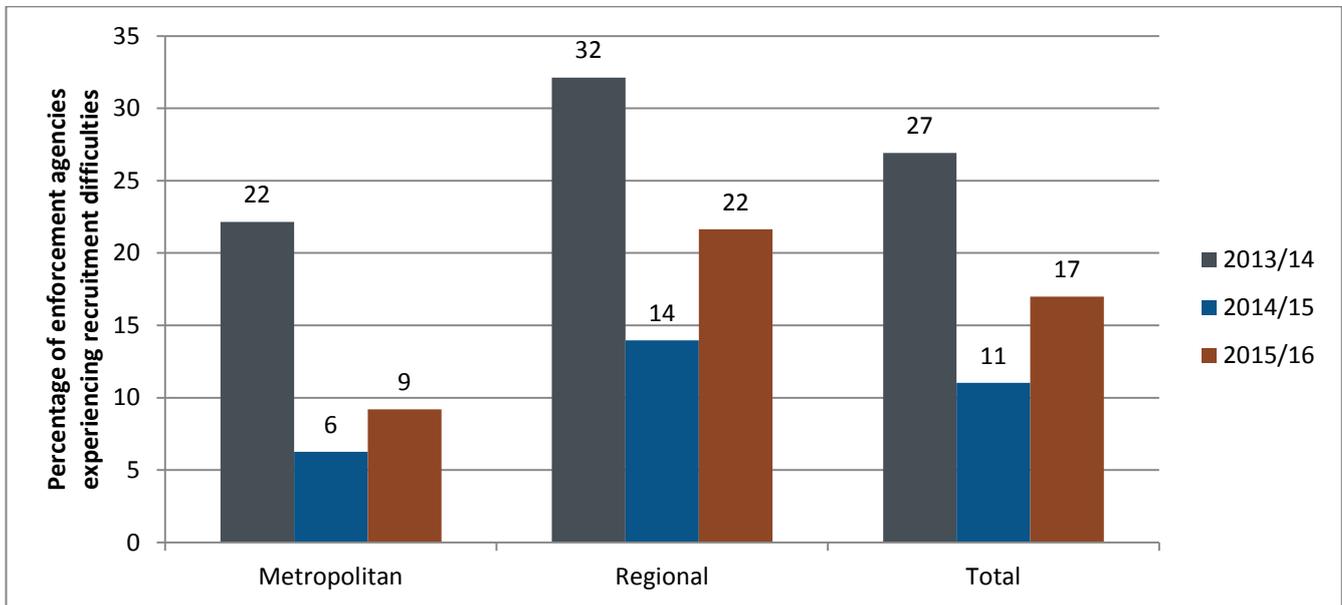
Authorised officer qualifications



Recruitment difficulties

The percentage of enforcement agencies experiencing recruitment difficulties decreased from 27 per cent of WA enforcement agencies in 2013/14 to 11 per cent in 2014/15 and increased to 17 per cent in 2015/16. A greater proportion of regional enforcement agencies experienced recruitment difficulties than metropolitan enforcement agencies as shown in the following chart.

Percentage of enforcement agencies experiencing recruitment difficulties



Percentage of enforcement agencies by region that experienced recruitment difficulties

	2013/14	2014/15	2015/16
Department of Health	Nil	Nil	Nil
Kimberley	75	Nil	25
Pilbara	Nil	Nil	Nil
Midwest	30	40	56
Goldfields-Esperance	67	4	44
Wheatbelt	9	26	Nil
Great Southern	27	10	18
South West	17	18	8
South Metropolitan	27	13	13
North Metropolitan	18	Nil	6

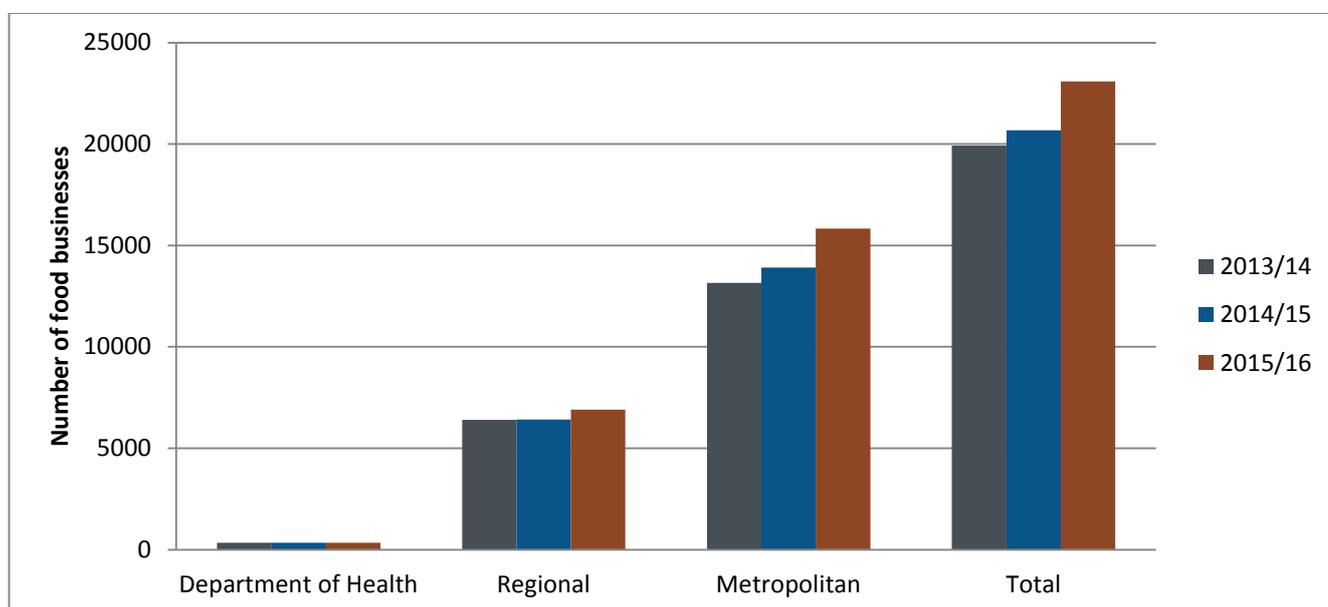
3.2 Food business registration and assessment

It is a requirement that each food business registers with or notifies their appropriate enforcement agency under the Food Act in order to operate within WA. Notification applies to food businesses which are exempt from registration which is outlined in Part 3 of the Food Regulations. The purpose of registration and notification is to gather information to assist with the monitoring of food businesses.

Total number of food businesses

As of 30 June 2016, there were a total of 23 089 food businesses that were registered or notified with their appropriate enforcement agency. Over the last three years, there has been a steady increase in the number of food businesses that have registered or notified with enforcement agencies. The increase was from 19 917 in 2013/14 to 20 673 in 2014/15 and 23 089 in 2015/16. The chart below shows the number of food businesses registered or notified with the Department of Health and in regional and metropolitan WA over the three year period.

Number of food businesses in regional and metropolitan enforcement agencies and the Department of Health by reporting period



The number of food businesses in enforcement agencies varies widely in WA. In 2015/16, the City of Perth had 1467 food businesses while enforcement agencies in sparsely populated regional areas such as Upper Gascoyne had 2 food businesses. These numbers are proportionate to the population within the metropolitan and regional areas.

Number of assessments conducted

On-site assessments of food businesses are carried out by authorised officers to determine compliance with the food legislation. The level of risk posed by the food business will determine the scope and frequency of assessments for each of the individual food businesses.

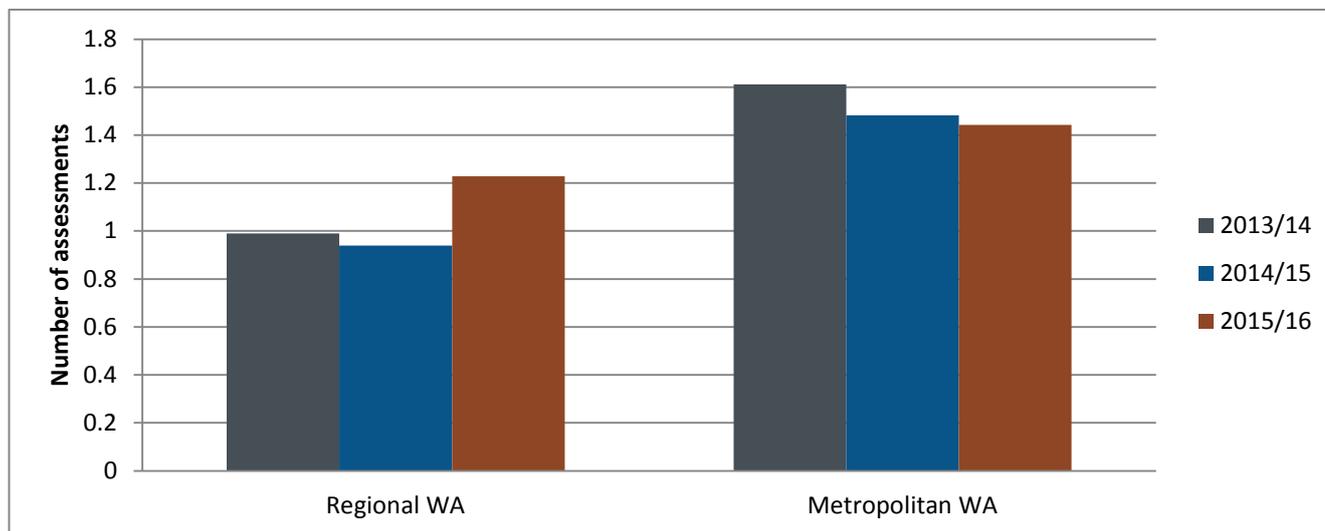
As of 30 June 2016, there were a total of 32 139 assessments conducted of food businesses within WA. There was a steady increase over the three years with the total number of assessments being 29 264 in 2013/14 and 30 427 in 2014/15.

The average number of assessments per food business in metropolitan and regional enforcement agencies has changed over the past three years. On average, there were

approximately 1.1 assessments per food business carried out within regional WA and approximately 1.5 assessments per food business carried out within metropolitan WA.

The chart below shows the average number of assessments per food business per year for regional and metropolitan WA over the three years. The average number of assessments within regional WA has increased while the average number of assessments within metropolitan WA has decreased.

Average number of assessments per food business in regional and metropolitan enforcement agencies by reporting period

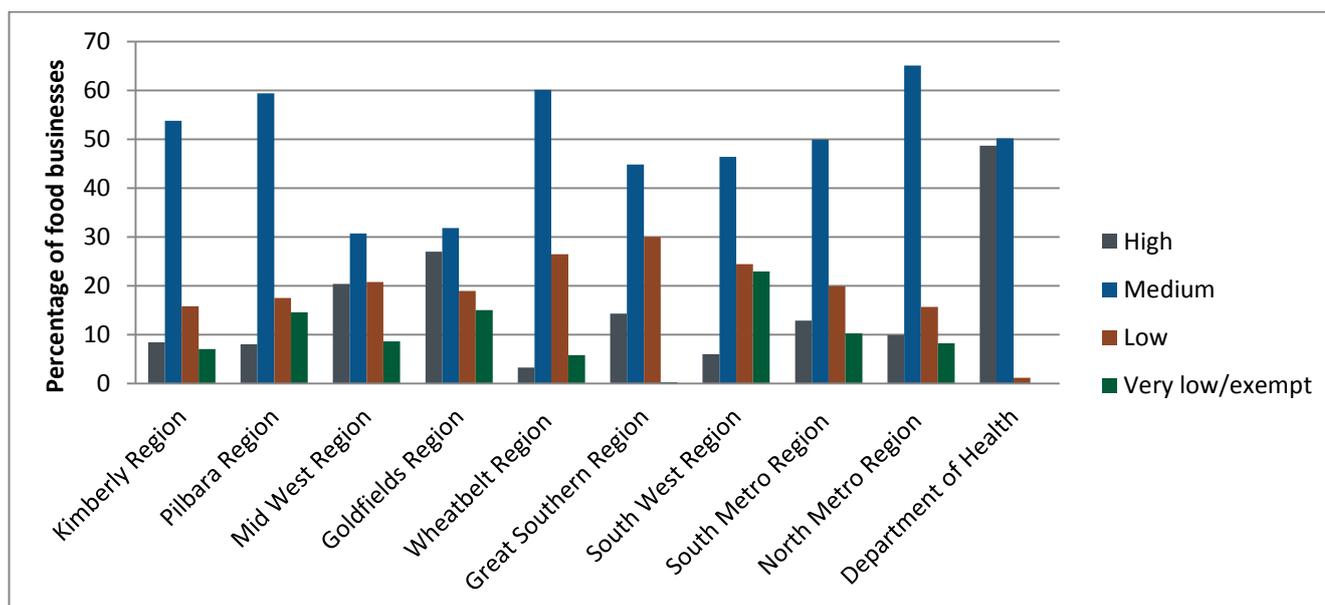


Food business risk profiling

As of 2015/16, all enforcement agencies had undertaken risk profiling of the food businesses within their jurisdiction. Risk profiling of food businesses assists enforcement agencies to determine an appropriate level of monitoring and to assist with tailoring the frequency and scope of food safety assessments.

The chart below shows the percentage of food businesses by risk rating within the WA regions in 2015/16.

Percentage of food businesses by risk rating within the WA regions in 2015/16



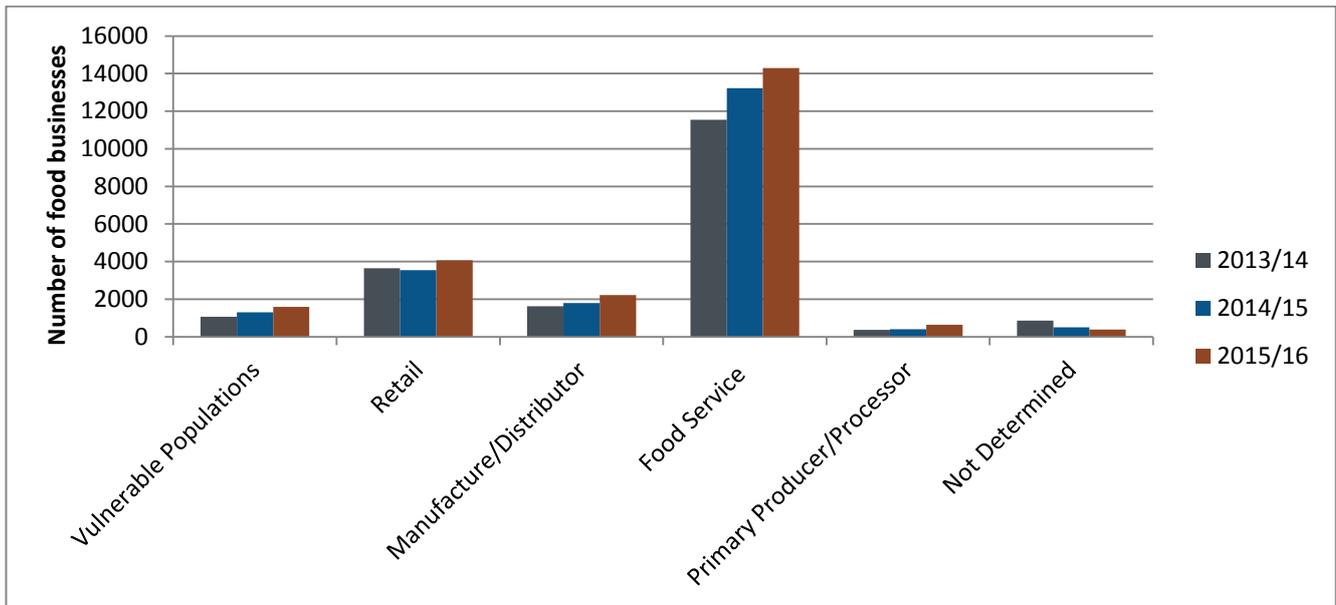
Food business by principal type of activity

All enforcement agencies that submitted a report over the three reporting years provided information on food business activity classification.

Five broad categories have been used for the purpose of data analysis: food service to vulnerable populations, retailers, distributors and manufacturers, food service and primary producer/processor. In the 2015/16 reporting form, a new category was specified on the principal type of activity list – importers. This was specified to allow for the collection of specific information on the number of importers within WA. Capturing specific information on importers was raised after a major food allergen recall incident involving imported coconut milk products that occurred in 2015.

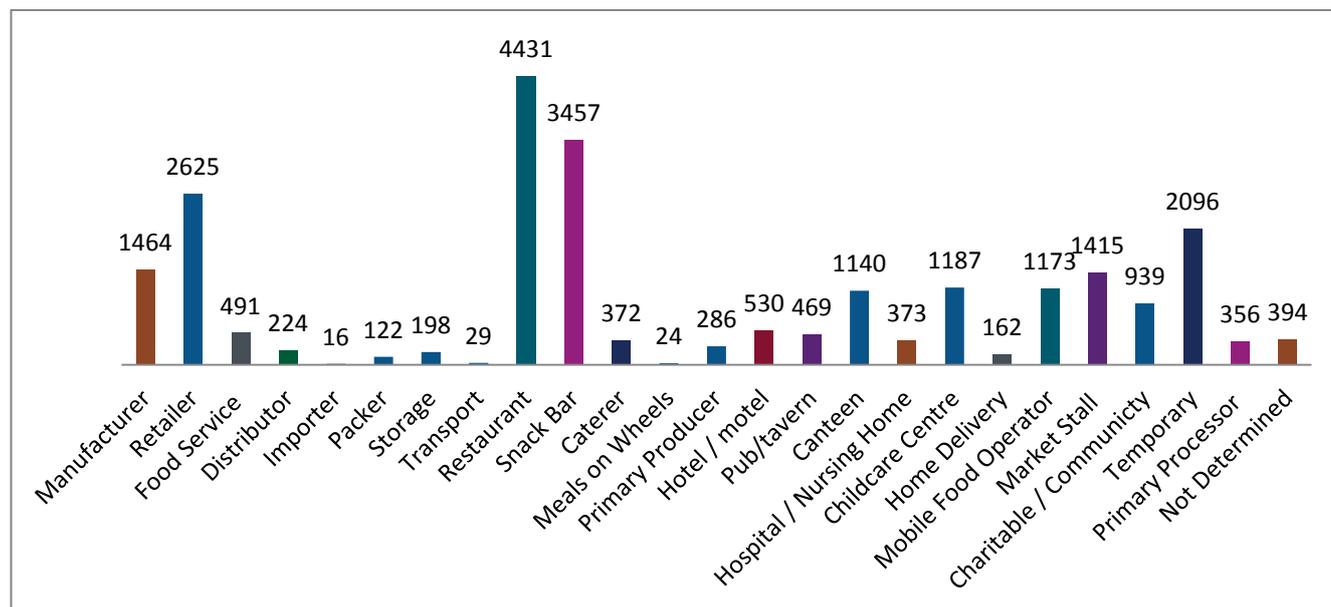
The chart below shows the number of food businesses by principal type of activity in WA over the three years. There has been a steady increase in food businesses within the food service area from 2013/14 (11 545 food businesses) to 2015/16 (14 301 food businesses). A major contribution to the increase in food businesses within the food service area is the increase in temporary and mobile food businesses within WA over the past three years (1909 in 2013/14 to 3355 in 2015/16).

Number of food businesses by principal type of activity in WA over the three reporting years



The chart below shows the number of food businesses by type of activity in 2015/16. 4431 food businesses were classified as restaurants (highest) while 16 food businesses were classified as importers (lowest).

Number of food businesses by principal type of activity in 2015/16



3.3 Compliance and enforcement

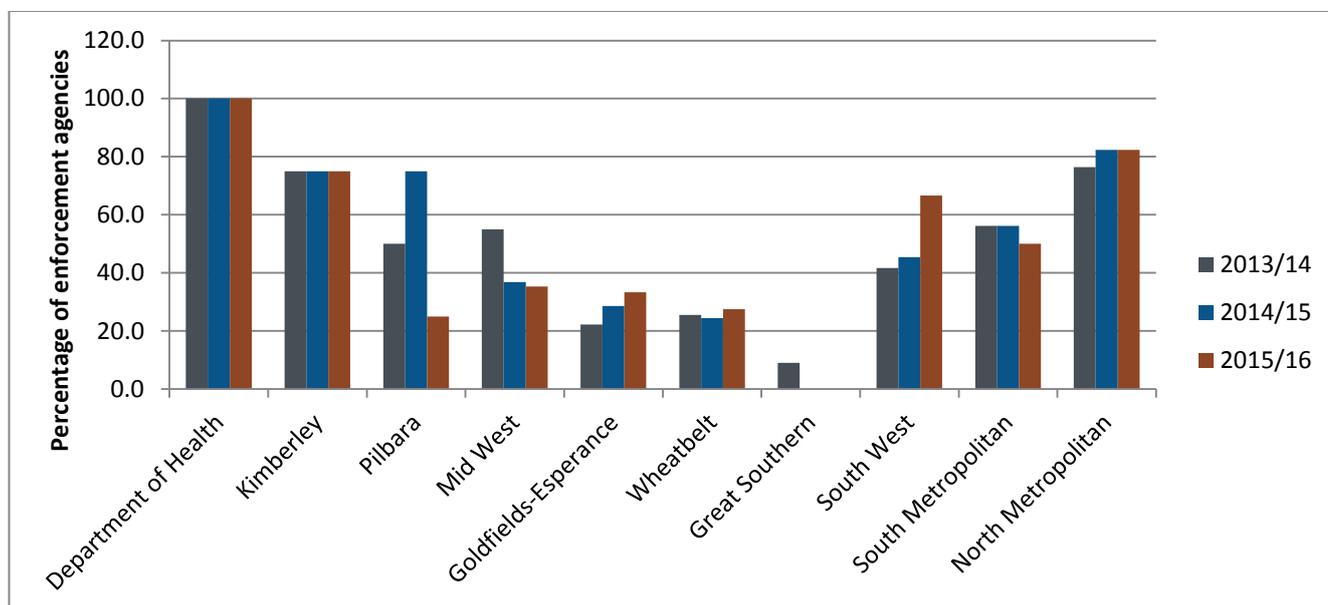
The Food Act equips authorised officers with a range of enforcement options that can be utilised when evidence of a breach of the food legislation by food businesses has been found. Enforcing the food legislation ensures food businesses meet food legislative requirements to implement food safety management practices that help ensure the safety of food for sale. The enforcement tools under the Food Act range in severity and include improvement notices, infringement notices, prohibition orders and prosecution.

Compliance and enforcement policy

The Department of Health has produced a compliance and enforcement policy and a compliance and enforcement guideline for enforcement agencies which is based on the *Australian and New Zealand Food Regulation Enforcement Guideline*. The documents adopt a graduated and proportionate response to enforcement action. Enforcement agencies are encouraged to use these documents to develop their own compliance and enforcement policy to help achieve consistency, efficiency and transparency in enforcement activities, and guide decision making to be aligned with risk to public health and to best achieve compliance.

The percentage of enforcement agencies in WA with a compliance and enforcement policy in place has remained the same over the three years at 42 per cent. There has however, been some fluctuation in the percentage of enforcement agencies with a policy in place by region as shown by the below chart. This chart shows that in general metropolitan regions have a higher proportion of enforcement agencies with a policy in place compared to regional areas. This could be due to the larger number of food businesses in metropolitan areas, creating greater need for a policy to ensure consistency and improve efficiency in enforcement decision making.

Percentage of enforcement agencies that have a compliance and enforcement policy in place by region



Improvement notices

An improvement notice is an order that requires a food business to rectify non-compliances within a specified period of time. There was an increase in the number of improvement notices served by enforcement agencies in WA from 773 in 2013/14 to 937 in 2014/15 and 977 in 2015/16. The increase in 2014 could be due to an update to the Department of Health compliance and enforcement policy and compliance and enforcement guideline for enforcement agencies that required written warnings to only be used for matters outside the statutory issues

for which improvement notices may be served. If enforcement agencies implemented this change then there would be an increase in improvement notices for matters that would have previously been dealt with by way of a written warning. More information about the update to the compliance and enforcement policy and guideline can be found in section 2.1.

Infringement notices

Infringement notices require a food business to pay a modified penalty for an offence under the food legislation. The following table gives the number of infringement notices served by region over the three years. The regions with the highest number of infringement notices are North and South Metropolitan, which is likely to be due to the larger number of food businesses within those areas. There was an increase in the number of infringement notices served in the South and North Metropolitan, and South West regions over the three years.

Number of infringement notices served by region

	2013/14	2014/15	2015/16
Department of Health	1	1	4
Kimberley	1	1	0
Pilbara	2	3	4
Midwest	5	1	2
Goldfields	5	4	5
Wheatbelt	0	3	2
Great Southern	0	1	0
South West	3	11	17
South Metropolitan	114	133	189
North Metropolitan	116	130	200
Total	247	287	423

Prohibition orders

Prohibition orders prohibit certain food handling activities within a food business in the event that an improvement notice has not been complied with or if the order is necessary to prevent or mitigate a serious danger to public health. The following table gives the number of prohibition orders served by region over the three years. There has been little change in the numbers over the three years. A larger number of prohibition orders were served in metropolitan regions where there are more food businesses. Less prohibition orders were served in comparison to improvement notices and infringement notices as this enforcement option is more severe and reserved for the more serious breaches of the food legislation, or where other forms of enforcement action have not resulted in compliance by the food businesses.

Number of prohibition orders served by region

	2013/14	2014/15	2015/16
Department of Health	2	0	0
Kimberley	0	0	0
Pilbara	1	1	0
Midwest	1	0	1
Goldfields	0	0	0
Wheatbelt	0	1	1
Great Southern	0	0	0
South West	0	1	1
South Metropolitan	2	7	8
North Metropolitan	6	8	10

Seizure powers

Authorised officers have the power to seize food, vehicles, equipment, packages, labelling or advertising material that they believe is evidence that an offence under the Food Act has been committed. The following table gives the number of seizures conducted by region over the three years. A larger number were conducted in metropolitan regions where there are a greater number of food businesses.

Number of seizure conducted by region

	2013/14	2014/15	2015/16
Department of Health	0	0	0
Kimberley	1	0	0
Pilbara	2	0	0
Midwest	0	1	0
Goldfields	0	0	0
Wheatbelt	1	0	1
Great Southern	0	0	0
South West	2	5	3
South Metropolitan	5	3	2
North Metropolitan	21	16	7

Legal action through the courts

Legal action through the courts is generally reserved for the more serious breaches of the food legislation, therefore there are fewer prosecutions instigated than other forms of enforcement action. There was a decrease in the number of prosecutions instigated in 2013/14 to 2014/15 from 32 to 20, and 21 instigated in 2015/16 as shown in the following table. There were a greater number of prosecutions in metropolitan regions as there are more food businesses in these areas.

Number of prosecutions instigated by region

	2013/14	2014/15	2015/16
Department of Health	2	0	0
Kimberley	0	0	0
Pilbara	0	0	0
Midwest	2	0	0
Goldfields	0	0	0
Wheatbelt	0	0	1
Great Southern	1	0	0
South West	1	1	0
South Metropolitan	8	8	7
North Metropolitan	18	11	13

Total number of prosecutions instigated and successful in WA

	Number of prosecutions instigated	Number successful
2013/14	32	29
2014/15	20	13
2015/16	21	15

The Department of Health publishes a list of successful prosecutions under the food legislation in WA which can be viewed on the [Department of Health website](#)¹⁷. The list is intended to provide consumers with information to enable them to make informed decisions about where they buy their food in WA. This list is maintained in accordance with the [Department of Health Publication of Names of Offenders Policy \(PDF 279 KB\)](#)¹⁸

¹⁷ http://ww2.health.wa.gov.au/Articles/F_/Food-offenders/Publication-of-names-of-offenders-list

¹⁸

http://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/food/PDF/Signed_Publication_of_Names_of_Offenders_Policy_October_10%20_2.ashx

3.4 Regulatory food safety auditing

Food businesses that provide food service to vulnerable persons are required to comply with Standard 3.3.1 of the Code – *Food Safety Programs for Food Service to Vulnerable Persons*. Standard 3.3.1 requires these food businesses to implement a documented food safety program. Enforcement agencies are required to verify that the food safety program meets the requirements of Standard 3.3.1, and once verified the food business must commence regulatory food safety audits. The following table gives the progress of food safety program verification and commencement of auditing over the three reporting years.

Reporting period	Total number of businesses captured under 3.3.1	Percentage of food safety programs verified	Percentage of businesses that have had a regulatory food safety audit
2013-14	884	69%	58%
2014-15	885	73%	65%
2015-16	981	66%	62%

Between 2013/14 and 2014/15 there was an increase in the percentage of food businesses that have had their food safety programs verified, and food businesses that have had a regulatory food safety audit. In 2015/16 there was a decrease in the percentage which can be attributed to the large increase in number of food businesses captured under Standard 3.3.1.

Reporting period	Total number of audits that have led to enforcement action
2013-14	127
2014-15	43
2015-16	108

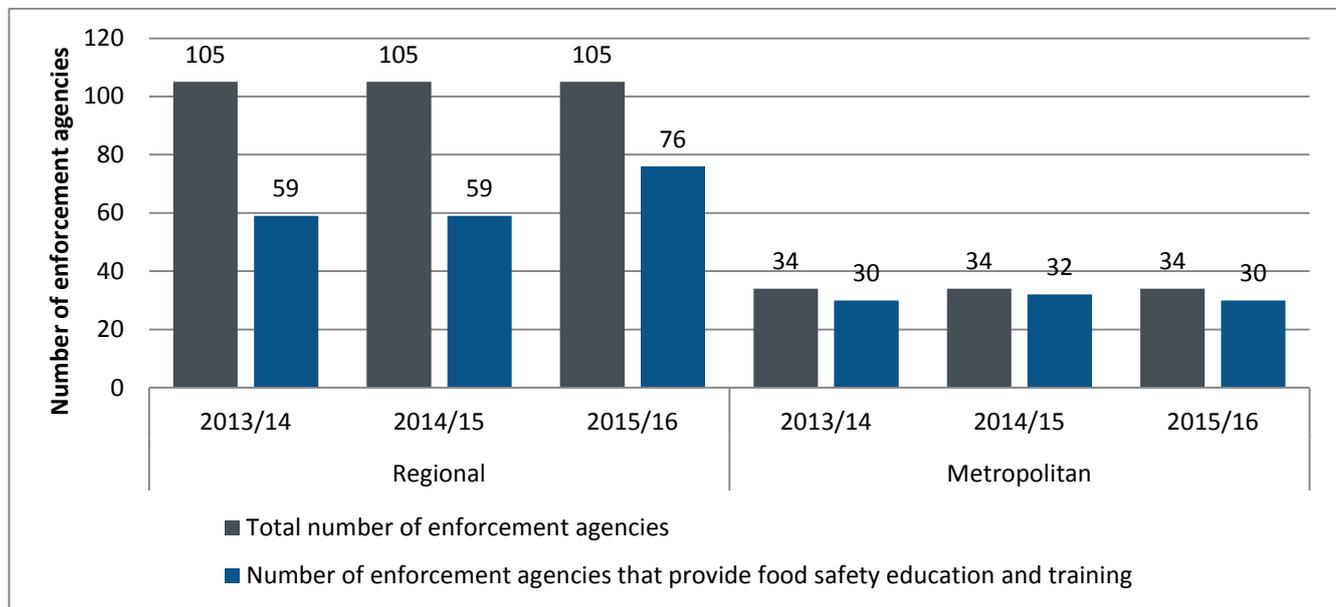
The total number of audits that have led to enforcement action has varied over the three years as shown in the above table. Over the period of 2013/14 and 2014/15, there were 24 regulatory food safety auditors that were available of which nine were approved during that period. The list of approved regulatory food safety auditors in WA can be found on the [Department of Health](http://ww2.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA)¹⁹ website.

¹⁹ http://ww2.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA

3.5 Food safety education and training

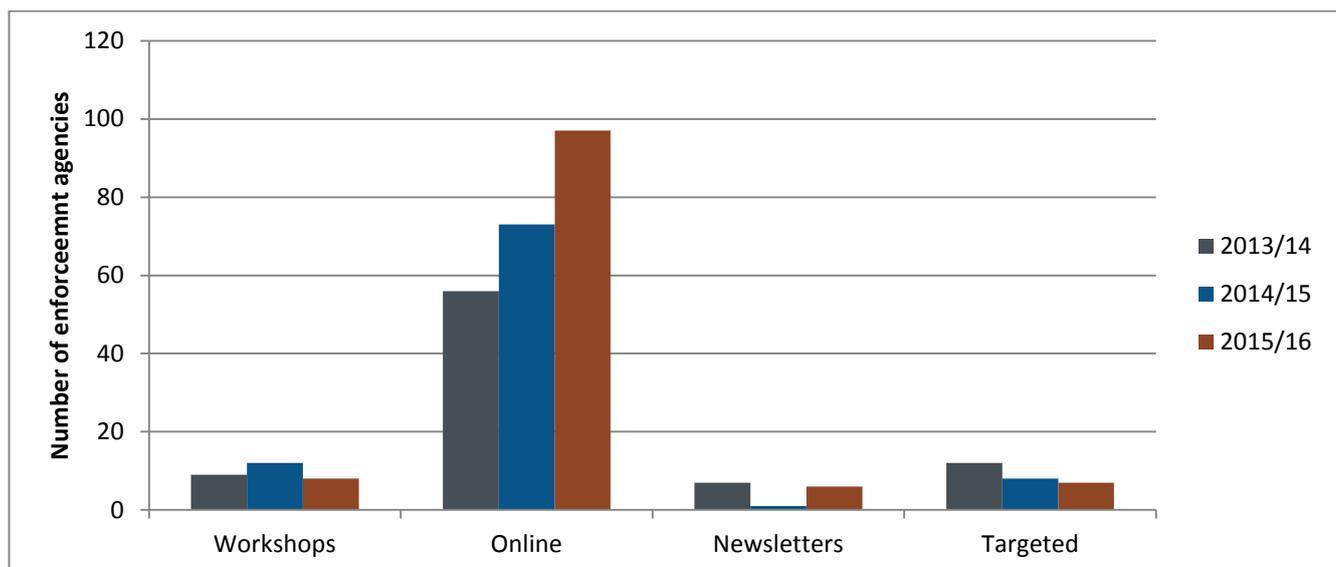
Number of enforcement agencies that provide food safety education or training

As shown in the graph below, 76 (72 per cent) enforcement agencies provided food safety education and training within the regional area in 2015/16. This is an increase compared to 2014/15 where 59 (56 per cent) enforcement agencies provided food safety and education training. 88 per cent of enforcement agencies within the metropolitan area provided food safety education and training in 2015/16. This has remained relatively stable since 2013/14.



Type of food safety education or training provided

Different forms of food safety education and training are provided by enforcement agencies such as workshops/seminars/presentations, online training, newsletters/factsheets/guidelines and targeted/ad hoc/on demand training. The graph below shows the number of enforcement agencies that provide the different forms of food safety education and training over the three years.



Online training has by far become the most popular form of food safety education and training provided by enforcement agencies. 97 enforcement agencies offered online training in 2015/16 compared to 56 enforcement agencies in 2013/14.

3.6 Highlights from enforcement agencies

Enforcement agencies reported a range of highlights related to their Food Act functions and food safety related initiatives. The following is a summary of highlights received from enforcement agencies, and the number of enforcement agencies that provided comments in each category.

Food safety education and awareness

2013/14: 20	2014/15: 35	2015/16: 30
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- “Delivered four free introductory Food Act workshops for the food industry”
- “Developed fact sheets to assist food businesses to comply with legislative requirements”
- “Introduced the Shire’s annual food safety newsletter”
- “Created a food safety brochure for meals on wheels volunteers”
- “Developed fact sheets to help community groups and not-for-profit organisations with compliance requirements”
- “Successful food safety week campaign with online quiz”
- “Prepared food safety presentation for potential new food businesses”

Enforcement

2013/14: 10	2014/15: 8	2015/16: 3
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- “Formal issuing of improvement notices resulted in a faster compliance rate and also compliance in subsequent assessments”
- “Implemented the Department of Health Compliance and Enforcement Policy”
- “Three improvement notices were complied with”
- “There was a dramatic reduction in Food Act prosecutions”
- “An increased number of prohibition orders have been issued to swiftly close premises with pest infestations to good effect”
- “Trebled the number of improvement notices issued from the previous reporting period”
- The enforcement policy was introduced and adopted by Council during this reporting period”
- “The Town issued its first prohibition order under the Food Act. As with any enforcement action of this nature it is always a difficult process the first time but the assistance received from the Department of Health’s Food Unit helped immensely”

Food monitoring

2013/14: 25	2014/15: 28	2015/16: 25
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- “Participated in regular LHAAC food surveys throughout the year”
- “Significant increase in on-site assessments and inspections”
- “Commencement of food sampling program including swabbing of premises equipment to check sanitation”
- “Participated in the Food Access and Cost Survey”
- “Pie sampling project”
- “Conducted routine microbiological and chemical sampling”
- “Imported food sampling program conducted for undeclared allergens which has resulted in numerous product labels being amended”
- “A record number of inspections were undertaken at the Town”
- “The Shire participated in LHAAC and Department of Health coordinated food sampling programs”
- “Significant increase in food stall applications, approvals and inspections”

Nutrition related public health initiatives

2013/14: 9	2014/15: 7	2015/16: 3
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- “Healthy eating talks delivered to 11 schools and one community group located in Aboriginal Communities”
- “Completed physical activity and healthy eating project funded by the Commonwealth over three years”
- “136 people registered for the ‘Shape up Australia’ Program. Program included physical activities, nutritional guidance, food diary and change of eating habits over a 6 week period”
- “Healthy recharge project for fat and salt reduction on menus and higher nutrition”
- “Developed a Healthy menu options program at local cafes”
- “10 week exercise and nutrition program for disadvantaged people”
- “This is the third year of the unique food vehicle program promoting community engagement with healthy food choices”

Staff resourcing

2013/14: 6	2014/15: 7	2015/16: 4
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- “Contracted an external auditor to inspect food businesses servicing vulnerable persons”
- “New authorised officer was appointed during the year”
- “An additional environmental health officer will be coming on board which will allow the Shire’s environmental health services to fully engage in food safety initiatives”
- “Appointment of a resource shared environmental health officer”

Administration

2013/14: 4	2014/15: 2	2015/16: 5
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- “Speedier processing of temporary event applications”
- “Upgrade of internal IT functionality to record food reports, premises and statistical data”
- “Development of internal electronic health premises inspection record system”
- “Updating of electronic record system”

Food safety rating/recognition schemes

2013/14: 4	2014/15: 3	2015/16: 1
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- “Scores on doors food hygiene recognition scheme launched for food businesses providing ready to eat meals”
- “Food safety stars rating program”
- “Food business recognition rewards”
- “The City offers a Food Safety Stars rating program with 137 food businesses involved in 2014/15 with an increase from last period of 12.6 per cent of food business involvement”
- “Scores on Doors has seen increased take up by proprietors of food businesses”
- “Continuance of the Scores on Doors Program”
- “Scores on doors program initiated”

4. Conclusion

This report has been formed as a result of the collation and analysis of data provided by WA enforcement agencies from the years 2013/14 – 2015/16. The information provided in this report will assist the Department of Health Food Unit to form its strategic direction for the coming years.

To fulfil the requirements of the Food Act, data will continue to be collected from WA enforcement agencies on an annual basis. The next Food Act report will be released by the end of 2018/19.

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