

Summary report of NSW enforcement agency activities in the retail food service sector for the period 1 July 2017 to 30 June 2018

Background and the Food Regulation Partnership

NSW enjoys a robust food surveillance partnership model, the Food Regulation Partnership (FRP), aimed at ensuring that consumers have safe food and that the food industry continues to thrive. The NSW Food Authority (Food Authority) appointed all NSW councils and Office of Environment and Heritage (OEH, in respect of Kosciusko National Park) as enforcement agencies under the *Food Act 2003* (NSW). They work together to ensure NSW retail food service businesses comply with food safety standards and regulations.

NSW has 132 areas regulated by 131 enforcement agencies; 128 councils (in respect of their own local government area), OEH (in respect of Kosciusko National Park), Lord Howe Island Board (in respect of Lord Howe Island) and Food Authority (in respect of Sydney Harbour Federation Trust and the unincorporated far west areas).

Enforcement agencies are responsible for routine food safety inspections and enforcement of the retail food service sector in NSW. There are almost 40,000 high and medium risk fixed retail food businesses that required regular inspection in the July 2017 to June 2018 reporting period, as well as over 13,000 temporary and mobile food businesses.

The NSW retail food sector is one of the biggest contributors to the NSW food industry and the state's economy. It is an innovative and evolving sector and includes changes in the way food is sold, e.g. farmers markets, online and in the sharing economy. Following consultation with enforcement agencies, the Food Authority updated the FRP framework to help clarify the roles of enforcement agencies, increase consistency and cut red tape for businesses. The new Instruments of Appointment and FRP protocols and advisory guidelines became effective 1 July 2018.

Enforcement agencies are required to report annually to the Food Authority on their activities and this report summarises the data submitted by these agencies.

Support for retail food businesses

The Food Premises Assessment Report (FPAR) is a standardised inspection checklist which enables officers to generate a business inspection outcome score. It allows businesses to self-assess, and officers to be consistent in their food safety inspections. The Food Authority distributes the FPAR to all enforcement agencies.

The *Scores on Doors* program allows food retail businesses to publicise their inspection results, determined by the business inspection outcome score generated by an officer at an

unannounced inspection using the FPAR checklist. The inspection results are displayed as five stars for 'excellent', four stars for 'very good', three stars for 'good' or no stars if significant food safety issues are identified. The display of scores at food outlets provides consumers with information about food safety practices and encourages high standards.

The participation rate of enforcement agencies in the *Scores on Doors* food safety ratings program has remains steady at 46%, and over half of the NSW retail food businesses participated in the program as at July 2018.

NSW enforcement agencies continue to provide a range of additional services to support the retail businesses including:

- 97% (up from 94% and 88% in the previous two periods) provided technical advice to food businesses
- 97% (up from 93% and 91% in the previous two periods) provided information to food businesses to help them comply
- 35% (40% and 38% in the previous two periods) organised food handler training for food businesses

During the 2017-18 period, the FRP held three Retail Information Sessions with retail food service businesses providing opportunity for face-to-face engagement between regulators and retailers, and for questions to be raised and addressed.

The first was hosted by Goulburn-Mulwaree Council on 20 July 2017 and around 100 representatives from dozens of local food businesses and charities, council Environmental Health Officers (EHOs) and representatives from the Food Authority to discuss food safety.

The second was hosted by City of Parramatta Council on 9 November 2017 and attracted around 120 attendees.

The third was hosted by Kiama Municipal Council on 5 April 2018 with around 60 attendees. Presentations included updates on the FRP, foodborne illness, food allergies, relevant programs such as Food Safety Supervisor, and presentations from council officers regarding food safety issues within their local government area.

Support for enforcement agency officers

The Food Authority launched a new user-friendly FRP Portal in April 2018 and is a major gateway of information between agencies. Along with valuable resources such as the revised FRP Protocols and Advisory Guidelines and Communiques, all the training material delivered at the Regional Food Group (RFG) meetings are available on the FRP Portal.

The Food Authority continues its commitment to provide training and networking opportunities for the 508 enforcement agencies' EHOs (up from 501 in the previous period). The aim of the training is to maintain the EHOs' skills and knowledge, promote consistency

in inspection and enforcement, and identify emerging risks. The training is available online and also via webinars, all located on the Portal, which is invaluable for EHOs that could not attend in person.

The Food Authority conducts three rounds of RFG meetings at each of the 16 regions across NSW each year. Each RFG has two components; a meeting and a training session. Each meeting includes Food Authority updates on topical food safety matters, and enforcement agencies have opportunity to problem-solve and seek regionally consistent approaches to local issues. The training sessions provided to EHOs in the 2017-18 period were:

- Effective enforcement
- Revision of the Food Regulation Partnership
- Council re-appointments under the *Food Act 2003*

The Food Authority held the biennial FRP Workshop on 13-14 September 2017 at Penrith Panthers. The aim was to enhance EHOs' food surveillance capacity, promote professional networking between EHOs, and strengthen the FRP between councils and the Food Authority.

The FRP Workshop 2017 was held in conjunction with Environmental Health Australia's (EHA) annual state conference at the same venue. The FRP Workshop was subsidised by the NSW Food Authority (Food Authority) and allowed a cost-effective registration cost for the 1½ days. There were 127 registrants with around half the councils represented.

The FRP Champion Awards were presented at a joint conference dinner with EHA. These were determined by a working group of the Food Regulation Forum. The winners were:

- 'Group – City': Environmental Health Team from Penrith City Council
- 'Individual - Country': Lauriston Muirhead, Albury City Council
- 'Individual - Country': Sarah Walsh, Goulburn Mulwaree Council
- 'Individual – City': Bronagh Curran, City of Sydney Council

Compliance of retail food businesses

There were a total of 62,571 inspections and re-inspections conducted across the in the retail food services sector, including fixed, temporary and mobile food premises, by 507 authorised officers (up from 501 and 484 in the previous periods).

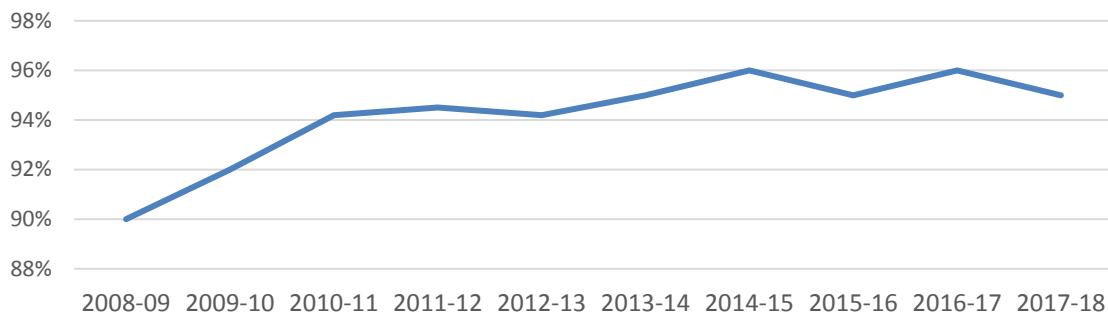
A total of 93% of the high and medium risk food premises (36,535 of the 39,435) were inspected. This is a decrease of 2% and likely reflects the move towards a risk-based inspection frequency, the Food Authority's preferred approach to prioritising inspections, whereby strong performing businesses are inspected on an 18 month cycle rather than on an annual basis.

Food business compliance

Compliance with food safety requirements across the retail food sector has improved since the commencement of the FRP in 2008 and remains steady, as shown **Figure 1**.

The number of businesses requiring additional re-inspections and intervention for non-compliance was calculated at 5% (1,862 of the 39,435 businesses) compared with 4% last period (1,515 of the 39,640 businesses).

Figure 1: Overall compliance rate of the retail food services sector 2008-2018

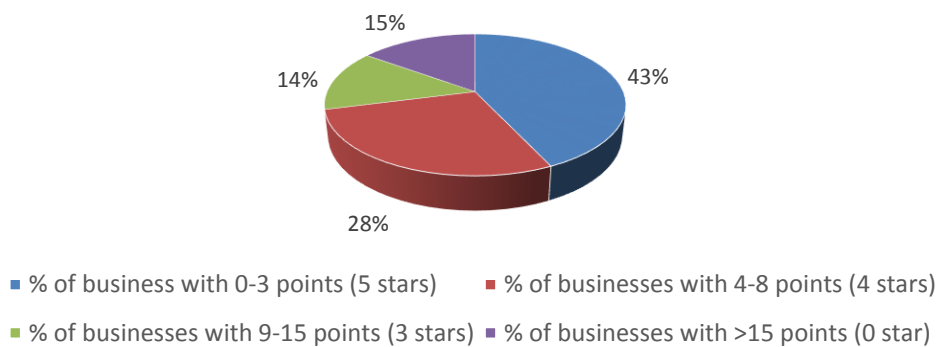


Food business inspection outcomes

Food businesses in NSW continue to have high standards and 95% of businesses achieved a star rating of at least three or more stars.

Enforcement agencies provided business inspection outcomes for some inspections and the results is shown in **Figure 2**. The distribution of scores remains fairly consistent with previous periods, with the only changes being that the proportion of business scoring 0-3 point (5 stars) is slightly up from 41% to 43% and the proportion of businesses scoring 9-15 points (3 stars) dropped slightly from 16% to 14%. It was also reported that the number of fixed premises requiring re-inspection rose slightly from 21% to 23%.

Figure 2: Business inspection outcome scores reported for 2017-18



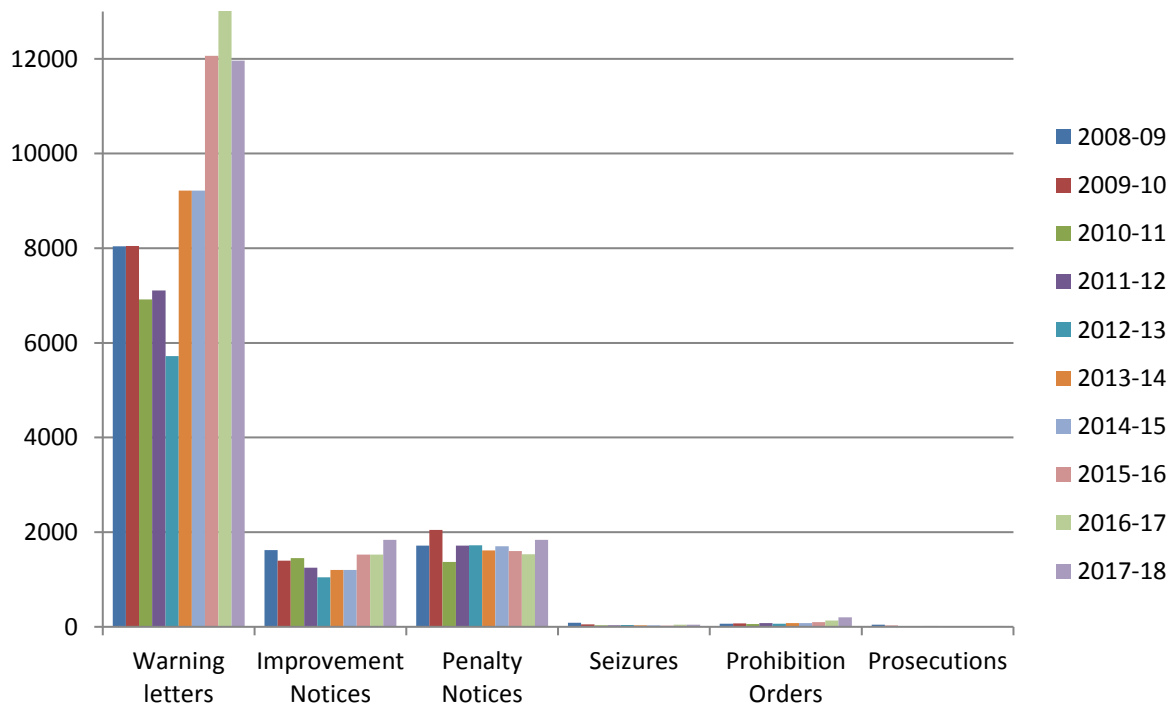
Enforcement action

Officers may use a range of enforcement tools depending on the nature and severity of the food safety risks. An escalatory approach is used with warnings issued as a first step to encourage improvement in safe food handling processes. For more severe breaches improvement notices and penalty notices may be issued, as well as seizure of product/equipment, prohibition orders and prosecution.

The enforcement tools used and the number of each issued each period is shown in **Figure 3**. The number of warning letters issued by enforcement agencies fell by 16% (from 14,190 to 11,962) whilst the use of statutory enforcement tools such as improvement notices, penalty notices, seizures, prohibition orders and prosecutions increased.

Unclean food premises, improper food storage, poor pest control, poor hygiene of food handlers, and unclean fixtures, fittings and equipment accounts for most penalty notices issued. Food premises issued with penalty notices or that have been prosecuted are noted on the *Name and Shame* register of offences on the Food Authority’s website.

Figure 3: Types of enforcement action in the retail sector for 2008-17

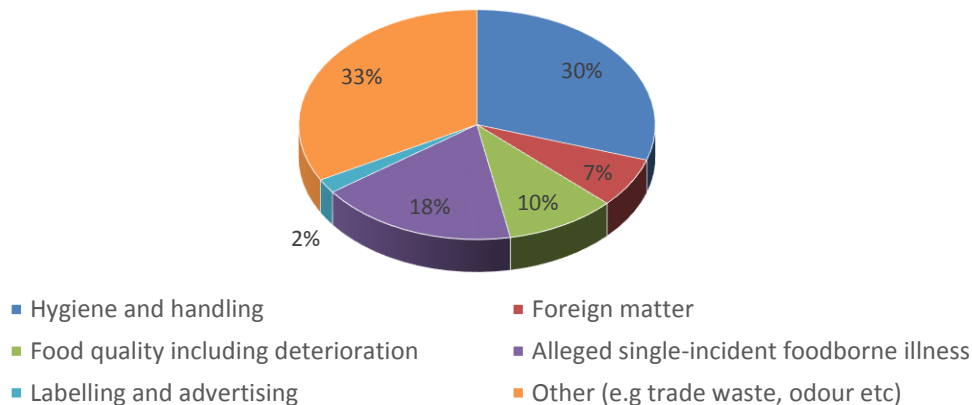


Food complaints

Enforcement agencies are responsible for investigating food related complaints. The total number of food complaints for the 2017-18 period decreased by 6% from 5727 to 5387. The distribution of complaint types remains unchanged from the previous year and is shown in

Figure 4.

Figure 4: Complaint types investigated 2017-18



Foodborne illness reduction

All enforcement agencies continued to strive to meet the NSW target of a 30% reduction in *Salmonella*, *Campylobacter*, Listeriosis and fatal anaphylaxis cases caused by allergen contamination across the food chain by 2021 (NSW Government Food Safety Strategy 2015-2021¹). The Food Authority provides latest advice, best practice guidance and additional support to enforcement agency officers to assist them with this goal.

The NSW *Salmonella* reduction strategy, which focuses on the safe preparation of raw egg products, has successfully contributed to a reduction in the number of *Salmonella*-related outbreaks in restaurants and cafes in NSW.

Food Regulation Partnership Forum

The NSW Food Regulation Forum (the Forum) is a group of representatives from government and industry who provide strategic focus and advice on local government matters. The Forum met twice during the 2017-18 period. The Forum is chaired independently by Paul Braybrooks OAM, and organisations represented on the Forum are NSW Food Authority, Local Government NSW, Development and Environmental Professionals' Association, Environmental Health Australia, Local Government Professionals Australia, and NSW Small Business Commissioner. Members include:

- Chair: Cr Paul Braybrooks OAM
- NSW Food Authority – Dr Lisa Szabo and Peter Day
- Robyn Hobbs OAM NSW Small Business Commissioner (Independent)
- Julie Kisa (representing the Development and Environmental Professionals' Association)

¹ http://www.foodauthority.nsw.gov.au/Documents/corporate/Food_Safety_Strategy.pdf



- Corey Stoneham (representing the Development and Environmental Professionals' Association)
- Alexandra Stengl (representing Local Government Professionals Australia)
- Liz Gemes (representing Local Government NSW)
- Scott Lloyd (representing Local Government NSW)
- Jody Houston (representing Environmental Health Australia)