

Summary report of NSW enforcement agency activities in the retail food service sector for the period 1 July 2018 to 30 June 2019

Background and the Food Regulation Partnership

NSW continues to enjoy a strong food surveillance partnership model, the Food Regulation Partnership (FRP), aimed at ensuring that consumers have safe food and the NSW food industry continues to thrive.

The NSW Food Authority (Food Authority) appoints 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 2018 to June 2019 reporting period, and almost 14,000 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 increasingly in the sharing economy.

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 when conducting their food safety inspections. The Food Authority distributes the FPAR to all enforcement agencies.

The voluntary 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 the food business's food safety practices and also encourages high standards.

The participation rate of enforcement agencies in the Scores on Doors food safety ratings program has remained steady at 46%, which captures 64% NSW retail food businesses in the program as at July 2019.

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

- 96% provided technical advice to food businesses
- 95% provided food safety information to food businesses
- 53% (up from 40% in the previous period) organised food handler training for food businesses

During the 2018-19 period, the FRP held four 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 Ballina Shire Council on 26 July 2018 and around 40 representatives from dozens of local food businesses, council Environmental Health Officers (EHOs) and representatives from the Food Authority to discuss food safety topics.

The second was hosted by Camden Council on 21 November 2018 and attracted around 60 attendees.

The third was hosted by Griffith City Council on 4 April 2019 with around 50 attendees.

The fourth was hosted by Byron Shire Council on 26 June 2019 which attracted 50 attendees.

Presentations to attendees included updates on the FRP, foodborne illness developments and strategies, information on food allergies, relevant retail programs such as Food Safety Supervisor and Scores on Doors, and presentations from council officers regarding food safety issues within their local government area.

Feedback from food businesses and hosting local councils remains very positive.

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 Communiqués, all the training material delivered at the Regional Food Group (RFG) meetings are available on the FRP Portal. The Food

Authority continues to promote the FRP Portal as the main information resource for authorised officers.

The Food Authority continues its commitment to provide contemporary and pragmatic training, information and networking opportunities for the 483 enforcement agencies' EHOs (down from 508 in the previous period). The aim of the training is to maintain the EHOs' skills and knowledge, promote consistency in inspection protocols and enforcement, and identify emerging risks. All training is available online and now also via webinars - all located on the FRP 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 2018-19 period were:

- Campylobacter – introduction to the reduction strategy in the retail sector
- Campylobacter reduction strategy – education and compliance
- Campylobacter – inspections and survey

The training contributed towards the national foodborne illness reduction strategy. With the focus on Campylobacter, council officers were provided with the tools to identify high risk foods, poor food handling practices and the enforcement tools and protocols to take appropriate enforcement action when breaches were identified. It is anticipated the campaign will improve compliance with food safety standards and reduce the incidence of foodborne illness in NSW.

Compliance of retail food businesses

There were a total of 60,161 inspections and re-inspections conducted across the in the retail food services sector, including fixed, temporary and mobile food premises, by 483 authorised officers (up from 508 and 501 in the previous periods).

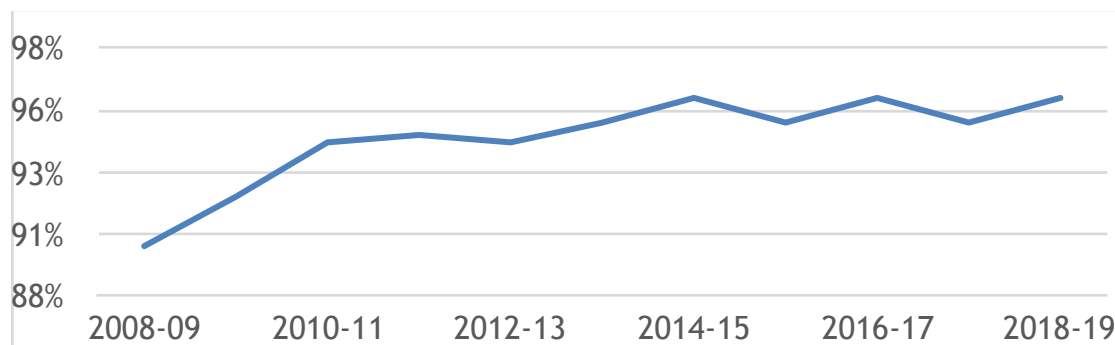
A total of 93% of the high and medium risk food premises (36,715 of the 39,613) were inspected. This is consistent with 2017-18 but less than the 95% (from 2016-17) demonstrating the expected consequence of agencies moving towards a risk-based inspection frequency, whereby strong performing businesses are inspected on an 18 month cycle, rather than on the traditional 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 fairly steady at 96% for this period, as shown **Figure 1**.

The number of businesses requiring additional re-inspections and intervention for non-compliance was calculated at 4% (1,592 of the 39,613 businesses) compared with 5% last period (1,862 of the 39,435 businesses).

Figure 1: Overall compliance rate of the retail food services sector 2008-2019



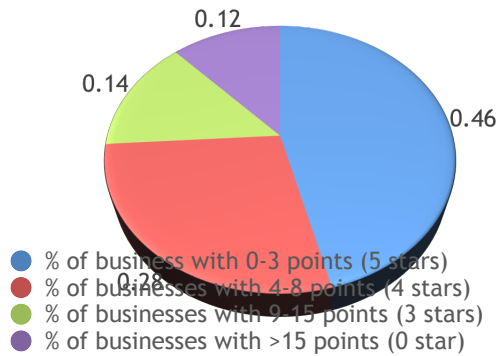
Food business inspection outcomes

Food businesses in NSW continue to have high food safety standards and 88% of businesses achieved an inspection outcome of 15 demerit points or less, which equates to a star rating of at least three or more stars.

Enforcement agencies provided business inspection outcomes for some inspections (67% of all high and medium risk fixed, temporary and mobile food premises) and the results are shown in **Figure 2**. The distribution of scores remains fairly consistent with previous periods, with the only exceptions being that the proportion of businesses scoring 0-3 points (5 stars) has risen from 43% in 2017-18 to 46%, and the proportion of businesses scoring >15 points (no stars) has dropped from 15% to 12%.

It was also reported that the number of fixed premises requiring re-inspection fell from 23% to 20% equating to 7,306.

Figure 2: Business inspection outcome scores reported for 2018-19



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**. Except for issued improvement notices, which has risen from 1836 in 2017-18 to 1846, the use of each statutory enforcement tools has decreased.

The number of warning letters issued by enforcement agencies dropped slightly (from 11,962 to 11,394), whilst the number of prohibition orders served fell almost 5% (202 to 193), the number of seizures fell 37% (46 to 29) and the number of prosecutions fell by 56% (from 18 in 2017-18 to 8 for this period).

Significantly the number of penalty infringement notices also dropped substantially – from 1,839 in 2017-18 to 1,654, representing a 10% reduction. This drop, coupled with the increase in issued improvement notices, might be due to enforcement agencies adopting an escalated enforcement approach to address non-compliances, as recommended by the Food Authority.

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 displayed on the Name and Shame register of offences on the Food Authority’s website.

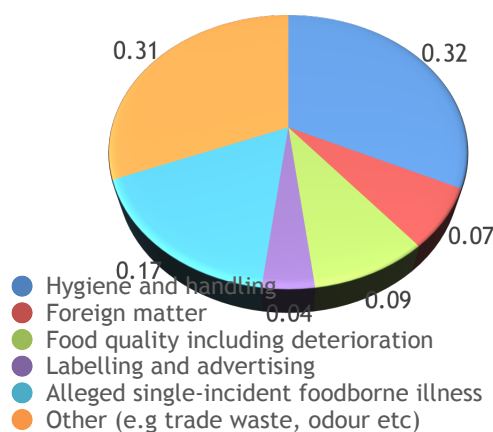
Figure 3: Types of enforcement action in the retail sector for 2008-2019



Food complaints

Enforcement agencies are responsible for investigating food related complaints. The total number of food complaints for the 2018-19 period decreased slightly from 5,384 to 5,339. The distribution of complaint types remains relatively unchanged from the previous year and is shown in **Figure 4**. The most common complaint type investigated related to hygiene and handling.

Figure 4: Complaint types investigated 2018-19



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 continues to provide 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.

The NSW Campylobacter retail survey also seeks to contribute to an overall reduction in foodborne illness notifications.

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 2018-19 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)
- Fiona Stalgis (representing the Development and Environmental Professionals' Association)
- Gina McConkey (representing Local Government Professionals Australia)
- Paul Harmon (representing Local Government NSW)
- Damian Thomas (representing Local Government NSW)
- Ruth Fagan (representing Local Government NSW)
- Lisa Hughes (representing Environmental Health Australia)

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



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- Sarah Flowers (representing Environmental Health Australia)