

Summary report of NSW enforcement agency activities in the retail food service sector for the period 1 July 2016 to 30 June 2017

In the September 2016 performance audit *Monitoring food safety practices in retail food businesses*, the NSW Auditor General found that “New South Wales has a lower rate of foodborne illness than the national average. This reflects some good practices in the NSW Food Authority’s approach to monitoring food safety standards. It also is a factor of the long-standing commitment by local councils’ to ensuring retail food businesses meet these standards.”

Background and the Food Regulation Partnership

The safety and reputation of food offered to consumers is paramount. To ensure consumers are protected the NSW Food Authority (the Food Authority) appointed all NSW councils and Office of Environment and Heritage (OEH) 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.

The NSW retail food sector is one of the biggest contributors to the NSW food industry and the state’s economy and is an innovative and evolving sector. To address changes in the way food is sold, e.g. farmers markets, online and in the sharing economy, this year the Food Authority consulted on proposed updates to the Food Regulation Partnership (FRP). These updates will be finalised in late 2017 and will help clarify the roles of council, Food Authority and other agencies in regulating food businesses and aim to increase consistency and cut red tape for businesses.

There are 132 areas in NSW regulated by the following 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).

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 2016 to June 2017 reporting period, as well as over 12,000 temporary and mobile food businesses.

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 allows businesses to self-assess, and officers to be consistent in their food safety inspections. The FPAR is used by all but two enforcement agencies in NSW and enables officers to generate a business inspection outcome score. Business inspection outcome data was reported by enforcement agencies for the first time in July 2017 and the results are outlined in the compliance section below.

NSW enforcement agencies continue to provide a range of complimentary services to support the retail businesses. This is above the regulatory duties undertaken and includes:

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

During the 2016-17 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 Coffs Harbour City Council on 21 July 2016 and 82 people including local businesses attended. The second was hosted by City of Sydney on 10 November 2016 and attracted around 94 attendees including local retail food businesses. Presentations at these sessions included updates on the FRP, *Scores on Doors* program, food allergies, and presentations from council officers regarding food safety issues within their local government area. The third information session was held in Parramatta on 6 April 2017 and targeted multi-chain food service businesses (such as fast food outlets and supermarkets) and attracted around 68 attendees. Presentations included updates on the FRP, relevant programs such as Food Safety Supervisor, and health and nutrition claims.

Scores on Doors

The participation rate of enforcement agencies in the *Scores on Doors* food safety ratings program has increased from 38% to 46%, and over half of the NSW retail food businesses participated in the program as at July 2017.

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.

Support for enforcement agency officers

As part of the FRP, the Food Authority is committed to providing training and networking opportunities for the 501 enforcement agencies' environmental health officers (EHOs) in order for them to maintain their skills and knowledge, promote consistency in inspection and enforcement, and identify emerging risks. To help improve these outcomes and to address a recommendation of the NSW Auditor General, the Food Authority developed online training and networking opportunities for council EHOs in early 2017. An online course on 'Raw Egg Safety' was developed and trialled by 17 participants across the state. Webinars were also trialled with authorised officers that did not attend face to face training and networking sessions.

The Food Authority also conducts three rounds of Regional Food Group meetings (RFG) incorporating 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 were on topical matters, with raw egg safety requirements embedded throughout as part of the strategy to reduce *Salmonella* in the retail sector. The training topics provided to EHOs covered in the 2016-17 period were:

- Skills and knowledge of food handlers and consistency in its enforcement
- Improving food safety culture and skills and knowledge of food handlers
- Practical risk assessment
- Risk-based use of enforcement tools

A total of 28 council staff attended the Authorised Officer (Local Government) Food Surveillance Course, provided by the Food Authority in Newington. The course is designed for new authorised officers and ran for 6 days (2 blocks of 3 days). It comprised of face-to-face training in food surveillance topics including raw egg safety, allergens, inspection techniques, pest control, food sampling and investigations.

Due to demand for training of new council staff, two special training days were organised; one in Tamworth and one in Newington with 10 and 22 attendees respectively. These one-day "Essentials" training covered food inspections using the FPAR standardised checklist, risk-based enforcement tools and raw egg safety.

Compliance of retail food businesses

Surveillance activity in the retail food services sector involved a total of 62,876 inspections by 501 authorised officers (up from 484 in the previous period). A total of 95% of the high and medium risk food premises (37,529 of the 39,640) were inspected.

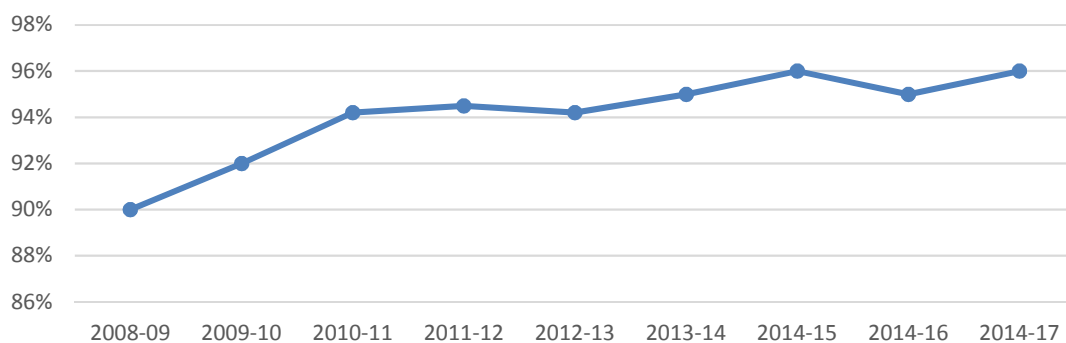
Standards among businesses are high and enforcement agencies reported (at July 2017) almost half of retail food businesses achieved the maximum 5 stars and around 90% of businesses received a star rating of at least three or more stars.

Food business compliance

Compliance with food safety requirements across the retail food sector has improved since the commencement of the FRP in 2008. The compliance rate for the 2016-17 period was 96%, and has remained steady over the last four years, as shown **Figure 1**.

A total of 1,515 high and medium risk fixed retail food businesses (down from 1,820 in the previous period) were deemed non-compliant (requiring ongoing intervention that involved two or more re-inspections). This represents 4% of high and medium risk fixed retail food businesses (down from 5%).

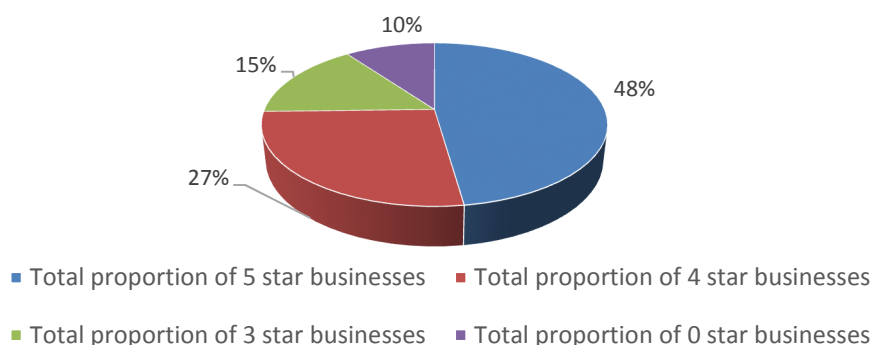
Figure 1: Overall compliance rate of the retail food services sector 2008-2017



Food business inspection outcomes

The business inspection outcome scores (based on the FPAR, generated at the time of inspection) that was reported by enforcement agencies is shown in **Figure 2**. Of the businesses inspected, almost half have an excellent food safety rating (equivalent of 5 stars *Scores on Doors* rating), and 90% have good compliance with the food safety requirements (equivalent of 3, 4 or 5 stars).

Figure 2: Business inspection outcome scores reported for 2016-17



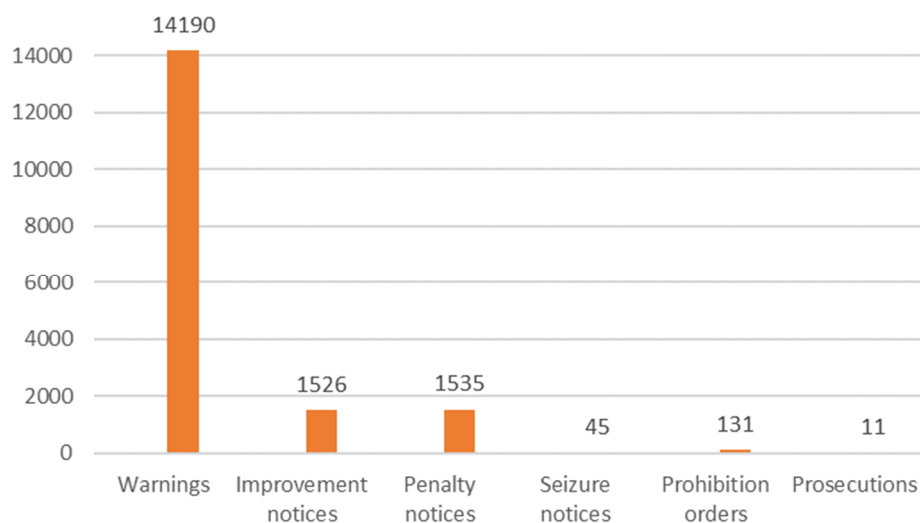
Enforcement action

The type of enforcement action taken on food premises that do not comply with the food safety requirements is determined by 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.

The enforcement tools used and the number of each issued is shown in **Figure 3**. Whilst the data is like previous years, there were more warnings, seizures of equipment and food, prohibition orders and prosecutions, and fewer penalty notices issued. It is likely this is a result of enforcement agencies focusing on raw egg products to ensure compliance with food safety requirements.

Penalty notices mainly were issued for unclean food premises, poor storage and temperature control, poor pest control, poor hygiene of food handlers, and unclean fixtures, fittings and equipment. Only approximately 2% of food businesses are represented on the *Name and Shame* register of offences on the Food Authority's website.

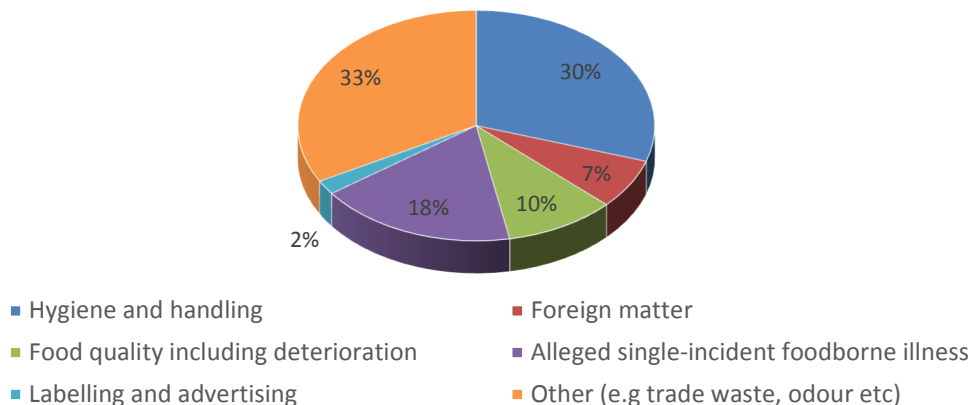
Figure 3: Types of enforcement action in the retail sector for 2016-17



Food complaints

In addition to regular food safety inspections, enforcement agencies are responsible for investigating food related complaints. A total of 5,727 complaints (up from 5134) were investigated in 2016-17. This rise was largely driven by a 75% increase in the number of alleged foodborne illness incidents reported which may be attributed to the very high occurrence of Norovirus and Rotavirus strains during the winter of 2017. These viruses cause gastroenteritis-like symptoms and are largely spread by human to human contact, not food. A breakdown of the types of food complaints investigated is shown in **Figure 4**.

Figure 4: Complaint types investigated 2016-17



Foodborne illness reduction

The Food Authority and enforcement agencies continued efforts to meet 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). Safe preparation of raw egg products has been a major focus by the Food Authority and enforcement agencies, as this has been the source of many foodborne illness outbreaks. This effort has resulted in a reduction in the number *Salmonella*-related outbreaks in restaurants and cafes in NSW.

Data from NSW Health shows that pre-2015, *S. Typhimurium* accounted for over half of all human *Salmonella* cases and was the most common type linked to foodborne illness. In 2016, NSW had a 39% decrease in the number of *S. Typhimurium* cases notified compared with 2014. This compares favourably with a national average decrease of 24% over the same period. In 2017, *S. Typhimurium* rates have continued to decline in NSW², providing further evidence that the efforts of the Food Authority and enforcement agencies have been successful in contributing to a 30% reduction target in foodborne salmonellosis.

Food Regulation Partnership Forum

The NSW Food Regulation Forum (the Forum) consists of government and industry stakeholders. Their role is to provide the FRP with strategic focus and advise the Food Authority on local government matters. The Forum met four times during the 2016-17 period and attended each of the Retail Information Sessions to hear from retail sector and local council stakeholders.

The Forum is chaired independently by Paul Braybrooks OAM, and organisations represented on the Forum are: NSW Food Authority, Local Government NSW, Development and

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

² Personal communications Dr Craig Shadbolt, 14 September 2017.

Environmental Professionals' Association, Environmental Health Australia, Local Government Professionals Australia, and NSW Small Business Commissioner (Independent).

Appointed Forum Members include:

- Paul Braybrooks OAM (Chair)
- Robyn Hobbs OAM, NSW Small Business Commissioner
- Dr Lisa Szabo, NSW Food Authority
- Peter Day, NSW Food Authority
- Scott Lloyd, Former Lord-Mayor Parramatta City Council
- Julie Kisa, Development and Environmental Professionals' Association
- Corey Stoneham, Development and Environmental Professionals' Association
- Alexandra Stengl, Local Government Professionals Australia