

VICTORIA

Auditor General
Victoria

Management of food safety in Victoria

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AUDITOR GENERAL
VICTORIA

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President
Legislative Council
Parliament House
MELBOURNE

The Hon. A. Andrianopoulos MLA
Speaker
Legislative Assembly
Parliament House
MELBOURNE

Sir

Under the provisions of section 16 of the *Audit Act* 1994, I transmit my performance audit report on *Management of food safety in Victoria*.

Yours faithfully

J.W. CAMERON
Auditor-General

30 October 2002

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Foreword

Any impediments to food safety through an ineffective food safety regime pose significant environmental and health risks to the community. A lack of community confidence in the food safety regime can also adversely impact on the economy and social amenity.

Victoria has had a long history of food safety regulation, reflecting the importance of ensuring food consumed or produced for consumption is safe. Over time, the regulatory framework has varied from prescriptive government regulation and oversight to various degrees of industry self-regulation. The present framework has less prescriptive food standards, and a greater emphasis on self-regulation and preventative strategies.

This audit has identified some weaknesses, which compromise the effectiveness of the regulatory framework. If these weaknesses are addressed, the audit will have contributed to improving food safety.

I recognise that agencies have finite resources, so existing resources must be used efficiently and effectively. It will, therefore, be incumbent on the 2 key regulators, the Department of Human Services and the local government sector, including those councils that were not subjected to detailed examination, to examine this report with a view to identifying opportunities for adopting better practices.



J.W. CAMERON
Auditor-General

30 October 2002

Part 1

Executive summary

INTRODUCTION

1.1 The Victorian food safety regulatory framework is embodied in the *Food Act* 1984 and subsequent amendments in 1997 and 2001. Changes to Victorian legislation have been consistent with national and international trends, resulting in a co-regulated system, with less prescriptive food standards, and greater emphasis on self-regulation and prevention strategies (e.g. industry codes of practice, food handling and hygiene plans, and statutory sampling of foods).

1.2 Both the Department of Human Services and local government have significant responsibilities for regulating food safety. The framework for managing food safety has changed substantially in recent years, is complex and imposes significant responsibilities on not only these agencies, but a diverse range of parties within the food industry (professional and peak organisations, food producers and manufacturers, wholesalers and retail service providers); governments (local, State and Commonwealth); and the community (general public, media and professional groups).

AUDIT OBJECTIVES AND SCOPE

1.3 The objective of the audit was to determine whether the regulatory framework for the management of food safety in Victoria efficiently and effectively minimises the risks of food-related illness. The audit assessed whether:

- registration and compliance processes efficiently and effectively achieved improved food safety outcomes;
- the framework, including organisational roles, responsibilities, relationships and planning processes, supported achievement of the objectives of the *Food Act* 1984;
- food safety community education and promotion activities achieved their aims; and
- an adequate performance measurement, monitoring and reporting framework was in place at a Statewide and local government level.

1.4 The audit examined the activities of:

- the Department of Human Services, in particular the Food Safety Unit, in its role of administering the *Food Act* 1984 and supporting local government (councils) in the management of food safety throughout the State; and
- councils in ensuring food for sale is both safe and suitable for human consumption, within the context of a self-regulatory framework, through a survey of all 79 councils and a detailed examination of a cross-section of 12 councils.

1.5 The audit focused on the *Food Act* 1984 and specifically food held for retail sale. Aspects not within the parameters of that Act and not examined were:

- processes adopted by businesses involved in primary food production;

- processes associated with exported food which are regulated under the Export Control Act; and
- the food standards formulated by Food Standards Australia New Zealand, the national food authority.

AUDIT CONCLUSION

1.6 The *Food Act* 1984 establishes a co-regulatory framework for the purpose of ensuring food for sale is both safe and suitable for human consumption. While the framework is appropriate in principle, it may not achieve its purpose as a result of the inadequacy of the compliance activities of councils.

1.7 A co-regulatory framework requires a collaborative approach between stakeholders and effective monitoring processes to enable councils to be assured that all food businesses apply to be, or are, registered. These monitoring processes, including surveillance activities, were irregular or not performed at all. As a result, some food businesses may not be subject to councils' compliance responsibilities.

1.8 The audit identified that only a few councils were fulfilling all of their legislative responsibilities. For the majority, there was poor compliance with key elements of the framework, including incomplete annual inspections of all registered food businesses, non-compliant businesses not being followed-up in all cases and the quantum of food sampling undertaken being below the minimum legislative requirement. Similarly, shortcomings with the Food Safety Unit's food recall practices may also impact on the framework's effectiveness.

1.9 To support the co-regulatory framework, more work is needed by the Food Safety Unit and by councils to ensure businesses are fully aware of both their legislative responsibilities and safe food handling practices. Similarly, community education and awareness of food safety needs to be heightened, particularly as recent research indicates limited community understanding of food safety.

1.10 The audit found that the roles and responsibilities of food safety stakeholders are not clearly defined. As comprehensive, relevant and appropriate information about the operation and outcomes of the food safety system was not available from either the Food Safety Unit or councils, it was not possible to fully assess whether the objectives of the State's food safety regulatory framework were being achieved.

1.11 Council food safety activity has increased, but still does not comply with the legislative requirements and the results are difficult to interpret. On the one hand, detection of non-compliance may have improved. On the other hand, increased detection of non-compliance may indicate increased incidents are occurring. Until councils fully comply with their legislative responsibilities, the aim of the regulatory framework of minimising the risks of food-borne illness will continue to be compromised.

1.12 At the council level, there is considerable potential for the development of model policies and procedures to ensure consistent approaches to the management of food safety across the sector, as well as for improvements in councils' current operations. We consider that scope exists for all councils to review the good practices detailed in this report which may provide opportunities to improve the efficiency and effectiveness of their food safety operations.

AUDIT FINDINGS

Registration and annual inspections

1.13 Instances were noted where registration procedures were not documented or formalised, and surveillance activities aimed at identifying businesses that had not registered were irregular or not performed at all. The failure of some councils to undertake monitoring activities which systematically identify and register all food businesses undermines effective compliance activities. (*paras 3.11 to 3.14*)

1.14 Our survey (66 councils responded to this question) identified that only 71 per cent of councils "always" ensure food businesses have a food safety program upon registration. The legislation, however, requires all registered businesses to have a food safety program in place. (*paras 3.15 to 3.19*)

1.15 Under the *Food Act* 1984, food businesses are divided into 2 classes. Class 1 businesses provide food to the most vulnerable sectors of the community, while Class 2 businesses are the remainder, excluding those where only pre-packaged low-risk food is handled or sold. Class 1 businesses are required to have a food safety program and engage a third-party auditor to check compliance by the business with the program. Class 2 businesses can choose the same approach or develop a food safety program based on a standard template approved by the Food Safety Unit. All businesses are subject to annual inspections by councils. (*para. 2.20*)

1.16 Our audit examinations suggest that only around half of the councils have identified the scope of their responsibilities in respect of Class 2 businesses registering food safety programs. While most councils have been pro-active in assisting businesses to comply with the requirements of the legislation, many have not conducted up-front planning to ensure compliance by the legislative time frame (i.e. January 2003) and do not have information about the number of businesses requiring registration of their food safety programs. Without a good understanding of the position of businesses, councils will find it difficult to monitor compliance with other aspects of the legislation, such as implementation of the third-party auditing system. We estimate that during 2002-03 around 34 900 Class 2 food businesses will be required to develop their food safety programs and submit them to council for review. (*paras 3.20 to 3.25*)

1.17 Our survey identified that at July 2002, around 8 600 food premises (representing 23 per cent of Victoria's registered food businesses at June 2001) had not been subjected to an annual council inspection as required under the *Food Act* 1984 (of the 79 councils' responses, only 16 indicated that they had performed all annual inspections, while 3 did not provide sufficient information). Around 360 businesses (or 4 per cent of those premises where an annual inspection had not been undertaken) were categorised by councils as Class 1 premises where food is being provided to the most vulnerable sectors of the community. (*paras 3.30 to 3.32*)

1.18 The level of outstanding annual inspections for individual councils at July 2002 expressed as a percentage of registered businesses ranged from 90 per cent to 1.5 per cent and included:

- Horsham - 90 per cent (150 Class 2 businesses); and
- Shepparton - 88 per cent (357 businesses, including 27 Class 1 businesses). (*para. 3.33*)

1.19 Councils examined in detail commented that they had generally not undertaken a detailed assessment of resource requirements relative to their food safety responsibilities, and that the level of outstanding inspections would continue to increase unless additional resources were allocated to this activity. In recent times, some councils had sought to employ additional resources to assist with this task. (*paras 3.34 to 3.36*)

1.20 Some inspection practices employed by councils were not conducive to an efficient and effective inspection regime. (*paras 3.39 to 3.41*)

1.21 Overall, respondents to our survey of businesses expressed a very high level of satisfaction with the way councils conducted inspections, and 98 per cent of proprietors reported that they understood the information provided to them by councils. However, around 21 per cent of respondents advised that councils had not complied with the legislation in that:

- 9 per cent *never* had a council inspection;
- 6 per cent were last inspected *more than 2 years ago*; and
- 6 per cent were last inspected *one to 2 years ago*. (*paras 3.42 to 3.45*)

Non-compliant businesses

1.22 The formal action taken by councils on non-compliant businesses has increased over the 5 year period to June 2001. The audit identified the following trends in compliance activity based on responses provided by councils:

- follow-up inspections conducted due to non-compliance with food safety standards identified by councils had increased from 1 970 (by 14 councils) in 1997 to 9 470 (by 38 councils) in 2001, and equated to a follow-up inspection of one in every 4 food businesses; (*para. 3.48*)

- the level of successful prosecutions due to failure of a proprietor to comply with a council's order had increased by 14 per cent on 1997 levels; (*para. 3.50*)
- cancellation of food businesses' registration due to non-compliance with council orders had increased 164 per cent on 1997 levels; (*para. 3.50*)
- orders issued by councils in respect of premises which were unclean, unsafe or unhygienic had risen 144 per cent on 1997 levels; (*paras 3.50 to 3.51*)
- the failure rate of food sampled was trending downwards from 20 per cent in 1997 to 17 per cent in 2001; (*paras 3.69 to 3.70*)
- referrals of illnesses to local councils by the Department of Human Services for investigation had, over the period 1999 to 2001, remained relatively consistent at around 630 to 750 cases a year; and (*paras 3.80 to 3.82*)
- the level of voluntary recalls of food had increased by 86 per cent on 1997 levels. (*para. 4.38*)

Food sampling and complaints processes

1.23 The legislation requires councils to test 3 food samples per one thousand population each year. Only 27 councils (34 per cent) complied with this requirement. Those councils in the Department of Infrastructure's categories of *uncategorised-small*, *very small rural* and *small rural* performed especially poorly. (*paras 3.63 to 3.68*)

1.24 To inform their food sampling, a few councils are beginning to develop risk-based strategies focusing on those areas of food handling and preparation which pose the greatest risk to public health. We noted 4 councils whose food sampling had exceeded the levels prescribed in the legislation because of their belief that population size is a poor indicator of the number of food samples that should be tested. (*paras 3.66, 3.73 and 3.77*)

1.25 We found through our survey that a small number of councils did not have detailed operating procedures to support sample collection (13 per cent) and transportation (15 per cent). (*paras 3.75 to 3.76*)

1.26 Councils generally have positive attitudes towards complaint management, with the majority of councils (91 per cent) responding to high-risk complaints within 24 hours of their notification to minimise risks of further complaints. (*paras 3.83 to 3.86*)

Resourcing

1.27 At July 2002, the amount of time spent on food safety responsibilities, such as annual and follow-up inspections, collection of food samples and travel by an environmental health officer was, on average, 7 hours per business per year. We consider that, for some councils, this is insufficient to meet legislative obligations. (*paras 3.91 to 3.96*)

1.28 Environmental health officer food safety caseloads (hours allocated to each business) are not systematically allocated with reference to the nature of the food businesses to be monitored (e.g. level of risk, location, size, complexity) and the resources required to meet the council's legislative obligations. (*para. 3.95*)

1.29 Councils overwhelmingly indicated that their council was under-resourced in food safety personnel and funding. Concerns were also expressed about the lack of adequately skilled staff, particularly in rural areas. However, only 5 of the 12 councils subjected to detailed audit had actively considered the resource implications of the regulatory framework or re-ordered their priorities to improve performance. (*paras 3.96 to 3.98*)

1.30 On average, councils recover 63 per cent of their food management costs through business registration fees, ranging from a minimum of 18 per cent to over 100 per cent (City of Ballarat). Eight councils fully recovered their costs through their business registration fees. (*paras 3.107 to 3.111*)

1.31 We found that only 30 per cent of councils had a formal process by which environmental health officers are able to register potential conflicts of interest with their council. (*paras 3.101 to 3.103*)

Statewide co-ordination

1.32 The roles, responsibilities and priorities of food safety stakeholders are not clearly defined. The *Food Act* 1984 does not specifically address how or which government agency is responsible for overseeing the performance of the local government sector with respect to meeting its food safety responsibilities. Consequently, the extent to which individual councils, and the sector as a whole, meet their legislative responsibilities is not currently known by the central regulatory agency, the Department of Human Services. (*paras 4.5 to 4.11*)

1.33 The process, oversighted by the Food Safety Unit, for development and management of the food safety program templates is streamlined, well organised and responsive to the various industry groups. The Food Safety Unit has also initiated several strategic projects in partnership with industry, local government and academic institutions to identify good practices in food management and handling. (*paras 4.19 to 4.26, and paras 4.41 to 4.42*)

1.34 A number of shortcomings with the third-party auditing system were identified. For example, there were no mechanisms for ensuring appropriate standards were maintained by third-party auditors. (*paras 4.27 to 4.32*)

1.35 Recall practices could be improved. For example, the Food Safety Unit relies on councils to ensure that the recalled product is removed from sale and destroyed, but does not confirm that this has been undertaken. (*paras 4.33 to 4.39*)

Education, awareness and health promotion

1.36 Although communication activities undertaken by the Food Safety Unit have been extensive, their effectiveness has not been measured. Our audit confirmed the Food Safety Unit's view, that more work is still required to raise community and business awareness of the food safety regulatory system and safe food handling practices. (*paras 5.10 to 5.14, and paras 5.27 to 5.30*)

1.37 The Food Safety Unit is currently developing an information system known as VicFIN (Victorian Food Safety Information Network) which will provide a central food safety surveillance database for all parties involved in the delivery, monitoring and implementation of safe food practices. The time frame for full implementation of the database has been extended from December 2001 to mid-2003. (*paras 5.19 to 5.21*)

1.38 Our survey found that only 39 per cent of councils had a formal program directed at the education of businesses within their municipality. Around 70 per cent of businesses that responded to our survey considered that more information (e.g. brochures, training courses and contact with environmental health officers) would improve their overall understanding and implementation of the food legislation. (*paras 5.31 to 5.42*)

1.39 Around half (47 per cent) of the councils did not perceive a need to identify businesses with special needs, such as proprietors with a non-English speaking background and cultural practices, for targeting of education and awareness programs. Our in-depth audit of councils also identified that very little effort has been directed to the formal education of special needs groups, despite councils identifying this group as having a "high level of non-compliance". (*paras 5.43 to 5.47*)

Performance measurement and reporting

1.40 The performance measurement framework for both the Food Safety Unit and councils needs improvement. Neither the Food Safety Unit nor councils are adequately informing the public of their respective performance against their obligations under the food safety regulatory framework, or the achievements of the framework as a whole. This situation is compounded by the lack of clarity about which entity has overall responsibility for monitoring the local government sector's achievements under the *Food Act 1984*. (*paras 6.9 to 6.13*)

RECOMMENDATIONS

Paragraph number	Recommendation
Registration and compliance	
3.28	<p>Councils should:</p> <ul style="list-style-type: none"> • develop formal risk-based surveillance strategies to identify non-registered food businesses; • re-assess the adequacy of resources to review food safety programs, particularly in this first year; • inform businesses of their obligation to submit their food safety programs to council; and • establish mechanisms to follow-up any business that has been registered without lodging a food safety program.
3.87	<p>Councils should:</p> <ul style="list-style-type: none"> • Adopt a risk-based approach to the conduct of annual business inspections. This would involve consideration of such factors as the results of third-party audits, council follow-up inspections and sampling activities, and the level of complaints made; • Examine options for reducing the level of incomplete annual inspections; • Review existing arrangements for the management of third-party audits; • Develop a Statewide risk-based food sampling strategy, in collaboration with the Food Safety Unit, to maximise the effectiveness of these activities and the understanding of councils. The level of food safety risk for specific food business classifications should be identified through analysis of sampling results and documented compliance histories; • Review policies, procedures and recording of public complaints; and • Develop model policies and procedures incorporating a “good practice guide” to assist staff in employing strategic and efficient practices associated with key aspects of their food safety management responsibilities.
3.112	<p>Councils should establish a formal framework to assist in determining their resource requirements, including consideration of optimum caseloads for environmental health officers and the time necessary to adequately undertake their food safety obligations.</p>
Statewide co-ordination	
4.16	<p>The Food Safety Unit should:</p> <ul style="list-style-type: none"> • undertake the development of a strategic plan in collaboration with key stakeholders, which: <ul style="list-style-type: none"> • documents roles, responsibilities, key strategies and relationships with other key food safety stakeholders; • clarifies its responsibilities and establishes protocols for its monitoring of local government’s fulfilment of its legislative obligations; and • is updated in consultation with all key stakeholders and periodically assesses achievements against plans; and • undertake operational planning, linked to the strategic plan, which: <ul style="list-style-type: none"> • clarifies roles and responsibilities of departmental staff; • maintains policies and procedures; and • incorporates a formal professional development program for staff.

RECOMMENDATIONS – *continued*

Paragraph number	Recommendation
Statewide co-ordination – <i>continued</i>	
4.42	<p>The Food Safety Unit should:</p> <ul style="list-style-type: none"> • establish a formal quality assurance system to assess compliance by third-party auditors with their responsibilities and provide assurance that the work is being undertaken to an appropriate professional standard; • assess the need for providing specific information to food businesses and local government regarding the operation of the third-party auditing system; and • review its current operational procedures in relation to food recalls with a view to ensuring that it efficiently and effectively meets its food recall responsibilities.
Education, awareness and health promotion	
5.48	<p>The Food Safety Unit and councils should:</p> <ul style="list-style-type: none"> • develop, in consultation with other key stakeholders, a comprehensive, co-ordinated strategic approach to community education, awareness and health promotion activities, encompassing: <ul style="list-style-type: none"> • a clear definition of stakeholders' roles and responsibilities; • identification of target audiences and appropriate communication mechanisms; • provision for periodic review; and • realistic time frames for development and implementation; • better address the requirements of businesses with special needs and culturally and/or linguistically diverse (CALD) groups, including through development of a language policy and good practice guide, updating the website and hotline facilities, and training staff; • ensure that VicFIN meets its potential as a food safety communication and management tool through its timely implementation, comprehensive use by councils, and monitoring to ensure its usefulness and the timeliness, relevance and accuracy of its information; and • continue to undertake stakeholder surveys to measure effectiveness in educating business and the community.
Performance measurement and reporting	
6.14	<p>The Food Safety Unit, in collaboration with councils, should:</p> <ul style="list-style-type: none"> • develop a suite of relevant and appropriate performance indicators and targets which measure achievements against the key objectives of the food safety regulatory framework at both a council and State level, and which address aspects of both efficiency and effectiveness; and • publicly report performance on their key respective responsibilities under the regulatory framework.

RESPONSE provided by Secretary, Department of Human Services

It is my belief that the findings and recommendations related to activities of the Food Safety Unit are, in the main, accurate and provide a true representation of the current operations of the Unit.

Your recommendations are welcomed and I am pleased to advise that a number of issues raised had previously been identified as issues by my officers and actions in line with your recommendations are already in train, including:

- *establishment of a policies and procedures manual;*
- *development of a Statewide food sampling framework in conjunction with local government;*
- *a review of initial activity with respect to third-party audits and participation in development of a national framework for management of food safety auditing;*
- *development of a community education strategy; and*
- *a number of initiatives aimed specifically at the CALD (culturally and/or linguistically diverse) business community.*

RESPONSE provided by Secretary, Department of Infrastructure

Victoria's local councils are autonomous entities when it comes to decisions on the allocation of resources. In the case of the performance audit of councils' roles under the Victorian food safety framework, your findings point to a number of shortfalls in councils' compliance. A major shortfall identified across the local government sector is that of inadequate resources to perform councils' food safety functions under the Food Act 1984.

To the extent that the poor compliance of the sector is attributable to such a resource problem, the Department believes that the efforts of the Municipal Association of Victoria (MAV) and the sector itself to identify and try to redress such systemic shortages, particularly of environmental health officers, ought to be acknowledged. In so saying, I am not overlooking the separate audit concerns around councils' data management systems, adequacy of record keeping, community education responsibilities and systematic compliance auditing of food businesses.

Secondly, my Department initiated the development of a performance management system for councils. Since June 2001, councils have been required to include in their annual reports information on their compliance with the Victorian Local Government Indicators (VLGIs). These comparative indicators broadly cover the total operations and community expectations of councils. Under the environmental health and regulatory services category of indicators, 2 indicators can pertain to food safety responsibilities. With a proposed recommendation in your report being that the Department of Human Services, in consultation with local government, develop a set of relevant performance indicators and targets, the report makes clear the benefit of there being separate and more specific food safety performance measures than provided for by the VLG I program.

RESPONSE provided by Chief Executive Officer, Campaspe Shire Council

The audit makes numerous recommendations for councils to develop procedures or policies to implement specific sections of the Food Act 1984. To ensure a consistent approach to food safety across all 79 councils within Victoria specific procedures are required. These procedures could be developed by the Food Safety Unit in consultation with relevant stakeholders.

We look forward to working with the Government to implement recommendations of the audit to improve the performance of local government in the area of food safety.

RESPONSE provided by Chief Executive Officer, City of Greater Dandenong

In respect of the wider recommendations made in the executive summary of the audit report, it would seem appropriate to use words to the effect “Councils should, if not already doing so, address” rather than stating “Councils should”. As it stands, the inference is that these matters are not currently in practice in some councils despite documenting instances of good practice later in the report which has the potential to mislead the reader.

RESPONSE provided by Chief Executive Officer, Indigo Shire Council

As an overall comment, the report was well written and informative. There are concerns from the Indigo Shire Council regarding the continual mention throughout the report that the council may be expected to increase resources for food safety management. The costs to the Council have increased significantly since the State Government has introduced further legislation to regulate the provision of food to the general public. While the Council supports the intent of the legislation, the cost has become a burden. There are no additional resources available within the Council’s budget to provide for this activity.

It is clear from the report that there are significant variations in the level of contribution and costs of food safety management across the State. This is influenced by a number of factors with issues particular to small rural councils, including geographical distances, difficulty in attracting suitably qualified staff and the small number of establishments which defeats any economies of scale.

It is acknowledged that there is a need to increase resources to the management of food safety, however, the response to achieving this should be recognised as a responsibility of other levels of government as well as local government. A partnership approach to providing additional resources should be committed to involving the State Government and local government.

The recommendation that promotes the provision of Statewide guides and templates is supported. However, I believe this recommendation should be articulated more clearly and the profile raised. A more collaborative approach is required between the respective State Government departments and local government.

Council is restricted by budget limitations to increase resources for food safety practices. Council’s food services costs have risen dramatically in recent years with very little increase in funding from State and Commonwealth Government sources. These limitations are reflected in the standard of food safety management practices.

Where it has been identified that practices are poor, it is mainly due to the Council’s incapacity to resource this area to the level of expectation of your Office and other governing bodies. I would hate to think that the imposition of higher standards might reduce the level of supply, especially where the standards might not be appropriate in all circumstances.

RESPONSE provided by Chief Executive Officer, Latrobe City Council

Latrobe City Council was pleased to represent the group of Gippsland councils in the closer scrutiny of food safety. We will discuss relevant findings of the audit with the other councils.

Latrobe City prides itself in its achievements in food safety and appreciates the opportunity the external review has provided to identify areas to improve and enhance performance. It has already commenced addressing issues identified from the audit.

You have made recommendations which provide for a clearer role definition and a more co-operative partnership arrangement which recognises, builds upon and strengthens the roles of both local governments and the State Government to assist industry and business to provide quality safe food to consumers. Latrobe City Council supports these recommendations.

RESPONSE provided by Chief Executive Officer, City of Melbourne

The City of Melbourne, being a capital city and renowned across the world for its diversity and quality of eating establishments, places a high priority on the management of food safety in the community. The Council aims to consistently fulfil and, where possible, exceed its regulatory food safety responsibilities, and supports any initiative that aims to improve food safety management and minimise the risk of food-related illness. The City of Melbourne, therefore, supports the recommendations outlined in the audit report.

The report highlights good and poor practice examples relating to food safety management observed during the audit. Council is pleased that the City of Melbourne has been cited under a number of the good practice examples. In relation to poor practice examples, there are 3 references to the City of Melbourne. Council comments in relation to these, are detailed in paragraphs 3.14, 3.55 and 3.62. The issues that relate to these examples have been, or are in the process of being, addressed.

Finally, the auditors employed by your Office placed very high significance on strict adherence with the prescriptive provisions of the Food Act with the threat of non-registration for non-compliance. This Council's emphasis has been, and will continue to be, on risk management and high quality food safety outcomes through a combination of a risk-based inspection regime, training programs for owners and staff of food establishments, and education of the public on safe food handling techniques.

RESPONSE provided by Chief Executive Officer, Mount Alexander Shire Council

The various recommendations in the report are, of themselves, not unreasonable and we would, in general terms, concur with the spirit of same together with the desirability of increasing surveillance of food safety tasks in the interest of all residents.

The major challenge to accommodating any additional and/or more complex food safety monitoring tasks, however, in the case of this municipality is clearly a resource constraint. The municipality is relatively small and has a very limited revenue raising base. There are at least 3 issues at hand:

- the small nature of many food businesses and the resultant very limited ability of the council to realistically levy increased registration fees to cover additional monitoring by the council;*
- the ABS statistics indicate that the Council's population has one of the lowest per capita incomes in the State, thus constraining the Council's ability to continue to raise rate revenue; and*
- the many other competing demands on the Council's revenues and resources.*

There has been, and continues to be, a notable "shifting" of costs onto local government by other levels of government over many years. This "shifting" occurs via a number of means, including:

- new tasks required of local government;*
- the withdrawal of grants previously given to cover a service;*
- the non-maintenance of the real value of grant funding; and*
- the introduction of additional and/or more complex responsibilities and demands on local government via amendment to existing legislation/regulations.*

If the additional demands of food safety management as outlined in the report were the only additional demands placed on local government, it may be possible to provide additional staffing to address this issue. However, the "shifting" of costs onto local councils is occurring across a number of service areas, and local government is finding that it is just not able to accommodate all of these and also meet the services demanded directly by its residents.

RESPONSE provided by Chief Executive Officer, Mount Alexander Shire Council - continued

In the current financial circumstances, it would appear that if additional resource input is required of local councils in respect of the desirable implementation and ongoing management of tasks under the food safety regulations, it is considered necessary for the State to firstly provide and maintain some real financial assistance to ensure that the regulations are implemented fairly and equitably for all citizens across the State.

The above comments are intended as constructive indications of the realistic position of this municipality and, I would imagine, other municipalities across the State. I would trust that the comments are taken into consideration on that basis and in the spirit of seeking to ensure that the important issue of food safety monitoring is correctly addressed in the interest of the wider community across the State.

RESPONSE provided by Chief Executive Officer, West Wimmera Shire Council

We accept the recommendations in the report, however, to ensure all requirements of the Act are adhered to, the State Government must review and evaluate the level of funding provided to small rural shires to properly manage the food safety requirements of the Act.

RESPONSE provided by Chief Executive Officer, Wyndham City Council

Council officers will conduct a thorough review of the audit report and where there is a demonstrated need to improve our policies and procedures, actions will be put in place. These will be treated as opportunities for continuous improvement and addressed through a “Best Value” Service Review which has commenced.

Part 2

Regulatory framework for managing food safety

FOCUS OF THE AUDIT

2.1 The *Food Act* 1984 promotes and supports good hygiene practices in food businesses. The Act has been amended in recent years to focus on prevention, using a co-regulatory approach which incorporates both industry food safety programs and monitoring processes (quality control) that are managed by local government.

2.2 The audit focused on the effectiveness of Victoria's food safety regulatory framework, including the performance of the central regulatory agency, the Department of Human Services (primarily the Department's Food Safety Unit), and the local government sector, which has responsibility for the registration of businesses and monitoring their compliance. A survey of the State's 79 municipal councils was conducted, and 12 councils were subjected to detailed examination to confirm and clarify the survey results. A sample of food businesses (219) were also surveyed. The audit focused on food held for retail sale and did not extend to the activities of the Victorian Meat Authority or Dairy Food Safety Victoria (further information on the conduct of the audit is contained in Appendix A of this report).

WHY IS SAFE FOOD IMPORTANT?

2.3 A safe food supply of adequate quality is essential for proper nutrition. The food supply must not endanger consumer health through biological, chemical and/or other contaminants and it must be presented honestly. Food safety and quality control ensures that the desirable characteristics of food are retained through the cycle of production, handling, processing, packaging, distribution, preparation and sale.



Safe food is important to the community.

2.4 A number of factors are responsible for the increasing risk of food-borne illness, both in Australia and internationally. These include population changes (e.g. ageing), changes to the food supply (including new animal husbandry practices), new and emerging disease producing organisms, and consumer preferences. Improved methods of detection also contribute to an increased awareness of the incidence and causes of food contamination.

2.5 The impact of food-borne illness is greatest for vulnerable groups. Those at risk include the elderly, the very young, pregnant women and immuno-suppressed people, including cancer and transplant patients. These people are at increased risk because a much smaller infective dose of food-borne micro-organisms can cause illness and that illness can impact more severely.

2.6 The 1999 regulatory impact statement on the implementation of national food safety standards estimated that the Australian food hygiene regulatory system cost government \$18.6 million (net) to enforce, and small business \$337 million in compliance costs each year. It also estimated that 11 500 consumers contract food-borne disease every day, costing the Australian community over \$2.6 billion every year¹. This is the accumulated cost of health care, absenteeism, reduction in productivity, business failure and associated costs, including civil litigation. The impact on food export markets has not been included in these costs. Food-borne illness also reduces consumer confidence in the safety of food and can affect eating habits.

2.7 Australian and international research² indicates that consumers expect their food to be safe all the time and that the community is unwilling to see food safety compromised, even though there can be far greater risks to health from sources other than unhygienic food. There are also sound economic reasons for selling consistently safe food and maintaining consumer confidence in the food supply. In addition to the immediate damage to the company involved, failure in one business can affect an entire industry and has the potential to affect other industries such as international tourism.

HISTORY OF FOOD REGULATION IN VICTORIA

2.8 Victoria has been at the forefront of public health and regulation in Australia and internationally in ensuring food consumed or produced for consumption is safe. A brief history of food regulation is shown in the following timeline³:

- 1854 - The Colony of Victoria passed the *Health Act 1854* establishing the Victorian public health administration system;

¹ Commonwealth Productivity Commission, Regulatory Impact Statement consequent on a *National Competition Policy, Review of the Model Food Law*, 1990, pp.4-5.

² Swinbank 1993 in ANZFA Food Safety Standards – Cost and Benefits. *An analysis of the regulatory impact of the proposed national food safety reforms*, May 1999.

³ R Polya, *Food Regulation in Australia a Chronology Science, Technology, Environment and Resources Group*, Department of the Parliamentary Library, 18 September 2001.

- 1864 - Australia's first food Act titled an Act to Prevent the Adulteration of Articles of Food and Drink was passed by the Colony of Victoria;
- 1905 - The State of Victoria passed the Pure Food Act;
- 1984 - From the 1950s onwards, the States and Territories actively supported the development of national uniform food legislation that resulted in an agreement to implement the Commonwealth Model Food Act in 1980. In Victoria, this led to the *Food Act* 1984, which consolidated and amended law relating to the preparation and sale of food, labelling and hygiene requirements and regulation, administration and enforcement of food laws;
- 1986 to 1996 - A range of national food and hygiene standards were established which re-enforced the importance of food safety. These included Australian Food Standards Code 1986, Hazard Analysis Critical Control Points (HACCP) 1994 and national food hygiene standards in 1996;
- 1997 - In response to these standards, and following significant incidences of food-borne illnesses, the 1997 *Victorian Food Hygiene Strategy: A Fresh Approach* was introduced which in turn led to the *Food (Amendment) Act* 1997. These amendments also sought to address growing concerns within the food industry about the cost of regulation and desirability for greater self-regulation; and
- 2001 - The present Government considered the 1997 amendments were too complex and onerous for food businesses, particularly small food retailers. The local government sector was also concerned with the workload and potential liability created by the 1997 amendments. Following consultation with key stakeholders, in 2001 the Government amended the *Food Act* 1984 to address these concerns.

2.9 The changes to Victorian legislation have been consistent with national and international trends, with a shift to less prescriptive regulation, greater emphasis on industry responsibility and outcome-based legislation. This has resulted in a co-regulated system, with less prescriptive food standards, and greater emphasis on self-regulation and prevention strategies (e.g. industry codes of practice, food handling and hygiene programs and statutory sampling of foods). Complementary initiatives such as nutrition education, monitoring and surveillance, have also become more important components of the regulatory system.

WHAT IS THE FRAMEWORK FOR FOOD SAFETY?

2.10 In accordance with obligations under the Inter-Government Agreement 2000, Victoria is a party to a new national food regulatory system. The objectives of the system are to:

- provide safe food controls;
- reduce the regulatory burden;
- facilitate harmonisation of Australia's domestic and export food standards with international food standards;

- provide cost-effective compliance and enforcement arrangements for government, consumers and industry (e.g. consistent penalties); and
- provide a consistent regulatory approach across Australia.

2.11 There are many interacting factors in the management of food safety, including:

- the food supply system (e.g. from production to point of sale);
- the health and demographic status of the population (e.g. the number of vulnerable people);
- the social situation, behaviour and lifestyles (e.g. patterns of food preparation and consumption);
- the health system and infrastructure (e.g. surveillance and monitoring activities); and
- environmental conditions (e.g. ecological systems).

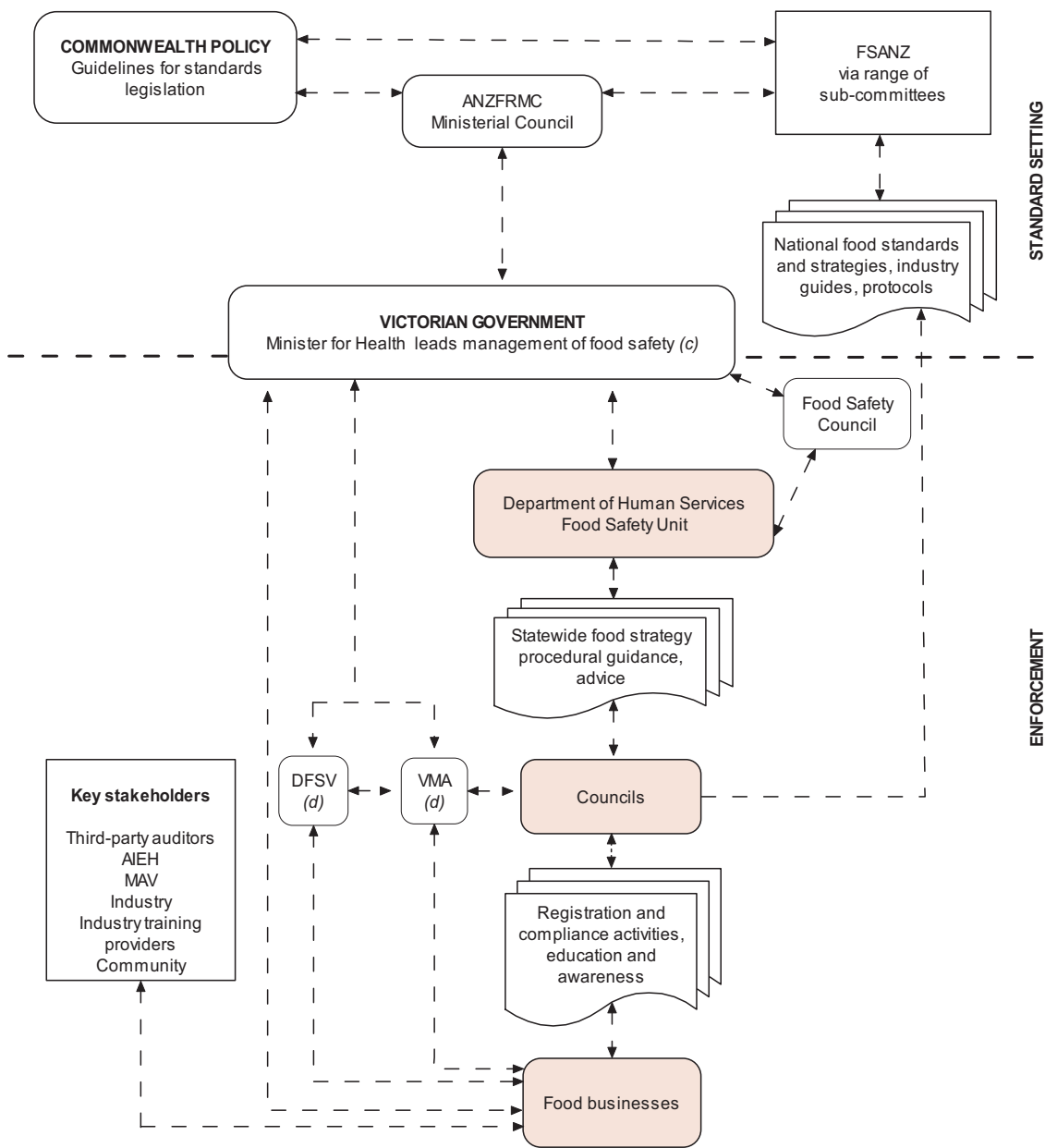
2.12 The management of food safety in Victoria is complex and imposes significant responsibilities on a diverse range of parties within the food industry (professional and peak organisations, food producers and manufacturers, wholesalers and retail service providers); governments (local, State and Commonwealth); and the community (general public, media and professional groups).

2.13 The Victorian food safety regulatory framework is embodied in the *Food Act* 1984 and subsequent amendments in 1997 and 2001. The objectives of this Act are to:

- “ensure food for sale is both safe and suitable for human consumption, including wholesomeness and purity of food;
- prevent misleading conduct in connection with the sale of food, such as false or misleading packaging or advertising; and
- provide for the application in Victoria of the Food Standards Code, a national set of food standards”.

2.14 The food safety system in Victoria and its links to the national system are presented in Chart 2A.

CHART 2A
FOOD SAFETY SYSTEM (a) (b)



Legend: Focus of audit

- (a) Diagram outlines key linkages between the Department of Human Services – Food Safety Unit and councils, and does not represent all those of other key stakeholders.
- (b) ANZFRMC: Australia New Zealand Food Regulation Ministerial Council; FSANZ: Food Standards Australia New Zealand; DFSV: Dairy Food Safety Victoria; VMA: Victorian Meat Authority; AIEH: Australian Institute of Environmental Health; MAV: Municipal Association of Victoria.
- (c) Joint responsibility with Minister for Agriculture, Minister for State and Regional Development and Minister for Small Business.
- (d) Responsible minister – Minister for Agriculture.

Source: Victorian Auditor-General's Office.

Roles and responsibilities of key parties

2.15 The *Food Act* 1984 outlines the following roles and responsibilities of the primary parties involved in the management of safe food:

- **Department of Human Services** co-ordinates and manages, primarily through its Food Safety Unit, the Statewide strategy for ensuring the provision of a safe and nutritious food supply, particularly through the monitoring and surveillance of production, processing and handling of food for sale. Its role is to:
 - ensure that food production in Victoria meets national safety standards;
 - enhance consumer confidence in food safety; and
 - increase public awareness of Victoria's safe food system;
- **councils and their authorised officers** have a primary role to implement the legislation through registration, monitoring, education and compliance mechanisms, in accordance with minimum food sampling and inspection standards;
- **food businesses** must register annually, develop food handling and hygiene practices (incorporated in a food safety program), ensure that their premises are kept clean and sanitary, and comply with the Food Standards Code;
- **food safety auditors**, known as third-party auditors, approved by the Department of Human Services, check that certain food businesses⁴ comply with their food safety program and that the program remains appropriate for their operations; and
- **Food Safety Council** advises the Minister for Health on strategic issues of food safety.

2.16 The Victorian Meat Authority and Dairy Food Safety Victoria are also involved in the regulatory framework. The *Food Act* 1984 provides for some food premises to be registered or licensed by authorities other than councils. Premises which predominantly process, handle or sell meat are licensed by the Victorian Meat Authority and those that manufacture, handle or sell dairy products are licensed by Dairy Food Safety Victoria under separate legislative controls. Both entities are responsible for interpretation and enforcement of the applicable standards and codes in relation to these meat and dairy food premises. Councils are responsible for enforcement of the applicable standards in such premises where meat and dairy products are not the predominant food sold (e.g. supermarkets). Breaches of standards in these cases are referred to the respective authorities for actioning. Memoranda of Understanding have been established between the agencies and the Food Safety Unit, and the agencies and councils via the Municipal Association of Victoria and the Australian Institute of Environmental Health. These Memoranda outline the respective roles of each party in the regulation of the meat and dairy sectors.

⁴ Those businesses serving food to the more vulnerable members of the community and those who develop their own food safety programs.

2.17 Another party to the framework is Food Standards Australia New Zealand (FSANZ), a statutory authority operating under the Commonwealth *Food Standards Australia New Zealand Act* 1991. This Authority develops, in conjunction with all States, Territories and industry, standards for food composition, labelling and contaminants, including microbiological limits, that apply to all foods produced or imported for sale in Australia and New Zealand. These standards cover the food supply chain – *from farm-gate to plate* - for both the food manufacturing industry and primary producers. Under the *Food Act* 1984, businesses are required to comply with these standards.

2.18 In performing their legislative responsibilities, both the Food Safety Unit and councils have considerable interaction and communications with a diverse range of parties. These include food retail businesses (e.g. supermarkets, markets, delicatessens and convenience stores), food safety auditors, peak industry groups, health and welfare organisations (e.g. hospitals, meals-on-wheels services, accommodation facilities and caterers), food processors, food laboratory technicians, training providers (e.g. TAFE colleges), health care professionals, the national food authority (FSANZ), the media and the general public.

2.19 Since the mid-1990s, a range of factors have impacted directly and indirectly on the capacity of the key regulatory agencies to redevelop and implement the food safety system. These included a general shift towards industry self-regulation with the aim of reducing costs to business, the amalgamation of councils, rate capping, a general shift to “user pays”, introduction of compulsory competitive tendering and consequent outsourcing of functions, and the down-sizing of public sector agencies.

Key elements of the framework

2.20 The key elements of the regulatory framework are:

- A food safety program regime, which commenced from January 2002 and is progressively being applied to all food premises. The concept of a food safety program was based on the development of the internationally recognised principles of Hazard Analysis Critical Control Points (HACCP)⁵ where potential hazards are systematically identified and analysed. The food safety program documents the food handling and hygiene practices that are to be adopted by the business which address potential hazards;
- Provision for the registration by the Department of Human Services of standard food safety program templates;

⁵ F L Byran, “Hazard Analysis Critical Control Point Approach to Food Safety Past - Present and Future,” *Journal of Environmental Health*, 4 January 1999.

- Classification of food businesses by the Department of Human Services as either:
 - Class 1 - those businesses which handle or sell food that is “high-risk” (e.g. foods that pose a particularly high risk if they are not processed or cooked adequately), handled prior to sale and is consumed predominantly by “at risk” or vulnerable people (e.g. children under 5 years of age, adults aged 65 years and over, in-house patients of a hospital and those with low immunity); or
 - Class 2 - businesses other than Class 1 and excluding those businesses where only pre-packaged low-risk food (e.g. bread, grains and cereals, alcohol and sugar-based confectionary) is handled or sold;
- A requirement for Class 1 businesses to prepare and submit a food safety program and engage a third-party auditor to check compliance by the business with the program;
- An option for Class 2 businesses to choose how they comply with the Act. They can either:
 - Develop a food safety program based on a standard template in which case they are not required to have their program audited (compliance with the program is subject to monitoring by local government); or
 - Develop their own food safety program in which case they are required to have the program audited at specified intervals. These food businesses are also subject to monitoring by local government;
- A requirement for the registration authority (local government, Department of Human Services, Dairy Food Safety Victoria or the Victorian Meat Authority) to inspect all premises and be satisfied that the proprietor has complied with all relevant requirements of the *Food Act* 1984 before registering, renewing or transferring the registration of any food premise;
- A requirement that the proprietor of a food business nominate a food safety supervisor. This person is required to have met an appropriate competency standard in food handling relevant to the nature of the business;
- A food sampling regime that requires local government to take a minimum of 3 food samples per one thousand population and report the results of these samples to councillors on a quarterly basis; and
- Inclusion in the *Food Act* 1984 of a set of nationally agreed definitions, offences, defences, penalties and emergency powers. The Act also provides for the application by food businesses of a set of national standards, including 3 Food Safety Standards (Interpretation and Application, Food Safety Practices and General Requirements, and Food Premises and Equipment).

2.21 The Victorian system differs from some other States and Territories in that:

- It is compulsory for all food businesses to be registered with local councils;
- Local councils have statutory responsibility for monitoring food business compliance under the *Food Act* 1984;

- All registered businesses, except those selling low-risk pre-packaged foods, must have a food safety program;
- Local government is required to take food samples in accordance with that prescribed within the legislation and this results in more extensive sampling of foods than elsewhere in Australia; and
- Third-party auditors have been introduced to assess all Class 1 businesses against their individual food safety program with the aim of providing greater protection to vulnerable groups. They also audit Class 2 businesses that have developed their own food safety program without an approved template.

2.22 This report addresses the 4 audit objectives in turn:

- Registration and compliance;
- Statewide co-ordination;
- Education, awareness and health promotion; and
- Performance measurement and reporting.

2.23 The report is supported by appendixes detailing information on the conduct of the audit and the Department of Infrastructure's classification of councils.

Part 3

Registration and compliance

INTRODUCTION

3.1 Under the *Food Act* 1984, councils have a significant role in ensuring food businesses are registered and comply with their legislative responsibilities for managing safe food. Specifically, councils are responsible for:

- Inspecting food premises prior to registering, renewing or transferring the registration;
- Procuring food samples for analysis and investigating non-compliance with food standards;
- Monitoring commercial food preparation hygiene and safety standards, and taking preventative and remedial action in the event of non-compliance with the legislation;
- Investigating complaints against food businesses; and
- Managing, at the council level, the third-party audit system. This involves:
 - investigating reported non-compliances detected by auditors; and
 - ensuring businesses are audited in accordance with established frequencies.

3.2 This Part of the report examines the efficiency and effectiveness of the registration and compliance practices adopted by the local government sector in fulfilling its legislative responsibilities.

OVERALL SUMMARY

3.3 The audit found that in respect of the co-regulatory compliance framework that:

- registration procedures were not always documented or formalised;
- surveillance activities aimed at identifying businesses that had not registered were irregular or not performed at all;
- businesses' food safety programs had not been assessed in an appropriate or timely manner;
- annual inspections had not been undertaken adequately or for all registered businesses;
- follow-up of non-compliant food business was poor; and
- legislative sampling requirements had not been observed.

3.4 The *Food Act* 1984 establishes a co-regulatory framework for the purpose of ensuring food for sale is both safe and suitable for human consumption. While the framework is appropriate in principle, it may not achieve its purpose as a result of the inadequacy of the compliance activities of councils.

3.5 The audit also found that while some councils were adopting a risk-based approach to food inspections and were responsive to community high-risk complaints, the resource implications of the regulatory framework or the re-ordering of council priorities to improve performance had not been actively considered.

REGISTRATION OF FOOD BUSINESSES

3.6 The *Food Act* 1984 defines a food business as a “... *business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves:*

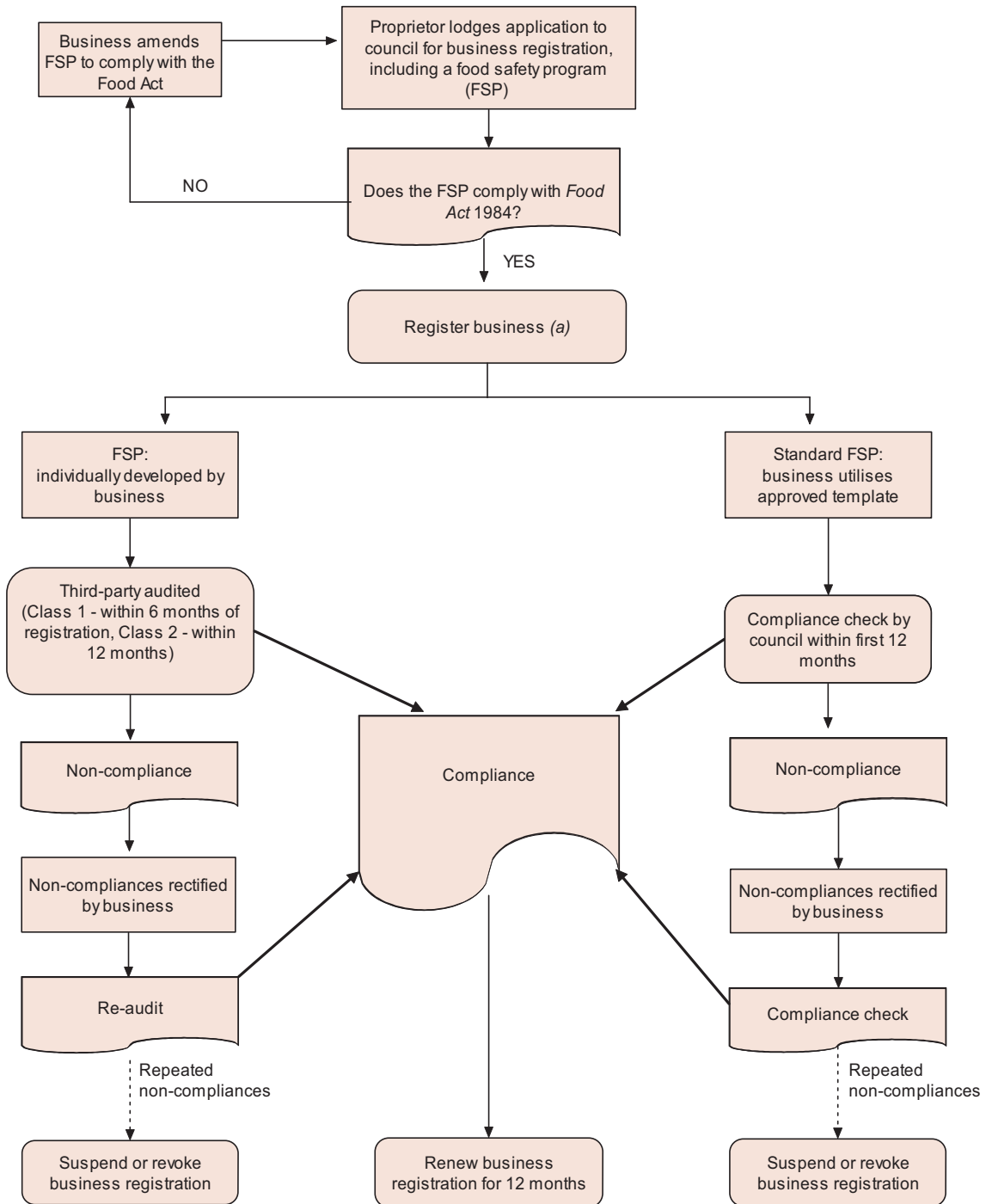
- *the handling of food intended for sale; or*
- *the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only”.*

3.7 Accordingly, in addition to traditional retail outlets, the legislation extends to the production and sale of food at a range of establishments, including festivals, special events, markets, street stalls, childcare facilities, meals-on-wheels kitchens and school kiosks.

3.8 Under the Act, all food proprietors in Victoria must ensure that their premises (including a tent, stall, pontoon or vehicle, other than a food transport vehicle that is engaged in the transport of food, and land and buildings) are registered and maintained in a clean and sanitary condition. Councils are responsible for processing applications for registration of non-government-owned or operated food premises, while government-owned or operated premises are registered by the Department of Human Services. Registration of businesses is for one year only and councils must inspect all food premises prior to initial and renewal of registration.

3.9 Chart 3A provides an overview of the processes undertaken by councils in registering food businesses.

**CHART 3A
PROCESSES UNDERTAKEN BY COUNCILS IN REGISTERING FOOD BUSINESSES**

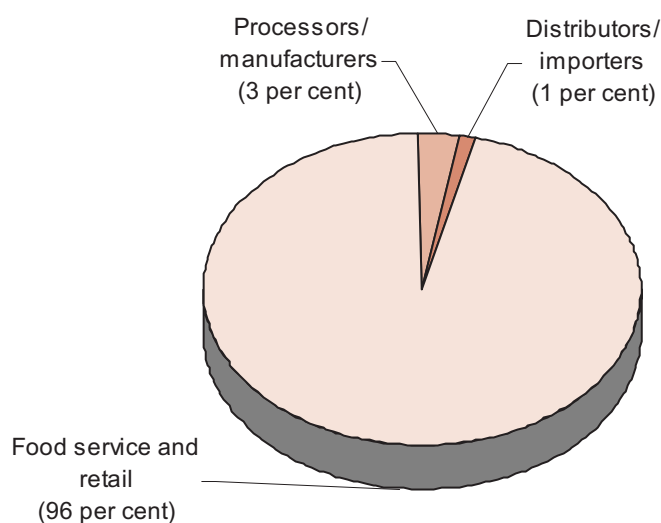


(a) Refer to Chart 3E for inspection process prior to registering a business (initial, renewal and transfer of ownership).

Source: Food Safety Unit, Department of Human Services.

3.10 At June 2001, there were around 37 350 food businesses comprising retail businesses, distributors and importers, and multi-national food manufacturers registered with councils. Chart 3B outlines the categories of food businesses registered under the *Food Act* 1984 at June 2001.

CHART 3B
CATEGORIES OF FOOD BUSINESSES REGISTERED
UNDER THE FOOD ACT 1984, JUNE 2001 (a)



(a) Excludes manufacturers of meat products, dairy products, butchers, poultry retailers and fish manufacturing operations as these businesses are licensed pursuant to legislation other than the *Food Act 1984*.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

Ensuring all businesses are registered

3.11 The registration of all relevant food businesses, including temporary food businesses such as street parties, festivals and markets, is critical to ensuring that the basis for councils' food safety compliance activities is complete and up-to-date. This is a responsibility of those businesses. Equally important in a co-regulatory framework is the need for councils to establish appropriate and effective monitoring processes (quality control) which enables councils to be assured that all food businesses apply to be, or are, registered. Unless a food business is registered, it may not become subject to council attention. Therefore, the monitoring process becomes critical to the achievement of the objectives of the *Food Act 1984*.

3.12 Councils electronically record business registration details and ensure the completeness and accuracy of these records by methods such as cross-checking with business registration and payment records, routine geographical surveillance, and reviewing newspapers and other advertising mediums. Councils are also informed of changes in food business ownership as a result of direct communications with the new owners, and during conveyancing and business registration processes.

3.13 Our detailed audit of councils indicated instances where the registration procedures were not documented or formalised, and surveillance activities aimed at identifying businesses that had not registered were irregular or not performed at all. Only 4 councils had adopted sound practices. Table 3C shows examples of good and poor registration and surveillance practices.

TABLE 3C
EXAMPLES OF GOOD AND POOR REGISTRATION AND SURVEILLANCE PRACTICES

GOOD PRACTICES
<ul style="list-style-type: none"> • Council is involved with festival organising committees and, therefore, is aware of all such events and better placed to ensure all food businesses operating at festivals are appropriately registered - <i>Queenscliffe, Surf Coast</i>. • Persons involved in temporary food businesses attend a food safety training session prior to registration - <i>Dandenong, Whitehorse, Wyndham</i>. • Extensive procedures had been developed to guide staff in ensuring temporary businesses are registered – <i>Dandenong, Melbourne, Whitehorse</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Surveillance for unregistered food businesses only involves the cross-checking of registration with payment records which does not identify unregistered businesses – <i>Latrobe, West Wimmera</i>. • Surveillance to seek out unregistered food businesses is not undertaken – <i>Brimbank, Campaspe, Indigo, Melbourne</i>. • Registration processes were not documented to guide staff – <i>Latrobe, Surf Coast</i>. • The process for registration of businesses was not documented. We could not be assured that the records, both hardcopy files and electronic spreadsheets, included all businesses required to be registered in the municipality. We were advised that due to time and work constraints, surveillance for “additional registrations” was not undertaken by the council. The extent to which the registration process captured all food businesses required to be registered was largely dependent on the personal knowledge of the [former] environmental health officer. Council is currently upgrading its information systems to facilitate enhanced recording of its food management activities – <i>Mount Alexander</i>. • Processes for registering temporary businesses are not documented and inspections generally do not occur as most festivals occur when the council’s officer is not working (i.e. rostered day off, weekends) – <i>West Wimmera</i>. • Council does not register temporary food businesses but requires festival organisers to maintain a record of food businesses – <i>Indigo</i>.

3.14 The failure of councils to systematically identify and register all food businesses undermines a fundamental component of the regulatory framework, that is, effective compliance activities.

RESPONSE provided by Chief Executive Officer, City of Melbourne

In the poor practices section of the table, the second dot point refers to the City of Melbourne. Unregistered premises in the City of Melbourne are currently identified through routine food surveillance activities, via daily land-use meetings with the Council’s planning and building departments, and liaison with other relevant service areas. Council is currently in the process of reviewing strategies and processes to more effectively identify unregistered businesses and has already instituted some operational changes since the audit to assist in addressing this issue.

Checking food safety programs prior to registration

3.15 Commencing from January 2002, each food business is required by legislation to have in place a food safety program when they next register. This document systematically identifies and analyses the potential hazards associated with the operation of the food business and how those risks will be controlled and managed. Food safety programs may be developed using a template registered with the Food Safety Unit or specifically developed for the food premise (mainly Class 1 businesses). The legislation also allows for certain types of businesses to be exempted from having a food safety program (e.g. businesses which predominantly sell or handle only pre-packaged, low-risk foods).

3.16 As indicated in Chart 3A, all food proprietors are required to lodge a copy of their food safety program with their council when registering their business (initial, renewal or transferring ownership). Failure to lodge a food safety program means a new business cannot be registered and could result in the council's refusal of renewal or transfer of registration, or the suspension or revocation of an existing registration. Councils must ensure that the food safety program:

- reflects the nature of the business and its food handling practices;
- is currently being implemented within the business; and
- has been developed using an approved template (or subjected to a third-party audit).

3.17 Our survey (66 councils responded) identified that only 71 per cent of councils *always* ensure food businesses have a food safety program upon registration. Furthermore, only 70 per cent of councils *always actively encourage* food operators to develop a food safety program and 29 per cent *frequently encourage* operators in this regard. The legislation, however, requires all registered businesses to have a food safety program in place.

3.18 Our detailed audit of councils confirmed the lack of proper oversight of food safety programs by councils. Table 3D shows examples of good and poor council practices.

**TABLE 3D
EXAMPLES OF GOOD AND POOR FOOD SAFETY OVERSIGHT PRACTICES**

GOOD PRACTICES
<ul style="list-style-type: none"> • Documented procedures support councils' assessment of food safety programs, including desktop assessments of businesses' programs, checklists, on-site assessment and a strategy for businesses with non-compliant food safety programs – <i>Brimbank, Campaspe, Dandenong, Indigo, Melbourne, Surf Coast, Whitehorse, Wyndham.</i> • Provision of food safety program templates to businesses free-of-charge to encourage use of templates – <i>Dandenong, Mount Alexander, Whitehorse, Wyndham.</i> • Spreading the registration process over several months to allow councils more time to properly assess programs and businesses – <i>Whitehorse, Wyndham.</i> • Provision of education programs to encourage businesses to submit their food safety programs – <i>Campaspe, Dandenong, Surf Coast, Whitehorse.</i>
POOR PRACTICES
<ul style="list-style-type: none"> • No procedures or strategies have been developed to guide staff in assessing food safety programs (i.e. appropriate to type of business conducted, reflects all food processes, is being correctly implemented) or any follow-up action required - <i>Latrobe, Queenscliffe, West Wimmera.</i> • Food safety programs for council's 79 food businesses had not been retained by council as evidence that they had been lodged by the business and reviewed by council - <i>West Wimmera.</i>

3.19 Failure by some councils to assess businesses' food safety programs in an appropriate and timely manner contravenes the *Food Act* 1984 and, as a result, undermines a fundamental component of the regulatory framework and reduces the effectiveness of the detection of unsafe food handling practices.

RESPONSE provided by Chief Executive Officer, West Wimmera Shire Council

The environmental health officer was not advised to retain the food safety programs. The date of receipt was retained, as well as the approval date.

Preparedness of councils for registering food safety programs of Class 2 businesses

3.20 The majority of registered food businesses (classified as Class 2 businesses) are required to lodge a food safety program with their council the next time they register their business. For most businesses, this will be between January 2002 and January 2003.

3.21 To gain an appreciation of the number of Class 2 food businesses that will need to develop their initial programs by January 2003, we requested from all 79 councils the number of:

- businesses using a template to develop their food safety program (only 41 councils responded);
- businesses developing an independent food safety program (only 60 responses);
- businesses that require a food safety program, but have yet to establish one (only 37 responses); and
- those businesses exempt from having a food safety program (only 34 responses).

3.22 The lack of response from a large number of councils suggests that they have limited knowledge of the scope of their responsibilities, have not conducted up-front planning to ensure compliance by January 2003 or had not collected the required information. Without a good understanding of the position of businesses, councils will find it difficult to monitor compliance with other aspects of the legislation, such as implementation of the third-party auditing system. We estimate that during 2002-03, around 34 900 Class 2 food businesses will be required to develop their food safety programs and submit them to council for review.

3.23 Our detailed examination of councils highlighted that most were currently upgrading their systems and procedures to support the introduction of food safety programs for Class 2 businesses. In addition, councils had undertaken a range of activities to inform food businesses of their legislative obligations. These included:

- conducting workshops and seminars;
- visiting business proprietors to disseminate information;
- issuing information bulletins and media releases outlining time frames and additional avenues for support (e.g. the Food Safety Unit's website); and
- providing templates to businesses.

3.24 During 2002, the City of Whitehorse undertook a review, commissioned by the Food Safety Unit, to ascertain the most effective strategy for councils to assist food proprietors in implementing food safety programs. The review reported that “...around 80 per cent of the municipality's businesses will require additional one to one assistance with the development and implementation of their food safety programs”.

3.25 Most councils have been pro-active in assisting businesses to comply with the requirements of the legislation. However, it appears that only around half of the councils have identified the scope of their responsibilities in respect of Class 2 businesses. As the majority of Class 2 food businesses within the State have to re-register before January 2003 and at that time have in place a food safety program, this will place a significant workload on councils to ensure that each food business has an appropriate food safety program (i.e. appropriate to the type of business conducted, reflects all food processes and is being correctly implemented).



Council officers assisting proprietors at a food safety program information day.

Survey of businesses - food safety process

3.26 Respondents to our survey of a sample of 219 food businesses consider that they have a reasonably high level of understanding of the food safety process. The majority (76 per cent) of businesses who participated in the survey have a food safety program and 14 per cent are in the process of developing one. Around 42 per cent of the businesses who have a program refer to it on a daily basis, 25 per cent of businesses refer to their program on a weekly basis and 5 per cent indicated that they never refer to their program.

3.27 Eighteen per cent of respondents (39 businesses) to our survey of food businesses indicated that they did not currently have a nominated food safety supervisor. Five of these businesses did not know they had to have one and 13 did not see the need for a supervisor who has knowledge of, and training in, safe food practices. Contrary to their demonstrated lack of knowledge, the majority of these respondents indicated that they have a *good* understanding of the food safety process. There is work to be done to improve business understanding of their legislative responsibilities in relation to the appointment and role of food safety supervisors.

Recommendations

3.28 We recommend that councils:

- develop formal risk-based surveillance strategies to identify non-registered food businesses;
- re-assess the adequacy of resources to review food safety programs, particularly in this first year;

- inform businesses of their obligation to submit their food safety programs to council; and
- establish mechanisms to follow-up any business that has been registered without lodging a food safety program.

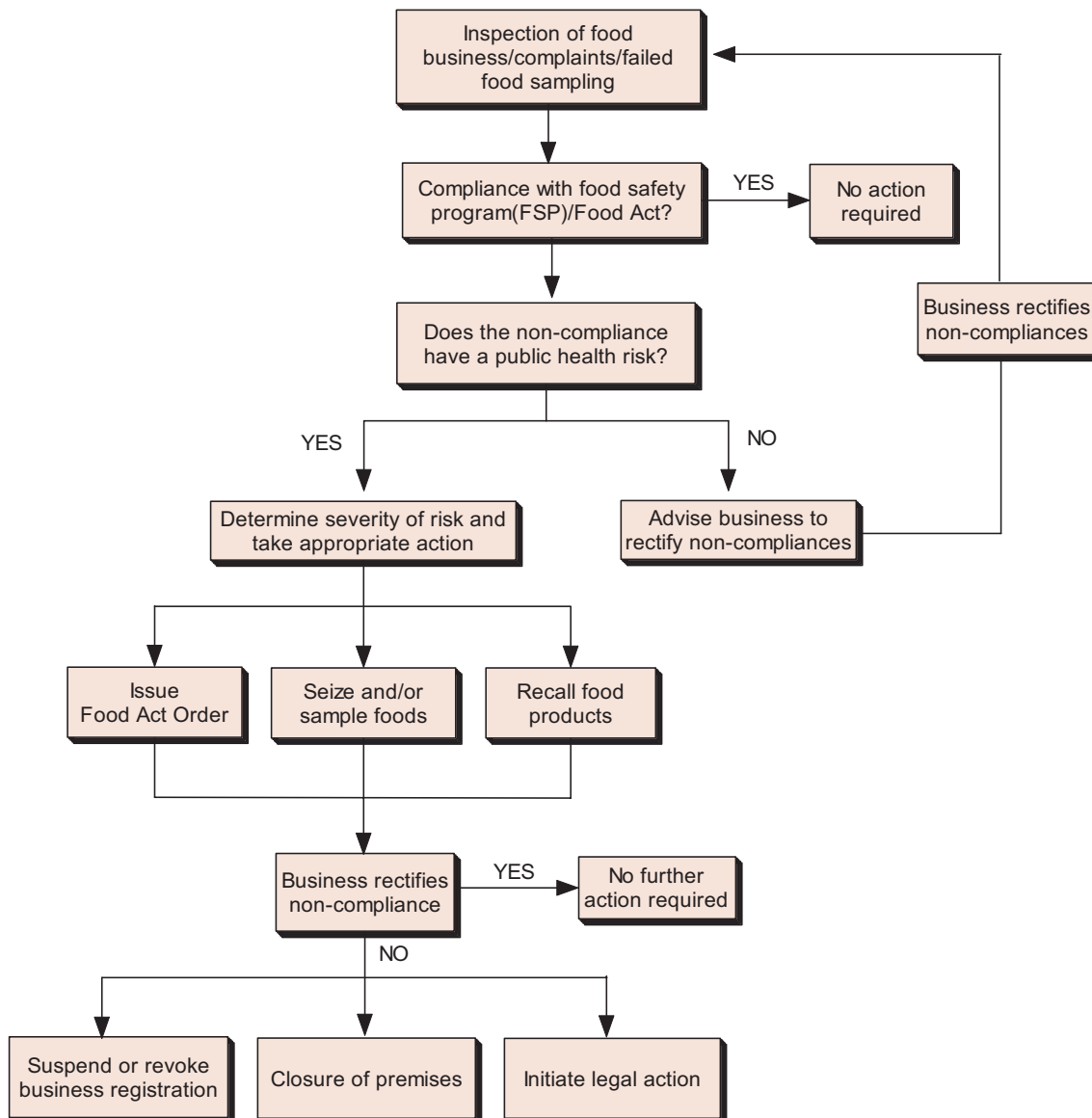
RESPONSE provided by Acting Chief Executive Officer, Surf Coast Shire

It has only been recently that courses for food safety supervisors have become available and then in Geelong only. Businesses are not required to have a food safety supervisor nominated until 31 December 2002 as per the legislation.

MONITORING BUSINESS COMPLIANCE WITH LEGISLATION

3.29 Businesses must comply with safe food handling and hygiene practices and it is the responsibility of local councils to ensure that this occurs. Councils have extensive responsibilities and powers under the *Food Act* 1984 to monitor and control the hygiene and safety standards of food preparation within their individual municipalities, as outlined in Chart 3E.

CHART 3E
COUNCIL PROCESSES TO MONITOR AND ENFORCE SAFE FOOD PRACTICES



Source: Food Safety Unit, Department of Human Services.

Annual inspections of businesses

3.30 The legislation requires councils to undertake, on an annual basis, both an inspection of *each* food premise (review of business processes and physical conditions of premises) and a check to ensure proprietors have complied with their food safety program. Class 1 businesses are also subject to an annual third-party audit. From councils' perspective (89 per cent), inspections of food premises are the primary means of ensuring effective food safety.

3.31 Scheduling of inspections and the nature of inspections for particular food businesses varies between councils. Visual observations, interviews with staff and food sampling were the most commonly used methods adopted by councils to determine whether safe food handling practices are used.

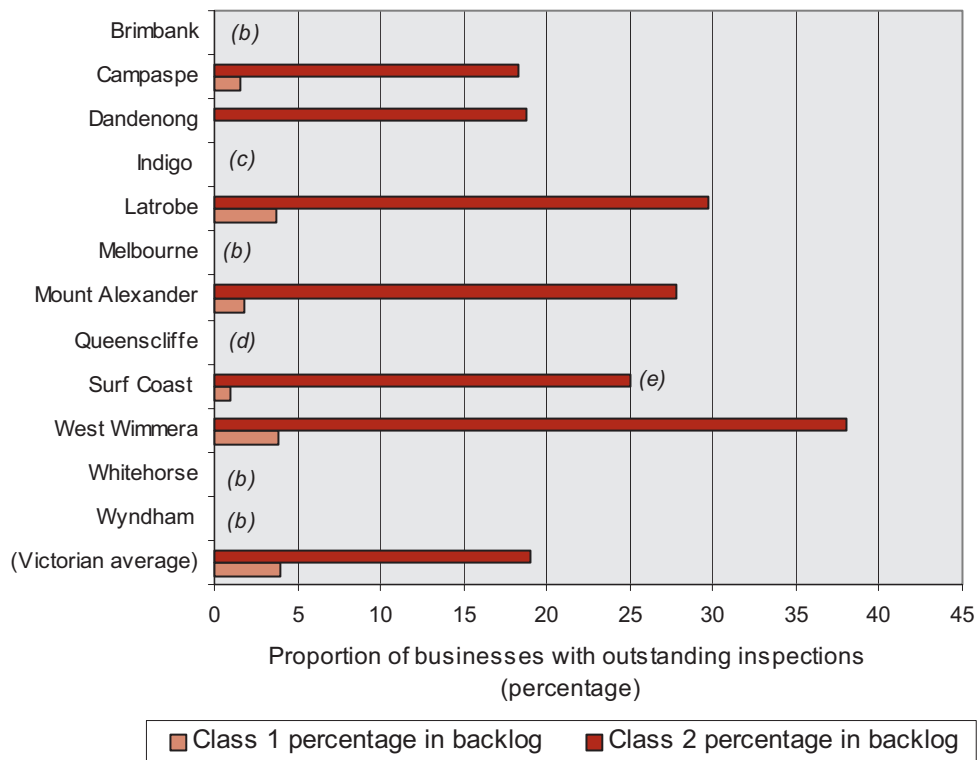
3.32 Our survey identified that, at July 2002, around 8 600 food premises (representing 23 per cent of the State's registered food businesses at June 2001) had not been subjected to an annual council inspection as required under the *Food Act* 1984 (of the 79 councils' responses, only 16 indicated that they had performed all annual inspections, while 3 did not provide sufficient information). Around 360 businesses (or 4 per cent of those premises where an annual inspection had not been undertaken) were categorised by councils as Class 1 premises where food is being provided to the most vulnerable sectors of the community.

3.33 The level of outstanding annual inspections for individual councils at July 2002 expressed as a percentage of registered businesses ranged from 90 per cent to 1.5 per cent and included:

- Horsham - 90 per cent (150 Class 2 businesses); and
- Shepparton - 88 per cent (357 businesses, including 27 Class 1 businesses).

3.34 Chart 3F outlines the details of outstanding inspections at July 2002 for the 12 councils we examined in detail, together with the average of all councils.

CHART 3F
OUTSTANDING INSPECTIONS AS A PROPORTION
OF REGISTERED BUSINESSES, JULY 2002 (a)



(a) Outstanding inspections based upon information provided by councils in the Victorian Auditor-General's Office survey of councils, July 2002.

(b) Council did not have any outstanding inspections at July 2002.

(c) It was not possible to quantify the number of outstanding inspections.

(d) Council was unable to provide information on outstanding inspections.

(e) Council's estimate.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.35 Councils who responded to the survey did not specifically indicate why they had not conducted all annual inspections. There was a general view that businesses that are not subjected to an annual inspection are not followed-up. All councils with outstanding annual inspection programs did not have a strategy for ensuring that future inspection programs would cover all businesses on an annual basis in accordance with legislative requirements, or for redressing the current situation where businesses may not have been inspected for several years.

3.36 Councils which were examined in detail commented that they had generally not undertaken a detailed assessment of resource requirements relative to their food safety responsibilities and that the level of outstanding inspections would continue to increase unless additional resources were allocated to this activity. In recent times, some councils had sought to employ additional resources to assist with this task (further comment is provided in paragraphs 3.97 to 3.98 of this report).

3.37 Table 3G shows examples of good and poor practices relating to the completion of annual inspections identified in our detailed audit of councils.

**TABLE 3G
EXAMPLES OF GOOD AND POOR PRACTICES, COMPLETION OF ANNUAL BUSINESS INSPECTIONS**

GOOD PRACTICE
<ul style="list-style-type: none"> • Spreading the business registration process over the entire year to better manage workload, including inspections – <i>Whitehorse, Wyndham</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Of the 30 business files reviewed, 20 premises had not been inspected in 2001 and there was no evidence of an inspection ever being undertaken at 16 of these premises - <i>Surf Coast</i>. • Of 13 files reviewed, only 2 files had evidence of inspection during 2001 and it appeared that inspections had not been consistently undertaken in the period 1997 to 2000 - <i>Mount Alexander</i>. • Of the 37 business files reviewed, there was no evidence of 9 businesses, including one Class 1 business, having ever been inspected - <i>Campaspe</i>.

3.38 The failure of around 79 per cent of councils to conduct all annual inspections as required by the legislation is unacceptable. It increases the potential for any unsafe food practices within businesses to continue undetected (at least until the next annual registration is due). Given the impending workload associated with the registration of around 35 000 businesses over the next 6 months, it is critical that councils consider the implications for resourcing their inspection programs.

RESPONSE provided by Chief Executive Officer, Horsham Rural City Council

The food safety regulatory framework has increased workloads of local government and its environmental health officers in the commercial sector, but mainly the community/charitable sector. Promoting the food safety framework, regulating permits, encouraging education, developing database information of a vast community food sector has substantially increased the workload for environmental health officers. A workload that demands extra staff resources, which should be made known to the Department of Human Services.

Historically, there has never been enough staff to properly regulate the food industry within local government. In most cases, since the local government amalgamation/restructuring period, resources have been decimated; approximately 30 per cent less environmental health officers are employed in local government these days.

The Horsham Rural City Council's environmental health officers now have the extra rural areas outside of the City of Horsham to administer and deal with, and this involves extra travel time. Growing development in the Grampians fringe area is also increasing this workload.

The Tobacco Act and Childhood Immunisation programs both demonstrate successful, co-operative and jointly funded State and local government agreements directed towards public safety.

Horsham Council would welcome the opportunity to develop a partnership approach between local government and State Government to create an effective food inspection and surveillance program.

RESPONSE provided by Chief Executive Officer, Greater Shepparton City Council

The Council is responding to the reported rate of inspections carried out on registered premises by undertaking a review of its capability to resource its statutory obligations. This review has been given the highest of priority, however, while this review is underway, the Council is attempting to employ an extra temporary environmental health officer to carry out inspections of food premises within the municipality.

The immediate aim is to have our inspection level to 25 per cent by Christmas and to fully comply with the legislation within the next registration period, 1 January 2003 to 31 December 2003.

As you would be aware, environmental health officers are very difficult to find, particularly in rural and regional areas, and this has been a contributing factor to our current rate of inspections.

Inspection practices

3.39 Our survey highlighted the following inspection practices adopted by councils:

- Few inform businesses prior to undertaking an inspection (22 per cent *never*, 63 per cent *rarely*, 11 per cent *occasionally* and 4 per cent *frequently*);
- A high proportion combine inspections with checks of compliance with food safety programs (23 per cent *always*, 43 per cent *frequently*, 15 per cent *occasionally*, 15 per cent *rarely* and 4 per cent *never*);
- Most inspect businesses where non-compliances have been identified in the past, without giving prior notice to the proprietor (45 per cent *always*, 42 per cent *frequently*, 8 per cent *occasionally* and 5 per cent *rarely*);
- Over half compile their reports using a standard report format (27 per cent *always*, 38 per cent *frequently* and 3 per cent *occasionally*), but some *never* (21 per cent) or *rarely* (11 per cent) use one;
- Less than half use a standard checklist when undertaking food business inspections (29 per cent *always*, 20 per cent *frequently*, 14 per cent *occasionally*), but one-fifth *never* (22 per cent) or *rarely* (15 per cent) use one;
- Almost all (97 per cent) responded that they provide detailed feedback to businesses on the results of the inspection process, but only 60 per cent provided food businesses with a formal report on completion of the inspection;
- Only half (52 per cent) would extend their inspection program if a food proprietor found to be in breach of the legislation had multiple food businesses;
- Around 68 per cent *always* input the results of inspection reports into management information systems. However, 16 per cent of councils *never* record the details of inspections; and
- Almost half reported that data from inspections is *never* (26 per cent) or *rarely* (21 per cent) analysed to inform council about key food safety trends or issues. Other councils objectively analyse inspections data *occasionally* (32 per cent), *frequently* (16 per cent) or *always* (5 per cent).



Council officers are required to inspect food businesses annually.

3.40 Our detailed review of councils also confirmed that several aspects of their inspection practices need to be addressed. Table 3H shows examples of good and poor inspection practices.

**TABLE 3H
EXAMPLES OF GOOD AND POOR INSPECTION PRACTICES**

GOOD PRACTICES
<ul style="list-style-type: none"> • For logistical convenience, rural councils often conducted inspection and sampling at the same time in each town – <i>Campaspe, Indigo, Latrobe, Surf Coast, West Wimmera</i>. • A few councils have adopted a strategic approach involving: <ul style="list-style-type: none"> • an annual inspection and assessment of businesses against consistent criteria; • rating food businesses' compliance (<i>low, medium or high</i>) with the food standards; • using the rating to prioritise future inspections, i.e. businesses with low ratings will be a high priority for follow-up inspections; and • awarding those businesses that maintain a high standard of food hygiene with a certificate to display in their premises – <i>Melbourne, Whitehorse, Wyndham</i>. • Council had developed checklists to facilitate comprehensive and systematic inspections of businesses – <i>Dandenong, Latrobe, Melbourne, Whitehorse</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • The conduct of business inspections was not guided by a formal procedure or strategy – <i>Brimbank, Campaspe, Dandenong, Indigo, Latrobe, Mount Alexander, Queenscliffe, Surf Coast, West Wimmera</i>. • Details of inspections, including temporary food businesses, were not recorded on the relevant property file or in council's management information system – <i>Mount Alexander, Queenscliffe (only record on file is where non-compliance has been identified), Surf Coast (temporary inspections), West Wimmera</i>. • No use is made of a facility for the food business proprietor to "sign-off" the council's report to indicate acceptance of non-compliant issues – <i>Indigo</i>. • Although data from inspections is stored electronically, councils do not use the data to inform future council strategies, i.e. community education programs or targeted compliance activities – <i>Dandenong, Wyndham</i>. • Reporting to the council on the results of the annual inspections program is inadequate as: <ul style="list-style-type: none"> • information is not formally reported to council; • reporting is not timely, i.e. annual reporting only; and • performance against targets is not reported - <i>Campaspe, Indigo, Latrobe, Mount Alexander, Queenscliffe, Surf Coast, West Wimmera</i>. • Due to poor recording systems, councils could not ascertain whether their inspection programs had been completed in accordance with legislative requirements, i.e. inspection records do not distinguish between annual inspections and follow-up inspections – <i>Brimbank, Campaspe, Mount Alexander, Queenscliffe, Surf Coast, West Wimmera</i>.

3.41 We consider that some of these practices are not conducive to an efficient and effective inspection regime.

RESPONSE provided by Chief Executive Officer, City of Greater Dandenong

First dot point: Poor practices

It is our view that inspections are guided by both procedure and strategy.

With respect to procedure, a copy of the City of Greater Dandenong Food Act 1984/Food Safety Standards Inspection list was supplied to the auditors and would have been viewed on several files. By its very nature, the inspection list requires that officers follow a rigid procedure for inspection of food premises.

The auditors appear to have derived the conclusion that additional documents or procedures were not in place without verifying with staff what procedures exist.

With regard to the observation that a strategy for premises inspection could not be evidenced, I note that references to food safety strategy have been acknowledged by the auditors as being present in the Council's corporate plan and the Environmental Health Unit business plan. The Environmental Health Unit carry out an annual S.W.O.T. analysis to produce an annual business plan with comprehensive annual strategies and individual work plans which forms part of the Council's annually reviewed corporate plan. Strategies to achieve the objectives for both plans are contained within each, and performance monitored and reported monthly. The software reporting system ensures all strategic actions are completed.

It is, therefore, difficult to support an auditing observation that the City of Greater Dandenong food business inspections were not guided by procedure or strategy.

Fourth dot point: Poor practices

The Health Unit conducts an in-depth annual analysis of its activities in line with the City of Greater Dandenong corporate planning process. Custom reports from the relatively new software system, as discussed at the time of the audit, are now available to further assist with and guide an already strong pro-active process of ongoing improvement.

RESPONSE provided by Acting Chief Executive Officer, Surf Coast Shire

I do not understand how differentiating between annual inspections and follow-up inspections can affect the decision as to whether the Council's inspection program has been completed to meet the legislative requirements. One inspection per premise per year will be classed as an annual inspection and the others would be follow-up inspections. In our case, our new computer system does make the distinction and we have/had been using it.

Survey of businesses - annual inspections

3.42 Almost 80 per cent of respondents to our survey of 219 food businesses indicated that an environmental health officer had undertaken an annual inspection of their food business, and, therefore, complied with the legislation. However, around 21 per cent of respondents advised that councils had not complied in that:

- 9 per cent *never* had a council inspection;
- 6 per cent were last inspected *more than 2 years ago*; and
- 6 per cent were last inspected *one to 2 years ago*.

3.43 One-third of respondents who had experienced an inspection considered that the frequency of visits to food businesses by environmental health officers had increased, the quality of the officers' visit had improved in terms of the breadth of issues discussed and information provided, and that visits were more formal and structured.

3.44 Overall, respondents expressed a very high level of satisfaction with the way councils conducted the inspection and 98 per cent of proprietors reported that they understood the information provided to them by councils.

3.45 While proprietors considered that environmental health officers were friendly, informative, understandable and competent, they were less satisfied with the usefulness of inspection reports (13 per cent considered reports were not useful while almost 10 per cent were *not sure* of the reports' usefulness). One-fifth of respondents did not recall councils providing them with any food safety literature at their last inspection.

Follow-up of non-compliant food businesses

3.46 Where a council determines that a food business has failed to comply with its food safety program, the proprietor must remedy the situation:

- as soon as practical if the non-compliance gives rise to a serious threat to public health (e.g. inappropriate storage or display of hot and cold foods, unhygienic practices of food handlers, pest infestation); and
- within a period of 21 days for all other situations (e.g. inappropriate storage of cleaning material and food products, premises in need of maintenance, unlabelled food containers, poor maintenance of equipment).



Council officers check the temperature of displayed foods during inspections.

3.47 Timely action by council, generally a follow-up inspection, is required to ensure that any non-compliance associated with safe food practices is rectified and that the proprietor is made fully aware of proper practice when handling food. Councils have the power to revoke or suspend a business registration if non-compliances are still evident upon a follow-up inspection. Significant penalties are also provided for under the *Food Act 1984* where unsafe food is knowingly sold (\$100 000 in the case of an individual or imprisonment for 2 years, or both, and \$500 000 for a corporation).

3.48 Our survey identified that over the 5 years to June 2001, follow-up inspections undertaken by councils have risen (from 1 970 follow-up inspection in 1997 undertaken by 14 councils to 9 470 inspections undertaken in 2001 by 38 councils). For the 12 months ended June 2001, the level of follow-up inspections equated to one inspection in every 4 registered businesses. To correct food safety breaches and ensure that proprietors were aware of safe food handling practices, councils have issued educational material and undertaken informal visits. Around half (41) of the councils indicated that they also use follow-up telephone calls, mentoring of food business proprietors and, as a last resort, the imposition of penalties.

3.49 Councils indicated that they always presented reports detailing non-compliances to the owners/managers of food businesses. However, only half of the councils present non-compliance reports to their own senior management and only 10 per cent presented reports to meetings of councillors.

3.50 The extent to which councils take formal action on non-compliant businesses has increased over the 5 year period to June 2001. Table 3I shows:

- orders issued by councils requiring proprietors to rectify unclean, unsafe or unsuitable premises;
- successful prosecutions where a proprietor contravenes or fails to comply with an order; and
- businesses that have had their registrations cancelled due to a failure to comply with the *Food Act* 1984 (e.g. non-compliance by Class 1 businesses with food safety program).

**TABLE 3I
FORMAL ACTIONS TAKEN AGAINST NON-COMPLIANT BUSINESSES**

<i>Level of action (a)</i>	1997	1998	1999	2000	2001
Orders issued	2 845	6 706	8 246	5 930	6 940
Successful prosecutions (b)	42	45	35	32	48
Business registration cancellations	154	300	347	434	407
Number of registered businesses (c)	20 253	20 863	24 751	29 555	37 350

(a) The average response rate of councils over the 5 year period was: Orders issued - 26.2 councils; Successful prosecutions - 39; Business cancellations - 42.2.

(b) The level of unsuccessful prosecutions for all councils were: 1997: 3; 1998: 1; 1999: 2; 2000: 0; 2001: 1.

(c) Data provided by councils as follows: 1997: 32 councils; 1998: 35; 1999: 41; 2000: 54; 2001: 76.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.51 The number of orders issued by councils peaked in 1999 (based on an average response rate of 26 councils). The lower number in recent years may be due to councils adopting more of an “educator” role rather than that of “enforcer” or that fewer inspections were conducted. Councils indicated that they generally chose to educate and support businesses in preference to using the enforcement powers available under the *Food Act* 1984.

3.52 Our in-depth audit of councils identified that they were largely performing poorly in the follow-up of non-compliant food businesses. Table 3J outlines the good and poor practices we observed.

**TABLE 3J
EXAMPLES OF GOOD AND POOR PRACTICES, FOLLOW-UP
OF NON-COMPLIANT BUSINESSES**

GOOD PRACTICES
<ul style="list-style-type: none"> • System automatically emails council officers when a follow-up inspection is due – <i>Latrobe, Melbourne, Whitehorse, Wyndham</i>. • Detailed procedures supporting council’s response to non-compliant businesses have been established – <i>Brimbank</i>. • Follow-up inspections are based on an assessment system where businesses which have a low compliance with food safety requirements are inspected more frequently - <i>Melbourne, Whitehorse, Wyndham</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Scheduled follow-up inspections were not being undertaken in all cases - <i>Dandenong, Latrobe, Queenscliffe, Wyndham</i>. • Councils’ systems do not automatically “flag” when follow-up inspections are due. Councils rely on manual diary entries and memory, and hence all inspections may not be undertaken – <i>Brimbank, Indigo, West Wimmera</i>. • Minimal, if any, evidence was sighted of follow-up inspections being undertaken, or that non-compliances had been rectified – <i>Brimbank, Queenscliffe, West Wimmera</i>. • Councils allowing businesses to continue operating, notwithstanding they had been identified as employing unsafe food practices, some for over several years. The situation may be further compounded by councils which do not undertake annual inspections, i.e. businesses remain non-compliant - <i>Campaspe, Latrobe, Wyndham (council has undertaken all annual inspections)</i>. • Multiple orders were issued to a food business for the same non-compliant issues over a period of 10 years – <i>Melbourne</i>. • Failure to have in place appropriate guidance to staff in dealing with non-compliant businesses, including timely enforcement action for businesses which consistently resist councils’ requests to comply - <i>Campaspe, Indigo, Latrobe, Mount Alexander, Queenscliffe, Surf Coast, West Wimmera</i>. • Councils are not provided with details of non-compliant food businesses within the municipality – <i>Mount Alexander, Queenscliffe</i>.

3.53 Most councils acknowledged that they were reluctant to take legal action on non-compliant businesses because:

- The time and costs associated with prosecution far exceeded the fines issued to non-compliant businesses by the courts. For example, a business was fined only \$500 for a mouse tail found in a donut;
- Prosecutions, especially in rural areas “*were more likely to stir up bad will than encourage compliance within a small rural community*”; and
- There can be an excessive time delay between inspection and prosecution or registration revocation/suspension for minor offences (especially as all business registration revocations or suspensions have to be ratified at council meetings).

3.54 Several councils considered that penalty notices or on-the-spot fines (similar to those issued by parking officers and under the *Tobacco Act 1987*) would provide a more effective deterrent than prosecution. Councils believed that businesses were aware of the inconvenience prosecution posed for councils, and of the unlikely probability that councils would pursue any action unless the violation was extremely serious.

3.55 The failure of most councils to monitor and properly follow-up non-compliant businesses is not conducive to an effective regulatory framework as proprietors may not feel compelled to rectify any non-compliance.

RESPONSE provided by Chief Executive Officer, City of Greater Dandenong

This comment incorrectly infers a present situation rather than the observation made by auditors of past years. The City of Greater Dandenong Environmental Health Unit has undergone a significant change in resources and management and by early 2002 had addressed this matter.

RESPONSE provided by Chief Executive Officer, City of Melbourne

In the poor practices section of Table 3J, the fifth dot point refers to the City of Melbourne. This statement describes an individual case, which is both extreme and very rare given the Council's food safety policies and procedures. The statement is not reflective of Council's performance and position on non-compliance issues.

Furthermore, to improve food safety management and ensure that the Council is operating in accordance with its policies and procedures, a Compliance Policy and Procedure Audit Program has recently been implemented utilising external, independent auditors.

RESPONSE provided by Chief Executive Officer, West Wimmera Shire Council

The inability of the Council's system to automatically "flag" when follow-up inspections are due will be overcome when the new health program is up and running. Also, environmental health officers are only in the position to inspect once per year, except on follow-ups. Regarding non-compliant businesses who ignore Council's requests to upgrade, the better system would be to introduce an infringement notice system.

Third-party auditing system responsibilities

3.56 Under the *Food Act 1984* for Class 1 businesses and those Class 2 businesses which choose to develop their own food safety programs:

- a food safety audit (third-party audit) must be conducted at pre-determined intervals to determine whether a food safety program:
 - has been complied with during the period covered by the audit; and
 - is still adequate at the date of the audit; and
- the audit must be conducted by an approved food safety auditor, competent to conduct an audit of the particular food business.

3.57 The primary role of a third-party auditor is to assist business in achieving food safety and involves an additional level of review over and above that undertaken by councils. Councils' role in managing the third-party audit system involves:

- investigating reported instances of *critical* non-compliance (e.g. food, practice or situation which has or, if allowed to continue, will compromise consumers' health) identified by third-party auditors and enforcing the legislation, including prosecution, where required; and
- ensuring businesses are audited in accordance with the legislation.

3.58 It is still necessary for councils to undertake the registration and annual inspection process required for those businesses subject to a third-party audit.

3.59 At 31 December 2001, on average there were 56 businesses (mainly food services or retail businesses) in each council (around 4 400 businesses Statewide) that were subject to a third-party audit (i.e. Class 1 businesses or Class 2 businesses with an independent food safety program).

3.60 We found through our survey that the majority of councils appear to understand the dual system involving both an audit and annual inspection of food businesses. However, contrary to the legislation, a small number of councils had exempted food businesses from council inspections on the basis that a third-party audit had been conducted (one per cent *always*, 4 per cent *frequently* and one per cent *occasionally*).

3.61 Our detailed audit of councils identified a range of good and poor practices with councils' management of the third-party auditing system as outlined in Table 3K.

**TABLE 3K
EXAMPLES OF GOOD AND POOR PRACTICES, COUNCILS' MANAGEMENT OF
THIRD-PARTY AUDITING SYSTEM**

GOOD PRACTICE
<ul style="list-style-type: none"> • Comprehensive procedures to support councils' role and responsibilities in the management of the third-party auditing system – <i>Campaspe, Whitehorse</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Councils' information systems were inadequate in that they did not facilitate appropriate monitoring to ensure audits were conducted of all Class 1 businesses and that timely follow-up of outstanding reports occurred – <i>Dandenong, Surf Coast, West Wimmera</i>. • Comprehensive policies and procedures did not exist to guide council staff in their review and actioning of auditors' reports – <i>Brimbank, Dandenong, Indigo, Latrobe, Melbourne, Queenscliffe, Surf Coast, West Wimmera, Wyndham</i>. • Council had not followed-up with businesses on the receipt of third-party audit certificates evidencing the conduct of the audit and the businesses' compliance with the food safety program and legislation – <i>Indigo, Wyndham</i>. • Most councils had concerns with audit reports, e.g. insufficient detail in reporting non-compliances, diversity in reporting formats, not reporting all non-compliances. These concerns have not been formally conveyed to the Food Safety Unit – <i>Most councils</i>.

3.62 We consider that councils need to examine their management of third-party audits to ensure that they are properly fulfilling councils' legislative roles and responsibilities as a small number were not.

RESPONSE provided by Chief Executive Officer, City of Greater Dandenong

First and second dot points: Poor practices

This task was completed by the Food Safety Coordinator within a week from the audit completion date.

RESPONSE provided by Chief Executive Officer, City of Melbourne

The statement under poor practices Table 3K, second dot point, refers to the City of Melbourne. At the time of the performance audit, the Council's food safety policies and procedures were in the process of being reviewed, modified and updated. The Council's policies and procedures in relation to the third-party auditing system have since been completed and formally implemented.

RESPONSE provided by Acting Chief Executive Officer, Surf Coast Shire

Council's information system is adequate for the appropriate monitoring of audits conducted of high-risk businesses. At the time of the audit, not all had been put on to the new system.

Analysis of food samples

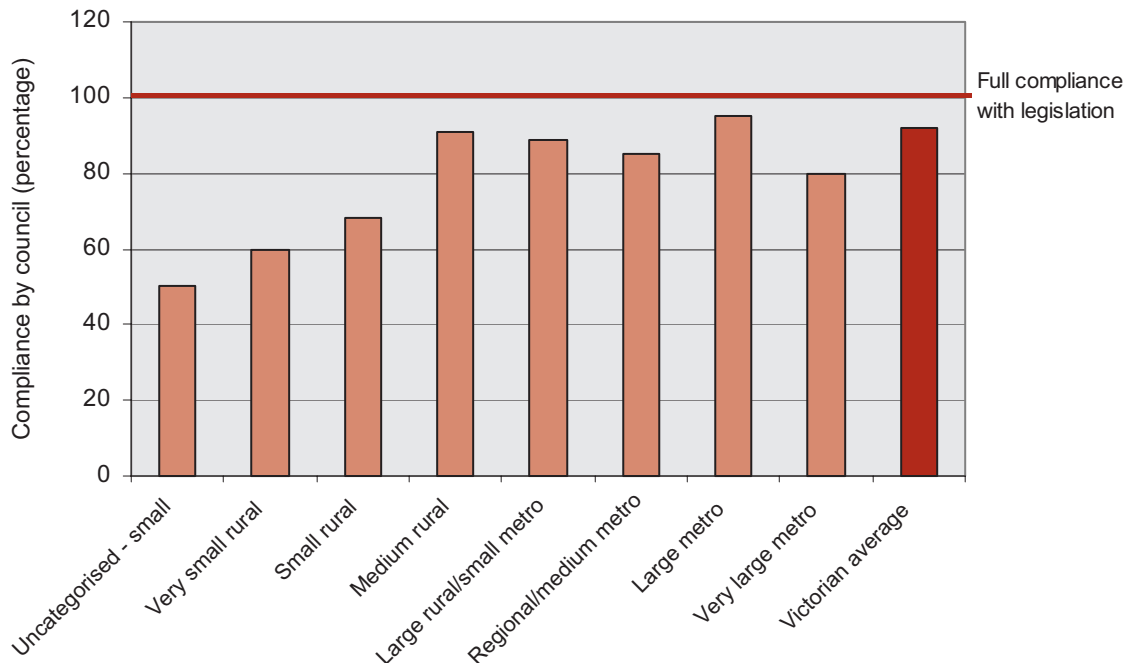
3.63 The legislative requirement for councils to sample food is more extensive in Victoria than in any other State or Territory. It involves councils collecting food samples from businesses within their municipalities and transporting them to a laboratory for analysis to ascertain whether they meet certain food standards and are fit for human consumption.

3.64 Under the *Food Act* 1984, councils are required to analyse not less than 3 food samples for each one thousand persons of the population of the municipal district and report the results of the analysis to councillors on a quarterly basis. To ensure the validity of results, the legislation also outlines specific procedures relating to sample procurement, storage and presentation to the laboratory for analysis. The Act does not prescribe the methodology by which businesses or food samples are to be selected.

Compliance with legislative requirements

3.65 We found through our survey that councils frequently do not analyse the required number of food samples prescribed under the legislation. Chart 3L shows the extent to which councils complied with the legislation.

CHART 3L
COMPLIANCE WITH THE PRESCRIBED LEVEL OF SAMPLING, 2001 (a) (b) (c)



Department of Infrastructure council categories (d)

- (a) Information provided by councils and analyst's report. Data obtained for 78 councils.
 (b) Compliance with prescribed level of sampling based upon ABS provisional population figures, June 2001, provided by the Department of Infrastructure.
 (c) "Uncategorised – large" group comprising 2 councils - Melbourne (exceeded sampling requirements by 791 per cent) and Geelong (achieved 88 per cent compliance with the prescribed level of sampling) has been omitted from the chart to facilitate more meaningful comparison.
 (d) Refer Appendix B of this report for details of councils within each category.
 Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.66 Overall, only 27 councils (34 per cent) complied with the required level of food sampling. Of the councils we examined in detail, 4 exceeded the prescribed level of samples (Brimbank, 2 per cent; Campaspe, 4 per cent; Dandenong, 28 per cent; and Melbourne, 791 per cent, refer paragraph 3.78). These councils consider that population size has no relevant relationship to the number of food samples that should be tested. Criteria such as the level of food businesses, volume of food sales or handling, and population swells within the municipality are considered to provide a more representative basis for determining sample levels.

3.67 The level of samples taken by the remaining councils ranged from nil (Queenscliffe) to 99 per cent of the prescribed level. Chart 3L shows those councils in the categories of *uncategorised-small*, *very small rural* and *small rural* performed especially poorly with respect to compliance with sampling requirements.

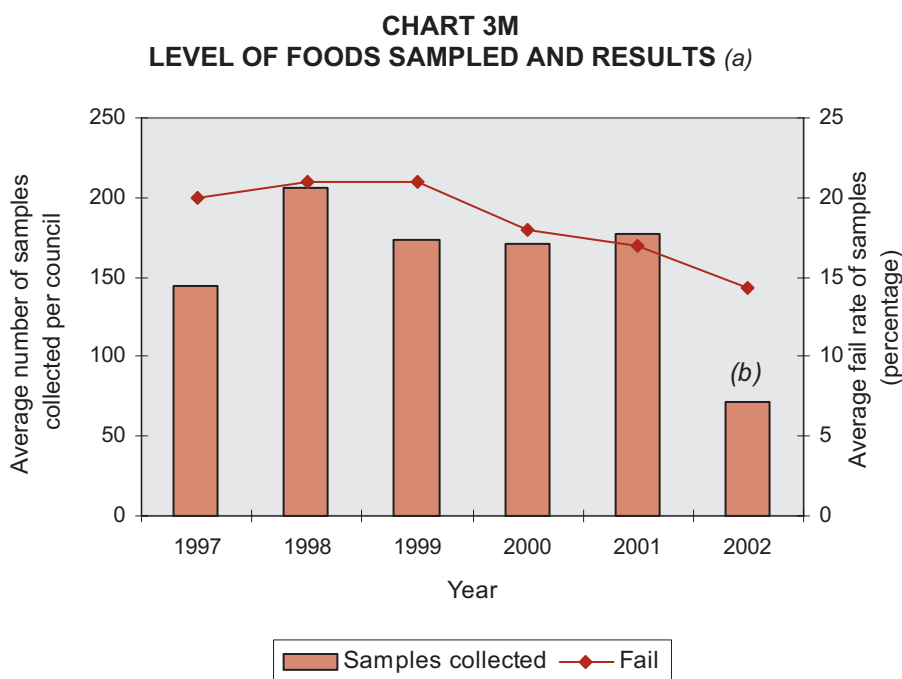
3.68 We consider the failure of almost two-thirds of councils to observe the legislative sampling requirements is unacceptable. Without adequate food sampling, councils have to rely on information about the safety of food from consumer complaints and outbreaks of food-borne disease. This puts at risk the regulatory food safety framework and, as a result, the objectives of the *Food Act 1984* “to ensure food for sale is both safe and suitable for human consumption”.

RESPONSE provided by Acting Chief Executive Officer, City of Greater Geelong

Council achieved 92 per cent compliance with the prescribed level of sampling, not 88 per cent as noted. The 92 per cent compliance figure was achieved using the ABS 2001 population figure [now available for the calculation].

Level of sampling and results

3.69 Chart 3M illustrates the level of sampling undertaken by councils and results over the period 1997 to June 2002.



(a) Information provided by councils and analyst's report. Data obtained from councils in respect of 1997: 53 councils, 1998: 60, 1999: 67, 2000: 70 and 2001: 74.

(b) Sampling details and results for the 6 months ended June 2002 were obtained from an analyst and relates to 61 of the 79 councils.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.70 The reduced level of sampling for the 6 months in 2002 is a reflection of some councils not having undertaken their sampling responsibilities at this point in time. The average failure rate of samples analysed has been declining, and at June 2001 was around 17 per cent of all samples submitted for testing.

3.71 During 2000-01, the main types of food contaminants discovered by councils were those foods containing disease-causing organisms (16.7 cases per council, the most common of which were salmonella and campylobacter), foreign bodies such as insects, metal, plastic, chemicals (6.4 cases per council) and other non-specified contaminants (11.2 cases per council). Councils indicated that the key reason that food samples failed was businesses' poor food handling practices, including a failure to store or display foods at the correct temperatures.

3.72 The approach to selecting businesses adopted by councils varied. Councils *always* or *frequently* select businesses from which food samples will be collected based upon the food type (71 per cent), complaints about the business (57 per cent) and previous sampling history (53 per cent). Slightly more councils use random selection than those that do not (6 per cent *never*, 40 per cent *rarely*, 36 per cent *occasionally*, 17 per cent *frequently* and one per cent *always*).

3.73 According to councils, the selection of foods to sample generally encompasses common food types, those recommended by analysts and foods which have a history of non-compliance. To improve their sample selections, some councils are now beginning to develop risk-based strategies. This approach is taken to facilitate improved understanding of the risks of poor food handling practices. We support this initiative.

3.74 We consider the incidence of failure in food samples is difficult to interpret. While a high and increasing failure rate may reflect declining food safety, it may also reflect a more strategic approach to food sampling, focusing on sampling those foods that are considered high-risk and consequently have a high sample failure rate.

Collection and transportation of samples

3.75 It is critical that proper procedures are adopted by councils to guide staff in the sampling process, as the results often provide the basis for follow-up inspections of premises, further sampling and, potentially, legal action.

3.76 We found through our survey that a high proportion of councils had detailed operating procedures in place for both collecting samples (66 per cent) and transporting samples for analysis (73 per cent). A small number of councils did not have procedures to support sample collection (13 per cent) and transportation (15 per cent). The remaining councils did not state whether or not they had procedures for collecting (21 per cent) and transporting samples (12 per cent). Councils indicated that there is generally not a problem with the collection and transportation of food samples for analysis and that there is considerable communication with the laboratory to ensure the quality of analysis.

3.77 The laboratory that provides services to around 77 per cent of councils is developing, in conjunction with councils, surveillance strategies to support their sampling programs. We found the strategies developed for councils address key elements of the *Food Act 1984* and the food standards, focus on food and business risks within the municipality, provide for random sampling within a risk framework and have the capability to identify “like” businesses across the State which might require individual scrutiny. It is envisaged all businesses will be sampled over a 3 to 5 year period.

3.78 Our detailed audit of councils identified good and poor practices associated with councils’ statutory sampling activities, and these are outlined in Table 3N.

**TABLE 3N
EXAMPLES OF GOOD AND POOR PRACTICES, STATUTORY SAMPLING**

GOOD PRACTICES
<ul style="list-style-type: none"> • The sampling plan is comprehensive, risk-based and with clear links to strategies aimed at improving food safety management within the municipality – <i>Dandenong</i>. • The sampling plan is informed by regional trend information, emerging issues and risk assessments from inspections, and previous statutory and investigatory sampling and survey results. Results of analysis of data indicates that around one-quarter of the councils’ samples are found to be microbiologically contaminated at unacceptable levels due to unsafe temperature control and poor food handling and hygiene. The focus of the councils’ sampling strategy is to target hot and cold displayed food and raw products – <i>Melbourne</i>. • The council undertakes a higher level of sampling (1 235 compared with its legislative minimum of 156). This takes into account the number of food premises in the municipality, volume of food sales and the periodic population swells (e.g. influx of shoppers or tourists to the city on a daily and seasonal basis) – <i>Melbourne</i>. • Groups of councils consider trends and issues in sampling on a regional basis and this informs individual councils’ sampling programs - <i>Most councils participate</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Sample results are not reported to council on a quarterly basis in accordance with the <i>Food Act 1984</i> – <i>Brimbank, Campaspe, Latrobe, Mount Alexander, Queenscliffe, Surf Coast, West Wimmera</i>. • Councils are not sampling in accordance with legislative requirements and generally demonstrate one or more of the following shortcomings: <ul style="list-style-type: none"> • Inappropriate items included in the samples, i.e. low-risk products (e.g. juices, cordials) or non-food products (e.g. pool water) – <i>Latrobe, West Wimmera</i>; • For one council, the 3 samples taken during 2001 were all from the same food premise and comprised cordial, syrup and soft drinks which are relatively low risk. Council did not undertake any food sampling in 2000. The environmental health officer advised that he was “<i>unaware of the legislative requirements in relation to food sampling</i>” - <i>West Wimmera</i>; • Sampling less than the minimum level required by legislation – <i>Latrobe (22 per cent below requirement), Mount Alexander (98 per cent), Surf Coast (28 per cent), West Wimmera (79 per cent), Wyndham (23 per cent)</i>; and • Not providing food proprietors with the results of sampling analysis on all occasions – <i>West Wimmera</i>. For <i>Dandenong</i> and <i>Surf Coast</i>, there was no evidence that proprietors were provided with sampling results.

TABLE 3N
EXAMPLES OF GOOD AND POOR PRACTICES, STATUTORY SAMPLING - *continued*

POOR PRACTICES – <i>continued</i>
<ul style="list-style-type: none"> • Established policies or procedures were not in place to guide staff in undertaking sampling activities (taking samples, selection of foods/businesses, transporting samples, reporting results), or staff did not follow established policies and procedures - <i>Indigo, Queenscliffe, West Wimmera.</i> • Councils did not maintain adequate records to evidence that they had undertaken their sampling activities as required or to inform future sampling programs – <i>Brimbank (could not provide details on the extent to which samples failed during 2001), Mount Alexander.</i> • Sampling equipment was not appropriate and could compromise the testing procedure and the validity of the analysis (e.g. thermometers not calibrated) - <i>Latrobe, West Wimmera.</i> • As an incentive for food proprietors to improve food safety, council has adopted a local law that enables the proprietor to be charged the analyst's cost of failed food samples. This contravenes section 63B of the <i>Food Act 1984</i> – <i>Latrobe</i>. Another council has also adopted this practice without a local law which may also be in breach of the legislation – <i>Surf Coast.</i>

3.79 It is pleasing to note that a few councils are developing risk-based strategies to inform food sampling. In the absence of such strategies, potential exists for ineffective food sampling through failing to focus upon those areas of food handling and preparation which pose the greatest risk to public health.

RESPONSE provided by Chief Executive Officer, City of Greater Dandenong

It is a long-standing practice in Greater Dandenong for copies of all food analysis sheets to be hand delivered to businesses. Since the time of audit, the procedure has been amended to ensure that following the hand delivery of a copy, the relevant officer signs and dates the original copy on file to record this action.

Investigation of illnesses notified to the Department

3.80 Under the Health (Infectious Diseases) Regulations 2001, the Department of Human Services' Communicable Diseases Unit is responsible for the conduct of surveillance on such diseases. The Regulations require medical practitioners and pathology laboratories to notify the Department when they diagnose certain communicable diseases and/or suspect cases, or outbreaks of food and water-borne illnesses. If councils become aware of such cases, it is essential that they also advise the Department. During the year ended December 2001, there were around 18 300 infectious disease cases notified to the Department¹.

3.81 Local government is empowered to investigate infectious diseases under the provisions of the *Health Act 1958* and to use its wide powers to inspect premises and take samples. For the period January 2001 to September 2002, councils were involved in the investigation of 1 052 infectious disease cases notified to the Department of Human Services. Over the period 1999 to 2001, referrals by the Department to local councils remained relatively consistent at around 630 to 750 cases a year.

¹ *Victoria Infectious Diseases Bulletin*, Vol. 5, no.1, April 2002, p.15. Official figures for 2001 are not yet available.

3.82 We understand that the Department is proposing to conduct a series of training sessions to ensure councils have the appropriate skills to efficiently and effectively undertake these investigations. We support this initiative.

Responding to public complaints

3.83 We found through our survey that councils acknowledge that complaints about food products or the state of food premises, particularly those which appear to pose a high health risk to the public, should be investigated within 24 hours of notification. However, we also noted that:

- Twenty-four per cent of councils did not have systematic policies for dealing with public complaints;
- The majority of councils (91 per cent) respond to high-risk complaints within 24 hours of their notification to minimise risks of further complaints, but in some cases it takes up to 48 hours to respond. Almost half (49 per cent) take up to one week to respond to low-risk food related complaints; and
- Only 50 per cent have a formal process for food businesses to lodge complaints and grievances about councils' inspection processes. A further 11 per cent are currently developing formal processes in this regard.

3.84 Our survey also identified that in 2001, councils received 6 920 complaints about food (4 663 complaints, 52 councils responded) or food premises (2 257 complaints, 44 councils responded) which equates to one complaint for every 5.4 food businesses registered in the State. This compares with one complaint for every 5 businesses in 2000 (5 959 complaints, average 39 councils responded).

3.85 Table 3O outlines examples of good and poor complaints management practices observed during our detailed audit of 12 councils.

TABLE 30
EXAMPLES OF GOOD AND POOR PRACTICES, COMPLAINTS MANAGEMENT

GOOD PRACTICES
<ul style="list-style-type: none"> • Councils generally were responding to complaints in accordance with established timelines and procedures - <i>All councils</i>. • All residents were surveyed by council to ascertain their satisfaction with services provided by environmental health officers – <i>Brimbank</i>. • Customer satisfaction forms are provided to food proprietors for feedback – <i>Whitehorse</i>.
POOR PRACTICES
<ul style="list-style-type: none"> • Councils did not have a formal complaints policy or procedure outlining key aspects of the recording and resolution process – <i>Mount Alexander, West Wimmera</i>. • Details of complaints received by councils regarding food safety are not formally recorded for reporting purposes or to facilitate analysis of trends in relation to offending food premises or food practices – <i>Queenscliffe, West Wimmera</i>. • Appropriate information was not maintained by council to evidence that food safety complaints were being managed in accordance with established council policy – <i>Queenscliffe</i>. • Councils did not formally report their performance in responding to food safety complaints in a timely manner, or record the level of complaints that were justified/non-justified to provide a meaningful indication of the level of complaints – <i>Most councils</i>. • Not all complaints were formally recorded in the central register – <i>Indigo, Mount Alexander, Queenscliffe, Surf Coast</i>. • A formal policy was not in place for recording and resolving complaints against environmental health officers – <i>West Wimmera</i>.

3.86 While councils are generally responsive to the community’s high-risk complaints and inquiries, the recording and reporting of food safety complaints could be improved.

Recommendations

3.87 We recommend that councils:

- Adopt a risk-based approach to the conduct of annual business inspections. This would involve consideration of such factors as the results of third-party audits, council follow-up inspections and sampling activities, and the level of complaints made;
- Examine options for reducing the level of incomplete annual inspections;
- Review existing arrangements for the management of third-party audits;
- Develop a Statewide risk-based food sampling strategy, in collaboration with the Food Safety Unit, to maximise the effectiveness of these activities and the understanding of councils. The level of food safety risk for specific food business classifications should be identified through analysis of sampling results and documented compliance histories;
- Review policies, procedures and recording of public complaints; and
- Develop model policies and procedures incorporating a “good practice guide” to assist staff in employing strategic and efficient practices associated with key aspects of their food safety management responsibilities.

RESOURCING OF COUNCILS' FOOD SAFETY RESPONSIBILITIES

3.88 Staffing arrangements for the management of food safety responsibilities varies considerably between councils in terms of staff numbers, employment status (part-time or full-time), and the proportion of time dedicated to this function relative to other environmental health responsibilities.

3.89 Table 3P provides an indication of the type and quantum of tasks undertaken during 2001 by around 298 environmental health officers (EHOs) (260 full-time and 38 part-time staff) in the management of food safety across the State.

**TABLE 3P
WORKLOAD OF EHOs IN MANAGING FOOD SAFETY, 2001**

<i>Tasks undertaken during 2001 (a)</i>
<ul style="list-style-type: none"> • Registration of around 37 350 food businesses • Over 53 000 inspections, including follow-ups • Review of 2 100 food safety programs for Class 1 businesses (b) • Issue of around 6 940 orders under the <i>Food Act 1984</i> • Prosecution of 48 non-complying businesses • Collection of 12 104 food samples for analysis • Cancellation of 407 business registrations • Review of 4 400 third-party audit reports (b) • Response to 6 920 complaints • Conduct of education and awareness programs

(a) Figures based on information provided by councils.

(b) Workload estimated as some councils did not provide information.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.90 Environmental health officers are responsible for a considerable number and diverse range of public health duties. Other duties of EHOs include administration of the Tobacco Act, registration of premises under the Health, Residential Tenancies and Moveable Dwellings Acts, investigations of infectious diseases and nuisances, health promotion, pest control, waste management, approval of septic tank systems, and emergency management plans.

Time allocated to food safety

3.91 We found through our survey that larger councils with higher staff levels employ EHOs, generally on a full-time basis, solely to manage food safety within the municipality. In contrast, EHOs in the smaller rural councils are often engaged on a part-time basis only, servicing another council and with responsibility for all public health matters. The vast geographical areas which must be covered by EHOs in rural councils also impacts on the amount of time devoted to food safety management.

3.92 Table 3Q illustrates that the average annual time spent by councils' EHOs in undertaking activities related to food safety for each business.

**TABLE 3Q
AVERAGE TIME ALLOCATED ANNUALLY TO
EACH FOOD BUSINESS, JULY 2002**

<i>Average hours allocated to each business</i>	<i>Number of councils (a)</i>
Less than 1 hour (b)	2
1 – 5 hours	18
6 – 10 hours	44
11 – 15 hours	10
16 – 20 hours	2
21 – 25 hours	–
More than 25 hours	1
Total	77

(a) Two councils did not respond.

(b) Includes Buloke, 0 hours due to a vacancy at EHO level; and Mount Alexander, 0.4 hours.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.93 Based upon resource levels across councils at July 2002, the average amount of time available to be spent on food safety responsibilities by an EHO is, on average, 7 hours per business per year. However, the actual range is from 0 hours (one rural council had a vacancy) to 25 hours (a rural council employs 2 EHOs to manage a small number of businesses).

3.94 EHOs in small to medium rural areas (as per the Department of Infrastructure council classifications, refer to Appendix B of this report) allocate, on average, less than 7 hours per business per year in comparison with their metropolitan or regional counterparts which allocate 8 hours per business per year. This appears quite low given the extent to which some rural councils need to travel to service food businesses within their municipalities.

3.95 Our discussions with councils examined in detail identified that EHO caseloads (hours allocated to each business) in respect to food safety activities are not systematically allocated. Factors such as the nature of the food businesses to be monitored (e.g. level of risk, location, size and complexity) and the resources required to effectively fulfil the councils' legislative obligations are not necessarily considered. Instead, caseload allocations were based largely on geographical convenience (particularly in rural or regional councils where EHOs had to travel significant distances to perform their food safety duties) and the business needs of council. Our survey identified that a quarter of councils (26 per cent) did not know whether EHOs' food safety workloads were monitored and 13 per cent indicated that they were not.

3.96 We consider that for some councils, the average time spent per business appears to be insufficient to perform their legislative requirements. We acknowledge the concerns expressed by councils, including the need for adequately skilled staff, particularly in rural areas. However, only 5 of the 12 councils subjected to detailed audit had actively considered the resource implications of the regulatory framework or re-ordered their priorities to improve performance. Until councils take these steps, the effectiveness of the food safety regulatory framework will continue to be compromised due to the inability of councils to meet all of their legislative responsibilities.

Availability of skilled resources

3.97 Councils consider that EHOs have the knowledge to perform their role effectively, but that the level of EHO resources significantly limits councils' ability to achieve their goals and objectives for food safety. Councils overwhelmingly indicated that their council was under-resourced in relation to both human resources (75 per cent) and financial resources (72 per cent).

3.98 Most councils (77 per cent) indicated that they had difficulty employing skilled EHOs. This situation was more prevalent in rural areas with 81 per cent of rural councils indicating difficulties compared with 72 per cent of metropolitan councils. Several councils examined in detail, particularly those in the smaller rural areas, considered the lack of EHO resources was the key reason for councils failing to comply with their legislative responsibilities (e.g. inspections, recording of complaints and sampling activities). Other contributing factors cited by councils included the high level of EHO turnover which was due to:

- low morale of EHOs due to concerns with excessive workloads and remuneration issues;
- lack of EHO career advancement opportunities; and
- concerns regarding EHOs' poor public image.

Professional development opportunities

3.99 Our detailed review of councils highlighted that most EHOs considered that they received adequate and appropriate training and development to maintain their skills and knowledge with respect to food safety. Others considered that there was a need for training in legislative interpretation and understanding analysts' reports.

3.100 Only a few councils had in place a formally structured professional development program to support training provided to EHOs (Wyndham, Whitehorse and Campaspe). Several EHOs commented that due to work pressures, there is *"little real opportunity to attend training sessions, particularly conferences"*.

Management of conflicts of interest

3.101 Both the *Food Act 1984* and the *Local Government Act 1989* make specific reference to situations where council officers' private interests and public duties may conflict.

3.102 We found through our survey that only 30 per cent of councils had a formal process by which EHOs are able to register potential conflicts of interest with their council. Of the remaining councils, around 66 per cent do not have a formal process in place and 4 per cent provided no response to this issue. Our detailed review of councils highlighted good and poor practices relating to the management of conflicts of interest, and these are outlined in Table 3R.

**TABLE 3R
EXAMPLES OF GOOD AND POOR PRACTICES, MANAGING CONFLICTS OF INTEREST**

GOOD PRACTICE
<ul style="list-style-type: none"> • Clear policies and procedures were in place on what constitutes, and how to deal with, conflict of interest situations and evidence was sighted of these being followed – <i>Brimbank, Campaspe, Dandenong, Indigo, Melbourne, Surf Coast, Whitehorse, Wyndham</i>.
POOR PRACTICE
<ul style="list-style-type: none"> • The EHO had advised council that he was an owner of a food business (manufacturer of bottled water) which was located within the council's area. However, no action was taken by council to obtain independent confirmation the business was complying with the <i>Food Act 1984</i> – <i>Queenscliffe</i>.

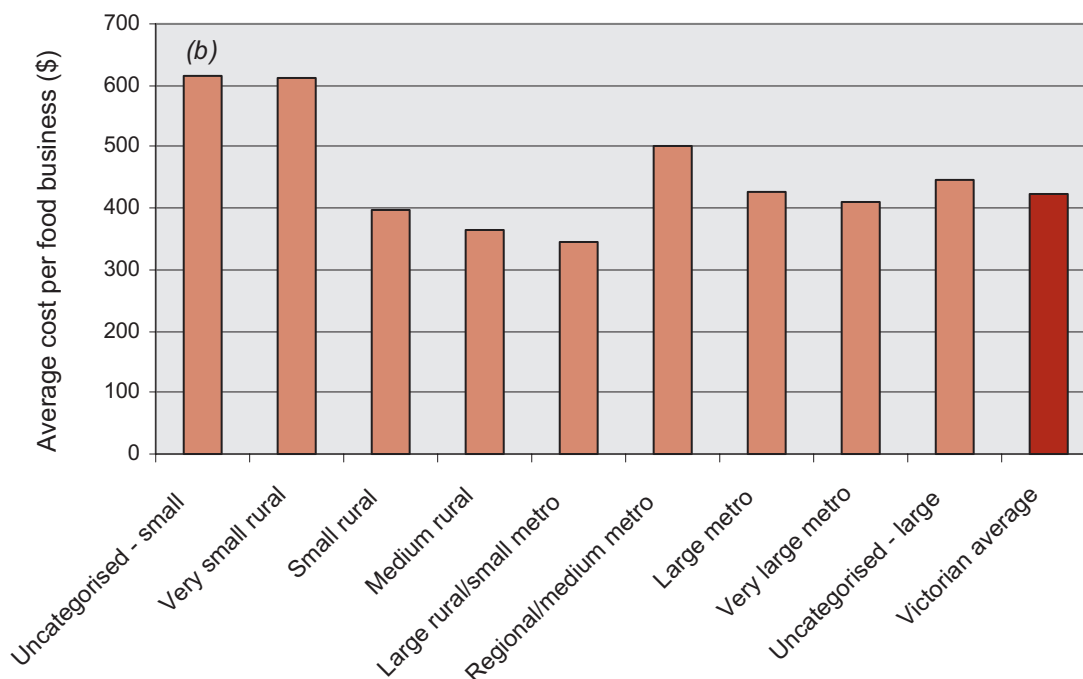
3.103 Management needs to take responsibility for regularly ensuring that staff involved in overseeing food safety are aware of their obligations in this critical area. The failure to do so may impact on the credibility of the regulatory framework.

Costs of managing food safety

3.104 We found through our survey that the average amount incurred annually by councils in undertaking their food safety activities was around \$220 800, and ranged from \$8 700 to \$1.45 million. A large percentage of this expenditure is incurred on systems administration, including registration, inspection and sampling activities (65 per cent); community protection, including education and awareness programs (16 per cent); overheads (14 per cent); and economic development (5 per cent).

3.105 Chart 3S shows that the average cost incurred by councils during 2001 for each registered food business was \$430.

CHART 3S
AVERAGE COST PER FOOD BUSINESS FOR 2001 (a)



Department of Infrastructure council categories (c)

(a) Thirteen councils were unable to provide details of their costs incurred in managing food safety.

(b) Includes 2 councils, one of which has 35 businesses and an average expenditure per food business of \$1 000.

(c) Refer Appendix B of this report for details of councils within each category.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.106 Further analysis of the costing data in Chart 3S identified that:

- The level of council expenditure is not always reflective of the number of businesses registered within each municipality. For example, Murrindindi (*small rural*) has a small food business base of 130, and an average annual cost of \$615 per business which is well above the State average. In contrast, Yarra (classified as a *regional/medium metro* council) has 1 080 businesses and an average cost per business of \$481;
- *Uncategorised - small* and *very small rural* councils have the highest average cost per business potentially due to associated travel costs as well as a higher level of overheads per business in terms of equipment, motor vehicles and software;
- The larger councils (*regional/medium metro*, *large metro*, *very large metro*, *uncategorised-large*) that had a larger complement of staff involved in food safety management (and in some cases a separate division to undertake these responsibilities) incurred higher overall costs in respect of their EHOs than other smaller councils; and
- Those councils that had a vision statement supporting their food safety responsibilities expended, on average, more on managing food safety within their municipalities than those without a vision statement (\$266 500 compared with \$98 900). This may indicate a greater commitment to food safety.

Recovery of costs

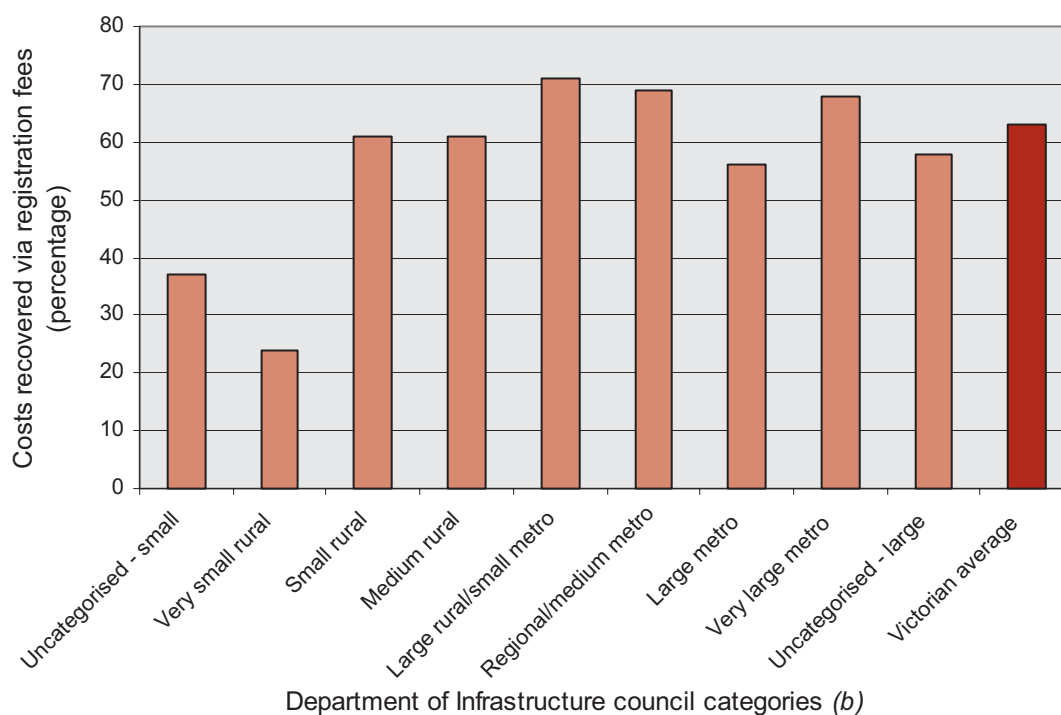
3.107 The *Food Act* 1984 provides for the imposition of a fee, determined by council resolution, for the registration of food businesses (initial, renewal and transfer). The Act further states that the fee may vary according to the size or nature of the food premise, but must not exceed the amount published in the *Government Gazette*. We were advised by the Department of Human Services that a “maximum fee” had not been determined. A review by the Municipal Association of Victoria in relation to food safety costs indicated that it was appropriate for councils to adopt a consistent approach to fee setting and “... *calculate their business costs based upon categorisation of their local food businesses e.g. supermarkets, restaurants, etc. so that small businesses do not subsidise larger businesses*”².

3.108 Our survey indicated that councils use a range of methods to calculate food business registration fees (e.g. size of food businesses, assessed risk of business). We also noted that some councils charged food businesses for “additional” services provided, including additional inspections, provision of food safety templates, penalty payments for late registration and a fee for approving businesses’ food safety programs.

3.109 Chart 3T shows that, on average, councils recover 63 per cent of their food management costs through business registration fees, ranging from a minimum of 18 per cent to over 100 per cent (City of Ballarat). Eight councils fully recovered their costs through their business registration fees.

² Municipal Association of Victoria, *Local Government Food Safety Services Costings Report*, May 2002, p. 41.

CHART 3T
LEVEL OF RECOVERY OF FOOD SAFETY COSTS BY COUNCILS,
2001 (a)



(a) Figures based upon information provided by councils.

(b) Refer Appendix B of this report for details of councils within each category.

Source: Victorian Auditor-General's Office survey of councils, July 2002.

3.110 Chart 3T also shows that there was no distinguishable relationship between council size and the level of costs recovered. However, those councils included in the *uncategorised-small* and *very small rural* categories had the lowest cost recovery of all categories of councils and, as shown in Chart 3S, the highest average costs per business. This was largely due to their small business base and the need to travel considerable distances to undertake their compliance activities. It would also make it more difficult for these councils to fully recover their costs of food safety management.

3.111 We consider that scope exists for some councils to review the good practices detailed in this report, which may provide opportunities to improve the efficiency of their food safety operations and, in turn, reduce their costs per business. Scope may also exist for increasing business registration fees.

Recommendation

3.112 We recommend that councils establish a formal framework to assist in determining their resource requirements, including consideration of optimum caseloads for environmental health officers and the time necessary to adequately undertake their food safety obligations.

RESPONSE provided by Chief Executive Officer, City of Ballarat

The Council has a policy, developed a number of years ago, to recoup the full cost of food management costs through business registration fees. It should be noted that costs associated with food sampling (purchase, analysis and freight) are not included in the total food management costs that are recouped as part of this policy.

Analysis of the final income and expenditure for the 2001-02 financial year indicates that the actual recovery rate was 103 per cent or \$7 460 more than expenditure.

For the current 2002-03 financial year, Council has set a budget with the aim to recoup the 100 per cent target, again on the basis outlined above. The actual result may vary slightly due to variations in income, which could be caused by new premises, transfers of registration and on the expenditure side due to the labour costs involved in undertaking the food premises inspection.

The Council, as part of its Best Value Program, is currently reviewing the Environmental Health Service. This process is rigorous and will address issues such as resourcing requirements and EHO workloads associated with meeting the Council's food safety obligations. The process also reviews relevant Council policy and, based on the variations shown in Chart 3T on the level of recovery of food safety costs by councils, this will be carefully considered.

Part 4

Statewide co-ordination

INTRODUCTION

4.1 This Part of the report examines the adequacy of the management practices adopted by the Department of Human Services' Food Safety Unit in fulfilling its responsibilities under the *Food Act* 1984 as the over-arching regulatory body. Part 5 of this report also examines certain activities undertaken by the Food Safety Unit relating to community education and awareness.

4.2 The Food Safety Unit is a business unit of the Public Health Division within the Department of Human Services. The role and responsibilities of the Food Safety Unit, as set out in Table 4A, are highlighted in the *Food Act* 1984 and a range of policy and strategic planning documents¹.

**TABLE 4A
KEY RESPONSIBILITIES OF FOOD SAFETY UNIT IN OVERSEEING FOOD SAFETY**

<p>Surveillance and research</p> <ul style="list-style-type: none"> • Minimising contamination of food and cases of food and water-borne diseases by undertaking research in response to emerging food safety issues. • Surveillance of food products and premises aided by laboratory testing services and local councils.
<p>Monitoring implementation of, and compliance with, legislation and food safety standards</p> <ul style="list-style-type: none"> • Approving food safety auditors (third-party auditors). • Conducting food contamination investigations. • Liaising with training providers on the education and training of food safety supervisors.
<p>Prevention and education</p> <ul style="list-style-type: none"> • Enhancing consumer confidence in food safety. • Maximising awareness of safe food handling practices in the home as well as in food premises.
<p>Policy formulation</p> <ul style="list-style-type: none"> • Fostering a consistent and co-ordinated Statewide approach to food safety. • Promoting compatibility between the Victorian approach to food safety and the national system. • Facilitating "whole-of-government" contribution to the development of food standards, industry guidelines and food safety codes.
<p>Emergency response co-ordination</p> <ul style="list-style-type: none"> • Ensuring a rapid and co-ordinated response to public health emergencies, i.e. food recalls, closure of a food premise, outbreaks of food-borne illness. • Assisting investigations of food-borne illnesses. • Investigating failures in the food safety system as soon as possible in order to minimise the level of people affected. • Assessing applications for the closure of food premises.

Source: Victorian Auditor-General's Office.

¹ The *Food Act* 1984; the following Victorian Department of Human Service documents: Memorandums of Understanding – Victorian Meat Industry 1999 and Dairy Food Safety Victoria, 1999; *A Fresh Approach – Victoria's Food Hygiene Strategy, 1997*; *Administering the Food Act – A Guide for Local Government, 2002*; *Rural and Regional Health and Aged Care Services Division, Policy and Funding Plan, 2002-03*; *Regional Public Health Guidelines, 1994*; *Public Health Strategic Plan, 2002*; and *The Strategic Framework for the Implementation of the Victorian Food and Nutrition Policy, Healthy Eating, Healthy Victoria a Lasting Investment, 1996*.

4.3 The Food Safety Unit interacts with a diverse range of parties throughout the State and, in some cases, the Commonwealth. The extent of liaison and interaction contributes to the complexity in managing this significant area of public health activity.

4.4 The Department's regional health units which perform a generalist public health role, also support the Food Safety Unit by providing ongoing advice and support to local government in enforcing and monitoring food safety, as well as assisting with implementation of the *Food Act* 1984.

MANAGEMENT OF OPERATIONAL RESPONSIBILITIES

Stakeholder responsibilities

4.5 Clearly defined roles, responsibilities and priorities that are understood by all key stakeholders assist an organisation to achieve efficient and effective service provision and meet its legislative obligations.

4.6 Specifically, we found that:

- There were no readily accessible documents which clearly outlined the current roles and relationships of all key stakeholders in the management of the State's food safety system. It was suggested by many stakeholders that a document outlining the responsibility of all stakeholders would assist in directing queries and providing a better understanding of the food safety system in Victoria;
- Staff of the Food Safety Unit, as well as those in local councils, were not all fully aware of the provisions of the Memoranda of Understanding with Dairy Food Safety Victoria and the Victorian Meat Authority, and hence the lines of demarcation between their respective roles and responsibilities under the *Food Act* 1984 were not known. The status of the existing Memoranda of Understanding was also not clear as a result of an incomplete review by the Food Safety Unit and the relevant stakeholders in 1999;
- The operational roles, responsibilities and expectations of the Department's regional public health units with respect to participation in food safety planning, development and review processes were not clearly documented or understood. As a result, the extent of their involvement in managing food safety varied significantly across the regions;
- The Food Safety Unit's 1997 Strategy document, which describes the direction of food safety in Victoria, had not been revised since its development. Consequently, it did not include details of the 1997 and 2001 legislative reforms or associated changes to the operational tasks and responsibilities of the Food Safety Unit;
- The Food Safety Unit had yet to develop an operational business plan to clarify its objectives and priorities. Consequently, the day-to-day tasks of Food Safety Unit staff were largely driven by demands from external sources (e.g. complaints, investigations, product recalls and contributing to the development of food safety standards); and

- A customer satisfaction survey aimed at measuring stakeholder satisfaction with the Food Safety Unit identified, inter alia, that they had a low level of understanding of the Food Safety Unit's mission. A follow-up survey conducted in 2001 identified that stakeholder understanding had declined further.

4.7 Poorly defined and out-of-date descriptions of the respective roles and responsibilities of the Food Safety Unit, regional health units and other relevant stakeholders contributes to uncertainty for these stakeholders. This uncertainty may result in gaps in service provision, duplication of effort, the non-achievement of objectives and even non-compliance with legislative obligations. In these circumstances, scope exists for inefficient and ineffective service provision.

4.8 The development of an operational business plan for 2002-03 has been identified as a priority by the Food Safety Unit as it will assist in building a cohesive team, determine strategies and priorities, and the allocation of resources. We agree that this should be a priority.

Monitoring the overall performance of the local government sector

4.9 Councils' role in the management of food safety is clearly stipulated within the *Food Act* 1984. However, the legislation does not specifically address how or which government agency is responsible for overseeing the performance of the local government sector with respect to meeting its food safety responsibilities.

4.10 The Food Safety Unit considers that it does not have the legislative power to monitor local councils' performance. Consequently, the extent to which individual councils, and the sector as a whole, meet their legislative responsibilities is not currently known by the central regulatory agency.

4.11 We acknowledge that the legislation is silent in this regard. However, given that the Food Safety Unit has overall responsibility for achieving the objectives of the *Food Act* 1984, this legislative ambiguity should be addressed.

Food safety policies and procedures

4.12 To ensure that action taken by staff is consistent and in accordance with legislative requirements, a sound operational framework would include:

- up-to-date policies and procedures which have been endorsed by management;
- procedures for assessing compliance with these policies and procedures, and implementing corrective action; and
- training for staff to ensure knowledge in the use of these policies and procedures.

4.13 Table 4B shows the status of the Food Safety Unit's policies and procedures at August 2002.

TABLE 4B
STATUS OF FOOD SAFETY UNIT'S POLICIES AND PROCEDURES, AUGUST 2002

<i>Policy and procedure</i>	<i>Status</i>
Drafting and Amendment of Policies/Procedures	Approved July 2002
Food Recall	Approved June 2002
Closure of Food Premises	Draft January 2001
Food Sabotage Incidents	Draft January 2001
Enforcement and Prosecution Policy	Draft January 2001
Food Contamination Investigation/Complaints	Draft January 2001
Investigation of Labelling Complaints	Incomplete
Pathogen Notification	Incomplete
Development of Publication and Communication Products	Draft January 2001
Appeals, Grievances and Complaints (Third-Party Auditors/Councils)	Draft June 2002
Australian Quarantine and Inspection Service Failed Food Report	Incomplete
Template Development	Approved November 2001

Source: Information provided by Food Safety Unit.

4.14 We noted that, although a range of policies and procedures had been initiated around 18 months ago, with the exception of 3 policies and procedures, all others were incomplete or in draft format.

4.15 Additionally, the Food Safety Unit does not have a formal professional development program aimed at increasing the skills and competencies of the staff involved in the management of food safety.

Recommendations

4.16 We recommend that the Food Safety Unit:

- undertake the development of a strategic plan in collaboration with key stakeholders, which:
 - documents roles, responsibilities, key strategies and relationships with other key food safety stakeholders;
 - clarifies its responsibilities and establishes protocols for its monitoring of local government's fulfilment of its legislative obligations; and
 - is updated in consultation with all key stakeholders and periodically assesses achievements against plans; and
- undertake operational planning, linked to the strategic plan, which:
 - clarifies roles and responsibilities of departmental staff;
 - maintains policies and procedures; and
 - incorporates a formal professional development program for staff.

KEY LEGISLATIVE RESPONSIBILITIES

4.17 The Food Safety Unit was established to help drive the implementation of the legislative reforms and to ensure that food safety and food-related issues receive a high priority and public profile. Aspects such as food recalls, outbreaks of food poisoning, follow-up of pathogens in food, food safety awareness, information, advice, training, education, auditing and research are all managed by the Food Safety Unit.

4.18 Comments on our assessment of the Food Safety Unit's performance in meeting certain key legislative responsibilities are detailed in the following paragraphs.

Standardised food handling procedures

4.19 The legislation requires food businesses (except exempted businesses) to have a food safety program in place as follows:

- Class 1 food businesses² prior to commencement of trading, must have developed and implemented a food safety program specific to the business and may choose to utilise staff/proprietor knowledge or obtain support from a consultant, an industry guide or educational institution³; and
- All other businesses (Class 2) must have a food safety program in place when they register or renew their registration after 1 January 2002. For businesses which were registered on 1 January 2002, they must have a program in place by 1 July 2003. They can either:
 - Develop a program based on a standard template, which has been registered with the Food Safety Unit, in which case they are not required to have their program audited (compliance with the program is subject to monitoring by local government); or
 - Develop their own program in which case they are required to have the program audited at specified intervals. These food businesses are also subject to annual monitoring by local government.

4.20 A template is a set of instructions/modules that cover various food handling processes and activities that may be undertaken in a particular type of business. It contains food safety procedures, based upon food standards and sound practices, that should be applied to facilitate businesses producing safe food and addressing all food hazards that are likely to occur.

² Those businesses serving food to the more vulnerable members of the community and those who develop their own food safety programs.

³ Class 1 businesses (as a subset of Class A businesses) have been required to have a food safety program since 30 March 1999 under previous legislative reforms.

4.21 The Food Safety Unit facilitates the development and approval of standard templates to assist food businesses in developing their food safety programs. This includes assessment of the template's technical adequacy, extent to which it complies with Food Standards and the *Food Act* 1984, and review by an independent panel of food safety experts.

4.22 At August 2002, the Food Safety Unit had approved and registered 10 templates which can be accessed from its website and cover:

- retail and food service businesses;
- community organisations;
- events, festivals and community organisations;
- hospitality businesses and licensed outlets; and
- specific businesses (e.g. McDonalds, Ampol and Caltex sites).

4.23 Comprehensive guidance has been provided to the food industry to support the development of templates, through the Food Safety Unit's publication *Developing a Food Safety Program Template*. The Department has also developed a generic template.

4.24 At this stage, there has been minimal feedback from business about the application of these templates. However, the Food Safety Unit reported that feedback is being received from some councils that the generic template is not appropriate for small-scale cottage industries or farms (e.g. olive growers, honey farms, small wineries). Additionally, the Melbourne City Council project "Strategies to assist Food Handlers from NESB with Low Literacy" has highlighted a need to consider adding modules to the generic template for specific food types. These issues will be considered in the development of the Food Safety Unit's operational plan.

4.25 By way of example, Table 4C shows key aspects of the template for retail and food service businesses which is based on the food standards formulated by the national food authority.

TABLE 4C
ASPECTS OF THE RETAIL AND FOOD SERVICE BUSINESSES TEMPLATE

<i>Key food business activities</i>	<i>Key checks for proprietors to ensure safe food and avoid problems</i>
Purchasing and receiving goods	Check: <ul style="list-style-type: none"> • ingredients to ensure they are in good condition and within “use-by” date; • frozen foods are frozen hard; • packaging is not damaged; • driver and truck are clean and no chemicals stored in the delivery vehicle; and • temperature of high-risk foods is within appropriate range.
Thawing frozen foods	Check: <ul style="list-style-type: none"> • thaw food in microwave (and use straight away) or in the refrigerator; • food is completely thawed before cooking; and • food is covered while thawing.
Food preparation	Check: <ul style="list-style-type: none"> • food preparers have skills and knowledge for the tasks they need to do; • preparation surfaces are clean and sanitised before use; • hands have been washed before touching food; • ready-to-eat food is kept apart from raw ingredients during preparation; and • minimise the time food is kept out of the refrigerator (maximum 4 hours).
Cooking food	Check: <ul style="list-style-type: none"> • food is thoroughly cooked or the centre of the food has reached 75 degrees celsius; • soups, sauces, gravies and casseroles boil; and • only clear juices run from cooked minced meats, poultry, chicken or rolled roasts.
Self-service	Check: <ul style="list-style-type: none"> • all high-risk food is thrown out after 4 hours if not kept at correct temperatures; • there are serving utensils for each food item or dish; • food displays are refreshed with completely fresh batches of food, never mix old with new food; • the temperature at the centre of the food; and • protective barriers (like sneeze-guards) are installed to protect food.

Source: Food Safety Program Template for Retail and Food Service Businesses.

4.26 We consider that the template development and management process oversights by the Food Safety Unit to be streamlined, well organised and responsive to the various industry groups.

Third-party auditing system

4.27 Under the regulatory framework, provision exists for food businesses to engage an auditor (third-party auditor) to assess compliance with its food safety program. The Food Safety Unit's role in the audit system, which has been operational since January 2002, is to collaborate with key stakeholders to:

- establish processes to approve food safety auditors;
- set application and selection criteria for the registration of auditors covering technical expertise, competence, training, qualifications and experience;
- set compliance conditions for approved auditors;
- maintain a public register for auditors approved under the Act;
- revoke or suspend auditor certification; and
- monitor and evaluate the implementation and outcomes of the auditing system.

4.28 The Department of Human Services approves the appointment of food safety auditors upon the recommendation of a certification body accredited to recommend approval of auditors under the Act. The certification body examines applicants against pre-established criteria, including work experience and training, and tertiary qualifications. This body also imposes conditions on certified auditors depending on the food business sector experience they possess (e.g. ability to audit catering and food service operations).

4.29 Approved auditors must enter into a service agreement with the Department for an initial term of 12 months and apply to the certification body for re-accreditation every 2 years. At the date of our audit, there were around 45 auditors approved by the Food Safety Unit pursuant to the *Food Act* 1984.

4.30 An effective framework for the third-party auditing system would consist of:

- procedures for the approval and registration of third-party auditors;
- mechanisms to ensure the maintenance of appropriate standards by third-party auditors;
- processes for monitoring and addressing complaints and breaches in the compliance conditions for third-party auditors; and
- mechanisms for monitoring and evaluating the implementation and outcomes of the auditing system as a basis for further improvements.

4.31 Our examination of the food safety auditing system included discussions with local council staff who are in constant interaction with food businesses and auditors. A number of shortcomings were identified which we consider diminish the overall rigour and effectiveness of this aspect of the State's regulatory framework. Specifically:

- Procedures adopted by the Food Safety Unit for approval and registration of third-party auditors relies on a certification body. A small number of stakeholders (councils and business proprietors) that had experience of third-party auditors felt the auditors did not have sufficient knowledge or experience of the industry group (health care);
- There were no mechanisms for ensuring appropriate standards were maintained by third-party auditors:
 - A formal process for monitoring the quality of the work performed by auditors, including accessing formal feedback from councils and food businesses, had yet to be established;
 - There is considerable diversity in the quality and consistency of audit reports provided to businesses and councils outlining instances of non-compliance. For example, some auditors utilise a standard assessment checklist which does not match the businesses' food safety program, resulting in varying levels of detail affecting the adequacy and timeliness of response to the report by food proprietors; and
 - The Food Safety Unit has no mechanism for ensuring councils adequately manage the audit system at the local level (e.g. ensuring all businesses required to be audited are, in fact, audited and that this occurs in a timely manner);
- Councils require further training to support their responsibilities in managing the third-party auditing system; and
- Complaints, received by the Food Safety Unit from food businesses in relation to auditors, while few to date, had yet to be formally recorded.

4.32 The Food Safety Unit is intending to evaluate the implementation and outcomes of the system by mid-2003. Prior to this review, the Food Safety Unit will need to establish systems for collection of relevant information.

Co-ordination of food recalls

4.33 When food becomes contaminated, or is suspected of being unfit for human consumption, it must be recalled. This involves removing the food item from sale, distribution and consumption. As the food in question has the potential, if consumed, to cause adverse health consequences or even death, it is critical that information about the recall is conveyed to all appropriate parties as quickly as possible. Circumstances in which recall action may be taken include where:

- goods are incorrectly labelled (e.g. existence of an allergen [peanuts], which are not declared on the product label);
- pathogens such as listeria, salmonella and hepatitis A are found to exist in the food product; or
- toxic chemicals and harmful foreign bodies are present.

4.34 Recall action may be required as a result of issues raised by any number of stakeholders, including manufacturers, wholesalers, retailers, medical practitioners, government agencies (e.g. police, State health authorities) or consumers. Manufacturers, growers, importers or the Department of Human Services (by order of the Chief Health Officer) may activate a food recall. In accordance with the Food Industry Recall Protocol, July 2001, all recalls are co-ordinated by Food Standards Australia New Zealand (FSANZ). Each State and Territory is responsible for ensuring that the recall is initiated promptly, undertaken effectively, and that the food business has taken measures and/or put appropriate mechanisms in place to prevent further problems from occurring.

4.35 Key roles and responsibilities of parties involved in the recall of food are outlined in Table 4D.

**TABLE 4D
ROLES AND RESPONSIBILITIES, FOOD RECALLS**

<i>Parties involved in the recall of food</i>	<i>Roles and responsibilities</i>
Sponsor – prime responsibility for supply of product in Australia, i.e. manufacturer or importer	<ul style="list-style-type: none"> Maintain records and establish procedures to facilitate a recall. Develop a recall plan. Initiate action for implementing a recall.
FSANZ – national food authority	<p>Co-ordinate recalls nationally:</p> <ul style="list-style-type: none"> • informing health authorities of potential food-related health issues in their jurisdictions; • provide advice to sponsors regarding communications and advertisements and recall strategies; • liaise with sponsor and relevant health authorities to prepare media release; • liaise with quarantine services (imported goods) and other government agencies; • maintain detailed records of the recall as well as monitor the receipt of post-recall reports from sponsors; and • provide a status report to State health authorities on the effectiveness of recalls.
State Health Authority – Food Safety Unit, Department of Human Services	<p>Monitor the efficiency and effectiveness of food recalls:</p> <ul style="list-style-type: none"> • pass on product reports and recall action information to FSANZ; • provide details of food recalls to all relevant organisations in their jurisdiction, including councils, food businesses, government and community agencies which may be affected; and • ensure recovery of affected goods and oversee the destruction of recovered product.
Local councils	Councils have no legislative powers to order recalls but may be delegated certain functions by the State health authority, i.e. oversee destruction of recalled products.

Source: Food Industry Recall Protocol, FSANZ, July 2001.

4.36 FSANZ described the roles as follows: “Essentially, although FSANZ coordinates and reports on the progress of food recalls, it is the responsibility of the States and Territories to ensure that the recall is initiated promptly, undertaken effectively (i.e. all product removed from shelves and withdrawn from distribution, and appropriately disposed of or destroyed) and that the company has taken measures and/or put appropriate mechanisms in place to prevent further problems from occurring”.

4.37 A successful food recall process requires efficient and effective processes for:

- notification of the recall to the relevant authorities and the public;
- procedures for ensuring that products are removed from sale; and
- collection of information, and passing of that information to FSANZ, to enable appropriate responses in future.

4.38 The level of voluntary recalls of food had increased by 86 per cent on 1997 levels. Our audit also found that:

- Inconsistencies occurred in the extent to which the Food Safety Unit distributes details of the food subject to recall to affected parties. For example, only select hospitals and supermarkets are contacted. Notification of recalls is inconsistently distributed and poorly recorded. Details of the dates that the Food Safety Unit issues recall notices to relevant parties are not recorded to evidence the timeliness of its response to FSANZ’s recall advice;
- Procedures for ensuring that products are removed from sale are inadequate. The Food Safety Unit relies on councils to ensure that the product subject to the recall is actually removed from sale and destroyed/disposed of, and that this occurs in a timely manner. The extent to which councils have properly conducted this task is not periodically checked by the Food Safety Unit; and
- Collection of information to ensure that the recall of goods has been completed is poor. No action is taken by the Food Safety Unit to follow-up businesses that have failed to provide FSANZ with information on the recall process (i.e. the number of recalled products recovered and disposed of, method of disposal and measures taken to prevent a re-occurrence). In FSANZ’s July 2002 status report, there were 3 instances where Victorian businesses had not provided information on whether they had completed the food recall.

4.39 We consider the shortcomings with the Food Safety Unit’s recall practices have the potential to adversely impact on the effectiveness of the regulatory framework.

Identification of best practices in food management

4.40 An important aspect of the Food Safety Unit's legislative responsibility is the conduct of research, identification of quality improvement activities and the provision of input to the development of food standards. Accordingly, the Food Safety Unit has initiated several strategic projects in partnership with industry, local government and academic institutions to identify good practices in food management and handling. Current projects include:

- An assessment of the risk posed by the unrefrigerated delivery of perishable foods to homes by supermarkets. This project is expected to be completed in October 2002 and will establish guidelines for home delivery of foods by supermarkets;
- Trialling different models of assisting the introduction of food safety programs to high-need culturally and/or linguistically diverse (CALD) food businesses, the group identified to potentially have compliance issues. The project is currently being finalised; and
- An evaluation of the implementation of food safety programs by food businesses and their oversight by councils. Information gathered from this research will assist the Food Safety Unit and other councils in implementing the food safety reforms in the latter half of 2002.

4.41 We support these initiatives, including the involvement of key stakeholders, and note their timeliness and relevance. It is essential that the outcomes of these projects, including the learning gained through the strategic partnership, be shared across all relevant stakeholders and that, where appropriate, implementation plans are developed with the relevant stakeholders to ensure consistent application of accepted findings or recommendations.

Recommendations

4.42 We recommend that the Food Safety Unit:

- establish a formal quality assurance system to assess compliance by third-party auditors with their responsibilities and provide assurance that the work is being undertaken to an appropriate professional standard;
- assess the need for providing specific information to food businesses and local government regarding the operation of the third-party auditing system; and
- review its current operational procedures in relation to food recalls with a view to ensuring that it efficiently and effectively meets its food recall responsibilities.

Part 5

Education, awareness and health promotion

INTRODUCTION

5.1 An important responsibility of both the Department of Human Services' Food Safety Unit and local government is to educate and inform food businesses and the community of the food regulatory system, and to ensure that the public has confidence in the safety of food sold within the State. Community understanding of food safety is also critical in identifying unsafe practices and incidences of food or water-borne illness.

5.2 Food safety presents a major communication challenge because of the diversity of stakeholders, namely:

- industry – professional and peak organisations, food service businesses (proprietors and food handlers), manufacturers, retailers and wholesalers;
- government – local, State and Commonwealth; and
- community – general public, media and community organisations.

5.3 This has been particularly important in recent years with the substantial changes to the regulatory framework.

5.4 Controversial issues (e.g. outbreaks of food-borne illness, contaminated food resulting in recalls and closures of food businesses) that receive public attention must be managed sensitively by all sectors so that the public is informed of the issues and dangers, while maintaining confidence in the food safety management system.

5.5 It is also important for key stakeholders to collaborate and be pro-active in undertaking prevention and health promotion activities that facilitate the sale of safe food, build knowledge of the food safety system and ensure that people are aware of complaint/grievance mechanisms.

5.6 This Part of the report provides our assessment of whether the community education, awareness and health promotion activities undertaken by both the Food Safety Unit and councils achieve their aims to inform, educate and change the behaviours of their target audience.

ACTIVITIES UNDERTAKEN BY THE FOOD SAFETY UNIT

5.7 As the central regulatory and lead agency in Victoria, the Food Safety Unit has responsibility for developing a partnership with local government, peak food industry organisations and networks to communicate food safety messages. Over the past few years, the Food Safety Unit has undertaken its education, awareness and health promotion responsibilities through:

- developing an overall communication strategy;
- preparing pamphlets and posters for public distribution to food providers and the community;

- addressing the requirements of businesses with special needs;
- establishing a food information database for stakeholders; and
- sharing information with local government.

Development of education, awareness and health promotion strategies

5.8 The focus of communication activities by the Food Safety Unit has been to assist in the implementation of the regulatory reforms, informing key stakeholders within the food industry of the regulatory framework and their respective roles and responsibilities. This resulted in a focus on businesses and local government. Less attention was paid to improving the general community's knowledge of food safety and the food safety system.

5.9 Given the range of stakeholders, there is debate about who should undertake education and awareness activities for business and the community. Key issues for consideration which we also identified were raised in a draft discussion paper prepared by the Food Safety Unit in June 2002:

- More attention to the equivalent activities undertaken by local government and industry groups. Potential exists for duplication of effort between the various stakeholders and, ultimately, an unco-ordinated approach to food safety education and awareness across the State;
- Encouragement of participation and take-up of responsibilities by industry and local government;
- Acknowledgement of the cultural and linguistic differences within the community and the implications in terms of different standards and approaches to food handling, difficulties with translation and language skills, and relationship to government;
- Further baseline studies upon which to measure achievements of future education programs;
- Other forms of communication than printed material (refer to Table 5A for information developed by the Food Safety Unit); and
- More information about the users of the Food Safety Unit's community education material. For example, no details are available of who is accessing the food safety website.

Key communication activities

5.10 The key aim of communication programs is to ensure that those who require knowledge or information have access to information that is timely, accurate, meets their needs and is understandable. The Food Safety Unit is responsible for ensuring businesses meet their food safety obligations, and that the community is aware of safe food practices. Its programs must also address those groups within the community that have special needs, particularly those who may have limited English language skills and/or poor literacy.

5.11 Research undertaken by the Food Safety Unit based on Australian Bureau of Statistics (ABS) data indicates that of the 258 400 people working in the Victorian food industry in 1996¹:

- 21 per cent speak a language other than English at home;
- of those that speak a language other than English at home, 64 per cent work or are likely to work in areas affected by the *Food Act* 1984; and
- 3 per cent were employers (food proprietors) comprising 2.5 per cent English speaking only and 0.5 per cent from a non-English speaking background.

5.12 The 2001 ABS census identified that around 23 per cent of Victorians were born in non-English speaking countries. They speak over 180 different languages and dialects and originate from 214 different countries. Twenty-one per cent of all Victorians speak a language other than English at home. The top 5 languages other than English spoken are Italian, Greek, Vietnamese, Cantonese and Arabic.

5.13 As highlighted in Table 5A, the Food Safety Unit uses a variety of communication mediums to inform and educate the community about safe food practices.

¹ This data is not yet available for 2001.

**TABLE 5A
FOOD SAFETY UNIT, CURRENT COMMUNICATION ACTIVITIES**

<i>Communication mediums</i>	<i>Key features</i>
<p>Food hygiene pamphlets covering:</p> <ul style="list-style-type: none"> • personal hygiene for people working with food; • safe food storage and display; • food poisoning and how to prevent it; and • hygienic food preparation and handling. 	<ul style="list-style-type: none"> • Published in English and 10 other languages. • Around 50 000 personal hygiene pamphlets distributed between December 2000 and April 2002.
<p>Food safety posters titled:</p> <ul style="list-style-type: none"> • <i>Your personal hygiene can stop food poisoning;</i> • <i>Avoid the temperature danger zone; and</i> • <i>Prevent food poisoning, don't give bacteria a chance.</i> 	<ul style="list-style-type: none"> • Around 20 000 posters distributed between 1999 and 2001 to businesses, hospitals, hostels and supported residential units. • Published in English.
<p>Fish pamphlets with information on the safe handling of fish.</p>	<ul style="list-style-type: none"> • Around 5 000 pamphlets distributed, primarily to fish and chip vendors.
<p>Community food events video outlining safe food practices associated with sausage sizzles and BBQs.</p>	<ul style="list-style-type: none"> • Around 600 videos distributed to councils and libraries in late 2000. • Video has been translated into 19 community languages.
<p>Food Safety Unit website containing information for the general public and food businesses.</p>	<ul style="list-style-type: none"> • Links to several other public interest health sites.
<p>Food Safety 1300 Hotline.</p>	<ul style="list-style-type: none"> • Enables the public to obtain advice regarding food safety practices or any matter connected with the management of safe food. • Around 400 calls received per month.
<p>Food Safety Week held in November each year.</p>	<ul style="list-style-type: none"> • Theme for 2002 is "Food Safety Matters", and targets high school and older primary school students.
<p>Royal Melbourne Show.</p>	<ul style="list-style-type: none"> • Promotion of food safety and role of the Unit.
<p>Summer Safe Food campaign.</p>	<ul style="list-style-type: none"> • Each Christmas, the Unit co-ordinates a safe food message directed at the public.

Source: Information provided by Food Safety Unit.



Pamphlets developed by the Food Safety Unit to encourage safe food practices.

5.14 We found that, although communication activities undertaken by the Food Safety Unit have been extensive, their effectiveness has not been measured. Our audit confirmed the Food Safety Unit’s view that more work is still required to raise community and business awareness of food safety.

Addressing requirements of businesses with special needs

5.15 The culturally and/or linguistically diverse (CALD) groups within the community present a particular challenge for the Food Safety Unit given the varying standards of numeracy and literacy, and that people are from vastly different political and government institutions, legal and social systems. Cultural differences often mean that there are not the same standards or awareness of food handling procedures or requirements. With limited access to culturally appropriate information in languages other than English, and specific mechanisms to address CALD needs, the ability of businesses to respond to legislation may be significantly hindered.

5.16 Over recent years, the Food Safety Unit has undertaken research to identify how to address the needs of people from non-English speaking backgrounds, those with low literacy and numeracy, and those who are disabled, including:

- Commissioning research in 1999 into “Strategies to assist Food Handlers from NESB with Low Literacy”. Many of the recommendations arising from this research have been implemented or are under consideration;
- Analysing ABS data to gain an understanding of the profiles and backgrounds of those working in the Victorian food industry to help identify priority language and cultural groups; and

- Providing funding to the Melbourne City Council to develop a training program aimed at improving the knowledge of non-English speaking proprietors of food safety practices and their legislative responsibilities. Preliminary evidence from this program indicates that the people preparing food are less likely to understand safe food practices. Key outcomes from this project, due to be completed later in the year, will be a training program and translation of a food safety program (“Foodsmart”) into Cantonese and its availability on the Food Safety Unit’s website in written and verbal form. This project will be used to inform the development of further training programs for other community language groups.

5.17 We acknowledge that the Food Safety Unit has been improving its provision of education and community awareness programs for CALD food proprietors and food handlers. However, the Food Safety Unit has no specific strategies in relation to CALD groups within the community, nor has there been any consideration of a co-ordinated approach with local councils in the education of CALD groups.

5.18 Other shortcomings we noted with the Food Safety Unit’s activities were:

- The Food Safety Unit does not provide the community with access to “LanguageLink”, an interactive telephone communication package designed to offer pre-recorded information to English and non-English speaking callers. We note this facility is offered through other programs administered by the Department of Human Services;
- Callers from CALD groups to the food safety hotline facility are not offered access to interpreting services;
- Although pamphlets have been published in various languages, they do not comprehensively address the needs of CALD groups, particularly those who have a disability such as vision impairment; and
- The food safety website is only presented in one language, English.



Pamphlets issued by the Food Safety Unit in various languages to assist people from non-English speaking backgrounds.

Establishment of an information database

5.19 Since mid-2000, the Food Safety Unit has been developing an information system known as VicFIN (Victorian Food Safety Information Network). When fully operational, VicFIN will provide a central food safety surveillance database for all parties involved in the delivery, monitoring and implementation of safe food practices (councils, the Department of Human Services [the Food Safety Unit, Communicable Diseases Unit and regional staff], food analysts, the national food authority Food Standards Australia New Zealand, and Australian Quarantine Inspection Service). It is envisaged that the system will improve communication between all stakeholders by avoiding duplication and streamlining information requests, and facilitate easy access to historical data for evaluation and monitoring purposes. At the outset, VicFIN was expected to be fully implemented by December 2001.

5.20 We found that VicFIN is now partially available to local councils (e.g. councils can send and receive emails across the sector). The ability for councils to upload information and access reports, a key feature of the system, will not occur until the end of 2002. It is also envisaged that food analysts will not have access to VicFIN until mid-2003. The delay is largely the result of the need to undertake further consultation with the local government sector as well as assist councils in the development of systems to support the implementation of VicFIN.

5.21 VicFIN is a critical tool for both the Food Safety Unit and industry groups, particularly councils, to monitor the management of food safety in Victoria and its development is to be commended. However, it is important that the Food Safety Unit:

- Meets the revised implementation dates;
- Establishes an implementation steering committee, with representatives from the key user groups, to support strategic use of the data and future development of the system. Representation is also needed from the “virtual user support group” that is growing, as the system is rolled-out to councils;
- Ensures staff are aware of, and able to use, the system’s capabilities;
- Regularly undertakes reliability tests to ensure the accuracy of the information and to take remedial action to rectify problems (e.g. data not being entered correctly and need for additional mandatory fields). If there are substantial inaccuracies, the surveillance plans developed at local, regional and Statewide levels may not be addressing the most appropriate issues; and
- Provides analytical information to the user groups and councils.

Dissemination of information to local government

5.22 The Food Safety Unit shares information with the local government sector regarding interpretation and implementation of the legislation and other specific issues concerning food safety, through:

- issuing regular information bulletins to the sector which are available on the Food Safety Unit's website and through VicFIN;
- conducting information road shows about the legislative changes;
- developing a specific guide for councils, "Administering the Food Act – A Guide for Local Government 2002";
- responding to requests for information and support; and
- attending Regional Environmental Health Network meetings.

5.23 Our survey of councils identified that a high proportion (88 per cent) are in regular personal contact with the Food Safety Unit. However, only 32 per cent felt that they received adequate assistance from the Food Safety Unit and 42 per cent had an opposite view.

5.24 Our detailed audit of councils generally confirmed these views. However, we also found that improvements were being made and that councils appreciated the support that the Food Safety Unit and regional public health staff provide (e.g. responding to legislative queries, clarifying processes, offering support such as the introduction of VicFIN, providing access to documentation that has not previously been available and providing notification of recalls). It was noted by the majority of councils that the attendance and support of the Food Safety Unit and regional public health staff at regional network meetings was positive and assisted in developing greater alignment and consistency in approaches, and building an understanding of the issues affecting the respective organisations.

5.25 Our detailed audits also highlighted some aspects that need to be addressed by the Food Safety Unit. The most common concern of councils was that food businesses often received information prior to councils, or that information sent directly to food businesses duplicated work that the council had done. These actions undermined councils' role and relationship with the food business, and demonstrated a lack of co-ordination. Most councils believe that the introduction of VicFIN will assist in resolving these concerns and facilitate mutual understanding and consistency in each party's approach to the management of food safety in Victoria.

5.26 The Food Safety Unit has acknowledged that communication needs to be improved to regain the trust and co-operation of all councils following a period of inconsistent communication prior to the 2001 reforms. A range of strategies are under consideration, including holding an annual or half yearly Statewide food safety forum and development of a training program to address identified needs of the sector. We support these proposed initiatives.

Effectiveness of communication activities

5.27 During 2002, the Food Safety Unit commissioned a survey to assess the community's level of confidence with food safety. The survey found that:

- There is a relatively high level (86 per cent) of confidence in the ability of food businesses to maintain an acceptable level of food safety;
- Consumers do not fully understand the need to maintain food at correct temperatures in the refrigerator;
- Consumers who eat out frequently are more confident in the level of food safety from restaurants and businesses, despite being more likely to have experienced symptoms of food-borne illness. They are also less likely to complain; and
- People who have suffered symptoms of food-borne illness are more likely to perceive risks.

5.28 A second survey aimed at specifically assessing businesses'/food handlers' understanding of food safety practices has yet to be completed. However, the results are expected to assist the Food Safety Unit, training providers and councils in:

- developing community education programs for food handlers and proprietors;
- identifying training priorities for food handlers; and
- identifying potential high-risk food businesses where responses demonstrate a poor understanding of safe food practices.

5.29 Notwithstanding the extent of communication activities currently undertaken by the Food Safety Unit, it considers the community's level of awareness about the food safety regulatory system and safe food handling practices at home and in community settings has not yet reached an acceptable level. The Food Safety Unit believes that this is evidenced by recent incidents of food-borne illness and the nature of the inquiries received by its food safety hotline.



Selection of newspaper headlines outlining recent incidents of poor food safety in the community.

5.30 Given this situation, the Food Safety Unit will explore differing means to effectively inform and educate the community. Strategies involving the media, the internet and education campaigns with other stakeholders, including the education sector, will be considered in future communication programs.

LOCAL GOVERNMENT COMMUNITY EDUCATION ACTIVITIES

5.31 Councils are required to educate businesses, community organisations and special needs groups about food safety management and raise the awareness of good food practices. Mediums used include brochures, information kits, regular contact, random inspections, seminars and workshops, videos, their internet sites, media and newsletters.

5.32 Councils evaluated the effectiveness of these activities by informal means such as the feedback they received from businesses and community groups, and internal appraisal. Examples of communication mediums we identified and evaluation practices are shown in Table 5B.

TABLE 5B
EXAMPLES OF COMMUNICATION MEDIUMS AND EVALUATION PRACTICES

- Communication mediums and evaluation practices utilised by most councils included:
 - Food Safety Unit information bulletins;
 - Information sessions for food businesses with appropriate interpreters and using a presentation for implementation of food safety programs;
 - Food safety information packs for clubs and street stalls;
 - Posters for business on food hygiene and safe food preparation;
 - Checklists for business on food safety, such as a food safety program development tip sheet;
 - Presentations to schools and community groups;
 - Newsletters sent periodically to businesses – these include information on good practice, legislation, food updates, prosecutions within the municipality, summer safety campaigns, temperature checks and a list of suppliers for the purchasing of thermometers; and
 - Media releases utilising mainstream and ethnic media outlets – targeted to food businesses, the general community, or both.
- A food safety program starter pack is provided to all new premises to encourage compliance and assist in building a good relationship with the business. The starter pack includes a thermometer, planning guide, contact details, information brochure on templates, food storage tips, and food and hygiene for food handlers brochures - *Dandenong, Latrobe, Melbourne, Surf Coast, Whitehorse*.
- An annual survey of food businesses is undertaken to assess their level of satisfaction with the services provided by the Environmental Health Unit. This survey seeks feedback on the education and awareness activities such as usefulness of printed material and participation in seminars. The information is also used to plan future activities - *Brimbank*.

5.33 Our survey found that only 39 per cent of councils had a formal program directed at the education of businesses within their municipality. Some councils considered that, due to the significance of and workload associated with education, there was a need for environmental health officers (EHOs) to be employed in a full-time capacity to conduct education and awareness programs. Others considered delays in providing information and education to the community had occurred because of uncertainty on the part of councils about acceptable practices, procedures and standards, and the ongoing changes to legislation. Few councils (27 per cent) had their education and awareness activities externally appraised.

5.34 Our detailed audits at councils generally confirmed the matters raised in the survey, namely that:

- formal programs to support community education activities are variable, as is the quality of the programs; and
- councils had rarely developed appropriate indicators to measure their performance in meeting this key responsibility or properly evaluate the effectiveness of activities undertaken.

Business awareness of food safety

5.35 To gain an insight into food proprietors' understanding of their legislative obligations and satisfaction with services provided by councils, we undertook a telephone survey of 219 food businesses in the 12 councils subject to our detailed audit (refer to Appendix A in this report for details of councils covered).

5.36 The food businesses surveyed included manufacturing concerns, take-away shops, supermarkets, hospitals, fruit and vegetable outlets, child care centres, clubs, aged care facilities, accommodation premises, wineries, schools, restaurants, a catering business and convenience stores. Businesses were selected with the assistance of the EHOs to ensure representation across the following criteria:

- businesses assessed by the council as high or low performers;
- businesses from the special needs group (based on levels of cultural and/or language diversity [CALD] of business operators);
- businesses which had been the subject of official complaints to council about food safety management; and
- businesses other than those identified by the above criteria.

5.37 Of the businesses that participated in the survey:

- one-third had been involved in the current food business for more than 10 years and 44 per cent for more than 2 years but less than 10 years;
- 7 per cent had been involved in the current business for less than 6 months;
- for over 80 per cent, the current business is the only food business they have been involved with in the same municipality; and
- almost 90 per cent of respondents indicated that English was the main language spoken.

5.38 Through our survey, we found that businesses generally had positive attitudes towards EHOs. However, the survey also identified that:

- Poor knowledge of the legislation has impacted upon the extent to which Class 2 businesses complied with their obligations and some businesses appear to be unclear about their obligations under the food legislation;
- Businesses overwhelmingly considered that communications could be improved. One proprietor, who was of non-English speaking background, indicated that communication was problematic during the last council inspection. Around 9 respondents indicated that more information in their own language would be helpful; and
- Literature provided to businesses was of limited use and sparsely retained.

5.39 The majority (79 per cent) of businesses indicated that they received information about food safety from councils. However, there is considerable variance in the frequency of information (one per cent indicated that they received information on a weekly basis, 16 per cent monthly, 10 per cent bi-monthly, 23 per cent quarterly, 14 per cent half yearly and 15 per cent yearly). Of concern is the 21 per cent of respondents that indicated they had never received information.

5.40 Around half (47 per cent) of the businesses felt that over half of the information supplied was *useful* and 10 per cent felt that none of the information received was *useful*. More than half (59 per cent) of the businesses considered the information was *useful* and retained over three-quarters of the information they received. Around 16 per cent retain less than a quarter or none of the information received.

5.41 Around 70 per cent of businesses considered that more information (e.g. brochures, training courses, contact with EHOs) would improve their overall understanding and implementation of the food legislation.

5.42 The survey results suggest that more attention needs to be given to ensuring businesses are properly informed of their legislative responsibilities. Failure to properly inform and educate food businesses may lead to non-compliance with the *Food Act 1984*.

RESPONSE provided by Acting Chief Executive Officer, Surf Coast Shire

In speaking to many proprietors, poor knowledge is not what has impacted on the extent to which Class 2 businesses are complying with their obligations. From the majority of proprietors spoken to, it is the history of the food safety program legislation and the number and frequency of changes made to it. Proprietors are waiting for it to be possibly changed again and don't want to spend any time and money on producing a food safety program until they are sure it is going to be the final one. Proprietors appear happy to comply with the legislation though they are waiting until the last minute to do so.

Addressing the requirements of businesses with special needs

5.43 Businesses with special needs include those food proprietors or handlers who may have low literacy, be rurally isolated, and culturally and/or linguistically diverse. Proprietors from non-English speaking backgrounds are more likely to have difficulty both speaking and understanding English. Such people require assistance in understanding their food safety obligations and, wherever possible, access to literature in the proprietor's preferred language.

5.44 Aspects relating to special needs groups identified in our survey were that:

- Around half (47 per cent) of the councils did not perceive that there was a need to have in place processes and procedures which assisted identification of special needs groups within their municipalities for targeting education and awareness programs. Councils did not consider there was "demand for these services";
- Councils estimated that less than 5 per cent of food proprietors had difficulty speaking or understanding English; and

- The majority (84 per cent) had not used interpreter services to assist communications with proprietors. The main reasons given were that:
 - their English skills were considered competent (48 per cent);
 - other means of communication were used (30 per cent);
 - budgetary constraints precluded the use of translators (3 per cent); and
 - access to interpreting services was difficult (3 per cent).

5.45 Our detailed audit of councils, however, identified that:

- there is no formal process for identifying proprietors with special needs and councils are not aware of the proportion of businesses with workers with special needs;
- there was a lack of awareness of the people that may be included in “special needs” and a general focus on people from non-English speaking backgrounds to the exclusion of those, for example, that may have a literacy problem or sight impairment;
- very little effort has been directed to the formal education of special needs groups, especially those proprietors from non-English speaking backgrounds (despite councils identifying this group as having a “high level of non-compliance”);
- councils were not aware of the availability of interpreter services and many of those that were aware rarely used the services as there was a sense that people could understand and/or that another family member or acquaintance could interpret on behalf of the CALD person; and
- the effectiveness of education and awareness programs for special needs groups were not formally assessed.

5.46 Table 5C shows examples of good and poor practices by councils in educating and increasing the awareness of special needs groups.

**TABLE 5C
EXAMPLES OF GOOD AND POOR PRACTICES, SPECIAL NEEDS GROUPS**

GOOD PRACTICES
<ul style="list-style-type: none"> • A number of bi-lingual staff members are employed who are able to provide support to members of the community who speak a language other than English and to guide the work of councils. This is not seen as a substitute for language services – <i>Melbourne, Whitehorse</i>. • Development of a series of posters which include colour photographs with ticks and crosses identifying the right and wrong way to complete food handling tasks. This is considered to be a most effective training tool when working with CALD and special needs groups – <i>Dandenong</i>. • Staff use the Victorian Interpreter Telephone Service if they encounter any language barriers during food premises inspections. The EHOs carry a card that details the telephone number, council PIN number and instructions on how to use the service - <i>Dandenong</i>.
POOR PRACTICE
<ul style="list-style-type: none"> • Some councils did not demonstrate an understanding of how to work with special needs groups. Even though some of these councils have access and equity policies or multicultural policies, continued effort is required in training and supporting staff to implement these policies – <i>Brimbank, Indigo, Latrobe, Wyndham</i>.

5.47 The absence of a formalised, co-ordinated and comprehensive program to support councils' communication and awareness activities inhibits identification of those persons requiring assistance and, in turn, ensuring their needs are properly addressed. Similarly, the failure to formally assess such programs inhibits assessment of whether activities have efficiently and effectively contributed to improving food safety awareness within the municipality.

RECOMMENDATIONS

5.48 We recommend that the Food Safety Unit and councils:

- develop, in consultation with other key stakeholders, a comprehensive, co-ordinated strategic approach to community education, awareness and health promotion activities, encompassing:
 - a clear definition of stakeholders' roles and responsibilities;
 - identification of target audiences and appropriate communication mechanisms;
 - provision for periodic review; and
 - realistic time frames for development and implementation;
- better address the requirements of businesses with special needs and CALD groups, including through development of a language policy and good practice guide, updating the website and hotline facilities, and training staff;
- ensure that VicFIN meets its potential as a food safety communication and management tool through its timely implementation, comprehensive use by councils, and monitoring to ensure its usefulness and the timeliness, relevance and accuracy of its information; and
- continue to undertake stakeholder surveys to measure effectiveness in educating business and the community.

Part 6

Performance measurement and reporting

INTRODUCTION

6.1 Primary responsibility for managing the State’s food safety regulatory framework rests with the Department of Human Services’ Food Safety Unit and local councils. Accordingly, it is incumbent on these bodies to have in place a framework that identifies their performance in meeting their respective responsibilities under the regulatory framework, including achievement of the objectives of the *Food Act* 1984. The performance information reported under this framework must also be relevant, appropriate and fairly report performance.

REPORTING FRAMEWORKS

6.2 Ongoing monitoring of performance is an important element of an effective management system. It is the means by which an organisation is able to monitor and assess its success in meeting its stated objectives. Performance reporting is also the mechanism by which an organisation provides accountability to the general public for its activities.

Performance measurement and reporting by councils

6.3 Our survey of councils identified that almost three-quarters had vision statements to support the management of food safety and that the statements had been reviewed in the past 2 years. The remaining councils were currently developing a vision statement to support their food management operations.

6.4 As a part of councils’ performance management frameworks, almost all had a broad range of both short-term and long-term goals for the management of food safety. Generally, the goals reflected the objectives of the *Food Act* 1984 (e.g. “food sold within Victoria is safe and risks are minimised for the public” and “improving the food safety program in Victoria”).

6.5 Seventy-three per cent of councils had developed specific performance indicators and targets in relation to their goals. Examples included “complaints to be actioned within 48 hours of registration” and “all premises to be inspected at least twice per year.” Councils advised that progress towards achieving their goals was monitored as part of councils’ continuous improvement processes which included:

- monthly reporting to council against performance indicators and targets;
- periodic review and evaluation of councils’ strategies; and
- performance appraisals of staff.

6.6 Our detailed audit of councils’ performance management systems, and specifically the performance indicators and targets in place, revealed considerable variability between, and shortcomings in, these systems. Specific shortcomings we noted are outlined in Table 6A.

TABLE 6A
SHORTCOMINGS IN COUNCILS' PERFORMANCE MANAGEMENT SYSTEMS

- The extent to which councils had achieved their food safety objectives (effectiveness) was not specifically monitored or reported – *Latrobe, Mount Alexander, Surf Coast, West Wimmera*.
- Some councils had not maintained appropriate data to enable an assessment of their performance against indicators and targets – *Latrobe (complaints data), West Wimmera (complaints, sampling and inspections data)*.
- The full range of compliance work undertaken by councils was not addressed in councils' performance management systems (e.g. annual and follow-up inspections and sampling) – *Most councils*.

6.7 The Food Safety Unit envisages that the introduction of the Victorian Food Safety Information Network (VicFIN) in late 2002 will provide extensive information on councils' operations (on an individual basis and the sector as a whole). This information will cover food business registration and compliance activities, including inspections, third-party audits and prosecutions.

6.8 We support the development of VicFIN and expect that it will provide useful performance information. However, as VicFIN is not yet fully operational, the extent to which relevant and appropriate performance information is generated by the system and the quality of its analysis is yet to be tested.

Departmental performance measurement and reporting

6.9 The performance of the Food Safety Unit in co-ordinating the State's food safety regulatory framework is monitored primarily through the Department of Human Services' *Annual Report* and quarterly reports to Cabinet. The key performance indicators and targets established for this purpose relate to activities or outputs with respect to service delivery and include:

- number of food safety program templates registered;
- level of participant satisfaction with training programs; and
- time taken from notification to commencement of enforcement action.

6.10 We consider that the indicators and targets do not fully address the Food Safety Unit's performance against its key regulatory responsibilities, or facilitate assessment and reporting of the efficiency and effectiveness of the regulatory framework at a State or council level in terms of the objectives of the *Food Act* 1984. For example, the Food Safety Unit's performance indicators do not measure the extent to which food for sale is safe and fit for human consumption, the extent to which misleading conduct in connection with the sale of food is prevented, or whether food safety is improving. Similarly, the indicators do not measure the efficiency or effectiveness of the State's response to public health incidents involving food, which is the Food Safety Unit's responsibility to co-ordinate.

6.11 We were advised by the Food Safety Unit that the *Health Act* 1958 provides for local government to report on public health issues to the Department. However, comprehensive local government reporting to the Department ceased around 1994 on the basis that the individual areas of responsibility within the Department would determine the relevant matters to be reported and then request specific information from local government. Nevertheless, as such requests have not been forthcoming, including from the Food Safety Unit, since 1994 there has been no reporting to the Department on local government's food safety activities.

6.12 Some action has been taken by the Food Safety Unit to collect relevant information to assist its future assessment of performance. In May 2002, a review was undertaken to identify the community's level of food safety knowledge and confidence in food handling practices. This data will provide baseline information for future assessments. In December 2000, OzFoodNet, a Commonwealth-funded project was commenced. This project is aimed at enhancing surveillance of food-borne disease, estimating the incidence and severity of cases within the State and across Australia, and improving the understanding of its causes and how better to investigate such disease. The project is due to be completed in June 2003.

6.13 We consider that the performance measurement framework for both the Food Safety Unit and councils needs much work. Neither the Food Safety Unit nor councils are adequately informing the public of their respective performance against their obligations under the food safety regulatory framework or the achievements of the framework as a whole. This situation is compounded by the lack of clarity as to which entity has overall responsibility for monitoring the local government sector's achievements under the *Food Act* 1984.

Recommendations

6.14 We recommend that the Food Safety Unit, in collaboration with councils:

- develop a suite of relevant and appropriate performance indicators and targets which measure achievements against the key objectives of the food safety regulatory framework at both a council and State level, and which address aspects of both efficiency and effectiveness; and
- publicly report performance on their key respective responsibilities under the regulatory framework.

Appendix A

Conduct of the audit

AUDIT OBJECTIVES

The objective of the audit was to determine whether the regulatory framework for the management of food safety in Victoria efficiently and effectively minimises the risks of food-related illness. The audit assessed whether:

- registration and compliance processes efficiently and effectively achieved improved food safety outcomes;
- the framework, including organisational roles, responsibilities, relationships and strategic planning processes, supported achievement of the objectives of the *Food Act* 1984;
- food safety community education and promotion activities achieved their aims; and
- an adequate performance measurement, monitoring and reporting framework was in place at a Statewide and local government level.

AUDIT SCOPE

The audit focused on the activities of the Food Safety Unit within the Department of Human Services in its role of supporting local government (councils) in the management of food safety throughout the State. The activities of councils in ensuring food for sale is both safe and suitable for human consumption was also examined. This was covered through a survey of all 79 councils and a detailed examination of a cross-section of 12 councils.

Ten of the councils subject to detailed examination were selected according to a range of criteria that included:

- *Location* - At least one council from each of the Department of Infrastructure's size and location categories (refer to Appendix B of this report for details of categories);
- *Non-English Speaking Background* - Included councils with a high incidence of non-English speaking food proprietors;
- *In-House/Contracted Environmental Health Services* - Included councils with in-house teams responsible for food safety and those that have contracted-out these services; and
- *Type of Food Business* - Included councils with a range of food businesses within their municipalities, including tourism/restaurant businesses, large food processors and manufacturers.

An additional 2 councils, Mount Alexander Shire Council and the Borough of Queenscliffe were also subject to detailed review to follow-up on certain aspects of their survey responses. Descriptions of the councils selected for detailed examination are provided in Table A1.

**TABLE A1
COUNCILS SELECTED FOR DETAILED EXAMINATION**

BRIMBANK CITY COUNCIL

Brimbank City Council comprises 24 suburbs some 20 kilometres north-west of Melbourne and covers an area of 123 square kilometres. It has a population of around 164 500. The municipality has the highest proportion of non-English speaking people in the western region, with nearly one-third born overseas. The main employment industries in the region include agriculture, food processing, retail and wholesale trade, community services and manufacturing. Brimbank has 954 registered food premises (22 processors/manufacturers and 932 food services and retailers). It is categorised as a very large metropolitan council.

CAMPASPE SHIRE COUNCIL

Campaspe Shire Council is located approximately 180 kilometres north-west of Melbourne and covers an area of 4 500 square kilometres. The area is a popular tourist and retirement destination with a population of almost 35 000. Major towns in the area include Echuca, Rochester and Kyabram. Main employment industries include agriculture, food processing, retail and wholesale trade, community services and manufacturing. The Shire has 250 registered food premises (11 processors/manufacturers, 238 food services and retailers, and one distributor/importer). It is categorised as a large rural council.

CITY OF GREATER DANDENONG

City of Greater Dandenong covers an area of approximately 130 square kilometres and has an estimated population of almost 132 000. It is located some 28 kilometres south-east of Melbourne. The region has 1 099 registered food premises (97 processors/manufacturers, 998 food services and retailers, and 4 distributors/importers). It is categorised as a large metropolitan council.

INDIGO SHIRE COUNCIL

Indigo Shire Council has an estimated population of around 14 300. It is a shire in north-eastern Victoria formed in November 1994 by the union of Rutherglen Shire and most of Beechworth, Chiltern and Yackandandah Shires. Its administrative centre is at Beechworth which is located some 270 kilometres from Melbourne. Indigo Shire contains numerous tourist attractions, including the north-east wine region and several former historical gold mining towns. The Shire has 189 registered food premises (145 food services and retailers and 44 processors/manufacturers) and uses contractors to perform its environmental health services (food safety activities). It is categorised as a small rural council.

LATROBE CITY COUNCIL

Latrobe City Council encompasses an area of 1 400 square kilometres with an estimated population of 69 200. It is located some 160 kilometres south-east of Melbourne. The Council has 539 registered food premises (13 processors/manufacturers, 516 food services and retailers, and 10 distributors/importers). It is categorised as a medium regional council.

MELBOURNE CITY COUNCIL

Melbourne City Council comprises 16 suburbs in central Melbourne and, although it has a population of around 52 000, commuters to the city for employment, shopping and tourism swells the daily population to around 560 000. It is the largest of all Victorian councils. Melbourne City Council has 2 653 registered food businesses (64 processors/manufacturers, 2 585 food services and retailers, and 4 distributors /importers).

MOUNT ALEXANDER SHIRE COUNCIL

Mount Alexander Shire Council is located 120 kilometres north-west of Melbourne. It has a strong manufacturing and engineering base with the main industries being food processing and steel fabrication. The population of the Shire is estimated to be around 17 100. The Shire has 216 registered food premises (13 processors/manufacturers, and 203 food services and retailers). It is categorised as a small rural council.

TABLE A1
COUNCILS SELECTED FOR DETAILED EXAMINATION - continued

BOROUGH OF QUEENSLIFFE

The Borough of Queenscliffe is located at the eastern tip of the Bellaraine Peninsula and forms one side of Port Phillip Heads. The Borough is approximately 100 kilometres south-west of Melbourne and has a population of around 3 420. It is the smallest municipality in the State. The Borough has 79 registered food businesses comprising 4 processors/manufacturers, and 75 food services and retailers. It is considered a small-uncategorised council.

SURF COAST SHIRE COUNCIL

Surf Coast Shire Council is located around 80 kilometers south-west of Melbourne and encompasses the coastal townships of Torquay, Anglesea, Aireys Inlet, Fairhaven and Lorne along the Great Ocean Road. The Shire has a population of around 19 940 which swells with tourists during summer months. The Shire has 232 registered food businesses (17 processors/manufacturers, and 215 food services and retailers). The Shire is categorised as a rural, medium sized council.

WEST WIMMERA SHIRE COUNCIL

West Wimmera Shire Council is located around 380 kilometres north-west of Melbourne and encompasses an area of approximately 9 000 square kilometres. It has a population of just under 5 000 and 79 registered food businesses (3 processors/manufacturers, and 76 food services and retailers). It is categorised as a very small rural council.

WHITEHORSE CITY COUNCIL

City of Whitehorse is located 15 kilometres east of Melbourne and spans an area of 64 square kilometres. It has an estimated population of around 147 300 and 1 082 registered food premises (7 processors/manufacturers, 1 074 food services and retailers, and one distributor/importer). It is categorised as a very large metropolitan council.

WYNDHAM CITY COUNCIL

Wyndham City Council is located around 25 kilometres south-west of Melbourne and has a population of around 86 100. It covers 540 square kilometres of which 80 per cent is rural properties. The Council has 430 registered food premises (16 processors/manufacturers, 395 food services and retailers, and 19 distributors/importers). It is categorised as a medium metropolitan council.

Source: Information obtained from detailed audit of councils.

The audit focused on the *Food Act* 1984 and specifically food held for retail sale. Aspects not within the parameters of that Act and not examined were:

- the activities of the Victorian Meat Authority and Dairy Food Safety Victoria which oversee food safety compliance in their respective jurisdictions under separate legislation;
- processes adopted by businesses involved in primary food production, including the growing, raising, cultivation, harvesting and collection of foods;
- processes associated with exported food which are regulated under the Export Control Act; and
- the food standards formulated by Food Standards Australia New Zealand, the national food authority.

AUDIT METHODOLOGY

The audit methodology comprised:

- Interviews with departmental staff from the Food Safety Unit, the Communicable Diseases Unit and regional environmental health officers;
- Comprehensive examination of relevant policy and procedural documents developed by the Food Safety Unit;
- A survey of all 79 councils after being piloted in 2 councils. Response rates by councils to individual questions ranged from 14.5 per cent to 100 per cent;
- Detailed examination of 12 councils which involved interviews with environmental health officers, their team leaders and departmental managers; examination of relevant policy and procedural documents supporting councils' food safety management activities; and review of a selection of food business/premise files;
- A telephone survey of 219 food businesses registered with the 12 councils to determine their understanding of their obligations pursuant to the *Food Act* 1984 and of their satisfaction with the work undertaken by, and assistance provided by, councils;
- A review of food safety research in Victoria and other jurisdictions, including a range of benchmarking projects that have been undertaken in recent years; and
- Discussions with key stakeholders involved in the management and monitoring of food safety.

PERIOD COVERED BY THE AUDIT

The audit focused on the changes made to the food safety regulatory framework since 1997 and their application in practice at the date of audit, namely, August 2002. Certain performance data was collected covering the period January 1997 to June 2002.

COMPLIANCE WITH AUDITING STANDARDS

The audit was performed in accordance with Australian Auditing Standards applicable to performance audits and, accordingly, included tests and procedures considered necessary in the circumstances.

ASSISTANCE PROVIDED TO THE AUDIT TEAM

Specialist assistance was provided to my Office by:

- Ms Christine Nunn, Director Project Partnerships, who assisted in planning the audit, review of the operations of the Food Safety Unit and the detailed examination of councils; and

- A consortium led by Quality Food Management Systems that included the Victoria University of Technology Centre for Hospitality and Tourism Research and Baldwin Solicitors. This consortium was engaged primarily to conduct the survey of local councils, food businesses and undertake the detailed examination of councils.

Support and assistance was provided to my officers and specialists by:

- the management and staff of the Department of Human Services' Public Health Division, particularly the Food Safety Unit and regional officers;
- all councils across Victoria through their responses to the survey and input at regional meetings and discussions;
- the 12 councils that were examined in detail; and
- the food business proprietors who participated in the telephone survey.

Assistance was also provided by a range of Victorian, interstate and national organisations, and community organisations, involved in activities related to the management of food safety. Specific authorities and groups consulted during the audit included:

- Australian Institute of Environmental Health;
- Dairy Food Safety Victoria;
- Dunn, Son and Stone, Food Analysts;
- Food Standards Australia New Zealand;
- Municipal Association of Victoria;
- SafeFood New South Wales;
- Safe Food Queensland;
- Victorian Food Safety Council; and
- Victorian Meat Authority.

I wish to express my appreciation to these entities for their contributions and assistance to my Office in conducting the audit.

Appendix B

Councils within Department of Infrastructure – size and location categories

CLASSIFICATION CATEGORIES

<i>Uncategorised - Small</i>	
Borough of Queenscliffe	Docklands Authority
<i>Very Small Rural</i>	
Pyrenees Shire Council	Towong Shire Council
West Wimmera Shire Council	
<i>Small Rural</i>	
Alpine Shire Council	Indigo Shire Council
Ararat Rural City Council	Loddon Shire Council
Buloke Shire Council	Mount Alexander Shire Council
Central Goldfields Shire Council	Murrindindi Shire Council
Gannawarra Shire Council	Northern Grampians Shire Council
Golden Plains Shire Council	Strathbogie Shire Council
Hepburn Shire Council	Yarriambiack Shire Council
Hindmarsh Shire Council	
<i>Medium Rural</i>	
Bass Coast Shire Council	Moorabool Shire Council
Colac-Otway Shire Council	Moyne Shire Council
Corangamite Shire Council	South Gippsland Shire Council
Delatite Shire Council	Southern Grampians Shire Council
Glenelg Shire Council	Surf Coast Shire Council
Horsham Rural City Council	Swan Hill Rural City Council
Mitchell Shire Council	Wangaratta Rural City Council
Moira Shire Council	
<i>Large Rural/Small Metropolitan</i>	
Baw Baw Shire Council	Macedon Ranges Shire Council
Campaspe Shire Council	Warrnambool City Council
Cardinia Shire Council	Wellington Shire Council
East Gippsland Shire Council	Wodonga Rural City Council
<i>Regional/Medium Metropolitan</i>	
Ballarat City Council	Maroondah City Council
Bayside City Council	Melton Shire Council
City of Greater Bendigo	Mildura Rural City Council
Greater Shepparton City Council	Nillumbik Shire Council
Hobsons Bay City Council	Wyndham City Council
Latrobe City Council	Yarra City Council
Maribyrnong City Council	
<i>Large Metropolitan</i>	
Banyule City Council	Manningham City Council
Frankston City Council	Moonee Valley City Council
Glen Eira City Council	Port Phillip City Council
City of Greater Dandenong	Stonnington City Council
Kingston City Council	Whittlesea City Council

CLASSIFICATION CATEGORIES - *continued*

Very Large Metropolitan	
Boroondara City Council	Monash City Council
Brimbank City Council	Moreland City Council
Casey City Council	Mornington Peninsula Shire Council
Darebin City Council	Whitehorse City Council
Hume City Council	Yarra Ranges Shire Council
Knox City Council	

Uncategorised – Large	
City of Greater Geelong	Melbourne City Council

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Management of injury claims by the Victorian WorkCover Authority	November 2001
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(a) This report is included in Part 3.2, Human Services section of the *Report on Ministerial Portfolios*, June 2001.

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