

Report on local government activities, 2014-2015

Food Act 2006

May 2016

Report on local government activities 2014-2015, *Food Act 2006*

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Summary

Local government are responsible for the administration and enforcement of licensed food businesses. Annually the Department of Health requests local government to provide information about their activities under the *Food Act 2006* (the Act). The information provided by local government is collated and developed into a publicly available report.

During the 2014-2015 reporting period there has been a 4.7% increase in the number of licenced food businesses across the State with a total of 27,461. 10 local governments reported that they had no licensed food businesses, compared to 12 local governments from the previous reporting period.

Statewide there were 166.7 full time equivalent employees committed to food regulation in the 2014–2015 reporting period. This is a 6% decrease since the previous reporting period, however, per 100 licensed food businesses, is equivalent to the 2013-2014 reporting period.

Licensed food businesses were inspected on average 1.9 times per year, including follow up and complaint inspections. This represents no change in inspection frequency since the 2013 -2014 reporting period. The data indicates that 70% of licenced food businesses were inspected at least once during the reporting period (a 10% decrease), 10% of the total number of inspections reported were follow up or re-inspections (a 7% decrease), with the remainder of the inspections undertaken following complaint.

There was also a decrease in enforcement action undertaken by local government in Queensland. The number of improvement notices issued decreased by 36% , the number of food businesses prosecuted decreased by 7.3%, however, the number of licenced food businesses that had their licence immediately suspended increased by 47% from the previous reporting period. This may be attributed to less non-compliances being identified across food businesses following the higher enforcement action taken in the 2013-2014 period.

All local governments provided a copy of their fee schedule for the 2014–2015 financial year for activities relating to the Act. However, due to the complexity and variation of fees charged for services provided or action taken under the Act this report has limited scope to provide an accurate comparison of fees charged across the State.

1. Introduction

The *Food Act 2006* (the Act) is the primary food safety legislation in Queensland and applies to all Queensland food businesses. The objectives of the Act are to ensure food for sale is safe and suitable for human consumption, to prevent misleading conduct in relation to the sale of food and to apply the *Australia New Zealand Food Standards Code* (the Code).

The Department of Health in association with Hospital and Health Service Public Health Units (PHUs) and local government are accountable to the community for ensuring that acceptable food safety standards are being achieved by food businesses. One of the main ways of demonstrating that these standards are being met is by monitoring compliance with the Act.

Section 28 of the Act provides for the Department to request information from local government relating to the administration and enforcement of the Act. As a partner in the administration of the Act, section 29 of the Act provides for the Department to give local governments, in return, collated reports on the administration of the Act.

Local government in Queensland are responsible for licensing all licensable food businesses and accrediting food safety programs for certain food businesses under the Act. Additionally local government have responsibility for enforcing specified offence provisions of the Act and Chapter 3 of the Code (Food Safety Standards).

Queensland's food regulators, have a duty to demonstrate the effective administration of the Act. Reporting provides a qualitative tool to measure effectiveness and may include the release of information such as the number of inspections conducted.

The information provided to the Department may be used in the development of reports on the administration of the Act and the status of food safety in Queensland and to respond to requests and enquiries from the Minister for Health, the Director General or appropriate Commonwealth agencies.

2. Requesting information

The Department requested local government to supply data on the administration and enforcement of licensed food businesses in their area.

Local government were provided with a notice under section 28 of the Act requesting data to be provided for their activities covering the period 1 July 2014 – 30 June 2015. Local government were required to return the requested data in the approved format and information was received by all 78 local governments.

3. Reporting outcomes

The same parameters used in the 2013–2014 report have been used for this report, providing some consistency in the information collected and facilitating accurate comparisons across reporting periods. Additional questions relating to the frequency of audits of food safety programs were also asked this reporting period to give an understanding of how high risk food businesses are performing.

The reporting parameters can be broken down into eight categories; licences, food safety supervisors, food safety programs, inspections, complaints, employees, enforcement and fees. The results will be discussed according to these categories.

4. Regions and local governments

To assist in interpreting the data, local governments are grouped into regions as identified below in Table 1. These regions are based on the geographic areas of Queensland and are the same divisions as previously used by the Australian Bureau of Statistics.

Table 1 provides a list of the local governments within each region and Figure 1 details the geographical location of each of these regions. A detailed map showing local government boundaries can be located in Appendix 1.

Table 1 **Local government regions**

Region	Local governments
Brisbane and Moreton	Brisbane, Gold Coast, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset and Sunshine Coast
Mackay and Fitzroy	Central Highlands, Gladstone, Isaac, Livingstone, Mackay, Rockhampton and Woorabinda
Wide Bay Burnett	Banana, Bundaberg, Cherbourg, Fraser Coast, Gympie, North Burnett and South Burnett
Far North	Aurukun, Cairns, Cassowary Coast, Cook, Croydon, Douglas, Etheridge, Hopevale, Lockhart, Mapoon, Mareeba, Napranum, Northern Peninsula, Pormpuraaw, Tablelands, Torres, Torres Strait Region, Weipa, Wujal Wujal and Yarrabah
Northern	Burdekin, Charters Towers, Hinchinbrook, Palm Island, Townsville and Whitsunday
Darling Downs	Goondiwindi, Southern Downs, Toowoomba and Western Downs
North West	Burke, Carpentaria, Cloncurry, Doomadgee, Flinders, Kowanyama, McKinlay, Mornington, Mt Isa and Richmond
South West	Balonne, Bulloo, Maranoa, Murweh, Paroo and Quilpie
Central West	Barcaldine, Barcoo, Blackall-Tambo, Boulia, Diamantina, Longreach and Winton
Central West	Barcaldine, Barcoo, Blackall-Tambo, Boulia, Diamantina, Longreach and Winton

Figure 1 **Geographical location of local government regions in Queensland**



5. Results

5.1 Summary of local government responses

A summary of the results relating to the core parameters for the 2013–2014 and 2014–2015 reporting periods are presented in Table 2. These individual parameters are discussed in further detail in the report.

The individual local government data is included as Appendix 2.

Table 2 Comparison core measures for the 2013–2014 and 2014–2015 reporting periods

Overall local government information for standing parameters	2013-2014	2014-2015	% change
Number of food businesses licensed	27,461	28,796	4.7% increase
Number of licensed food businesses with a food safety supervisor	22,717	24,847	9% increase
Number of food businesses that require a food safety program with an accredited food safety program	1,493	1,677	12% increase
Average number of inspections per food business licensed (total number of inspections / number of licences)	1.2	1.2	No change
Number of full time equivalent (FTE) employees committed to food regulation	178.4	166.7	7% decrease
Number of improvement notices issued	2242	2723	18% increase
Number of prescribed infringement notices issued	683	666	3% decrease
Number of prosecutions undertaken	41	38	7.3% decrease

5.2 Regional results

A summary of regional core parameters for the 2014–2015 are presented in Table 3. Other parameters are discussed within the document.

Table 3 Summary of regional core measures

Regions	No. of food businesses licensed	Average no. of inspections per food business	No. of food businesses requiring a food safety program	No. of Infringement notices	No. of Prosecutions	No. of FTE employees committed to food regulation
Brisbane and Moreton	18,759	1.3	1261	605	37	87.6
Mackay and Fitzroy	2,039	0.8	95	11	0	26.5
Wide Bay Burnett	1,772	1.2	116	7	0	14.4
Far North	2,195	1.3	107	4	0	17.1
Northern	1,669	0.7	83	22	1	11.3
Darling Downs	1,576	0.8	102	11	0	9.8
North West	211	0.9	21	6	0	3.5
South West	416	1.6	14	0	0	3.8
Central West	159	1.6	7	0	0	2.6
Qld total	27,461	1.1	1806	666	38	166.7

5.2.2 Licensed food businesses

Certain food businesses are required to be licensed by local government under the Act. These food businesses include food manufacturers (e.g. manufacture of packaged bakery products), food businesses selling unpackaged food by retail (e.g. a restaurant or catering business) and non-profit organisations who sell meals on at least 12 occasions in a year (e.g. Meals on Wheels).

Not all food businesses or activities are licensable under the Act, including but not limited to, businesses selling only pre-packaged foods, the sale of whole fruit and vegetables and the sale of drinks such as tea, coffee, soft drink and alcoholic beverages. Primary producers of eggs, dairy, meat and seafood are accredited by Safe Food Production Queensland under the *Food Production (Safety) Act 2000*. These businesses are not captured by this report.

During the 2014–2015 reporting period there were 28,796 licensed food businesses in Queensland. This is an increase of 1,335 licensed food businesses or 4.7% increase from the 2013–2014 reporting period.

10 local governments reported that they had no licensed food businesses, compared to 12 local governments from the previous reporting period.

The number of licenced food businesses for each region are identified in Table 3.

Table 4 presents data for the five local governments with the largest number of licensed food businesses for the 2013–2014 and 2014–2015 reporting period.

Table 4 Local governments with the highest number of licensed food businesses for the 2013–2014 and 2014–2015 reporting period

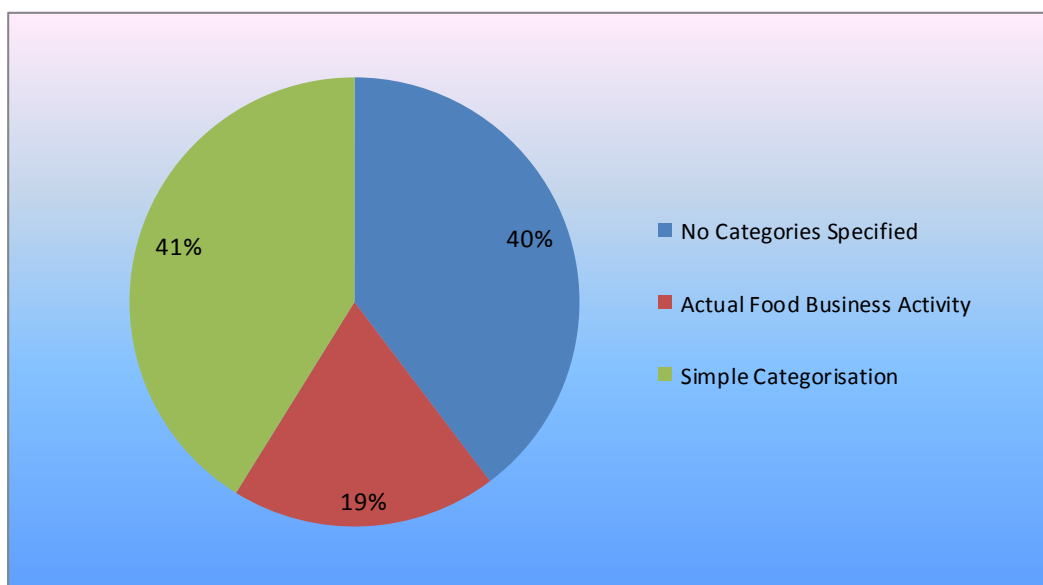
Ranking	2013–2014		2014–2015	
	Local government	No. of food businesses licensed	Local government	No. of food businesses licensed
1	Brisbane City Council	6,688	Brisbane City Council	7,065
2	City of Gold Coast	4,518	City of Gold Coast	4,413
3	Moreton Bay Regional Council	1,642	Sunshine Coast Regional Council	1,881
4	Sunshine Coast Regional Council	1,639	Moreton Bay Regional Council	1,750
5	Logan City Council	1, 230	Cairns City Council	1,121

There is no significant increase in the number of licensed food businesses in Cairns City Council, however, Logan City Council experienced a decline of around 140 businesses. This is an unusual trend which Council advised was due to an unusual amount of new applications awaiting assessment. The number of food businesses has since increased which will be reflected in the upcoming reporting period.

Local government were asked to provide information on licence categories. Of the 68 local governments that reported having licensed food premises 27 did not report using categories. 28 of the local governments used simple categories such as low, medium and high or fixed, mobile, temporary and off-site caterer. 13 of the local governments used categories based on the actual food business activity (e.g. café/restaurant, child care centre, and manufacturer).

Figure 2 provides a breakdown of categorisation of food businesses for licencing purposes in Queensland.

Figure 2 **Licence categories used by local government in Queensland**



5.2.3 Number of licenced food businesses per 1000 resident

The number of licenced food businesses per 1000 estimated resident population obtained from the Australian Bureau of Statistics was analysed¹. The average number of licenced food businesses across the state for the 2014–2015 reporting period was 6.1 food businesses per 1000 estimated resident population.

The local governments with the smallest ratio of licenced food businesses per 1000 estimated resident population for the 2014–2015 reporting period were:

- Aurukun Shire Council with 1.4 licenced food businesses for every 1000 residents
- Cherbourg Aboriginal Shire Council with 3.1 licenced food businesses for every 1000 residents
- Mapoon Aboriginal Shire Council with 3.4 licenced food businesses for every 1000 residents
- Wujal Wujal Aboriginal Shire Council with 3.4 licenced food businesses for every 1000 residents

The local governments with the most licenced food businesses per 1000 estimated resident population were:

- Etheridge Shire Council with 21.7 licenced food businesses for every 1000 residents
- Bulloo Shire Council with 39.4 licenced food businesses for every 1000 residents.

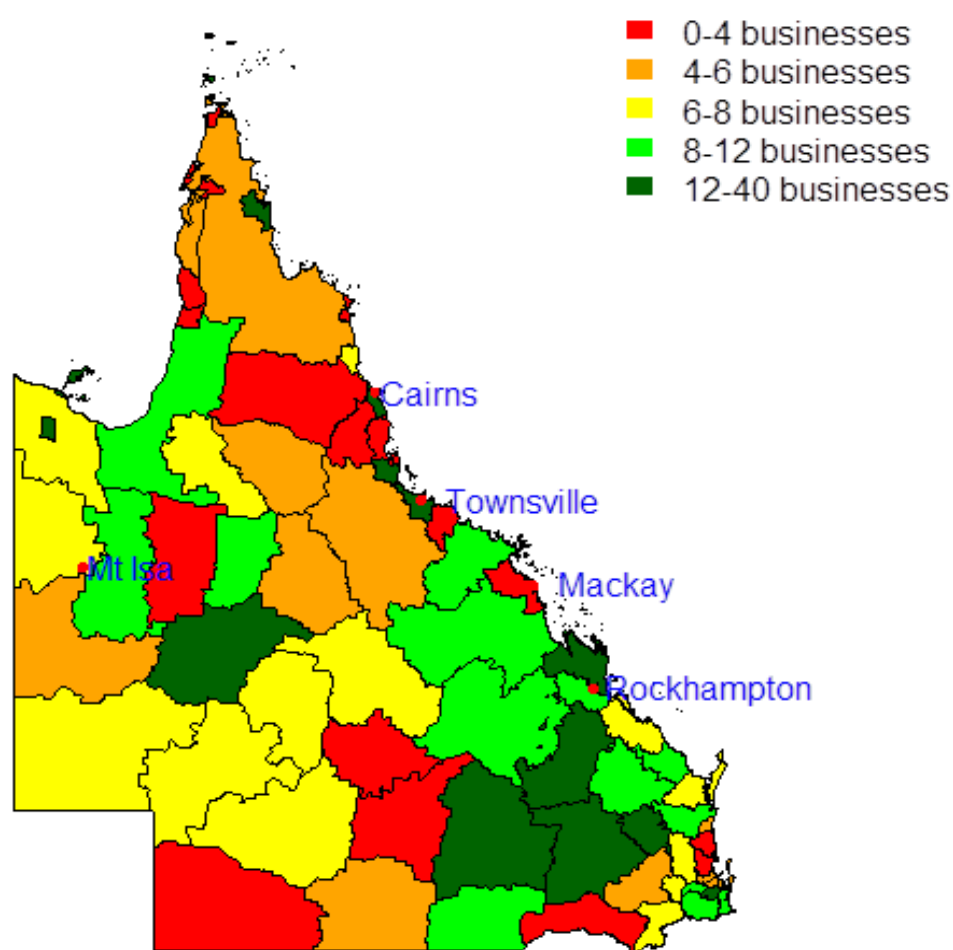
¹ **Australian Statistical Geography Standard (ASGS) Volume 3 - Non-ABS Structures** (cat no. 1270.0.55.003) **Data Currency:** 1 July 2011
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1270.0.55.003Explanatory%20Notes10July%202011?OpenDocument>

The number of licenced food businesses per 1000 estimated resident population for the five local governments that reported having the largest number of licenced food businesses in the state was:

- Gold Coast City Council with 8.4 licenced food businesses for every 1000 residents
- Cairns Regional Council with 7 licenced food businesses for every 1000 residents.
- Sunshine Coast Regional Council with 6.6 licenced food businesses for every 1000 residents
- Brisbane City Council with 6.2 licenced food businesses for every 1000 residents
- Moreton Bay Regional Council with 4.2 licenced food businesses for every 1000 residents

Figure 3 presents the number of licenced food businesses per 1000 estimated resident population for each local government in Queensland.

Figure 3 **Number of licensed food businesses per 1000 residents**



5.2.4 Food safety supervisors

The Act requires licensable food businesses to have a food safety supervisor. Food safety supervisors must know about food safety hazards, have skills and knowledge in matters relating to food safety relevant to the food business and have the authority to supervise and give directions about matters relating to food safety to persons who handle food in the food business. Anyone who meets those requirements may be a food safety supervisor, including the business owner, the licensee, a manager, an employee or an external contractor.

During the 2014–2015 reporting period, local government reported that 24,847 or 86.3% of licensed food businesses had a nominated food safety supervisor. This is a slight increase from the previous reporting period where 22,717 or 82.7% of licensed food businesses had a nominated food safety supervisor.

Table 5 provides a regional overview of the number of licensed food businesses with a nominated food safety supervisor. Percentages of licensed food businesses with a nominated food safety supervisor from the last reporting period have also been included in Table 5 as a comparison.

Table 5 Food safety supervisor data

Regions	No. of food businesses licensed	Food safety supervisors		
		No. of businesses with a food safety supervisor	% of businesses with a food safety supervisor 14-15	% of businesses with a food safety supervisor 13-14
Brisbane and Moreton	18,719	15,716	83.9	78.2
Mackay and Fitzroy	2,039	1,968	96.5	88.5
Wide Bay Burnett	1,772	1,185	66.8	78.1
Far North	2,195	2,130	97.0	94.9
Northern	1,669	1,626	97.4	97.6
Darling Downs	1,576	1,501	95.3	95.7
North West	211	201	95.3	97.9
South West	416	367	88.2	100
Central West	159	153	96.2	100
Total	28,796	24,847	86.3%	82.7%

Of the 68 local governments with licensed food businesses, 36 local governments reported that all licenced food businesses had nominated a food safety supervisor.

While the number of food businesses with a nominated food safety supervisor as a proportion of the total number of food businesses was low in the following local governments:

- Noosa Shire Council – 7.4% of licenced food businesses have a nominated food safety supervisor
- Fraser Coast Regional Council – 36.6% of licenced food businesses have a nominated food safety supervisor
- Goondiwindi Shire Council – 45.3% of licenced food businesses have a nominated food safety supervisor

this data is explained by:

- Noosa Shire Council experienced a data transfer issue following de-amalgamation. The correct number is around 80%
- the Fraser Coast result is explained by an admin update error which occurred during an upgrade of the licensing database and
- Goondiwindi Shire Council did not have an authorised person for a period of time and since the reporting period the situation has dramatically improved which will be reflected in the upcoming reporting period.

The DoH developed the guideline *Food safety supervisors, Food Act 2006* to assist local government with the enforcement and administration of the food safety supervisor provisions of the Act. Within this guideline minimum training competencies are recommended for food safety supervisors within respective food sectors. Only 50 of 68 local governments with licensed food businesses require food safety supervisors to possess the recommended competencies as contained in the guideline.

Local governments that do not require the food safety supervisor to complete the recommended training assess food safety supervisors in the following ways:

- assessment tools including questionnaires
- completion of I'm ALERT (online food safety training program)
- other qualifications including tertiary qualifications that had components of food safety and hygiene subjects, HACCP training
- industry experience
- completion of food safety training conducted by the local government.

Brisbane City Council is the only local government that does not assess the food safety supervisor's suitability.

5.2.5 Food safety programs

Since July 2008 certain food businesses have been required under the Act to have food safety programs. The introduction of food safety programs for certain sectors of the food industry was part of the national review and assessment which aimed to reduce the incidence of foodborne illness, reduce the regulatory burden on the food industry and provide consistent food regulation and standards across Australia.

Licensable food businesses are required to have a food safety program accredited by their local government if:

- the food business involves off-site catering
- the primary activity of the food business is on-site catering
- the food business is carried on as part of the operations of a private hospital or otherwise processes or serves potentially hazardous food to six or more vulnerable persons.

Other food businesses that are not required to have a food safety program may choose to have an accredited food safety program.

Table 6 provides a regional overview of the number of licenced food businesses requiring a food safety program and the number of those that have been accredited by local government. During the 2014–2015 reporting period there was a 13.26% increase in the number of food safety programs accredited across the state. For the third year running Darling Downs had the highest level of accreditation with 100% of relevant businesses having an accredited food safety program. This was followed by the South West region with 99% of relevant businesses having an accredited food safety program.

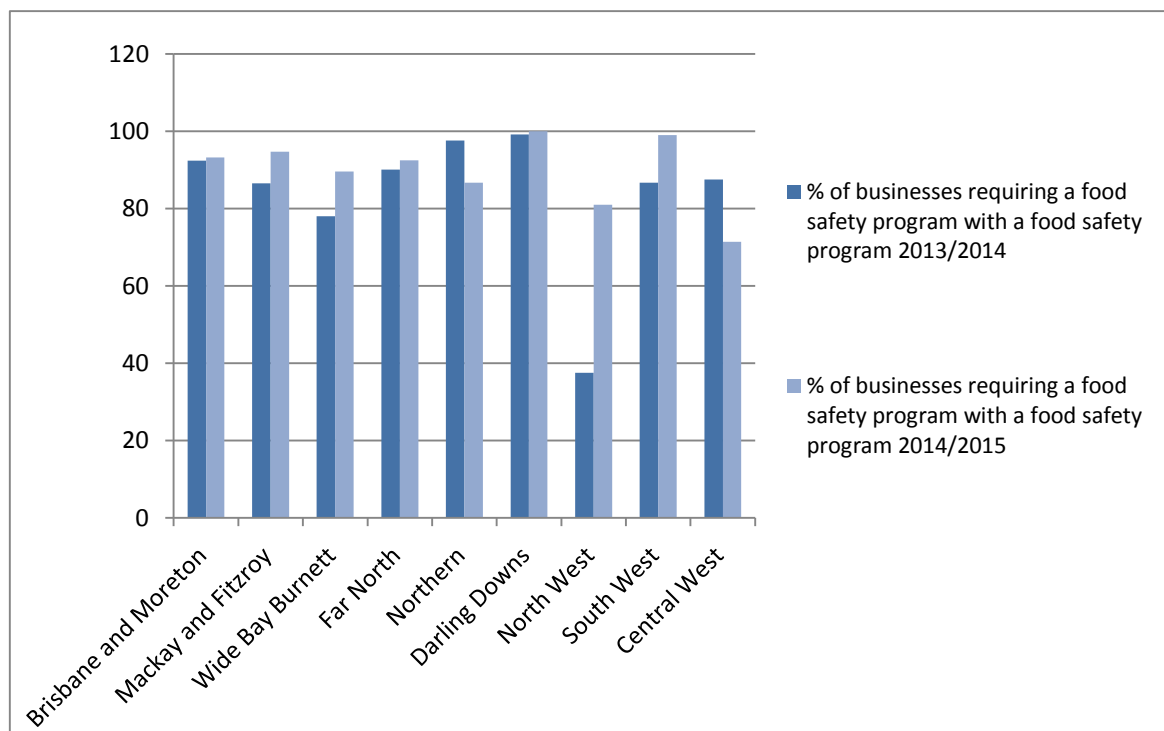
Table 6 Food safety program data

Regions	No. of licenced food businesses requiring a food safety program	Food safety programs	
		No. of accredited food safety programs	% of businesses requiring a food safety program with a food safety program
Brisbane and Moreton	1,261	1,175	93.2
Mackay and Fitzroy	95	90	94.7
Wide Bay Burnett	116	104	89.6
Far North	107	99	92.5
Northern	83	72	86.7
Darling Downs	102	102	100
North West	21	17	81
South West	14	13	99
Central West	7	5	71.4
Total	1,806	1,677	92.8%

While it appears the North West region had the largest increase in the percentage of food safety programs accredited, which went from 37.5% in the 2013–2014 reporting period to 81% in the 2014–2015 reporting period, it was noted that there was a reporting in the previous 2012-2013 reporting period which carried over.

Figure 4 shows the percentage of food safety programs accredited for both the 2013–2014 and 2014–2015 reporting period.

Figure 4 Comparison of food businesses that require a food safety program with a food safety program for the 2013-2014 and 2014-2015 reporting period



Of the 56 local governments who have food businesses that require a food safety program, 32 reported that 100% of relevant businesses had accredited food safety programs.

The gaps in the number of food safety programs accredited can be attributed to a number of factors including local governments considering the food businesses application or resource restraints (particularly in rural and remote areas).

5.2.6 Inspections of licensed food businesses

Local government inspect licensed food businesses to assess compliance with the Act, the Food Safety Standards and the food businesses licence conditions.

The Food Safety Standards specify food safety practices, general requirements and food premises and equipment requirements including maintaining hygiene standards, temperature control, pest control, structural requirements and having adequate facilities.

The Act does not specify the frequency of inspections. Local government conduct routine inspections based on a number of factors such as the category of the food business (eg. high, medium or low risk), the number of non-compliances identified and the businesses compliance history. The frequency of inspections undertaken per licensed food business may also provide an indication of the capacity of local government to assess food businesses compliance with their legislative requirements in relation to safety.

Table 7 summarises the total inspection data provided by local government for each region. Statewide, licenced food businesses were inspected on average 1.2 times per year, however, this number includes follow up and complaint inspections. There has been no change in inspection frequency since the 2013 -2014 reporting period.

Table 7 Total number of inspections of licenced food businesses

Regions	No. of licensed food businesses	Inspections	
		Total no. of inspections	Average per food business
Brisbane and Moreton	18,759	19,995	1.1
Mackay and Fitzroy	2,039	2057	1
Wide Bay Burnett	1,772	1,957	1.1
Far North	2,195	2,813	1.3
Northern	1,669	1,538	0.9
Darling Downs	1,576	1,680	1.1
North West	211	342	1.6
South West	416	557	1.3
Central West	159	191	1.2
Total	28,796	31,130	1.1

Figure 5 depicts the average number of inspections per licenced food business for each local government.

The number of inspections as a proportion of the total number of licenced food businesses was low in the following local governments:

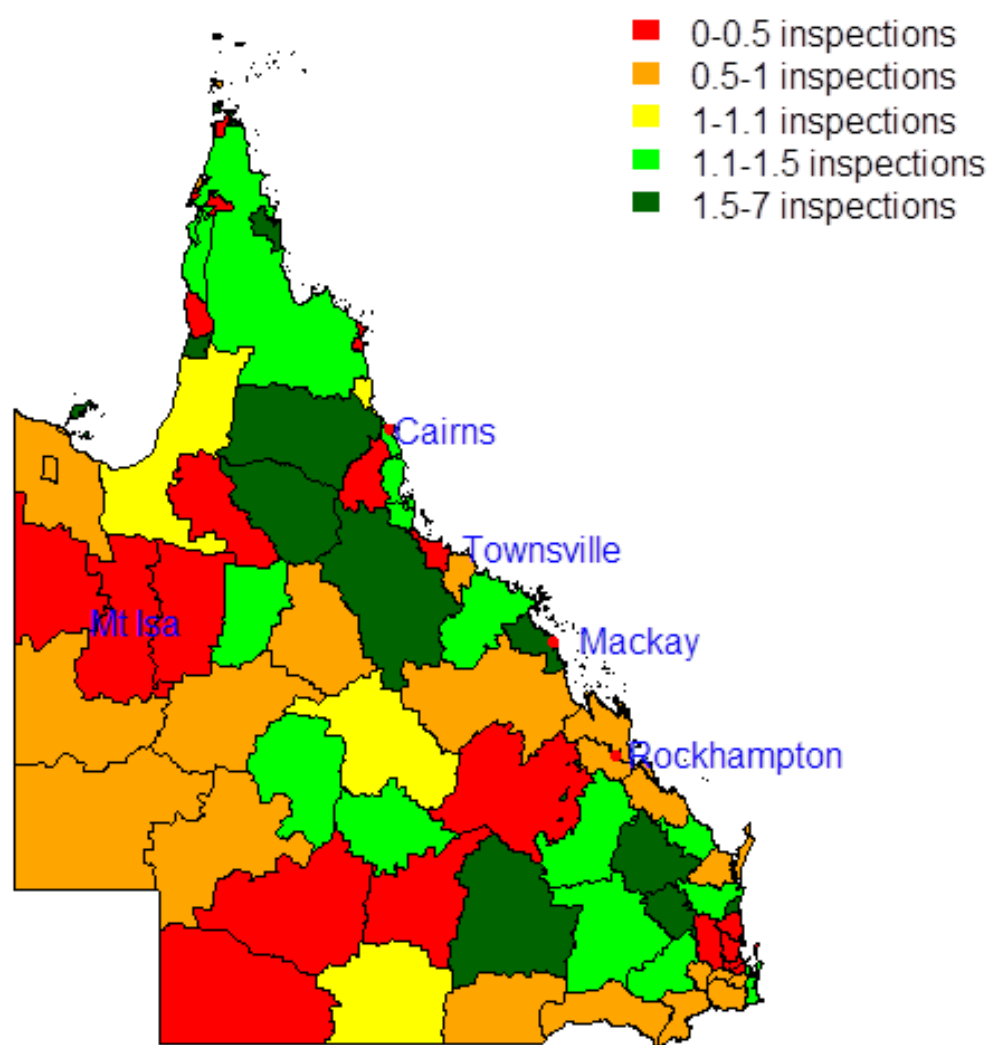
- Goondiwindi Regional Council and Isaac Regional Council with 0.1 inspections per licenced food business
- Central Highlands Regional Council and Mackay Regional Council with 0.3 inspections per licenced food business
- Longreach Regional Council with 0.4 inspections per licenced food business

Both Goondiwindi Regional Council and Isaac Regional Council have one FTE EHO committed to food regulation. It is therefore unexplainable why their average inspection rate is so low.

14 local governments reported the average number of inspections per licenced food business was greater than two, while 15 local governments reported the average number of inspections per licenced food business was less than once per year.

The local governments who reported an average inspection rate of 2 or higher are regional or remote areas with a small number of food businesses (eg, less 10 businesses). The exception to this is Rockhampton Regional Council who while a regional centre, has a much higher number of food businesses compared to the other local governments.

Figure 5 **Average number of inspections for each licenced food business**



In addition to local government reporting the total number of inspections for the 2014–2015 reporting period they were also requested to provide the number of routine or scheduled inspections, follow-up or re-inspections and complaint inspections of licenced food businesses. Table 8 summarises the number of inspections conducted in the regions.

Table 8 **Number of routine or scheduled inspections of licenced food businesses**

Regions	No. of licensed food businesses	No. of scheduled inspections	No. of re-inspections	No. of complaint inspections
Brisbane and Moreton	18,759	12,496	1,239	1,413
Mackay and Fitzroy	2,039	1,169	358	75
Wide Bay Burnett	1,772	1,485	354	118
Far North	2,195	2,073	575	168
Northern	1,669	1,180	125	30
Darling Downs	1,576	1,165	213	51
North West	211	266	16	0
South West	416	475	31	51
Central West	159	135	112	4
Total	28,796	20,444	3,023	1,910

The data indicates that 70% of licenced food businesses statewide were inspected at least once during the 2014–2015 reporting period. This is a 20% decrease in the number of scheduled inspections of licensed food businesses from the 2013–2014 reporting period.

14 local governments reported the number of routine or scheduled inspections as a proportion of the total number of food businesses was greater than one.

10% of the total number of inspections reported by local government were follow up or re-inspections of licenced food businesses. This is a 7% decrease from the previous reporting period and may be attributed to less non-compliances identified across food businesses following the higher enforcement action taken in the 2013-2014 period.

Of the 68 local governments with licensable food businesses, 14 local governments reported that no follow-up inspections of licenced food businesses were undertaken. All of these local governments are rural or remote communities with a small number of food businesses.

10% of the total number of inspections reported was in response to local government receiving a complaint from the public.

5.2.7 Complaints

Local government receive complaints from the public regarding unsafe practices at a food business or concerns that food purchased is not safe. The types of complaints local government receive may include foreign matter in food, unclean premises, pest infestation and personal hygiene of food handlers.

Local government were requested to provide the total number of complaints received during the 2014–2015 reporting period. Local government were not requested to provide a breakdown of categories of complaints.

There was a total of 3,540 complaints received across Queensland. 78% (2,764) of these were within the Brisbane and Moreton region. Compared to the 2013–2014 reporting period there has been a 5.6% increase in the number of complaints received statewide. Table 9 presents the number complaints received for each region.

Table 9 **Number of food business complaints received**

Regions	No. of licensed food businesses	Complaints	
		Total	Per 100 food businesses
Brisbane and Moreton	18,759	2,764	14.7
Mackay and Fitzroy	2,039	148	7.2
Wide Bay Burnett	1,772	112	6.3
Far North	2,195	213	9.7
Northern	1,669	148	9
Darling Downs	1,576	103	8.9
North West	211	40	19
South West	416	8	2
Central West	159	4	2.5
Total	28,796	3,540	12.3

Brisbane City Council received the most complaints in the reporting period with a total of 1212 complaints which equates to 17 complaints for every 100 food businesses. The City of Gold Coast received the second highest amount of food complaints, with a total of 684 or 15.5 complaints for every 100 food businesses.

30 of the total 78 local governments reported receiving no food complaints in the 2014–2015 reporting period. All these local governments are in rural or remote regions which may attribute to this outcome.

5.2.8 Employees in food regulation

Most local government employees that work in food regulation are environmental health officers (EHOs). In some rural and remote areas, food regulation is carried out by contract EHOs who are employed on a as needs basis. In some of the Indigenous communities, environmental health workers fulfil this function as part of their duties. EHOs employed by Hospital and Health Service Public Health Units provide support to the Indigenous

communities by providing advice on food safety issues and inspecting food businesses operating in the area.

Table 10 provides a regional overview of the number of full time equivalent (FTE) employees committed to food regulation. Statewide there were 166.7 FTE employees committed to food regulation in the 2014–2015 reporting period. This is a 6% decrease since the previous reporting period, yet per 100 licensed food businesses, is equivalent to the previous reporting period.

The Brisbane and Moreton region had the greatest number of FTE employees committed to food regulation. However, when expressed per 100 food businesses, this region has the lowest ratio. When this data is considered in relation to the number of inspections undertaken, the Brisbane and Moreton region FTE employees are achieving just over 1 inspection per food business on a per 100 ratio, indicating authorised persons are undertaking a greater number of inspections than in other regions. This can be explained by the fact that this region has a larger number of food businesses centrally located reducing travel time required to inspect individual food businesses.

Central West reported the lowest number of FTE employees committed to food regulation which correlates to the number of food businesses licenced in the region. However, this was also the equal highest ratio per 100 food businesses with the North West region.

Table 10 FTE employees committed to food regulation

Regions	No. of licensed food businesses	FTE employees committed to food regulation	
		Total	Per 100 licensed food businesses
Brisbane and Moreton	18,759	87.6	0.5
Mackay and Fitzroy	2,039	16.7	0.8
Wide Bay Burnett	1,772	14.4	0.8
Far North	2,195	17.1	0.8
Northern	1,669	11.3	0.7
Darling Downs	1,576	9.8	0.6
North West	211	3.5	1.6
South West	416	3.8	0.9
Central West	159	2.6	1.6
Total	28,796	166.7	0.6

Local government when appointing authorised persons under the Act must ensure that the person to be appointed has the necessary expertise and experience to fulfil their functions under the Act. Generally an EHO that has a degree accredited or recognised by Environmental Health Australia is considered to have the necessary expertise and experience.

Of the 66 local governments that reported having an authorised person, 20 reported having authorised persons that do not hold an Environmental Health Australia accredited degree or equivalent. Some of these authorised persons are cadets who have not yet completed their studies or environmental health workers in indigenous communities.

28 local governments reported using contractors to perform food regulation functions such as inspections, audits and complaint investigations.

5.2.9 Enforcement

The Act provides a suite of escalating enforcement options. The enforcement action taken by a local government is usually dependant on the severity of the non-compliances observed and any history of non-compliance.

A regional overview of enforcement action taken during the 2014–2015 reporting period is presented in Table 11.

Table 11 Enforcement action undertaken by each region

Region	Improvement notices		Prescribed infringement notices		Immediate suspensions		Prosecutions	
	Total	Per 100 businesses	Total	Per 100 businesses	Total	Per 100 businesses	Total	Per 100 businesses
Brisbane and Moreton	2,317	12.3	605	3.2	51	0.27	37	0.20
Mackay and Fitzroy	72	3.53	11	0.54	2	0.09	0	0
Wide Bay Burnett	62	3.50	7	0.40	1	0.05	0	0
Far North	94	4.30	4	0.18	2	0.22	0	0
Northern	100	6	22	1.32	1	0.5	1	0.06
Darling Downs	67	4.25	11	0.70	0	0	0	0
North West	8	3.80	6	2.84	0	0	0	0
South West	3	0.72	0	0	0	0	0	0
Central West	0	0	0	0	0	0	0	0
Total	2,723	4.95	666	2.22	60	0.20	38	0.13

Improvement notices

Improvement notices were the most common enforcement action undertaken by local government with a total of 2,723 issued across the State. This is an increase of 18% compared to the previous reporting period and is approximately 4 times higher than the increase in the number of food businesses. This continued increase in the number of improvement notices issues shows local government are continuing to undertake increased enforcement action under the Act. While this may indicate more food businesses are not complying with their regulatory requirements, it is more likely attributed to local government officers having additional time to focus on food regulation with the reduction of some other devolved responsibilities under environmental protection and dangerous goods legislation.

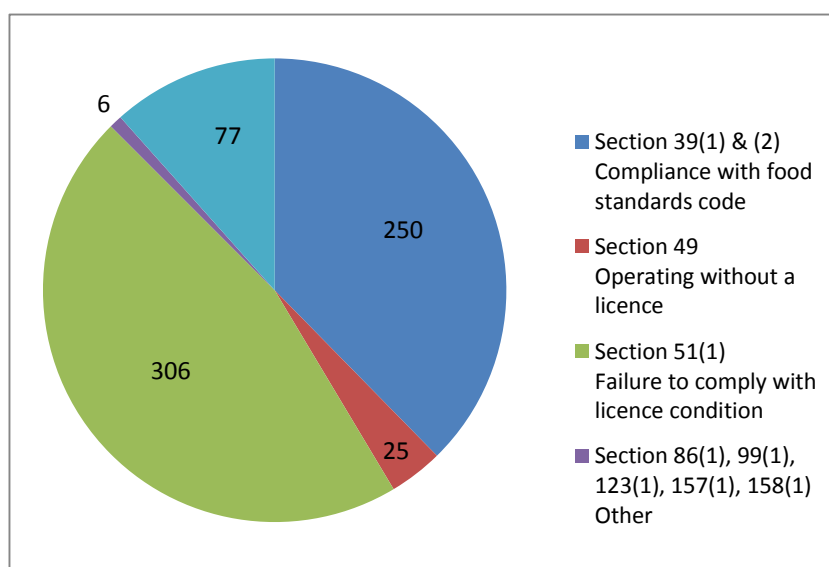
The City of Gold Coast issued the most improvement notices with a total of 1204 or 27 improvement notices for every 100 food businesses. In terms of the number of improvement notices per 100 food businesses Lockyer Valley Regional Council issued significantly more than any other local government with a total of 156 or 105 improvement notices issued for every 100 food businesses.

Prescribed infringement notices

Prescribed infringement notices (PINs) may only be issued for offences that fall within the guidelines for eligible offences and that have been acknowledged as PIN offences in the *State Penalties Enforcement Regulation 2000*. Only certain offences under the Act have been prescribed as PIN offences. Generally PINs are issued when the offence poses a moderate threat to human health and safety or there have been indications of previous, current and ongoing non-compliance. The monetary penalty for PINs increases depending on the severity of the offence.

Local government reported that for the 2014–2015 reporting period a total of 666 PINs were issued. This is a decrease of 2.5% from the previous reporting period. Figure 6 presents the number of PINs issued for each offence provision under the Act. 83% of all PINs were issued for failure to comply with a licence condition or the Food Standards Code. This trend is consistent with previous reporting periods.

Figure 6 Number of PINs issued by local government by section



The Brisbane and Moreton region issued significantly more PINs than any other region issuing 91% of all PINs issued, while the South West and Central West regions did not issue any. Brisbane City Council issued the highest percentage (65%) of PINs during the reporting period with a total of 432 or 2.3 PINs for every 100 licensed food businesses.

In terms of the number of PINs issued for every 100 licenced food businesses, Mt Isa City Council issued more than any other local government with a total 7.3 PINs for every 100 licenced food businesses. Only 21 local governments reported issuing PINs during the reporting period.

Immediate suspension of licence

Section 83 of the Act allows local government to immediately suspend a food business licence where there is an immediate and serious risk to public health. Seven local governments reported issuing immediate suspensions to food businesses. A total of 60 immediate suspensions were issued which is a 47% increase from the previous reporting period. Brisbane City Council issued the most immediate suspensions with a total of 48 or 80%.

Prosecutions

Prosecutions are usually initiated if there is a significant threat to human health and safety, or there is a known or expected ongoing non-compliance. Consequently prosecutions are the least common enforcement tool utilised by local government.

Five local governments undertook prosecutions during the 2014–2015 reporting period with a total of 38 across the State. This is a negligible decrease of three prosecutions from the previous reporting period.

All but one prosecution was conducted by local governments in the Brisbane and Moreton region. The one prosecution undertaken outside of this region was instigated by Townsville City Council. Brisbane City Council reported prosecuting the most food businesses with a total of 27.

Fines attributed to prosecutions under the Act in the reporting period were in excess of \$2 million with the highest fine \$60,000 being issued by the Brisbane District Court of Appeal.

5.2.10 Fees

The Act provides local government with the capacity to charge fees for services provided or action taken under the Act. The Act prescribes that fees charged by local government must not be greater than the cost of providing the service or taking action. Local government inspection fees cannot be charged if the service is not provided. Some local governments charge an inspection fee as part of the annual licence fee (to recover service costs).

Local government were requested to provide a copy of their fee schedule for the 2014–2015 financial year for activities relating to the Act. The fees charged by each local government varied in monetary terms. Some local governments, particularly within the Brisbane and Moreton region have a complex fee structure where fees are broken down into a number of categories including application fees, inspection fees, licence fees and fees associated with businesses that require an accredited food safety program.

Licence fees also varied between the different local governments with some charging a single licence fee while other licence fees were dependent on the type of food business i.e. high, medium, low risk or by floor space etc.

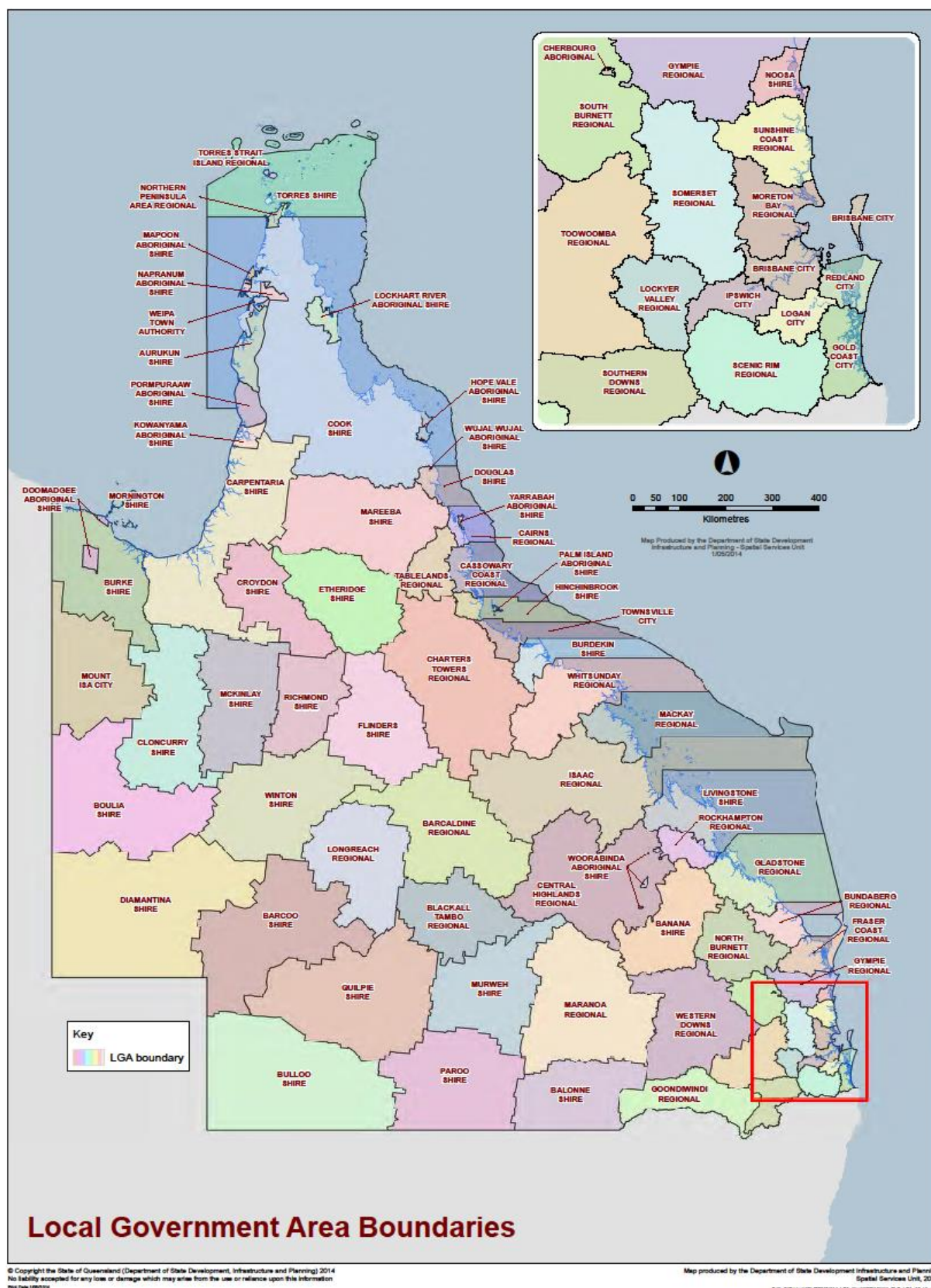
A number of the smaller councils reported they only charge a flat fee which includes all aspects of food business licence administration.

Three local governments reported that they do not have any fees associated with licensing food businesses. These included the City of Gold Coast, Cherbourg Aboriginal Shire Council and Mornington Shire Council. This figure does not include the local governments that do not have any licenced food businesses in their area.

Due to the complexity and variation of fees charged for services provided or action taken under the Act this report has limited scope to provide an accurate comparison of fees charged across the State. Generally the schedule of fees charged by local governments is published on the respective local government's website.

Using a variety of metropolitan, regional and rural local governments' fees, it is estimated that an annual food business licence is approximately \$700, accreditation of a food safety program around \$580 and an audit of an accredited food safety program is about \$880.

Appendix 1 Local government area boundaries²



² Queensland Government <http://www.dlg.qld.gov.au/resources/map/local-government-area-boundaries.pdf>

Appendix 2 Summary of local government responses

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Aurukun Shire Council	2	2	0	6	4	3	0.3	0	0	0
Balonne Shire Council	45	45	1	95	50	2.1	1	0	0	0
Banana Shire Council	119	117	4	129	119	1	1.1	1	0	0
Barcaldine Regional Council	40	35	1	53	38	1.3	0.2	0	0	0
Barcoo Shire Council	6	6	0	12	6	2	0.2	0	0	0
Blackall-Tambo Regional Council	32	32	1	38	32	1.2	0.2	0	0	0
Boulia Shire Council	8	7	0	12	6	1.5	1	0	0	0
Brisbane City Council	7065	5909	425	6713	6273	0.9	33.5	620	444	27
Bulloo Shire Council	16	16	2	14	14	0.9	0.2	0	0	0
Bundaberg Regional Council	503	462	24	771	582	1.5	4.7	54	7	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Burdekin Shire Council	115	115	4	54	54	0.5	1	1	0	0
Burke Shire Council	10	0	0	0	0	0	0	0	0	0
Cairns Regional Council	1121	1095	67	1120	805	1	4.5	56	3	0
Carpentaria Shire Council	22	22	1	22	22	1	0	0	0	0
Cassowary Coast Regional Council	272	270	10	474	337	1.7	3	11	0	0
Central Highlands Regional Council	205	183	7	66	61	0.3	2	19	0	0
Charters Towers Regional Council	89	89	4	40	30	0.4	0.3	0	0	0
Cherbourg Aboriginal Shire Council	4	4	3	9	8	2.2	0.1	0	0	0
Cloncurry Shire Council	23	23	2	22	22	1	0.2	0	0	0
Cook Shire Council	67	45	0	82	63	1.2	0.75	19	0	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Croydon Shire Council	4	4	0	4	4	1	0	0	0	0
Diamantina Shire Council	5	5	0	10	10	2	0.5	0	0	0
Doomadgee Aboriginal Shire Council	0	0	0	0	N/A	N/A	0.1	0	0	0
Douglas Shire Council	232	232	13	221	143	0.6	3	0	0	0
Etheridge Shire Council	20	20	0	40	20	2	1	0	0	0
Flinders Shire Council	14	14	0	14	14	1	0.2	0	0	0
Fraser Coast Regional Council	484	177	36	472	366	0.7	3	2	0	0
Gladstone Regional Council	304	298	19	536	327	1.7	4	44	11	0
Gold Coast City Council	4413	3370	326	4915	3466	1.1	17.1	1204	127	8
Goondiwindi Regional Council	86	39	5	13	11	0.1	0.3	4	0	0
Gympie Regional Council	324	270	22	195	96	0.6	3	0	0	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Hinchinbrook Shire Council	76	76	4	80	76	1	1	3	1	0
Hope Vale Aboriginal Shire Council	4	3	1	3	3	0.75	0.4	0	0	0
Ipswich City Council	750	707	96	696	462	0.9	4	13	7	1
Isaac Regional Council	244	244	7	37	22	0.1	1	0	0	0
Kowanyama Aboriginal Shire Council	0	0	0	60	N/A	N/A	0.1	0	0	0
Livingstone Shire Council	181	166	17	256	181	1.4	1.3	1	0	0
Lockhart River Aboriginal Shire Council	0	0	0	0	N/A	N/A	0	0	0	0
Lockyer Valley Regional Council	148	147	20	216	148	1.4	1	156	0	0
Logan City Council	1089	1089	96	1530	1074	1.4	9	170	1	0
Longreach Regional Council	45	45	4	20	20	0.4	0.3	0	0	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Mackay Regional Council	623	623	16	184	137	0.3	3.75	5	0	0
Mapoon Aboriginal Shire Council	1	1	0	7	3	7	0.1	0	0	0
Maranoa Regional Council	266	260	10	302	276	1.1	0.4	3	0	0
Mareeba Shire Council	210	198	5	227	195	1	1	7	1	0
McKinlay Shire Council	16	16	2	16	16	1	0.1	0	0	0
Moreton Bay Regional Council	1750	1515	113	1394	1281	0.8	5	34	15	0
Mornington Shire Council	6	6	2	10	5	1.3	1	0	0	0
Mount Isa City Council	109	109	13	176	176	1.6	3	8	6	0
Murweh Shire Council	42	42	0	44	42	1	0.1	0	0	0
Napranum Aboriginal Shire Council	0	0	0	0	N/A	N/A	0	0	0	0
Noosa Shire Council	496	37	23	658	496	1.3	1.5	0	0	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
North Burnett Regional Council	104	98	6	128	104	1.2	0.6	2	0	0
Northern Peninsula Area Regional Council	0	0	0	9	N/A	N/A	0.1	0	0	0
Palm Island Aboriginal Shire Council	0	0	0	3	N/A	N/A	0.2	0	0	0
Paroo Shire Council	33	32	1	73	65	2.2	0.5	0	0	0
Pormpuraaw Aboriginal Shire Council	0	0	0	18	N/A	N/A	0.4	0	0	0
Quilpie Shire Council	14	14	0	29	28	2	0.2	0	0	0
Redland City Council	615	604	60	974	441	1.6	4.5	23	10	0
Richmond Shire Council	11	11	1	22	11	2	0.2	0	0	0
Rockhampton Regional Council	482	454	29	974	441	1.6	4.5	3	0	0
Scenic Rim Regional Council	396	301	8	252	223	0.6	2	0	0	0

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licenced food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Somerset Regional Council	156	156	5	164	123	1	1	14	1	0
South Burnett Regional Council	234	234	21	253	210	1.1	1.5	3	0	0
Southern Downs Regional Council	316	293	18	361	276	1.1	1.75	11	2	0
Sunshine Coast Regional Council	1881	1881	89	1842	1613	1	9	83	0	1
Tablelands Regional Council	220	220	8	264	199	1.2	1	0	0	0
Toowoomba Regional Council	868	863	62	1049	682	2.1	5	18	2	0
Torres Shire Council	23	23	1	32	23	1.4	0.1	0	0	0
Torres Strait Island Regional Council	0	0	0	240	N/A	N/A	1	0	0	0
Townsville City Council	945	902	51	1009	731	1.1	6	91	18	1

Local government	No. of food businesses licensed	No. of businesses with a food safety supervisor	No. of businesses requiring a food safety program	Total no. of inspections	No. of routine or scheduled inspections of licenced food businesses	Average no. of inspections per licensed food business	FTE employees committed to food regulation	No. of improvement notices	No. of prescribed infringement notices	No. of prosecutions
Weipa Town Authority	18	16	1	63	16	3.5	0.4	1	0	0
Western Downs Regional Council	306	306	17	257	196	0.8	2	34	7	0
Whitsunday Regional Council	444	444	20	349	287	0.8	2.8	5	3	0
Winton Shire Council	23	23	1	46	23	2	0.2	0	0	0
Woorabinda Aboriginal Shire Council	0	0	0	4	N/A	N/A	0.1	0	0	0
Wujal Wujal Aboriginal Shire Council	1	1	1	4	2	4	0	0	0	0
Yarrabah Aboriginal Shire Council	0	0	0	0	N/A	N/A	0	0	0	0
Total	28,796	24,847	1,806	31,130	20,502	1.1	166.7	2,723	666	38