



Food safety in Queensland

Report on local government activities 2010 - 2011

Food Act 2006

JULY 2012

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Introduction

Queensland Health and local governments 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 *Food Act 2006* (the Act).

Section 28 of the Act provides for Queensland Health to request information from local governments on matters that are enforced by local government, provided Queensland Health consults with the local governments before such a request is made.

As a partner in the administration of the Act, section 29 of the Act provides for Queensland Health to give local governments, in return, collated reports on the administration of the Act.

Queensland Health and local governments, as 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 Queensland Health 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, Director-General of Queensland Health or appropriate Commonwealth agencies.

1 – Requesting information

Following a consultative period with local government, Queensland Health requested local governments to supply data on the administration and enforcement of licensed food businesses in their area.

Local governments were provided with a notice under section 28 of the Act requesting data to be provided for their activities covering the period 1 July 2010– 30 June 2011. Local governments were required to return the requested data in the approved format.

2 – Reporting outcomes

Information was requested on standing parameters relating to the number of licensable food businesses, average number of inspections undertaken, number of infringement notices issued, prosecutions undertaken and the number of full time equivalent (FTE) employees committed to food regulation.

Local governments were also requested to provide information in relation to food safety supervisor provisions and any food safety training provided by the local government. This additional information will be used to conduct a review of the food safety supervisor provisions and consider if training requirements for food safety supervisors are adequate and whether refresher training should be introduced.

2.1 Regions and local governments

To assist in interpreting the data, local governments have been grouped into regions as identified below in Table 1. These regions are based on the geographic areas of Queensland and are the same divisions used by the Australian Bureau of Statistics. Sometimes several of these regions may be combined and referred to a single region, for example, Mackay and Fitzroy are together sometimes known as Central Queensland, while Brisbane and Moreton are together sometimes known as South East Queensland.

Table 1 provides a list of the local governments within each region, followed by a description of each region. The descriptions include comparative information and information about the identifying features of the regions. Refer to Appendix A for a map depicting the geographical location of each region of Queensland identified.

Table 1 – Queensland regional areas

Region	Local governments
Brisbane and Moreton	Brisbane, Gold Coast, Ipswich, Lockyer Valley, Logan, Moreton Bay, Redland, Scenic Rim, Somerset and Sunshine Coast
Mackay and Fitzroy	Central Highlands, Gladstone, Isaac, 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, Etheridge, Hopevale, Lockhart, Mapoon, Napranum, Northern Peninsula, Pormpuraaw, Tablelands, Torres, Torres Strait Region, Weipa, Wujal Wujal and Yarrabah
Northern	Burdekin, Charters Towers, Hinchinbrook, Palm Council, 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

Brisbane and Moreton

The Brisbane and Moreton region is commonly considered to be a single region. The region contains 66 per cent of Queensland's population and includes Brisbane, the state's capital city, as well as the other densely populated areas of the Gold Coast, Sunshine Coast and Ipswich. The region is the major administrative and commercial centre within Queensland.

Mackay and Fitzroy

Rockhampton, Gladstone and Mackay are the regional centres within this region.

Wide Bay Burnett

This coastal region contains four major centres Bundaberg, Gympie, Hervey Bay and Maryborough. The region is similar in size and population to the adjacent Darling Downs region.

Darling Downs

The major centre within this region is Toowoomba and is similar in size and population to the adjacent Wide Bay Burnett region.

Far North and Northern

Each region has populations concentrated around the coast and ranges and scattered in remote communities throughout the rest of the region. The regions are vulnerable to cyclones and flooding with vast distances and unsealed roads between many of the local government areas. A number of Aboriginal and Torres Strait Islander local governments are located within this region.

Cairns is the major city within the Far North region and Townsville is the major city within the Northern region.

North, South and Central West

Each of these regions make up less than one per cent of the state's population, yet combined, they make up almost 60 per cent of the geographical area of Queensland.

2.1.1 Regional population, area and population density

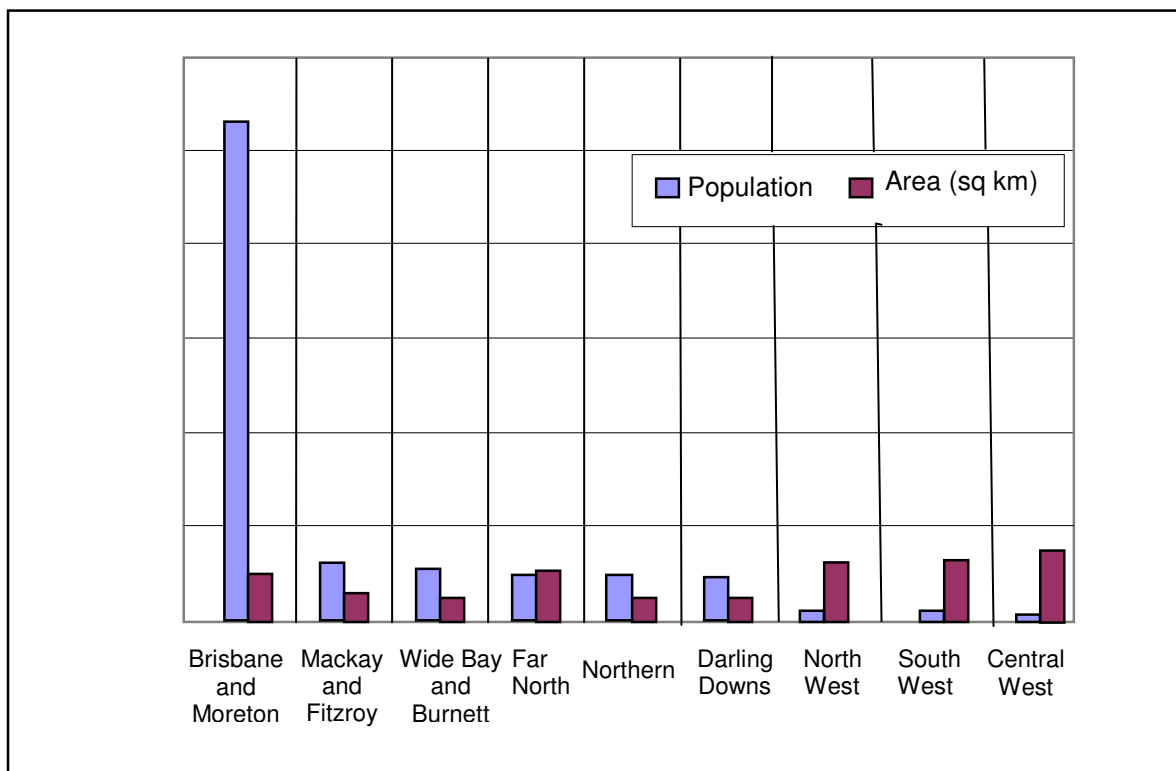
To assist in comparing the data of local government activities, Table 2 provides data for each region in relation to population and area and the resulting population density. Figure 1 depicts this information in a format that allows visual comparison to be made between the regions in relation to these aspects and assists in demonstrating employee workloads in relation to area, discussed in section 2.3 – Regional results.

Table 2 – Regional demographics

Region	Population (2006)	Area (sq km)	Population density (people/sq km)
Brisbane and Moreton	2,647,861	22,309	119
Mackay and Fitzroy	303,210	155,607	2
Wide Bay Burnett	273,356	77,190	3
Far North	239,945	270,507	1
Northern	238,271	103,911	2
Darling Downs	224,631	77,426	3
North West	35,242	310,651	<1
South West	26,921	319,876	<1
Central West	13,248	396,627	<1
TOTAL	4,002,685	1,734,104	2

Data used in Table 2 is sourced from the most recently published census data¹.

Figure 1 – Population and area (sq. km) per region



¹ Australian Bureau of Statistics (2012) 2006 Census data, www.censusdata.abs.gov.au

2.2 – Summary of local government responses

Table 3 – Totals for all standing parameters in Queensland

Overall local government information for standing parameters	
Number of food businesses licensed	25,409
Average number of inspections per food business licensed per annum	1.1
Number of full time equivalent (FTE) employees committed to food regulation	157
Number of infringement notices issued	250
Number of prosecutions undertaken	18

2.2.1 – Licensed food businesses

Local governments are required to licence certain food businesses under the Act. They include food manufacturers (e.g. a bakery or a cannery), food businesses selling unpackaged food by retail (e.g. a restaurant or catering business) and nonprofit organisations who sell meals on at least 12 days per year (e.g. Meals on Wheels).

Not all food businesses or activities are licensable under the Act, including, but not limited to, supermarkets selling only prepacked 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.

While there are approximately 25,500 licensed food businesses in Queensland, taking into account businesses not required to be licensed and those accredited by Safe Food Production Queensland, it is estimated there are 40,000 food businesses in Queensland.

2.2.2 – Inspections of licensed food businesses

Inspections of licensed food businesses provides one means by which local governments can assess compliance of food businesses with the Act, and implicitly, the Australia New Zealand Food Standards Code Food Safety Standards (the Food Safety Standards) and the food business' licence conditions. The frequency of inspections undertaken per licensed food business provides an indication of the capacity of local governments to assess food business' compliance with the legislative requirements in relation to food safety.

From the data received, on average, licensed food businesses are inspected annually.

2.2.3 – Employees in food regulation

The majority, but not all, employees in food regulation are environmental health officers (EHOs). In some rural and remote regions, food regulation is carried out by contract EHOs who are employed on an as needs basis. In this case, the number of FTE employees committed to food regulation has been estimated. In some of the Aboriginal Shire Councils (e.g. in the Far North and Northern regions) environmental health workers fulfil this function as part of their duties.

2.2.4 – Infringement notices

During the reporting period, a total of 250 infringement notices were issued for breaches of the Act.

It should be noted however, that an amendment to the State Penalties Enforcement Regulation 2000 (SPE Regulation) took effect on 1 January 2011 which made provision for additional infringement notice offences for breaches of the Code and carrying on a licensable food business without a licence. As a result of this, as noted in the *Report of local government activities 2010*, it was expected that the number of infringement notices issued for breach of licence conditions would decrease, due to the availability of more specific offences.

2.2.5 – Prosecutions

Prosecutions are one tool available in a suite of enforcement tools under the Act. Prosecutions are usually instigated after other tools have failed to rectify the issue or in situations of extreme cases. Other compliance and enforcement options available under the Act include:

- the issue of verbal and/or written advices or directions;
- the issue of compliance or improvement notices;
- the issue of an infringement notice; and
- suspension or cancellation of a licence.

2.2.6 – Food safety supervisors

Provisions of the Act which came into force on 1 July 2007 require licensable food businesses to have a food safety supervisor for the food business. Food safety supervisors are required to have experience and expertise in food safety relevant to the licensable food business and be able to supervise and give directions about food safety to food handlers at the food business. Food safety supervisors are intended to improve the level of food safety and hygiene in food businesses.

2.2.7 – Food safety training

Information provided by the local government was requested for the purpose of conducting a review of the food safety supervisor provisions and to consider if training requirements for food safety supervisors are adequate and whether refresher training should be introduced.

2.3 – Regional results

A summary of the results for standing parameters required each year is presented in Table 4.

Table 4 – Totals for all standing parameters per region

Region	No. of food businesses licensed	Average no. of inspections per food business licensed	Infringement notices	FTE employees	Prosecutions
Brisbane and Moreton	16,193	1.1	195	71.6	18
Mackay and Fitzroy	1,791	1.5	8	15.0	0
Wide Bay Burnett	1,667	1.0	7	14.5	0
Far North	2,061	1.5	1	18	0
Northern	1,621	0.8	18	14.3	0
Darling Downs	1340	1.4	2	5.8	0
North West	373	1.4	19	5.5	0
South West	233	1.3	0	6.7	0
Central West	130	1.4	0	5.5	0
TOTAL	25,409	(average) 1.3	250	157	18

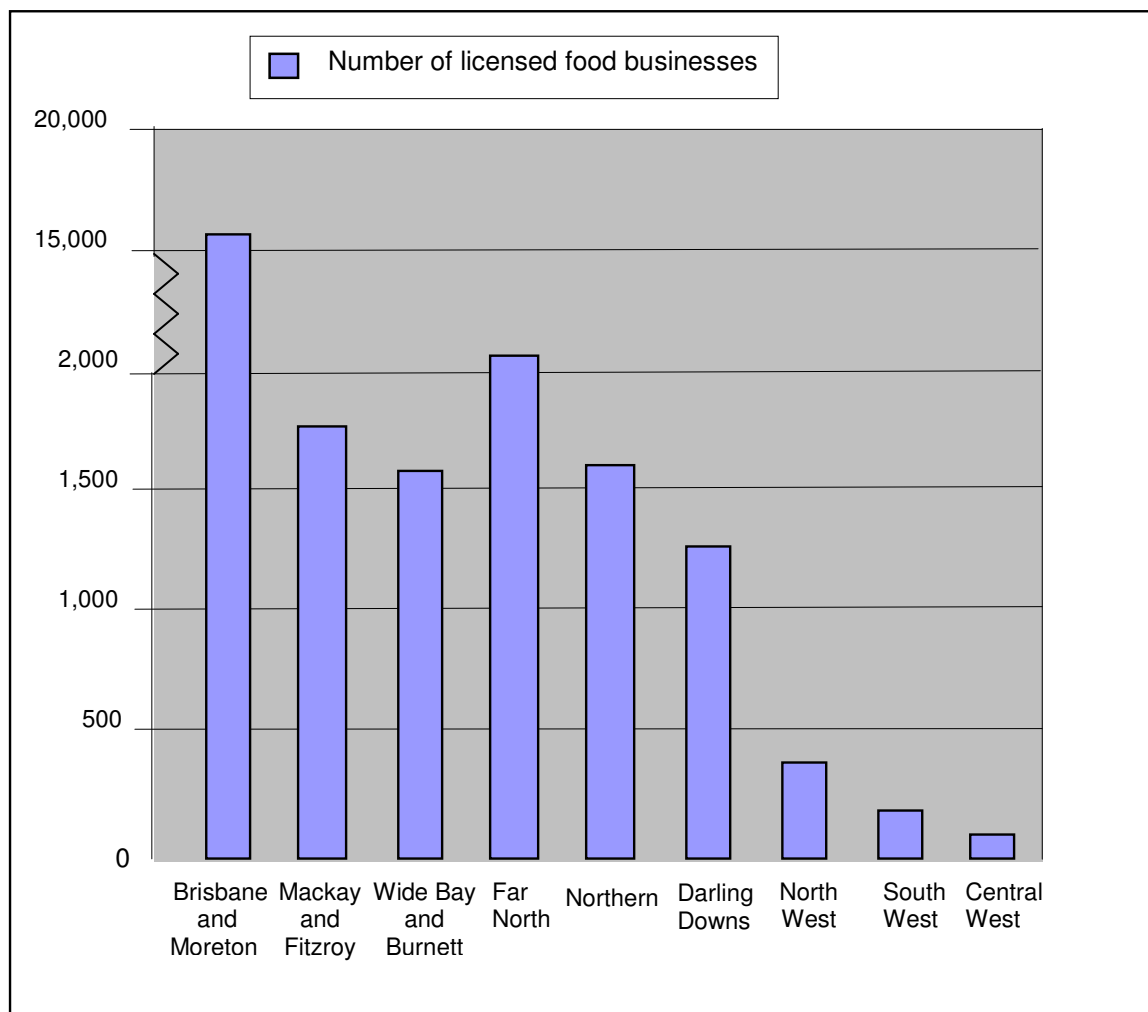
2.3.1 – Number of food businesses licensed per region

As shown in Table 5 and Figure 2, the Brisbane and Moreton region has the greatest number of licensed food businesses. However, as demonstrated in Table 5, when the number of licensed food businesses is compared with the regions' population size, the North West and Central West regions have the greatest number of licensed food businesses per 100 people.

Table 5 – Licensed food businesses per population size

Region	Population size	No. of licensed food businesses	
		Total	Per 100 people
Brisbane and Moreton	2,647,861	16,193	0.61
Mackay and Fitzroy	303,210	1,791	0.59
Wide Bay Burnett	273,356	1,667	0.61
Far North	239,945	2,061	0.86
Northern	238,271	1,621	0.68
Darling Downs	224,631	1340	0.60
North West	35,242	373	1.06
South West	26,921	233	0.87
Central West	13,248	130	0.98
TOTAL	4,002,685	25,409	0.63

Figure 2 – Number of food businesses licensed per region



2.3.2 – Average number of food business inspections

The Mackay and Fitzroy and Far North regions undertake the highest average number of inspections per licensed food business at an average of 1.5 inspections per food business. The Northern region undertakes the least and is also the only region to average under 1 inspection per food business per year.

2.3.3 – Employees in food regulation

As reported in Table 6, the Brisbane and Moreton region have the greatest number of FTE employees dedicated to food regulation. However, the Brisbane and Moreton region, along with the Darling Downs region, have the lowest number of FTE employees per 100 food businesses.

The North West and Central West regions have the least number of FTE employees dedicated to food regulation, but, due to the small population size, the Central West region has the greatest number of FTE employees per 100 food businesses.

Table 6 provides details of FTEs in relation to number of licensed food businesses and Appendix A – Queensland Regional Map allows further comparison to be made between the number of FTE employees and number of licensed food businesses for each region.

Table 6 – FTE employees per number of licensed food businesses

Region	No. of licensed food businesses	FTE employees dedicated to food regulation	
		Total	Per 100 food businesses
Brisbane and Moreton	16,193	71.6	0.44
Mackay and Fitzroy	1,791	15.0	0.84
Wide Bay Burnett	1,667	14.5	0.87
Far North	2,061	18.0	0.87
Northern	1,621	14.3	0.88
Darling Downs	1340	5.8	0.43
North West	373	5.5	1.47
South West	233	6.7	2.88
Central West	130	5.5	4.23
TOTAL	25,409	157	0.62

2.3.4 – Infringement notices issued per region

The regional results for the number of infringement notices issued in each region are shown in Table 7. The Brisbane and Moreton region issued the highest number of infringement notices during the reporting period, although, per 100 licensed food businesses, the North West region issued the most infringement notices, with 5.1 infringement notices per 100 food businesses.

Table 7 - Enforcement action undertaken for each region

Region	Infringement notices		Prosecutions	
	Total	Per 100 businesses	Total	Per 100 businesses
Brisbane and Moreton	195	1.2	18	0.11
Mackay and Fitzroy	8	0.5	0	0
Wide Bay Burnett	7	0.4	0	0
Far North	1	0.05	0	0
Northern	18	1.1	0	0
Darling Downs	2	0.6	0	0
North West	19	5.1	0	0
South West	0	0	0	0
Central West	0	0	0	0
TOTAL	250	1.2	18	0.07

A total of 250 infringement notices were issued between 1 July 2010 and 30 June 2011. The majority (approximately 63 per cent) of infringement notices were issued for contravention of licence conditions. Table 8 details the types of offences for which infringement notices were issued.

Table 8 – Infringement notice breaches

Section	Breach	Infringement notices	Percentage of total
51(1)	Contravention of licence conditions	157	62.8
209(7)	Failure to comply with an improvement notice	59	23.6
39	Noncompliance with the food standards code	15	6.0
86(1)	Failure to have a food safety supervisor for the food business	9	3.6
184(1)	Failure to provide information requested by an authorised person	5	2.0
49	Carrying on a licensable food business without a licence	4	1.6
88(3)	Failure to advise local government when a person stops being a food safety supervisor	1	0.4
TOTAL		250	100

There has been a small trend towards supporting the expectation discussed in section 2.2.4 that the number of infringement notices issued for breach of licence conditions would decrease following the amendment to the SPE Regulation, with a slightly smaller percentage of infringement notices issued for breaches of licence conditions. In the 2010/2011 reporting period, breaches of licence conditions accounted for 63 per cent of infringement notices issued, compared with 77 per cent of infringement notices in the previous reporting period.

Breaches of the new infringement notice offences accounted for 8 per cent of all infringement notices issued, however, it should be noted that the new infringement notice offences have been in force for only half of the reporting period. It is therefore expected that a decrease in infringement notices issued for breaches of licence conditions will continue as enforcement officers increase their awareness of the availability of the new infringement notice offences.

2.3.5 – Prosecutions undertaken per region

The number of prosecutions undertaken in each region is shown in Table 7. A total of 18 local government prosecutions were undertaken in Queensland during the reporting period and all prosecutions were undertaken by Brisbane and Moreton region local governments, with 0.11 prosecutions undertaken per 100 food businesses.

The majority of prosecutions undertaken were for noncompliance with the food standards code. The remaining prosecutions were for breaches including carrying on a licensable food business without a licence and contravention of licence conditions.

2.3.6 – Food business compliance levels following the introduction of food safety supervisor provisions

The number of local governments that reported an overall improvement in compliance with the Food Safety Standards since the introduction of the food safety supervisor provisions was almost double the number that reported no improvement. The results for the level of overall improvement reported by local governments are outlined in Table 9.

Table 9 – Reported level of improvement in food business compliance

Level of improvement reported	Number of local governments	Percentage of total
Improvement	30	50
No improvement	17	28
Undetermined	13	22

Improvement was recorded as 'undetermined' in situations where local governments advised they have insufficient information to make a determination as to whether there has been an overall improvement.

Overall, the data provided indicates there has been improvement in the skills and knowledge in food safety and hygiene in licensable food businesses since the introduction of the food safety supervisors.

2.3.7 – Local government food safety training

There are 15 local governments that deliver face-to-face food safety training by an environmental health officer. An additional 10 local governments provide access to an online training website or the local TAFE.

Food safety training is a mandatory requirement for licensed food businesses in two local governments. All other food safety training offered by local governments is voluntary and free of charge. The duration of face-to-face training courses was mostly unreported but all online training is self-paced.

3 – Comparison of results to previous reporting period

The total number of licensed food businesses in Queensland increased by six per cent.

There were no substantial changes in relation to the average number of inspections undertaken in each region.

The number of FTE employees increased for all except 3 regions, resulting in a total increase of 20 per cent. There are a total of 157 FTE employees dedicated to food regulation in Queensland local governments, compared with 136 FTE employees in the previous reporting period. The number of FTE employees increased by more than double in the Wide Bay Burnett and the South West regions.

The last reporting period requested information on the number of infringement notices since 1 January 2009 and the last reporting period requested information on the number of prosecutions since the commencement of the Act (i.e. 2006).

As the information provided for the number of infringement notices and prosecutions is over a different length of time to the current reporting period, an accurate comparison cannot be made between the current and previous reporting periods.

4 – Future reporting

Queensland Health will continue to work collaboratively with local government to identify compliance issues and monitor emerging trends in relation to matters such as food business licensing, compliance and enforcement. Additional information will be requested in subsequent reporting periods in order to improve on existing data.

Appendix A – Queensland regional map

