



## Food safety in Queensland

# Report on local government activities 2012 - 2013 *Food Act 2006*

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# Introduction

The Department of Health (DoH), in association with Hospital and Health Service's Public Health Units 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's DoH to request information from local governments on matters that are enforced by local government, provided the DoH 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 the DoH to give local governments, in return, collated reports on the administration of the Act.

Queensland's local governments are responsible for licensing all licensable food businesses under the Act. Additionally local governments have responsibility for enforcing specified offence provisions of the Act and Chapter 3 of the Food Safety Standards of the Australia New Zealand Food Standards Code as well as accreditation of food safety programs and inspections of licensed food businesses.

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 DoH 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.

## 1 – Requesting information

The DoH requested local governments 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 2012 – 30 June 2013. Local governments were required to return the requested data in the approved format and information was received all 74 local governments.

## 2 – Reporting outcomes

The same parameters used in the 2011/2012 report have been used for this report, providing some consistency in the information collected and facilitating accurate comparisons across reporting periods.

The reporting parameters can be broken down into 8 categories; licences, food safety supervisors, food safety programs, inspections, complaints, employees, enforcement and fees. The results will be discussed according to these categories.

## 3 – 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 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.

**Table 1 – Local government regions**

| 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  |

**Figure 1 – Geographical location of the local government regions of Queensland**



### 3.1 – Summary of local government responses

**Table 2 – Comparison of standing parameter results for the 2011/2012 and 2012/2013 reporting periods.**

| Overall local government information for standing parameters                | 2011/2012 | 2012/2013 | % change      |
|---|-----------|-----------|---------------|
| Number of food businesses licensed  | 24,076    | 25,363    | 5.3% increase |
| Average number of inspections per food business licensed                    | 1.18      | 1.12      | 5% decrease   |
| Number of full time equivalent (FTE) employees committed to food regulation | 171.25    | 189.27    | 10% increase  |
| Number of infringement notices issued                                       | 306       | 680       | 122% increase |
| Number of prosecutions undertaken   | 16        | 32        | 100% increase |

### 3.2 – Regional results

A summary of the regional results for standing parameters, are presented in Table 3.

**Table 3 – Totals for all standing parameters per region**

| Regions              | No. of food businesses licensed | Average no. of inspections per food business | Infringement notices | Prosecutions | FTE employees |
|----------------------|---------------------------------|--|----------------------|--------------|---------------|
| Brisbane and Moreton | 16,280                          | 1.11   | 630                  | 30           | 99.9          |
| Mackay and Fitzroy   | 1,828                           | 1.2  | 10                   | 0            | 16.5          |
| Wide Bay Burnett     | 1,716                           | 1.14   | 0                    | 0            | 15.5          |
| Far North            | 2,118                           | 1.21   | 9                    | 0            | 21.8          |
| Northern             | 1,486                           | 1.19   | 13                   | 2            | 10.5          |
| Darling Downs        | 1,335                           | 0.8  | 1                    | 0            | 9.4           |
| North West           | 201                             | 0.92   | 17                   | 0            | 8             |
| South West           | 248                             | 1.19   | 0                    | 0            | 3.72          |
| Central West         | 151                             | 0.97   | 0                    | 0            | 2.95          |
| <b>QLD Total</b>     | <b>25,363</b>                   | <b>1.12</b>                                  | <b>680</b>           | <b>32</b>    | <b>188.27</b> |

### **3.2.1 – 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 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, supermarkets 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 2012/2013 reporting period there were approximately 25,363 licensed food businesses within Queensland. This is an increase of 1,287 licensed food businesses from the 2011/2012 reporting period. 15 local governments reported that they had no licensed food businesses, this is the same number as the previous reporting period.

The 5 local governments with the largest number of licensed food businesses, in order from largest to smallest, were:

1. Brisbane City Council
2. Gold Coast City Council
3. Sunshine Coast Regional Council
4. Moreton Bay Regional Council
5. Cairns Regional Council

The Brisbane and Moreton region had the greatest number of licensed food businesses of all the regions.

Local governments were also asked to provide information on licence categories if used. 23 local governments use some form of categorisation for food business licences. While some local governments use simple categories like low, medium or high risk, the majority of local governments use categories based on the actual food business activity (e.g. café/restaurant, child care centre, manufacturer).

### **3.2.2 – Food safety supervisors**

Each licensable food business is required to have at least one nominated food safety supervisor. 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. The aim of food safety supervisors is to improve the level of food safety and hygiene in food businesses. During the 2012/2013 reporting period, local governments advised that there were 20,588 (81.17%) food businesses with a nominated food safety supervisor. This is a significant increase from the previous reporting period where only 13,012 (71.93%) food businesses had a nominated food safety supervisor. While this is an improvement it still leaves 4,775 licensed food businesses without a nominated food safety supervisor. It should be noted that some of this shortfall could be attributed to things such as staff turnover and new businesses still within the 30 day notification period.

**Table 4 – Food safety supervisors**

| Regions              | No. of licensed food businesses | Food Safety Supervisors                         |   |
|----------------------|---------------------------------|---|---|
|                      |                                 | No. of businesses with a food safety supervisor | % of businesses with a food safety supervisor |
| Brisbane and Moreton | 16,280                          | 12,423  | 76.3  |
| Mackay and Fitzroy   | 1,828                           | 1,789   | 97.8  |
| Wide Bay Burnett     | 1,716                           | 1,225   | 71.4  |
| Far North            | 2,118                           | 2,094   | 98.8  |
| Northern             | 1,486                           | 1,447   | 97.4  |
| Darling Downs        | 1,335                           | 1,032   | 77.3  |
| North West           | 201                             | 201   | 100   |
| South West           | 248                             | 239   | 96.4  |
| Central West         | 151                             | 137   | 90.7  |
| <b>TOTAL</b>         | <b>25,363</b>                   | <b>20,588</b>                                   | <b>81.2</b>                                   |

The DoH developed the guideline ‘Food safety supervisors – Food Act 2006’ to assist local governments with the enforcement and administration of the food safety supervisor provisions of the Act. Within this guideline minimum training competencies were recommended for food safety supervisors within their respective food sectors. Only 47 of 74 local governments required food safety supervisors to possess the recommended competencies as contained in this guidance. 1 local government still does not assess food safety supervisor competencies in any way.

### 3.2.3 – 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 food borne illness, reduce the regulatory burden on the food industry and provide consistent food regulation and standards across Australia.

The National Risk Validation Project Report published in 2002 identified:

- The incidence of food borne illness attributed to various food industry sectors
- The most cost effective method to reduce the incidence of food borne illness
- The overall cost benefit of implementing food safety programs

The report identified five high risk industry sectors in which food safety programs would reduce the incidence of food borne illness. These sectors were:

- food service, whereby potentially hazardous food is served to vulnerable populations;
- producing, harvesting, processing and distributing raw oysters and other bivalves;
- catering operations serving food to the general public;
- producing manufactured and fermented meat; and
- eating establishments.

While eating establishments were identified as being a high risk group, the benefit to cost ratio was not considered significant enough to justify the introduction of food safety programs. In Queensland food safety programs have been implemented under the Act for licensable food businesses in two of these industry sectors: food service in catering operations and food service to vulnerable persons. The remaining 2 sectors (producing manufactured and fermented meat and producing, harvesting, processing and distributing raw oysters and other bivalves) are administered by Safe Food Production Queensland under the Food Production (Safety) Act 2000.



During the 2012/2013 reporting period there was a significant increase in the number of food safety programs accredited across the State. The Darling Downs region had the highest level of accreditation, with 98% of relevant businesses having an accredited food safety program. The next highest was the Brisbane and Moreton region with 94%. This is a significant increase from the 2011/2012 period where only 83.27% of relevant businesses in that region had an accredited food safety program. The region with the greatest increase in the percentage of food safety programs accredited was the Central West region, which went from 20% in 2011/2012 to 75% in 2012/2013. However when considering the actual number of businesses with accredited food safety programs, the Brisbane and Moreton region had the greatest increase.

While none of the local governments reported that 100% of relevant businesses had accredited food safety programs, it is unlikely that this will occur. Gaps in the number of food safety programs accredited can be attributed to a number of factors. Local governments could be in the process of accrediting a food safety program and also resource restraints (particularly in rural and remote areas) could be hindering some local governments. Table 5 shows the number of accredited food safety programs by region.

**Table 5 – Food safety programs**

| Regions              | No. of businesses requiring a FSP | Food safety programs  |   |
|----------------------|-----------------------------------|-----------------------|---|
|                      |                                   | No. of accredited FSP | % of businesses requiring a FSP, with an accredited FSP |
| Brisbane and Moreton | 1,037                             | 975                   | 94  |
| Mackay and Fitzroy   | 104                               | 80                    | 77  |
| Wide Bay Burnett     | 104                               | 90                    | 86.5  |
| Far North            | 103                               | 78                    | 75.7  |
| Northern             | 81                                | 70                    | 86.4  |
| Darling Downs        | 97                                | 95                    | 98  |
| North West           | 30                                | 24                    | 80  |
| South West           | 27                                | 23                    | 85.1  |
| Central West         | 8                                 | 6                     | 75  |
| <b>TOTAL</b>         | <b>1,591</b>                      | <b>1,441</b>          | <b>90.5</b>   |

### 3.2.4 – Inspections of licensed food businesses

Inspections of licensed food businesses allow local governments to assess compliance of food businesses with the Act, the Food Safety Standards of the Australia New Zealand Food Standards Code (the Food Safety Standards) and the food businesses licence conditions. The Food Safety Standards requirements include maintaining hygiene, temperature control, pest control, structural requirements and having adequate facilities.

The frequency of the routine inspections may be determined by a number of factors such as the particular category of the food business, for example high, medium and low risk. In addition, inspection frequency can be influenced by the number of non-compliances identified. The frequency of inspections undertaken per licensed food business may also provide an indication of the capacity of local governments to assess food businesses compliance with their legislative requirements in relation to food safety.

From the data received, on average, licensed food businesses are inspected annually. Unlike previous years, there is less variation in the inspection rates between regions, with the lowest at 0.8 and the highest at 1.22 inspections per food business per year. This indicates that there have been improvements for some regions in their ability to monitor their licensed food businesses. However, when represented as a State total, there has been very little change to the inspection rate.

**Table 6 – Inspections of food businesses**

| Regions              | No. of licensed food businesses | Inspections        |                           |
|----------------------|---------------------------------|--------------------|---------------------------|
|                      |                                 | No. of inspections | Average per food business |
| Brisbane and Moreton | 16,280                          | 18,132             | 1.11                      |
| Mackay and Fitzroy   | 1,828                           | 2,195              | 1.20                      |
| Wide Bay Burnett     | 1,716                           | 1,959              | 1.14                      |
| Far North            | 2,118                           | 2,583              | 1.22                      |
| Northern             | 1,486                           | 1,786              | 1.20                      |
| Darling Downs        | 1,335                           | 1,068              | 0.8                       |
| North West           | 201                             | 186                | 0.92                      |
| South West           | 248                             | 295                | 1.18                      |
| Central West         | 151                             | 147                | 0.97                      |
| <b>TOTAL</b>         | <b>25,363</b>                   | <b>28,351</b>      | <b>1.12</b>               |

### 3.2.5 - Complaints

This is the second year that local governments have been asked to report on the total number of food business complaints received. Complaints can provide important information about problems in food business or food products that require investigation and/or enforcement. The types of complaints local governments receive may include foreign matter in food; unclean premises; pest infestation and; personal hygiene or food handling. The responses were not categorised and so they represent all types of complaints relating to food businesses. There were a total of 3,414 complaints received across Queensland, 2,247 (65.8%) of these were within the Brisbane and Moreton region. This is an increase of 551 complaints received across the State from the 2011/2012 reporting period. Table 7 below shows the regional results.

**Table 7 – Complaints per 100 food businesses**

| Regions              | No. of licensed food businesses | Complaints   |                         |
|----------------------|---------------------------------|--------------|-------------------------|
|                      |                                 | Total        | Per 100 food businesses |
| Brisbane and Moreton | 16,280                          | 2,247        | 13.8                    |
| Mackay and Fitzroy   | 1,828                           | 155          | 8.5                     |
| Wide Bay Burnett     | 1,716                           | 463          | 26.9                    |
| Far North            | 2,118                           | 163          | 7.7                     |
| Northern             | 1,486                           | 229          | 15.4                    |
| Darling Downs        | 1,335                           | 123          | 9.2                     |
| North West           | 201                             | 18           | 8.9                     |
| South West           | 248                             | 11           | 4.4                     |
| Central West         | 151                             | 5            | 3.3                     |
| <b>TOTAL</b>         | <b>25,363</b>                   | <b>3,414</b> | <b>13.5</b>             |

### 3.2.6 – Employees in food regulation

The majority, but not all employees 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 an as needs basis. In this case, the number of Full Time Equivalent (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.

As reported in Table 8, the Brisbane and Moreton region have the greatest number of FTE employees committed to food regulation. However, when expressed per 100 food businesses, the Brisbane and Moreton region have the lowest number of FTE employees.

The South West and Central West have the lowest number of FTE employees committed to food regulation, however due to their small population sizes, they have higher numbers of FTE employees when expressed per 100 food businesses.

When looked at as a State total per 100 food businesses, there has been very little change in the number of FTE employees since the 2011/2012 local government report (0.71 compared to 0.74).

**Table 8 – FTE Employees per 100 licensed food businesses**

| Regions              | No. of licensed food businesses | FTE employees committed to food regulation |                         |
|----------------------|---------------------------------|--|-------------------------|
|                      |                                 | Total                                      | Per 100 food businesses |
| Brisbane and Moreton | 16,280                          | 99.9                                       | 0.61                    |
| Mackay and Fitzroy   | 1,828                           | 16.5                                       | 0.90                    |
| Wide Bay Burnett     | 1,716                           | 15.5                                       | 0.90                    |
| Far North            | 2,118                           | 21.8                                       | 1.03                    |
| Northern             | 1,486                           | 11.5                                       | 0.77                    |
| Darling Downs        | 1,335                           | 9.4  | 0.70                    |
| North West           | 201                             | 8  | 3.98                    |
| South West           | 248                             | 3.72                                       | 1.5                     |
| Central West         | 151                             | 2.95                                       | 1.95                    |
| <b>TOTAL</b>         | <b>25,363</b>                   | <b>189.27</b>                              | <b>0.75</b>             |

### 3.2.7 – Enforcement

The Act provides a variety of enforcement options for authorities to use and which options an authority chooses to use is usually dependant on the severity of the breaches observed. Where possible, local governments provided information on the enforcement action taken during this reporting period. This is presented in Table 9.

The most common form of enforcement action taken across all regions were improvement notices with a total of 1,705 issued across the State (an increase of 201 since 2011/2012). The Brisbane and Moreton region issued significantly more improvement notices than any other region, however when looked at per 100 food businesses, the Central West region issued the most.

Infringement notices are usually issued “on the spot” and are a monetary penalty which increases depending on the severity of the offence. Local governments reported that for the 2012/2013 reporting period a total of 680 infringement notices were issued. This is an increase of 374 from the previous year. The majority of these were issued in the Brisbane and Moreton region, while the Wide Bay Burnett, South West and Central West regions did not issue any.

Section 83 of the Act allows local governments to immediately suspend a food business licence where there is an immediate and serious risk to public health. For the 2012/2013 reporting period 4 regions issued a total of 62 immediate suspensions. This is an increase of 20 immediate suspensions from the previous reporting period.

Prosecutions are usually initiated after other tools have failed to rectify the issue or in other extreme cases and are consequently the least common enforcement tool utilised by local governments. Only 2 regions undertook prosecutions during the 2012/2013 period, with a total of 32 for the State. This is double the number of prosecutions undertaken during the 2011/2012 reporting period.

**Table 9 – Enforcement action undertaken for each region**

| Regions              | Infringement notice |                    | Prosecutions |                    | Immediate suspensions |                    | Improvement notices |                    |
|----------------------|---------------------|--------------------|--------------|--------------------|-----------------------|--------------------|---------------------|--------------------|
|                      | Total               | Per 100 businesses | Total        | Per 100 businesses | Total                 | Per 100 businesses | Total               | Per 100 Businesses |
| Brisbane and Moreton | 630                 | 3.87               | 30           | 0.18               | 56                    | 0.34               | 1,248               | 7.67               |
| Mackay and Fitzroy   | 10                  | 0.55               | 0            | 0                  | 1                     | 0.05               | 88                  | 4.81               |
| Wide Bay Burnett     | 0                   | 0                  | 0            | 0                  | 0                     | 0                  | 42                  | 2.45               |
| Far North            | 9                   | 0.42               | 0            | 0                  | 4                     | 0.19               | 136                 | 6.42               |
| Northern             | 13                  | 0.87               | 2            | 0.13               | 1                     | 0.07               | 67                  | 4.51               |
| Darling Downs        | 1                   | 0.07               | 0            | 0                  | 0                     | 0                  | 95                  | 7.12               |
| North West           | 17                  | 8.45               | 0            | 0                  | 0                     | 0                  | 2                   | 0.99               |
| South West           | 0                   | 0                  | 0            | 0                  | 0                     | 0                  | 8                   | 3.23               |
| Central West         | 0                   | 0                  | 0            | 0                  | 0                     | 0                  | 19                  | 12.58              |
| <b>TOTAL</b>         | <b>680</b>          | <b>2.68</b>        | <b>32</b>    | <b>0.13</b>        | <b>62</b>             | <b>0.24</b>        | <b>1,705</b>        | <b>6.72</b>        |

### 3.2.8 – Fees

The Act gives local governments the capacity to charge fees for services provided or action taken under the Act. The Act prescribes that fees charged by the local governments 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).

The information provided for this report shows that the fees charged by local governments vary greatly, not only in the amount charged but also in the way that fees were categorised. A number of the smaller regional councils reported that they either do not charge fees to food businesses or have a flat fee which incorporates all aspects of food business licence administration. While larger councils, particularly within the Brisbane and Moreton region, charge a variety of fees for different services relating to food businesses, such as application fees, inspection fees and food safety supervisor nomination fees.

Of the 72 local governments that responded, 12 reported that they do not have fees or charges associated with food businesses. However, 11 of these local governments had no licensed food businesses at the time of reporting. Of the 60 local governments that do have fees and charges associated with food businesses, only 1 did not have any licensed food businesses. Because of the variation in the type and amount of fees charged by local governments, it is not possible to provide accurate comparisons on fees across the State.

## 4 – Comparison of results to previous reporting period

The total number of licensed food businesses in Queensland increased by 1,287.

Some regions experienced a slight increase in the average number of inspections undertaken, however overall there was no significant change in the average number of inspections conducted throughout Queensland. This indicates that local government's capacity to monitor food business compliance has remained relatively consistent over the last few years.

There were significant increases in all forms of enforcement action undertaken across Queensland. The number of infringement notices and prosecutions doubled during the 2012/2013 reporting period. Most of these increases were seen within the Brisbane and Moreton region. This is the second year that information on immediate suspensions and improvement notices has been collected. While there was a significant increase for both, this could partially be due to an improvement in local government's ability to accurately report on this data.

There were 16.52 additional FTE employees dedicated to food regulation across Queensland for the 2012/2013 reporting period. However despite this the Northern, South West and Central West regions all experienced a decrease in the number of FTE employees.

Across Queensland there has been a decrease in the number of food businesses requiring a FSP but the rate of accreditation has increased. In the 2011/2012 reporting period local governments reported that 79.9% of businesses requiring a FSP had an accredited FSP. This increased to 90.5% for the 2012/2013 period.

The number of food business complaints received by Queensland local governments increased in 2012/2013 from 2,863 to 3,414. The Wide Bay Burnett region experienced the greatest increase, from 108 in 2011/2012 to 463 in 2012/2013. Only the North West and Mackay and Fitzroy regions received fewer complaints in 2012/2013.

Local governments again provided information on their fees and charges under the Act. However, due to the variation in the way fees are categorised and the amount that is charged it is not possible to provide accurate comparisons on fees within Queensland.