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| Food Act Report 2022 |
| Department of Health, Victoria |
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| Food Act Report 2022  Department of Health, Victoria |
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# Introduction

The *Food Act 1984 (Victoria)* (the Food Act) provides a legislative framework to ensure that food sold in Victoria is safe, correctly labelled and suitable for consumption.

In this report, you will find information on the food safety regulatory initiatives delivered by the Department of Health (the department) and local councils during 2022, as well as data[[1]](#footnote-2) and analysis on:

* registered food premises
* food sampling[[2]](#footnote-3)
* food recalls
* anaphylaxis notifications
* food safety incidents
* notifiable microorganisms found in food samples
* food safety programs
* food safety auditors
* food analyst authorisations
* enforcement actions taken by local councils for breaches of the Food Act.

The department routinely collects data to better enable regulators to identify emerging food safety risks, and to assess risks which inform food safety policy and enforcement decision making in Victoria[[3]](#footnote-4).2022 Victorian food regulation snapshot

Food samples collected: 
3,308 section 32 food samples collected by local government.

**142** **infringement notices** issued

**7** **food premises convicted**

**76 food premises** registrations **revoked** or **suspended**

**773** **general enforcement actions** taken

**85** **food safety auditors** registered/ renewed

**11** new **food analysts** authorised

**3,083 section 32 food samples** collectedby local government

**Food safety professionals and programs**

**Food samples collected**

**Enforcement actions on food premises**

Monitoring food safety compliance:
- 36 Victorian-instigated food recalls out of 75 statewide food recalls    
- 1,428 food-related anaphylaxis notifications received Food premises:
- 107,063 of fixed and non-fixed food premises
- 52,691 non-fixed food premises (temporary, mobile and vending machine)
- 54,372 fixed registered food premisesEnforcement actions on food premises:
- 773 general enforcement actions taken
- 142 infringement notices issued
- 76 food premises registrations revoked or suspended 
- 7 food premises convicted under the Food Act Food safety professionals and programs:
- 85 food safety auditors registered/ renewed 
- 11 new food analysts authorised 
- 2 food safety programs renewed

**Food premises**

**1,428 food-related anaphylaxis notifications** received

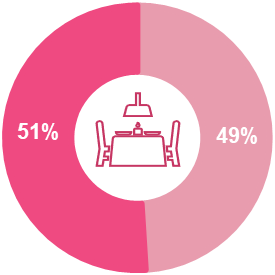
**36** Victorian-instigated **food recalls** out of **75 statewide food recalls**

**Monitoring food safety compliance**

**total registered/ notified food premises**

**107,063**

**52,691 non-fixed food premises** (temporary, mobile and vending machine)



**54,372 fixed food premises**

**2 standard food safety programs** renewed

# The food safety regulatory framework

Victorian food businesses are responsible for ensuring the food they prepare, handle and sell is safe and suitable for consumption. They must comply with stringent regulations and standards, and the food regulatory system is designed to ensure these obligations are met.

Food safety regulation in Victoria (and across Australia) involves a multi-level framework of regulatory bodies at all government levels, including international and national policymakers, state government departments and local councils.

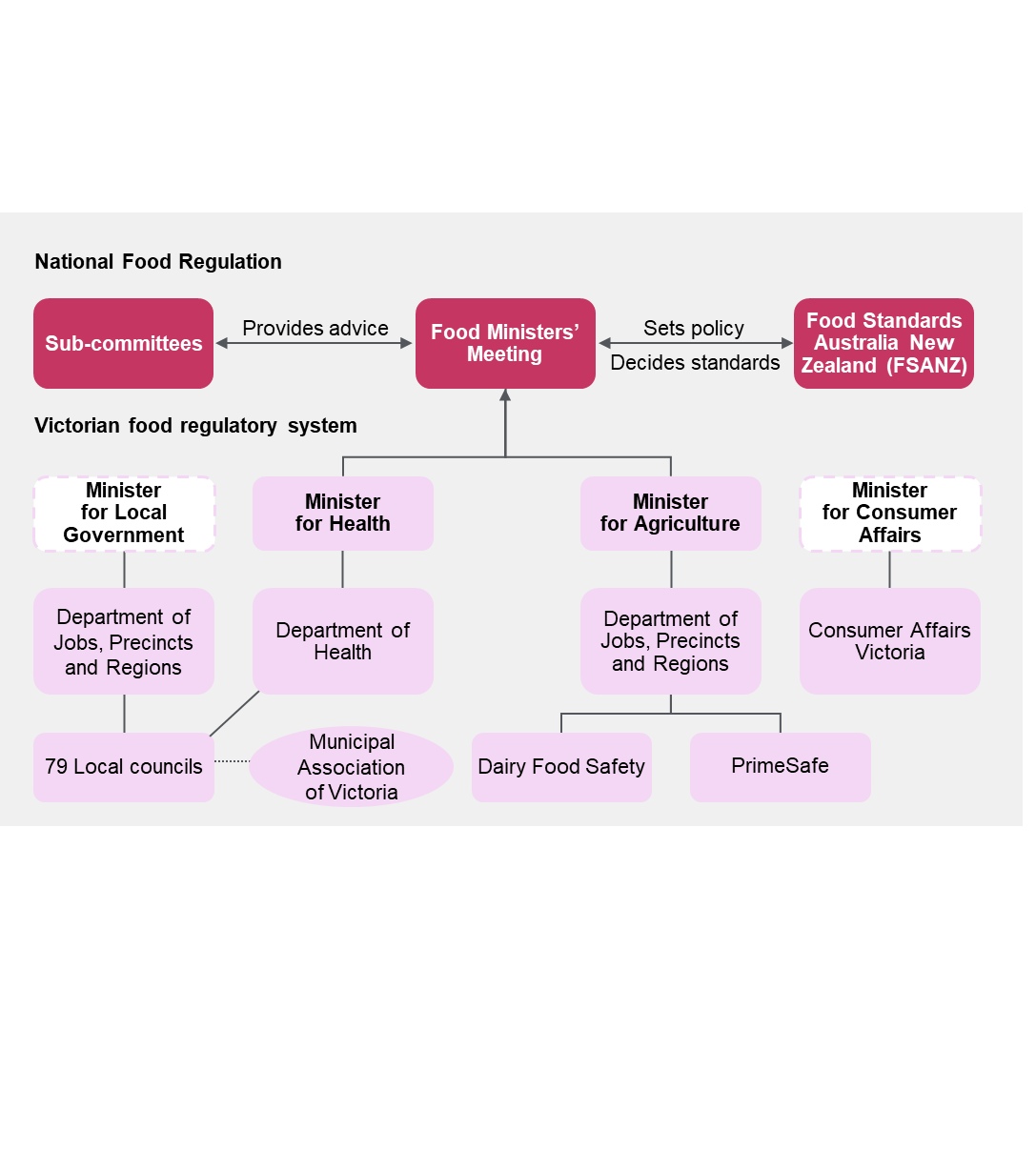
## National food safety regulation

At a national level, an Intergovernmental Agreement between commonwealth, state and territory governments underpins the food regulatory system.

The system includes all levels of Australian government and their New Zealand counterparts.

Under the system, Australian states and territories administer their own food legislation, which are based on a national model and incorporate national food standards[[4]](#footnote-5).

The Food Ministers’ Meeting oversees the national food regulation system and is responsible for approving overarching food policies and endorsing all food standards.



## Food safety regulation in Victoria

In Victoria, a combination of government departments and statutory authorities oversee food safety regulation, each with a specific role and responsibility for a particular section of the food industry or stage of the food production chain. Victorian local councils also play a key role in the regulation of food businesses.

## The role of the Department of Health

The Secretary of the department has a range of statutory functions under the Food Act, this includes promoting the objectives and consistent administration of the Food Act to ensure that the food for sale in Victoria is safe, correctly labelled and suitable for human consumption.

To deliver against these objectives, the department fulfils several key responsibilities including:

* providing support to the Minister for Health in representing Victoria at a national level by way of the Food Ministers’ Meeting. This involves contributing to national food law processes through working alongside regulatory partners including PrimeSafe[[5]](#footnote-6), Dairy Food Safety Victoria (DFSV)[[6]](#footnote-7), other government departments, and local councils.
* assessing, and authorising or registering, of:
  + food safety auditors
  + food safety programs
  + food analysts.
* maintaining a statewide conviction register, publishing details of the prosecutions brought against Victorian food businesses found to be in breach of the Food Act
* setting the legislative requirements that apply to each class of food premises according to the food and food handling risk.
* specifying the requirements for food samples taken for analysis by each local council.

## Local council regulation of food businesses

There are 79 local government councils in Victoria which act as regulatory authorities for most food businesses[[7]](#footnote-8) under the Food Act. Councils regulate food businesses primarily though the registration and compliance monitoring (inspection) of food premises.

# Regulating Victorian food premises

A key function of the department is to work in partnership with Victorian local councils to regulate the food businesses that operate across the state.

Through the Food Act, the department sets the rules that apply to each category of Victorian food business. Victorian local councils then apply those rules in their regulation of those businesses.

To support this partnership, the department provides information and guidance to local councils and the community regarding the food safety regulation of Victorian food premises. This includes supporting the food safety activities of local council environmental health officers (EHOs) and providing basic food handling education to food businesses and the general community.

## Food premises categorisation

### Fixed or non-fixed

Under the Food Act, food premises are described as belonging to one of four component groups: fixed, temporary, mobile or food vending machine. Within these groups, premises are further sorted according to their type of business operation.

Fixed food premises are categorised by local governments into one of 27 subtypes, including hospitals, childcare centres, manufacturers, supermarkets, restaurants, cafés and catering services. In this report, these 27 subtypes are grouped and reported under the overarching category of ‘fixed food premises.’

Temporary food premises (such as market stalls), mobile food premises (such as food trucks) and food vending machines can all be considered non-fixed food premises. For the purposes of this report, temporary, mobile and food vending machines are therefore collectively labelled as ‘non-fixed food premises’ (see **Table 1**).

Table 1: Food premises category under the Food Act

|  |  |
| --- | --- |
| Hospital outline | **Fixed food premises**   * are located within a building or structure and hold a permanent address or location in Victoria * examples include hospitals, restaurants, manufacturers, home-based businesses, accommodation gateways and takeaway shops. |
|  | **Non-fixed food premises**   * a temporary premises that is a tent stall or other structure not permanently fixed to a site, or a permanent structure not owned or leased by the operating food business where food is sold by that business on an occasional basis only. Examples include temporary food premises examples include market or festival stall, business function or wedding reception. * a mobile food premises is a food premises that is a vehicle, examples include food trucks, water transport vehicles[[8]](#footnote-9) and ice-cream vans * food vending machines. |

### Premises Classification according to risk

To ensure the regulations applied to each food business are suitable, the Food Act separates all food premises, whether fixed or non-fixed, into five risk categories known as Classifications (and labelled individually as Class 1, Class 2, Class 3A, Class 3 or Class 4) based on the potential health risk posed by their food-handling activities (see **Table 2**).

The Classifications range from the highest risk (Class 1) to the lowest risk (Class 4) and the Classification of a premises will determine the types of regulatory obligations applied to that business.

During 2022, the department introduced some key changes to the Food Act affecting the legislative requirements of some Victorian food premises[[9]](#footnote-10). These included:

* the introduction of a new Classification - Class 3A
* the exemption of most Class 2 premises from the requirement of using a food safety program
* a reduction in the number of Class 3A and Class 3 food premises required to keep minimum records
* an amendment to the Class 4 food premises definition to include the notification of family day care premises, and serving of coffee and tea
* the exemption of water transport vehicles from the requirement to apply for statements of trade (SOT).

These changes have resulted in a reduction of requirements for most food services and retail food businesses and have better aligned Victoria’s regulatory requirements with the national model.

Table 2: Food premises Class under the Food Act

|  |  |
| --- | --- |
| Hospital outline | **Class 1**  Premises at which potentially hazardous food is handled or served to vulnerable people within a hospital, aged care, childcare setting, or by home delivery services that provide read-to-eat meals to people who are unable to prepare meals for themselves, such as Meals-on-Wheels. |
|  | **Class 2**  Premises that handle potentially hazardous foods (including unpackaged high-risk foods), such as cafés, caterers, fast food outlets, juice bars, restaurants, supermarkets, and some food manufacturers. |
|  | **Class 3A**  Accommodation premises that prepare and serve food to guests, and home-based businesses or temporary premises that use a hot-fill process, such as used in the production of jams, salsa and sauces. |
|  | **Class 3**  Premises that primarily handle unpackaged low-risk or pre-packaged high-risk foods, such as milk bars, greengrocers and warehouses. |
|  | **Class 4**  Premises that primarily handle pre-packaged low-risk foods, such as bottle shops, newsagencies, vending machines, sausage sizzles, cake stalls for fundraisers and coffee carts. This class also includes family day care premises and premises serving coffee and tea. |

## Registration under the Food Act

Local councils are responsible for registration of the food premises under their jurisdiction.

Businesses, charity groups and individuals intending to handle food in Victoria, whether they operate from a fixed or a non-fixed premises, must apply to their registering council for consideration under the Food Act.

As part of the registration process, local councils will assess the food safety risks posed by each food premises. This assessment is based on multiple factors including the type of business, the suitability of the premises and the potential microbial hazards posed by the food handling processes.

Premises that are risk-classified by their registering local councils as Class 1, 2, 3A or 3 must renew their registration each year and undergo annual inspections. Approved premises of these classifications are issued an annual certificate of registration.

Due to their lower level of risk, premises assessed as class 4 are deemed exempt from registration and only need to notify their local council of their activities once, when they first begin operating. Approved premises of this classification are issued a certificate of notification.

## 2022 state-wide registrations

Across Victoria, local councils registered or notified a total 107,063[[10]](#footnote-11) food premises under the Food Act during 2022. Of these 54,372[[11]](#footnote-12) (51%) were fixed food premises and 52,691 (49%) were non-fixed food premises.

The most common classification of food premises to be registered were Class 2 premises, comprising 45% of all statewide registrations.

At the other end of the scale, Class 1 food premises (including those serving high-risk foods to the groups most vulnerable to food-related illness, such as hospital patients or kindergarten children) made up only 3% of registrations (see **Figure 1**).

Figure 1: Number of food premises by Class[[12]](#footnote-13)

### Fixed food premises

In 2022, local councils across the state processed 54,372[[13]](#footnote-14) fixed food premises registrations[[14]](#footnote-15)**.** Majority of fixed food premises registrations are renewed registrations (see **Figure 2**).

Figure 2: Number and proportion of fixed food premises by registration type[[15]](#footnote-16)

### Non-fixed food premises

The Food Act regulates food businesses that operate from temporary premises (such as market stalls), mobile premises (such as water transport vehicles or food trucks) and vending machines. In this report, these premises are collectively referred to as ‘non-fixed’ food premises (see **Table 3**).

As non-fixed premises can move location to trade from different places in Victoria, the Food Act applies a model of registration known as single registration. This means that each premises must register with just one Victorian local council (known as the registering council) to then be able to trade anywhere in the state. Once registered by the registering council, every time they trade across the state they must apply to the local council for an SOT, which provides them permission to trade within local council’s municipal boundaries.

Table 3: Types of non-fixed food premises

|  |  |
| --- | --- |
|  | **Temporary food premises**   * includes marquees, stalls, or other structures that are not permanently fixed to a site * can trade everywhere, such as commercial shows, festivals, farmers’ markets or school fêtes. |
|  | **Mobile food premises**   * includes food trucks, coffee carts and caravans that trade at events or on the streets. * can also include water transport vehicles and PrimeSafe[[16]](#footnote-17) mobile premises. |
|  | **Food vending machines**   * provide automated sale of food without any attention or intervention by the seller at the time of sale * single application for notification may include multiple food vending machines. |

In 2022, there were 52,691 non-fixed food premises registrations and notifications reported, with much of the type being temporary food premises (see **Figure 3**). Most non-fixed food premises are Class 4 food premises (see **Figure 4**).

Figure 3: Number and proportion of registered and notified non-fixed food premises by type

Figure 4: Number and proportion of registered and notified non-fixed food premises by Class

See [**Appendix 4**](#_Appendix_4:_Non-fixed) for the breakdown of non-fixed food premises by local council, premises type and classification.

# Other food safety regulations

In addition to the regulation of Victorian food premises, food safety regulation in Victoria involves a full suite of regulatory activities, undertaken under the Food Act and the *Public Health and Wellbeing Act 2008* by the department and local councils. These activities include food safety surveillance (sampling), authorising food safety programs and food safety professionals, and taking enforcement action where necessary.

## Food sampling

Coordinated food safety surveillance, through the collection and testing of food samples for microbial, chemical, allergen, physical hazards, or labelling issues, is one of the ways food safety is monitored across Victoria.

### Local council food sampling under section 32 of the Food Act[[17]](#footnote-18)

|  | **3,083** **food samples were collected** in Victoria for analysis |
| --- | --- |
|  | **88%** were collected through **routine sampling by local councils** |
|  | **89%** were **tested** for **microbial contaminants**, for example,*Salmonella* spp.*, Listeria* spp*.* |

The department and local councils use a tool called the Food Sampling App (the App)[[18]](#footnote-19) to record and transfer information about samples taken and provide testing instructions to the Victorian laboratories analysing those food samples.

A proportion of samples must be taken from Class 1, 2, 3A and 3 food premises using a risk-based approach to sampling[[19]](#footnote-20).

From June to December 2022, the App recorded the submission of 3,083 food samples from 64 of the 79 Victorian councils[[20]](#footnote-21).

Of the total samples submitted:

* 2,700 samples (88%) were collected for routine

surveillance

* 253 samples (8%) were linked to investigations[[21]](#footnote-22)
* 130 samples (4%) lacked a specified reason for

sampling.

Most food samples, 2,574 (83%) were collected from Class 2 food premises (see **Figure 5**)and were tested for microbial contaminants such as *Salmonella* spp. and *Listeria* spp.(see **Figure 6**).

Figure 5: Number and proportion of food samples collected by Class, June–December 2022

Figure 6: Number and proportion of section 32 of the Food Act council samples by test type[[22]](#footnote-23), June – December 2022 (*N=3083*)

### Department of Health food safety surveillance

Victoria is home to a thriving food industry and food culture. To support businesses and consumers, the department undertakes a range of activities to ensure that food is safe to eat, and the community is protected from harm.

The department regularly conducts sampling and surveillance programs in Victoria. These include sampling programs that:

* target a food type of interest[[23]](#footnote-24)
* evaluate industry compliance with the Australia New Zealand Food Standards Code (the Code) or the Food Act[[24]](#footnote-25)
* aim to fill gaps in food safety research or gain further information about foods with higher potential risks[[25]](#footnote-26)
* respond to a single food safety incident or foodborne illness outbreak and aim to identify a causative food source, verify the extent of a contamination or monitor industry processes and corrective actions.

These surveillance activities contribute to the department’s knowledge and help target information and guidance to local councils, food safety auditors and businesses.

#### Targeted food sampling programs

#### Aflatoxin in spices and almond products

Aflatoxins are highly toxic substances produced by certain types of fungi. They are found in commodities such as grains, nuts, and spices that are grown in warm and humid climates.

Currently, there are no regulated limits for aflatoxins in spices in the Australia and New Zealand Food Standards Code (the Code).

There is no recent data on the levels of aflatoxins present in foods in Australia and the potential risk to consumers is unknown. Food sampling is therefore key to gathering the required data for effective assessment and management of any potential risk.

During 2022, aflatoxin surveys measured the prevalence and level of aflatoxins present in a range of spices and almond products available to Victorian consumers. The data collected provided insight into the level of risk posed by aflatoxins to consumers and established a baseline dataset for use in future monitoring.

##### Results: Spices

* 110 spice samples were analysed for aflatoxins.
* Aflatoxins were detected in 15.5 per cent of samples analysed, with the level detected ranging between <0.004mg/kg to 0.190 mg/kg. In the absence of a permitted limit in the Code, samples were compared against the maximum permitted level (MPL) set by the European Commission, with 8.1 per cent of samples containing aflatoxins at levels above this MPL.
* Aflatoxins were detected in multiple samples of chilli, nutmeg, and curry powder, and one sample each of, cayenne pepper, cumin, paprika and turmeric. Aflatoxin B1 was the most common aflatoxin type detected and was present in 15 out of 17 samples.

##### Results: Almond products

Under section 32 of the Food Act, Baw Baw Regional Council collected and analysed 17 samples of almond products, such as almond butter in 2022, as a pilot for an almond product survey.

* Aflatoxins were detected in one sample. These results were consolidated into the 2023 survey.

#### Antimicrobial resistant bacteria in retail food

A FSANZ commissioned survey of selected retail foods commenced in 2022[[26]](#footnote-27). Analysis will be completed in 2024 with reporting to follow.

The survey involves the collection by all state and territory regulators of food samples from three retail commodities - poultry, pork and beef. Murdoch University, with Symbio Laboratories, isolates bacteria from these commodities and subjects the bacteria to antimicrobial susceptibility testing. Whole genome sequencing of selected bacteria can be performed to detect genetic antimicrobial resistance determinants.

During 2022, 16 local Victorian councils collected 599 samples from supermarkets under section 32 of the Food Act as part of this survey. The Victorian Department of Health and the Department of Jobs, Precincts and Regions (DJPR) also collected an additional 85 participating samples from butcher shops.

#### ‘Free-from’ allergens in packaged food

During 2022, the aim of this sampling survey was to measure the prevalence of undeclared allergens in packaged foods marketed as ‘free-from’ egg, milk or gluten, and in vegan/plant-based foods.

Under section 32 of the Food Act, local councils collected and analysed relevant samples during 2021 and 2022.

##### Results

* Undeclared allergens were detected in 18 (3.8 per cent) of the 478 foods tested.
* Milk protein was detected in eight out of 201 (4.0 per cent) samples tested for its presence.
* Gluten was detected in ten out of 369 (2.7 per cent) samples tested for its presence.
* Egg was not detected in any of the 154 samples tested for its presence.
* Seven foods from three manufacturers were recalled because of the survey.

##### Reasons for not recalling products with undeclared allergens included:

* one product was past the ‘use by date’ by the time results were received by the department
* some products had precautionary allergen statement, for example, may contain milk
* some products were referred to other jurisdictions for their action.

#### Allergens in seasonal food

In 2022, the department sampled and analysed seasonal (Christmas) vegan and ‘free-from’ packaged foods for allergens. Foods were analysed for milk and/or gluten allergens. No undeclared allergens were detected.

## Enforcement action

An enforcement action is a response to non-compliance with the law.

The Food Act provides a range of enforcement options to be exercised where non-compliance is detected[[27]](#footnote-28). The enforcement options available include:

* providing advice or guidance to educate the proprietor of the food premises on how to comply
* issuing a warning
* issuing notices, directions or orders
* closing premises
* seizing foods and/or equipment
* suspending or revoking a registration
* accepting corrective undertakings from the proprietor
* increasing the frequency of audits or assessments on the premises
* prosecuting.

These options can be used singularly or in combination and can be escalated sequentially where the non-compliance is not satisfactorily remedied.

### Infringement notices issued: Fixed food premises

Since 2011, local councils have been able to issue on-the-spot penalties for a range of less serious food safety or hygiene breaches of the Food Act. These are known as infringement notices[[28]](#footnote-29). The infringement notice system offers a prompt and straightforward method for food businesses to comply with requirements to correct an offence without going to court.

Councils can set their own policies regarding the use of infringement notices. Council officers also exercise professional discretion as to when it is appropriate to issue a notice. In practice, many councils still prefer to resolve issues through providing educational support to food premises.

In 2022, a total of 142 infringement notices were issued, the majority of which (95%) were related to Class 2 food premises. All other infringement notices were issued to Class 3 food premises[[29]](#footnote-30).

| **142 infringement notices** were issued, mostly to **Class 2 food premises** with **135** **(95%) notices.** |  |
| --- | --- |

Table 4: Top five local councils with the highest number of infringement notices issued to fixed Class 2 premises

| Local council | Number of infringement notices issued | Percentage of total infringement notices issued statewide |
| --- | --- | --- |
| Maribyrnong City Council | 24 | 18% |
| Boroondara City Council | 19 | 14% |
| Casey City Council | 13 | 10% |
| Manningham City Council | 13 | 10% |
| Brimbank City Council | 11 | 8% |

### General enforcement notices issued: Fixed food premises

In 2022, local councils reported 773 general enforcement notices issued to fixed food premises[[30]](#footnote-31).

Of these general enforcements issued:

* 676 (87%) were issued to Class 2 premises
* 63 (8%) were issued to Class 3 premises
* 34 (4%) were issued to Class 1 premises.

Table 5: Top ten local councils with the highest number of general enforcement notices issued

| Local council | Number of general enforcement notices issued | Percentage of general enforcement notices issued statewide |
| --- | --- | --- |
| Boroondara City Council | 165 | 21% |
| Greater Dandenong City Council | 113 | 15% |
| Maribyrnong City Council | 108 | 14% |
| Wyndham City Council | 59 | 8% |
| Port Phillip City Council | 42 | 5% |
| Melbourne City Council | 33 | 4% |
| Knox City Council | 29 | 4% |
| City of Ballarat | 24 | 3% |
| Manningham City Council | 22 | 3% |
| Brimbank City Council | 21 | 3% |

### Registration suspensions and revocations

When local councils (or the relevant delegate) identify significant risks related to food safety or hygiene at a food premises, they may temporarily suspend or revoke a food premises' registration. This action is intended as a high-level tool to mitigate the risk of unsafe or unsuitable food being sold or prepared, ensuring public health and safety.

The power to revoke or suspend registration only arises where certain conditions relating to the premises are met under section 40D[[31]](#footnote-32) of the Food Act, for example:

* a person is convicted of a second or subsequent offence against this Act
* a condition-imposed section 19V(2)(c) or 39A is breached
* the premises have not complied with, or the food safety program is inadequate
* the premises is not complying with the regulations.

In 2022, seven local councils revoked or suspended 76 food premises registrations. This represents 10% of the 775 general enforcement actions undertaken during the year.

| **76 food premises** had their **registration revoked or suspended** across **7 local councils** |  |
| --- | --- |

### Prosecutions and convictions

Prosecutions for food safety breaches may be initiated where there has been serious non-compliance with the Food Act or a repeated failure to comply with food laws. These are important measures taken to deter non-compliance and ensure the food sold in the Victorian community is safe for human consumption.

Details of offences under the Food Act or regulations, which have led to the conviction of a person or body corporate by a court are published on the department website for a period of 12 months. The [Food safety register of convictions](https://www.health.vic.gov.au/food-safety/food-safety-register-of-convictions)[[32]](#footnote-33) allows the public to make informed consumer decisions in relation to food premises which have been the subject of successful prosecutions under the Food Act.

In 2022, convictions were recorded against eight parties (companies or individuals) relating to seven food premises operating in Victoria (see **Table 6**).

The convicted parties were found guilty of a total of 298 offences under the Food Act, with most convictions involving multiple offences. A company can be charged if it is the proprietor of the food business; and an individual may be charged if they are the proprietor or director of the business, involved in the management of the food business. Notably, in 2022, there were two convictions related to one premises—one against the proprietary company and another against the director of that company.

Table 6: Number of convictions under the Food Act by local council area

| Local council | Number of parties convicted | Number premises convicted |
| --- | --- | --- |
| Greater Dandenong City | 3 | 2 |
| Maribyrnong City | 4 | 4 |
| Monash City | 1 | 1 |
| **Total** | **8** | **7** |

#### Convictions: types of offence

Most of the 2022 convictions[[33]](#footnote-34) were for breaches of section 16(1) of the Food Act - a failure to comply with the Code[[34]](#footnote-35).

Most convicted breaches were of chapter three of the Code - the food safety standards; specifically, Standard 3.2.2 - Food Safety Practices and General Requirements and Standard 3.2.3 - Food Premises and Equipment.

#### Penalties

Financial penalties imposed during 2022 ranged from $1,652 to $80,000.

The lowest fines of $1,652 were issued to proprietors of three separate food premises in Maribyrnong City, along with $111.90 each for costs. The fines included failing to maintain easily accessible hand washing facilities and failing to maintain all fixtures, fittings and equipment in a clean and sanitary state.

The highest fine of $80,000 was issued to the proprietor of a bakery in the City of Greater Dandenong, along with costs of $18,000, for a total of 128 charges for multiple breaches of the Food Act and the Code between June 2021 and March 2022. The Director of the bakery was also fined $15,000, with costs of $6,000, for the same offences. This premises had the highest number of recorded offences in the state.

|  | The **highest fine** of **$80,00** was issued to a **proprietor** in City of Greater Dandenong |
| --- | --- |

### Directions by the Minister under section 7E

Under section 7E of the Food Act, directions may be issued to local council, or the chief executive officer of the local council, by the Minister for Health. No such directions were reported during 2022.

## Food safety programs

In Victoria, due to their level of food safety risk, all Class 1, and some Class 2 food premises, require a food safety program (FSP).

A FSP is a written plan that sets out what a business does to ensure the food it sells is safe for people to eat. It is a valuable tool to help businesses safely handle, process and sell potentially hazardous foods and maintain safe food handling practices.

There are two types of FSP:

* **Non-standard food safety program:** This type of FSP is written by a business to cover all their food processes. Its adequacy is determined by a food safety auditor or by local council and it must be audited by a department certified food safety auditor.
* **Standard food safety program:** This type of FSP is written by the business and registered with the department and is used where a food business group has more than 20 premises in Victoria. In addition, the department publishes an online registered standard FSP template, known as FoodSmart. FoodSmart can be used by food businesses free of charge where it is suitable for their business activities.

Class 1 food premises must use a non-standard food safety program.

Class 2 premises that are required to have a FSP may choose between using standard or a department-registered standard FSP.

Under section 19DB of the Food Act, the registration of FSP templates is a regulatory function of the department.

During 2022 there were 23 food safety programs registered with the department.

Of these:

* two were renewed
* none were newly registered
* none were revoked.

## Food safety auditors

|  | **88 food safety auditors authorised** to operate in the state |
| --- | --- |
|  | **8 new auditors** approved |

Food safety audits are one of a suite of tools provided under the Food Act to protect public health in Victoria in relation to food. Food safety audits are implemented for certain higher risk food premises and are additional to local council inspections. All independent Food Safety Programs must also be audited annually for adequacy.

Approved food safety auditors (FSA) conduct food safety audits. At the close of 2022, there were 88 FSAs operating under the Food Act.

Under the Food Act, all FSAs in Victoria must apply to the department and meet criteria set by the *National Food Safety Audit Policy* and its accompanying *National Regulatory Food Safety Auditor Guideline.*

The department publishes the *Food Safety Auditor’s Handbook* to communicate and guide auditors in their duties and responsibilities under the Food Act. Approved auditors must comply with all requirements of the Food Act, any conditions of approval set by the department, audit processes as set out in the *Food Safety Auditor’s Handbook*, and the department’s Auditor Code of Conduct.

During 2022:

* 12 new auditor applications were reviewed by the department
* eight new auditors were approved
* no auditor approvals were renewed.

## Authorised analysts

An authorised analyst is a person authorised to conduct laboratory analyses on food samples taken for the purposes of the Food Act.

Analysts test food samples taken by local councils. A certificate of analysis, signed by an authorised analyst, can stand alone as sufficient evidence in a prosecution taken against a food business under the Food Act.

Each year, the department authorises analysts to conduct this important work.

During 2022, the department:

* authorised 11 new analysts
* approved an extended scope of analysis for a further three analysts.

The department also held an Analyst Forum to engage analysts with emerging trends and issues in food safety, changes to the Food Act, and notifiable microorganisms.

## Food recalls

Food recalls involve the coordinated removal of unsafe food from distribution, sale and consumption. They are an essential measure taken to ensure public safety and to prevent illness or injury.

In Australia, FSANZ works with food businesses and state and territory regulators to coordinate a food recall response and inform consumers. This involves liaising with food businesses, gathering and collating information and disseminating it to state governments, other government agencies and the food industry. FSANZ also monitor the effectiveness of food recalls on behalf of the Australian Competition and Consumer Commission (ACCC).

In 2022, FSANZ coordinated 75 food recalls in Australia with Victoria instigating 36 (48%) of these. The high number of food recalls instigated by Victoria demonstrates the effectiveness of the department’s food safety program and illustrates the importance of keeping food safe for consumption in a state with a vast food production and manufacturing industry.

Victoria’s anaphylaxis notification system, a surveillance system unique to Victoria, contributed to three of the 36 Victorian-led food recalls in 2022 (see **Figure 7**).

Figure 7: Number of food recalls instigated by each state and territory, Australia, 2022

### Food recall reasons

Food recalls can be actioned for several reasons including the detection in food of allergens, biotoxins, chemicals, incorrect labelling, microbial contamination, the presence of foreign matter, choking hazards or prohibited ingredients (see **Table 7**).

Table 7: Number and percentage of Victorian-instigated food recalls by reason

| Reason for recall | Number of recalls | Percentage |
| --- | --- | --- |
| Allergen | 17 | 47% |
| Biotoxin | 4 | 11% |
| Chemical | 5 | 14% |
| Foreign matter | 1 | 3% |
| Labelling | 1 | 3% |
| Microbial | 7 | 19% |
| Other reasons | 1 | 3% |
| **Total** | **36** | **100%** |

Australia was identified as the country of manufacture in 24 (67%) recalls. The remaining twelve were manufactured in ten other countries. Of the Australian manufactured food, Victoria was identified as the state of manufacture in 22 (92%) recalls, followed by Queensland with two (8%) recalls.

## Victorian anaphylaxis notification system

The department launched the Victorian Anaphylaxis Notification Program on 1 November 2018 in response to a Victorian Coronial inquiry regarding the death of a 10-year-old Victorian boy in 2013. The boy was allergic (anaphylactic) to milk and drank a can of imported coconut drink that failed to declare the presence of milk in the ingredients.

As a result of the inquiry, amendments were made to the *Victorian Public Health and Wellbeing Act 2008*, requiring Victorian hospitals to notify all presentations of anaphylaxis to the department.

By identifying mislabelled packaged food in the marketplace and poor allergen management at local council-registered food premises that serve unpackaged food, the Anaphylaxis Notification Program seeks to minimise the incidence of illness and death associated with anaphylaxis.

In 2022, the department received 2,112 notified cases of anaphylaxis presenting to a hospital for treatment, equating to an incidence rate of 32 cases per 100,000 population[[35]](#footnote-36). Of the notified cases,1,428 (68%) were attributed to consumption of food.

|  | **2,112 notified cases of anaphylaxis** |
| --- | --- |
|  | **68%** of cases were due **consumption of food** |
|  | **3** **packaged food recalls** |
|  | **137** **referrals** made to **local councils** |

As a result of the assessment and investigation of these food consumption-related cases, the department made 137 referrals to local councils for further investigation for potential breaches of the Food Act.

Additionally, the department ensured three non-compliant packaged food products were recalled from sale in the marketplace. All the products contained undeclared allergens and two of them were vegan chocolate. Vegan foods can cause of food-related anaphylaxis due to a few factors, such as consumers being unaware that vegan food can contains nuts, and consumers relying on ‘vegan’ statements when looking for egg and/or milk-free foods.

## National food incidents

When a food safety incident is detected within the food supply chain and poses a risk to public safety across multiple Australian jurisdictions, it is determined as a national food incident.

In response, national food regulators coordinate a response through the Bi-National Food Safety Network and adhere to the National Food Incident Response Protocol[[36]](#footnote-37).

In 2022 there were two national food safety investigations, and Victoria was the lead agency for both incidents.

### High alkaloid levels in poppy seeds

In early November 2022, Queensland Health notified the department of multiple cases of acute poisoning in Queensland hospitals.

Each patient was a regular consumer of poppy seed tea, although the symptoms in each case were unusually severe and suggested that there was a potential issue with a particular batch of poppy seeds in the market. Following the initial Queensland reports, further cases of significant toxicity from poppy seed tea were reported across multiple states in Australia.

The supplier of the poppy seeds eventually linked to the poisoning cases was found to be based in Victoria, so the Victorian department led the national investigation, and the National Food Incident Response Protocol was triggered.

Investigations determined that a quantity of non-culinary (not for human consumption) poppy seeds had entered the market as culinary poppy seeds, and that these seeds contained remarkably high levels of the alkaloid thebaine. In normal use (such as baking) the seeds did not appear to present a health risk, but when consumed in large quantities in the form of poppy seed tea the levels of thebaine present could be highly toxic.

The non-culinary poppy seeds had been distributed through multiple brands across multiple states.

The food business responsible for introducing the seeds into the market co-operated fully with the investigation and immediately conducted a food safety recall. This recall led to several further food recalls in relation to food businesses that had packed the seeds for retail sale.

As an outcome of the investigation, FSANZ developed guidance materials for food businesses that import and sell poppy seeds.

### Contaminated spinach

In December 2022, New South Wales (NSW) reported multiple cases of anticholinergic syndrome presenting. Symptoms were severe and included tachycardia, vivid hallucinations, dilated pupils, nausea and agitation requiring sedation. The reported symptoms were consistent with poisoning from *Datura stramonium*, also known as thornapple, one of a group of common poisonous plants from the *nightshade* family.

The cases were linked to the consumption of pre-packaged spinach grown and packaged at a Victorian farm. As Victoria was home jurisdiction for the producer of the product, the department coordinated the investigation to confirm the presence of thornapple in the bagged spinach products. The contamination source was tracked to a single field where the plant was found to be growing amongst the spinach rows in certain areas.

The Victorian farm concerned co-operated fully with the investigation and immediately ceased operating and a national food safety recall of the contaminated product was initiated.

## Notifiable microorganisms in food samples

|  | **636** **food samples** reported with detection of a **notifiable microorganism** |
| --- | --- |
| Germ outline | **Salmonella** detected in **69%** of samples |
|  | **Listeria monocytogenes** detected in **23%** of samples |

Food testing laboratories receive food samples for microbiological analysis from food businesses and local councils conducting food sampling activities.

Positive samples may be referred to Microbiological Diagnostic Unit (MDU) to conduct sub-typing and speciation testing. MDU also conducts testing of food and environmental samples collected as part of a case, cluster, or outbreak investigation.

The *Public Health and Wellbeing Act 2008* and the Public Health and Wellbeing Regulations 2019 require the notification of the following microorganisms when detected in food and drinking water supplies:

* *Campylobacter* spp
* *Cryptosporidium* spp
* *Cyclospora* spp
* *Giardia cysts*
* Hepatitis A
* *Listeria monocytogenes*
* Norovirus
* *Salmonella* spp
* Shiga toxin and verocytotoxin-producing *Escherichia coli* (STEC/VTEC)
* *Vibrio* spp.

In 2022, the department received 636 laboratory notifications of food samples with positive detection of a notifiable microorganism (see **Figure 8**).

Figure 8: Number and proportion of reported food samples with a detection of a notifiable microorganism

The two most common food samples with *Salmonella* spp. detections were raw chicken with 237 (54%) and raw almonds with 141 (32%). These products are routinely tested by food businesses.

As chicken is cooked before consumption and raw almonds undergo a pasteurisation process prior to sale, there is usually no public health action undertaken, such as a food recall.

Notified samples with positive detections were collected by various agencies with:

* 517 (81%) samples submitted by food businesses
* 56 (9%) samples collected by local councils
* 36 (6%) samples collected by DJPR
* 27 (4%) samples collected by the department.

# Food safety initiatives

Several regulatory improvement programs were delivered during 2022 to strengthen the food safety framework in Victoria, to drive improved food safety practices and make it easier for food businesses to comply with the law.

## Food safety auditor performance review program

In 2022, the department conducted a detailed performance review of all approved FSAs.

|  | **85 registered food safety auditors** underwent performance review |
| --- | --- |
|  | **67 auditors** provided audit reports and formally assessed. |
|  | **180 audit reports received**, with over **500 associated documents** |

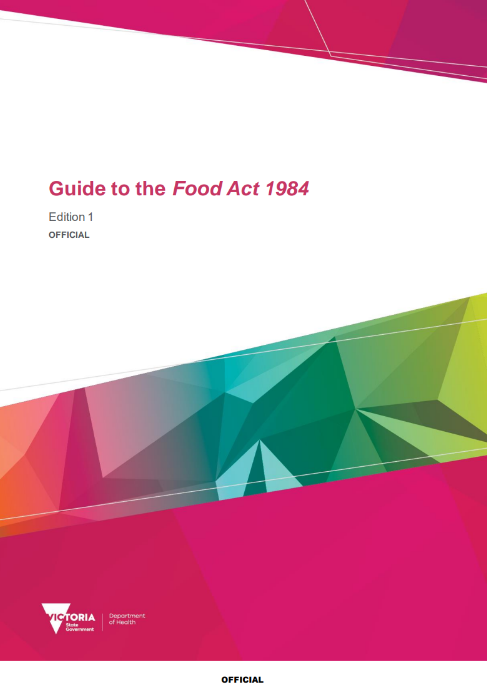
Auditors were measured against the requirements of the Food Act and the department’s *Food Safety Auditor’s Handbook (5th Edition)*.

**Results**

* 85 FSAs were in scope for this review. The department sought, and received, approximately 180 audit reports and over 500 associated documents from auditors for review.
* Of the 85 in scope auditors, 18 were not formally reviewed as they had not conducted an audit in Victoria or were new auditors who had not yet performed a Food Act audit. In some cases, auditors were not currently working or had not had the opportunity to conduct an audit in Victoria due to the COVID-19 pandemic.
* Of the 85 auditors, 67 supplied audit reports and were formally assessed and reviewed.

As a result of the review, the department developed improved education and guidance for FSAs on topics identified in the review process, improved audit reports and training modules, and conducted additional targeted performance reviews on selected auditors.

## Food Safety Reform Program 2018-22

In 2022, the department completed the Food Safety Reform Program[[37]](#footnote-38), a four-year program designed to ease the regulatory burden placed on food businesses.

The Food Safety Reform Program arose from the recommendations of the Small Business Regulation Review (Retail sector) 2016-18[[38]](#footnote-39). The review found there was unnecessary regulation on small retail businesses and made a series of recommendations to reduce this burden.

The Food Safety Reforms Program focused on five projects, designed to support food businesses in better understanding their food safety obligations under the Food Act, reducing red tape burden, and councils in applying food safety regulation more consistently across the state.

Collectively the projects aimed to shift regulatory practice to a risk-based approach and facilitate consistent application of the Food Act, making it simpler, clearer, and quicker for Victorian councils and food businesses to understand, apply, and comply with food safety regulation.

During delivery of the program, the department engaged extensively with councils, food businesses, and the food industry via meetings and forums, as well as through regular website updates, newsletters, and flyers.

### Key achievements of the program

#### Support to local council regulators

* **Revamped online registration system:** The department delivered upgrades to the system used by local councils to register temporary and mobile food businesses. Features like cascading categorisation fields for compliance checks and a traffic light indication on SOT were introduced to help local councils prioritise their food premises inspections at state-wide events.
* **Public Health Hub (PHHub):** Developed and launched in March 2020, PHHub became a trusted central resource for EHOs, providing easy access to food safety guidance, templates, and policy materials.
* **Guidance materials:** A range of resources were developed for local councils, including risk-based assessment tools, enforcement guides, policy development guidance, templates to streamline regulatory practices, online eLearning modules and the *Guide to the Food Act*.

#### Changes made to the regulation of food businesses

* **Simplified SOT Process:** From May 2019, temporary, mobile, and vending machine food businesses became required to lodge an SOT application only one day before an event. In July 2022, the requirement for water transport vehicles to submit SOT applications was removed[[39]](#footnote-40).
* **New Class 3A classification:** Introduced in July 2022, this new classification reduced regulatory requirements for certain small-scale or home-based businesses, such as accommodation providers or makers of low-risk products like chutneys. Previously they were classified as class 2[[40]](#footnote-41).
* **Reduced requirements for Class 2 and Class 3 Businesses:** In August 2022, Food Safety Program (FSP) requirements were scaled back for Class 2 businesses, while most Class 3 businesses saw record-keeping requirements eliminated without compromising food safety[[41]](#footnote-42).

#### Online homepage of the DoFoodSafely.Support to food businesses

* **Guidance materials:** From 2019 to 2022, a range of resources were developed for food businesses including animated video guidance on how to start a food business.
* **DoFoodSafely**: The department’s free online food safety learning program for use by staff working in the food industry now includes eight community new languages: English, Arabic, Korean, Hindi, Nepali, Punjabi, Simplified Chinese, and Vietnamese.

### Food Safety Reform Program outcomes

The Food Safety Reform Program has streamlined food safety regulation in Victoria, reducing unnecessary costs and administrative burdens for local councils and businesses alike.

Creating a more consistent and risk-based approach to regulation, makes compliance simpler and more effective while maintaining high food safety standards

# Appendices

## Appendix 1: Data sources and considerations

| Report | Data source and range | Inclusion | Features and data limitations[[42]](#footnote-43) |
| --- | --- | --- | --- |
| Fixed food premises[[43]](#footnote-44) | * Quarterly local council reports transmitted through XML files. * January – December 2022 | * Registered fixed food premises Class 1, 2, 3A and 3 that had operated during at least one quarter of the reporting year.   + with a registration status of ‘New’, ‘Renewal’ or ‘condition, pending registration. * Class 4 premises are excluded due to minimal regulatory requirements. | * Local council XML file extracts were submitted and processed through the Power BI reporting application. * Due to system limitations, data for Ararat, Benalla, Buloke and Hepburn councils were manually entered. * Due to reporting configuration changes, only Quarter 4 data have been included for Yarra Ranges Shire Council. * Food premises may change classification or registration type during a reporting year, with updates reflected quarterly. The last recorded active classification or registration type of the reporting year is used. * Due to the COVID pandemic, some local councils experienced difficulties in submitting data for 2022. Incomplete data for these local councils is included and noted where applicable. * Due to a system transition during the reporting year some external local council data has not been fully validated. |
| Non-fixed food premises | * Streatrader export data * January – December 2022 | * Class 2, 3, 3A and 4 registered or notified temporary, mobile, vending machines, water transport vehicles and PrimeSafe notified premises. | * Temporary and mobile premises and water transport vehicles recorded in Streatrader comprising:   + Class 2–3 premises with a registration status of ‘New’ or ‘Renewal’ recorded during the reporting period   + Class 4 premises and Class 3 PrimeSafe premises with an initial notification recorded during the reporting period * Multiple Class 4 food vending machines may be notified as part of one premises application. * There are no Class 1 food premises under this category. |
| Section 23 food sampling | * Food Sampling App * June – December 2022 | * Council collected food samples that are registered through the App prior to submission to the laboratory. | * Food sample data collected by councils using paper-based records may not be reported through this system. * System is prone to data entry and system errors that may impact on the accuracy of the number of samples submitted. To improve accuracy, data cleaning and deduplication is required prior to analysis. |
| Enforcement tools | * Quarterly local council reports transmitted through XML files. * January – December 2022 | * Registered fixed food premises Class 1-3 that had operated during at least one quarter of the reporting year. * Class 4 premises are excluded due to minimal regulatory requirements: once-off, basic details registration, annual local council contact not required. | * XML files submissions have been processed through Power BI reporting application. * Due to a system limitation, the data for Benalla, Ararat and Hepburn council was manually entered. * Due to system transition some XML file has bypass the system validation process |
| Convictions | * Food Safety Register of Convictions | * Data provided by councils and related court records placed on the Food Safety Register of Convictions | * The register includes prosecutions brought by councils for offences under the Act or the Regulations where a conviction was recorded in 2020 and/or 2021. It does not include prosecutions where the outcome was:   + a finding of guilt but where no conviction was recorded   + a finding of not guilty, or where the charges were withdrawn or struck out. |
| Food recalls | * Food recall register * January – December 2022 | * Food recalls coordinated by FSANZ | * The data is maintained in an Excel-formatted register, managed by the department. |
| Anaphylaxis notification system | * Public Health Event Surveillance System * January – December 2022 | * Notified cases on anaphylaxis that presented to the hospital for treatment and are Classified as ‘confirmed’ | * Only notified cases presenting to the hospital for treatment are counted i.e. notified in-hospital anaphylaxis events are not counted. |
| Notifiable micro-organism in food notification system | * Public Health Event Surveillance System * January – December 2022 | * Notified food samples with a positive detection of a notifiable micro-organism | * The system also collects data to aid investigation and response such as, but not limited to, the following: negative food samples collected during an investigation, environmental food samples such as kitchen gadgets, carcass swabs or work bench. * Some laboratory reports with multiple but one type of sample (for example, chicken) with the same detected micro-organism are entered as one event in the database. |

## Appendix 2: Fixed food premises class 1–3 by local council and registration type

| Council | New | Renewed | Conditional | Pending | Total | Revoked or suspended |
| --- | --- | --- | --- | --- | --- | --- |
| Alpine Shire Council | 9 | 218 | 0 | 1 | **228** | **0** |
| Ararat Rural City Council | 0 | 139 | 0 | 0 | **139** | **0** |
| Banyule City Council | 14 | 766 | 7 | 0 | **787** | **0** |
| Bass Coast Shire Council | 5 | 424 | 0 | 0 | **429** | **0** |
| Baw Baw Shire Council | 5 | 467 | 1 | 0 | **473** | **0** |
| Bayside City Council | 14 | 714 | 0 | 0 | **728** | **0** |
| Benalla Rural City Council | 0 | 131 | 0 | 0 | **131** | **0** |
| Boroondara City Council | 34 | 1,296 | 1 | 0 | **1,331** | **0** |
| Borough of Queenscliffe | 0 | 69 | 1 | 0 | **70** | **0** |
| Brimbank City Council | 32 | 1,246 | 1 | 0 | **1,279** | **0** |
| Buloke Shire Council | 3 | 82 | 0 | 0 | **85** | **0** |
| Campaspe Shire Council | 58 | 336 | 1 | 1 | **396** | **0** |
| Cardinia Shire Council | 25 | 706 | 0 | 0 | **731** | **0** |
| Casey City Council | 44 | 1,772 | 0 | 0 | **1,816** | **0** |
| Central Goldfields Shire Council | 7 | 91 | 0 | 0 | **98** | **0** |
| City of Ballarat | 155 | 926 | 0 | 35 | **1,116** | **0** |
| Colac Otway Shire Council | 6 | 284 | 0 | 0 | **290** | **0** |
| Corangamite Shire Council | 50 | 270 | 3 | 0 | **323** | **0** |
| Darebin City Council | 33 | 1,228 | 0 | 0 | **1,261** | **0** |
| East Gippsland Shire Council | 7 | 527 | 0 | 2 | **536** | **0** |
| Frankston City Council | 8 | 625 | 1 | 265 | **899** | **4** |
| Gannawarra Shire Council | 5 | 111 | 0 | 0 | **116** | **0** |
| Glen Eira City Council | 31 | 1,081 | 1 | 0 | **1,113** | **0** |
| Glenelg Shire Council | 4 | 187 | 5 | 0 | **196** | **0** |
| Golden Plains Shire Council | 4 | 149 | 0 | 0 | **153** | **0** |
| Greater Bendigo City Council | 66 | 834 | 0 | 85 | **985** | **0** |
| Greater Dandenong City Council | 15 | 1,419 | 4 | 1 | **1,439** | **0** |
| Greater Geelong City Council | 1 | 2,165 | 0 | 50 | **2,216** | **0** |
| Greater Shepparton City Council | 7 | 13 | 0 | 521 | **541** | **0** |
| Hepburn Shire Council | 38 | 238 | 0 | 0 | **276** | **0** |
| Hindmarsh Shire Council | 0 | 141 | 0 | 0 | **141** | **0** |
| Hobsons Bay City Council | 17 | 753 | 0 | 0 | **770** | **0** |
| Horsham Rural City Council | 3 | 216 | 0 | 0 | **219** | **0** |
| Hume City Council | 35 | 1,543 | 0 | 0 | **1,578** | **0** |
| Indigo Shire Council | 5 | 289 | 0 | 0 | **294** | **0** |
| Kingston City Council | 24 | 1,454 | 1 | 0 | **1,479** | **0** |
| Knox City Council | 30 | 972 | 0 | 79 | **1,081** | **0** |
| Latrobe City Council | 10 | 585 | 0 | 0 | **595** | **3** |
| Loddon Shire Council | 4 | 129 | 0 | 0 | **133** | **0** |
| Macedon Ranges Shire Council | 18 | 415 | 0 | 0 | **433** | **0** |
| Manningham City Council | 25 | 471 | 0 | 287 | **783** | **0** |
| Mansfield Shire Council | 1 | 186 | 3 | 0 | **190** | **0** |
| Maribyrnong City Council | 17 | 1,000 | 0 | 0 | **1,017** | **0** |
| Maroondah City Council | 27 | 76 | 0 | 731 | **834** | **0** |
| Melbourne City Council | 589 | 1,866 | 0 | 1,458 | **3,913** | **0** |
| Melton City Council | 30 | 770 | 0 | 0 | **800** | **0** |
| Merri-bek City Council | 90 | 1,333 | 1 | 3 | **1,427** | **0** |
| Mildura Rural City Council | 17 | 556 | 0 | 3 | **576** | **0** |
| Mitchell Shire Council | 9 | 318 | 0 | 0 | **327** | **0** |
| Moira Shire Council | 5 | 183 | 0 | 0 | **188** | **0** |
| Monash City Council | 26 | 1,156 | 0 | 303 | **1,485** | **0** |
| Moonee Valley City Council | 25 | 919 | 0 | 0 | **944** | **0** |
| Moorabool Shire Council | 4 | 251 | 0 | 0 | **255** | **0** |
| Mount Alexander Shire Council | 136 | 1,152 | 16 | 0 | **1,304** | **0** |
| Mornington Peninsula Shire Council | 3 | 205 | 0 | 0 | **208** | **2** |
| Moyne Shire Council | 171 | 31 | 0 | 0 | **202** | **2** |
| Murrindindi Shire Council | 7 | 216 | 0 | 0 | **223** | **0** |
| Nillumbik Shire Council | 16 | 299 | 0 | 77 | **392** | **0** |
| Northern Grampians Shire Council | 26 | 142 | 0 | 1 | **169** | **0** |
| Port Phillip City Council | 35 | 1,166 | 0 | 0 | **1,201** | **0** |
| Pyrenees Shire Council | 4 | 90 | 0 | 0 | **94** | **0** |
| South Gippsland Shire Council | 0 | 350 | 0 | 13 | **363** | **0** |
| Southern Grampians Shire Council | 5 | 190 | 3 | 0 | **198** | **1** |
| Stonnington City Council | 35 | 1,285 | 1 | 0 | **1,321** | **0** |
| Strathbogie Shire Council | 1 | 127 | 1 | 0 | **129** | **0** |
| Surf Coast Shire | 11 | 404 | 2 | 0 | **417** | **0** |
| Swan Hill Rural City Council | 8 | 230 | 0 | 0 | **238** | **0** |
| Towong Shire Council | 6 | 79 | 0 | 0 | **85** | **0** |
| Wangaratta Rural City Council | 8 | 270 | 0 | 0 | **278** | **0** |
| Warrnambool City Council | 7 | 359 | 0 | 0 | **366** | **0** |
| Wellington Shire Council | 17 | 323 | 0 | 4 | **344** | **0** |
| West Wimmera Shire Council | 4 | 86 | 0 | 0 | **90** | **0** |
| Whitehorse City Council | 22 | 1,177 | 5 | 0 | **1,204** | **0** |
| Whittlesea City Council | 34 | 1,313 | 2 | 0 | **1,349** | **0** |
| Wodonga City Council | 7 | 277 | 1 | 0 | **285** | **0** |
| Wyndham City Council | 177 | 1,182 | 27 | 128 | **1,514** | **0** |
| Yarra City Council | 186 | 1,256 | 0 | 0 | **1,442** | **0** |
| Yarra Ranges Shire Council | 13 | 1,204 | 0 | 0 | **1,217** | **0** |
| Yarriambiack Shire Council | 3 | 93 | 0 | 0 | **96** | **0** |
| **Total** | **2,633** | **47,602** | **89** | **4,048** | **54,372** | **12** |

## Appendix 3: Fixed food premises by local council and classification

| Council | Class 1 | Class 2 | Class 3A | Class 3 | Class not stated | Total |
| --- | --- | --- | --- | --- | --- | --- |
| Alpine Shire Council | 8 | 164 | 0 | 56 | 0 | **228** |
| Ararat Rural City Council | 10 | 100 | 1 | 28 | 0 | **139** |
| Banyule City Council | 61 | 561 | 0 | 165 | 0 | **787** |
| Bass Coast Shire Council | 14 | 349 | 0 | 66 | 0 | **429** |
| Baw Baw Shire Council | 21 | 349 | 0 | 103 | 0 | **473** |
| Bayside City Council | 56 | 557 | 0 | 115 | 0 | **728** |
| Benalla Rural City Council | 8 | 97 | 0 | 26 | 0 | **131** |
| Boroondara City Council | 99 | 1,019 | 0 | 213 | 0 | **1,331** |
| Borough of Queenscliffe | 1 | 60 | 0 | 9 | 0 | **70** |
| Brimbank City Council | 70 | 936 | 0 | 273 | 0 | **1,279** |
| Buloke Shire Council | 6 | 48 | 0 | 31 | 0 | **85** |
| Campaspe Shire Council | 18 | 284 | 8 | 86 | 0 | **396** |
| Cardinia Shire Council | 52 | 498 | 0 | 181 | 0 | **731** |
| Casey City Council | 150 | 1,193 | 0 | 473 | 0 | **1,816** |
| Central Goldfields Shire Council | 9 | 73 | 0 | 16 | 0 | **98** |
| City of Ballarat | 71 | 826 | 3 | 216 | 0 | **1,116** |
| Colac Otway Shire Council | 9 | 231 | 0 | 50 | 0 | **290** |
| Corangamite Shire Council | 10 | 200 | 0 | 110 | 3 | **323** |
| Darebin City Council | 68 | 947 | 0 | 246 | 0 | **1,261** |
| East Gippsland Shire Council | 30 | 382 | 0 | 124 | 0 | **536** |
| Frankston City Council | 82 | 648 | 0 | 169 | 0 | **899** |
| Gannawarra Shire Council | 5 | 73 | 0 | 38 | 0 | **116** |
| Glen Eira City Council | 77 | 836 | 0 | 200 | 0 | **1,113** |
| Glenelg Shire Council | 9 | 150 | 0 | 37 | 0 | **196** |
| Golden Plains Shire Council | 5 | 115 | 0 | 33 | 0 | **153** |
| Greater Bendigo City Council | 52 | 737 | 2 | 194 | 0 | **985** |
| Greater Dandenong City Council | 74 | 951 | 0 | 414 | 0 | **1,439** |
| Greater Geelong City Council | 123 | 1,760 | 4 | 329 | 0 | **2,216** |
| Greater Shepparton City Council | 35 | 371 | 0 | 135 | 0 | **541** |
| Hepburn Shire Council | 7 | 180 | 17 | 72 | 0 | **276** |
| Hindmarsh Shire Council | 6 | 104 | 0 | 31 | 0 | **141** |
| Hobsons Bay City Council | 42 | 585 | 0 | 143 | 0 | **770** |
| Horsham Rural City Council | 8 | 158 | 0 | 53 | 0 | **219** |
| Hume City Council | 92 | 1,147 | 0 | 339 | 0 | **1,578** |
| Indigo Shire Council | 8 | 185 | 0 | 101 | 0 | **294** |
| Kingston City Council | 75 | 999 | 0 | 405 | 0 | **1,479** |
| Knox City Council | 78 | 707 | 0 | 296 | 0 | **1,081** |
| Latrobe City Council | 30 | 446 | 0 | 119 | 0 | **595** |
| Loddon Shire Council | 2 | 95 | 0 | 36 | 0 | **133** |
| Macedon Ranges Shire Council | 20 | 300 | 7 | 106 | 0 | **433** |
| Manningham City Council | 61 | 586 | 2 | 134 | 0 | **783** |
| Mansfield Shire Council | 4 | 129 | 0 | 57 | 0 | **190** |
| Maribyrnong City Council | 39 | 789 | 0 | 189 | 0 | **1,017** |
| Maroondah City Council | 66 | 564 | 2 | 202 | 0 | **834** |
| Melbourne City Council | 66 | 3,445 | 0 | 402 | 0 | **3,913** |
| Melton City Council | 63 | 581 | 0 | 156 | 0 | **800** |
| Merri-bek City Council | 74 | 1,067 | 0 | 286 | 0 | **1,427** |
| Mildura Rural City Council | 25 | 403 | 0 | 148 | 0 | **576** |
| Mitchell Shire Council | 16 | 256 | 0 | 55 | 0 | **327** |
| Moira Shire Council | 12 | 120 | 0 | 56 | 0 | **188** |
| Monash City Council | 98 | 1,048 | 0 | 339 | 0 | **1,485** |
| Moonee Valley City Council | 55 | 792 | 0 | 97 | 0 | **944** |
| Moorabool Shire Council | 12 | 182 | 0 | 61 | 0 | **255** |
| Mornington Peninsula Shire Council | 75 | 990 | 0 | 239 | 0 | **1,304** |
| Mount Alexander Shire Council | 6 | 137 | 0 | 65 | 0 | **208** |
| Moyne Shire Council | 3 | 133 | 2 | 64 | 0 | **202** |
| Murrindindi Shire Council | 6 | 138 | 0 | 79 | 0 | **223** |
| Nillumbik Shire Council | 27 | 269 | 1 | 95 | 0 | **392** |
| Northern Grampians Shire Council | 7 | 102 | 0 | 60 | 0 | **169** |
| Port Phillip City Council | 38 | 1,037 | 0 | 126 | 0 | **1,201** |
| Pyrenees Shire Council | 2 | 73 | 0 | 19 | 0 | **94** |
| South Gippsland Shire Council | 9 | 255 | 3 | 96 | 0 | **363** |
| Southern Grampians Shire Council | 6 | 146 | 0 | 46 | 0 | **198** |
| Stonnington City Council | 47 | 1,136 | 0 | 138 | 0 | **1,321** |
| Strathbogie Shire Council | 5 | 95 | 0 | 29 | 0 | **129** |
| Surf Coast Shire | 19 | 282 | 0 | 116 | 0 | **417** |
| Swan Hill Rural City Council | 13 | 146 | 14 | 65 | 0 | **238** |
| Towong Shire Council | 3 | 52 | 0 | 30 | 0 | **85** |
| Wangaratta Rural City Council | 14 | 187 | 0 | 77 | 0 | **278** |
| Warrnambool City Council | 16 | 284 | 0 | 66 | 0 | **366** |
| Wellington Shire Council | 12 | 273 | 4 | 55 | 0 | **344** |
| West Wimmera Shire Council | 2 | 63 | 0 | 25 | 0 | **90** |
| Whitehorse City Council | 91 | 915 | 0 | 198 | 0 | **1,204** |
| Whittlesea City Council | 90 | 961 | 0 | 298 | 0 | **1,349** |
| Wodonga City Council | 19 | 213 | 4 | 49 | 0 | **285** |
| Wyndham City Council | 117 | 1,059 | 0 | 338 | 0 | **1,514** |
| Yarra City Council | 47 | 1,187 | 2 | 206 | 0 | **1,442** |
| Yarra Ranges Shire Council | 51 | 899 | 0 | 267 | 0 | **1,217** |
| Yarriambiack Shire Council | 4 | 79 | 0 | 13 | 0 | **96** |
| **Total** | **2,921** | **40,494** | **76** | **10,878** | **3** | **54,372** |

## Appendix 4: Non-fixed food premises by local council, premises type and classification

| Council | Mobile  Other | | | | Mobile  Water transport | | Mobile  PrimeSafe | | Temporary | | | | | Vending machine | | | | Total |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Class 2 | Class 3 | Class 4 | Subtotal | Class 3 | Subtotal | Class 3 | Subtotal | Class 2 | Class 3A | Class 3 | Class 4 | Subtotal | Class 2 | Class 3 | Class 4 | Subtotal |
| Alpine Shire Council | 25 | 9 | 5 | 39 | 0 | 0 | 0 | 0 | 55 | 0 | 43 | 96 | 194 | 0 | 0 | 0 | 0 | 233 |
| Ararat Rural City Council | 12 | 4 | 2 | 18 | 3 | 3 | 0 | 0 | 20 | 0 | 17 | 32 | 69 | 0 | 0 | 0 | 0 | 90 |
| Banyule City Council | 28 | 10 | 15 | 53 | 4 | 4 | 0 | 0 | 75 | 0 | 81 | 748 | 904 | 0 | 0 | 2 | 2 | 963 |
| Bass Coast Shire Council | 31 | 10 | 9 | 50 | 0 | 0 | 0 | 0 | 34 | 1 | 40 | 257 | 332 | 0 | 0 | 1 | 1 | 383 |
| Baw Baw Shire Council | 21 | 18 | 17 | 56 | 9 | 9 | 5 | 5 | 54 | 0 | 68 | 388 | 510 | 0 | 0 | 1 | 1 | 581 |
| Bayside City Council | 22 | 12 | 5 | 39 | 0 | 0 | 0 | 0 | 69 | 0 | 66 | 462 | 597 | 0 | 0 | 0 | 0 | 636 |
| Benalla Rural City Council | 14 | 9 | 3 | 26 | 3 | 3 | 0 | 0 | 30 | 0 | 37 | 74 | 141 | 0 | 0 | 0 | 0 | 170 |
| Boroondara City Council | 11 | 7 | 13 | 31 | 0 | 0 | 0 | 0 | 79 | 0 | 93 | 915 | 1087 | 0 | 1 | 7 | 8 | 1126 |
| Borough of Queenscliffe | 4 | 0 | 1 | 5 | 0 | 0 | 0 | 0 | 10 | 0 | 5 | 20 | 35 | 0 | 0 | 0 | 0 | 40 |
| Brimbank City Council | 70 | 14 | 21 | 105 | 0 | 0 | 0 | 0 | 72 | 0 | 42 | 611 | 725 | 0 | 8 | 864 | 872 | 1702 |
| Buloke Shire Council | 8 | 7 | 3 | 18 | 0 | 0 | 0 | 0 | 19 | 0 | 17 | 45 | 81 | 0 | 0 | 0 | 0 | 99 |
| Campaspe Shire Council | 14 | 21 | 18 | 53 | 16 | 16 | 2 | 2 | 26 | 0 | 32 | 318 | 376 | 0 | 0 | 1 | 1 | 448 |
| Cardinia Shire Council | 60 | 8 | 25 | 93 | 9 | 9 | 3 | 3 | 50 | 1 | 74 | 807 | 932 | 0 | 0 | 2 | 2 | 1039 |
| Casey City Council | 124 | 33 | 58 | 215 | 0 | 0 | 1 | 1 | 131 | 0 | 72 | 1462 | 1665 | 0 | 2 | 59 | 61 | 1942 |
| Central Goldfields Shire Council | 12 | 4 | 3 | 19 | 6 | 6 | 2 | 2 | 12 | 0 | 16 | 100 | 128 | 0 | 0 | 0 | 0 | 155 |
| City of Ballarat | 44 | 22 | 35 | 101 | 3 | 3 | 0 | 0 | 101 | 1 | 95 | 713 | 910 | 0 | 0 | 36 | 36 | 1050 |
| Colac Otway Shire Council | 17 | 11 | 4 | 32 | 0 | 0 | 2 | 2 | 47 | 0 | 51 | 153 | 251 | 0 | 0 | 0 | 0 | 285 |
| Corangamite Shire Council | 7 | 15 | 3 | 25 | 3 | 3 | 1 | 1 | 19 | 1 | 41 | 115 | 176 | 0 | 0 | 0 | 0 | 205 |
| Darebin City Council | 89 | 26 | 12 | 127 | 0 | 0 | 1 | 1 | 131 | 0 | 123 | 567 | 821 | 0 | 0 | 2 | 2 | 951 |
| East Gippsland Shire Council | 53 | 20 | 10 | 83 | 8 | 8 | 8 | 8 | 77 | 0 | 76 | 195 | 348 | 0 | 0 | 1 | 1 | 448 |
| Frankston City Council | 36 | 14 | 11 | 61 | 0 | 0 | 1 | 1 | 46 | 0 | 53 | 560 | 659 | 0 | 3 | 7 | 10 | 731 |
| Gannawarra Shire Council | 8 | 3 | 3 | 14 | 6 | 6 | 0 | 0 | 30 | 0 | 31 | 62 | 123 | 0 | 0 | 0 | 0 | 143 |
| Glen Eira City Council | 17 | 9 | 9 | 35 | 0 | 0 | 0 | 0 | 63 | 0 | 52 | 493 | 608 | 0 | 0 | 3 | 3 | 646 |
| Glenelg Shire Council | 14 | 4 | 3 | 21 | 4 | 4 | 0 | 0 | 17 | 0 | 24 | 79 | 120 | 0 | 1 | 0 | 1 | 146 |
| Golden Plains Shire Council | 17 | 10 | 5 | 32 | 4 | 4 | 1 | 1 | 32 | 1 | 31 | 94 | 158 | 0 | 0 | 0 | 0 | 195 |
| Greater Bendigo City Council | 65 | 39 | 40 | 144 | 23 | 23 | 0 | 0 | 73 | 0 | 91 | 1124 | 1288 | 0 | 0 | 255 | 255 | 1710 |
| Greater Dandenong City Council | 35 | 15 | 11 | 61 | 0 | 0 | 0 | 0 | 103 | 0 | 74 | 513 | 690 | 0 | 9 | 4 | 13 | 764 |
| Greater Geelong City Council | 102 | 53 | 21 | 176 | 0 | 0 | 1 | 1 | 70 | 0 | 104 | 334 | 508 | 0 | 0 | 6 | 6 | 691 |
| Greater Shepparton City Council | 29 | 18 | 21 | 68 | 9 | 9 | 3 | 3 | 60 | 0 | 44 | 456 | 560 | 0 | 0 | 0 | 0 | 640 |
| Hepburn Shire Council | 16 | 11 | 12 | 39 | 2 | 2 | 5 | 5 | 47 | 0 | 83 | 264 | 394 | 0 | 0 | 0 | 0 | 440 |
| Hindmarsh Shire Council | 6 | 4 | 0 | 10 | 0 | 0 | 1 | 1 | 44 | 0 | 38 | 23 | 105 | 0 | 0 | 0 | 0 | 116 |
| Hobsons Bay City Council | 20 | 23 | 12 | 55 | 0 | 0 | 0 | 0 | 44 | 1 | 34 | 389 | 468 | 0 | 0 | 0 | 0 | 523 |
| Horsham Rural City Council | 13 | 6 |  | 19 | 2 | 2 | 0 | 0 | 20 | 0 | 15 | 131 | 166 | 0 | 0 | 1 | 1 | 188 |
| Hume City Council | 183 | 14 | 35 | 232 | 11 | 11 | 0 | 0 | 133 | 0 | 105 | 1048 | 1286 | 3 | 0 | 6 | 9 | 1538 |
| Indigo Shire Council | 23 | 7 | 14 | 44 | 3 | 3 | 3 | 3 | 93 | 4 | 89 | 219 | 405 | 0 | 0 | 0 | 0 | 455 |
| Kingston City Council | 93 | 27 | 17 | 137 | 2 | 2 | 1 | 1 | 113 | 0 | 162 | 1043 | 1318 | 0 | 0 | 3414 | 3414 | 4872 |
| Knox City Council | 49 | 117 | 14 | 180 | 0 | 0 | 0 | 0 | 48 | 0 | 56 | 836 | 940 | 0 | 10 | 5 | 15 | 1135 |
| Latrobe City Council | 31 | 14 | 9 | 54 | 0 | 0 | 7 | 7 | 91 | 0 | 88 | 349 | 528 | 0 | 0 | 0 | 0 | 589 |
| Loddon Shire Council | 6 | 1 | 1 | 8 | 2 | 2 | 0 | 0 | 26 | 0 | 11 | 69 | 106 | 0 | 0 | 0 | 0 | 116 |
| Macedon Ranges Shire Council | 24 | 19 | 11 | 54 | 8 | 8 | 0 | 0 | 83 | 0 | 101 | 370 | 554 | 0 | 0 | 1 | 1 | 617 |
| Manningham City Council | 23 | 5 | 8 | 36 | 0 | 0 | 0 | 0 | 47 | 1 | 51 | 173 | 272 | 0 | 0 | 0 | 0 | 308 |
| Mansfield Shire Council | 21 | 12 | 5 | 38 | 9 | 9 | 0 | 0 | 28 | 0 | 36 | 68 | 132 | 0 | 0 | 0 | 0 | 179 |
| Maribyrnong City Council | 22 | 5 | 10 | 37 | 0 | 0 | 0 | 0 | 60 | 0 | 44 | 449 | 553 | 0 | 0 | 23 | 23 | 613 |
| Maroondah City Council | 22 | 5 | 3 | 30 | 0 | 0 | 0 | 0 | 44 | 0 | 42 | 259 | 345 | 0 | 1 | 1 | 2 | 377 |
| Melbourne City Council | 87 | 21 | 16 | 124 | 0 | 0 | 2 | 2 | 512 | 0 | 463 | 1725 | 2700 | 0 | 5 | 7 | 12 | 2838 |
| Melton City Council | 105 | 32 | 14 | 151 | 2 | 2 | 0 | 0 | 67 | 0 | 79 | 582 | 728 | 0 | 1 | 14 | 15 | 896 |
| Merri-bek City Council | 68 | 16 | 20 | 104 | 1 | 1 | 2 | 2 | 138 | 0 | 96 | 788 | 1022 | 0 | 0 | 2 | 2 | 1131 |
| Mildura Rural City Council | 56 | 14 | 32 | 102 | 1 | 1 | 0 | 0 | 64 | 0 | 59 | 654 | 777 | 0 | 0 | 67 | 67 | 947 |
| Mitchell Shire Council | 35 | 9 | 7 | 51 | 14 | 14 | 6 | 6 | 36 | 0 | 57 | 317 | 410 | 0 | 0 | 21 | 21 | 502 |
| Moira Shire Council | 23 | 10 | 12 | 45 | 9 | 9 | 1 | 1 | 53 | 0 | 46 | 187 | 286 | 0 | 0 | 0 | 0 | 341 |
| Monash City Council | 32 | 12 | 21 | 65 | 1 | 1 | 0 | 0 | 106 | 0 | 102 | 1110 | 1318 | 0 | 1 | 22 | 23 | 1407 |
| Moonee Valley City Council | 27 | 6 | 9 | 42 | 0 | 0 | 0 | 0 | 85 | 0 | 66 | 384 | 535 | 0 | 0 | 29 | 29 | 606 |
| Moorabool Shire Council | 31 | 7 | 13 | 51 | 4 | 4 | 1 | 1 | 23 | 0 | 30 | 179 | 232 | 0 | 0 | 1 | 1 | 289 |
| Mornington Peninsula Shire Council | 56 | 28 | 7 | 91 | 10 | 10 | 4 | 4 | 105 | 0 | 179 | 546 | 830 | 0 | 0 | 3 | 3 | 938 |
| Mount Alexander Shire Council | 13 | 9 | 10 | 32 | 4 | 4 | 1 | 1 | 66 | 0 | 73 | 224 | 363 | 0 | 0 | 0 | 0 | 400 |
| Moyne Shire Council | 14 | 15 | 9 | 38 | 0 | 0 | 2 | 2 | 75 | 0 | 71 | 114 | 260 | 0 | 2 | 0 | 2 | 302 |
| Murrindindi Shire Council | 16 | 9 | 8 | 33 | 17 | 17 | 4 | 4 | 58 | 0 | 86 | 227 | 371 | 0 | 0 | 0 | 0 | 425 |
| Nillumbik Shire Council | 15 | 14 | 5 | 34 | 1 | 1 | 0 | 0 | 39 | 0 | 73 | 599 | 711 | 0 | 0 | 0 | 0 | 746 |
| Northern Grampians Shire Council | 7 | 5 | 2 | 14 | 1 | 1 | 1 | 1 | 42 | 0 | 24 | 66 | 132 | 0 | 0 | 5 | 5 | 153 |
| Port Phillip City Council | 55 | 16 | 27 | 98 | 0 | 0 | 0 | 0 | 135 | 0 | 83 | 632 | 850 | 0 | 0 | 3 | 3 | 951 |
| Pyrenees Shire Council | 3 | 0 | 3 | 6 | 7 | 7 | 1 | 1 | 15 | 0 | 12 | 109 | 136 | 0 | 0 | 2 | 2 | 152 |
| South Gippsland Shire Council | 15 | 13 | 5 | 33 | 4 | 4 | 8 | 8 | 89 | 0 | 101 | 275 | 465 | 0 | 0 | 1 | 1 | 511 |
| Southern Grampians Shire Council | 6 | 3 | 10 | 19 | 1 | 1 | 0 | 0 | 51 | 0 | 36 | 121 | 208 | 0 | 0 | 0 | 0 | 228 |
| Stonnington City Council | 19 | 6 | 9 | 34 | 0 | 0 | 2 | 2 | 131 | 0 | 55 | 342 | 528 | 0 | 0 | 0 | 0 | 564 |
| Strathbogie Shire Council | 15 | 11 | 6 | 32 | 2 | 2 | 0 | 0 | 48 | 0 | 67 | 130 | 245 | 0 | 0 | 0 | 0 | 279 |
| Surf Coast Shire | 40 | 6 | 15 | 61 | 3 | 3 | 5 | 5 | 50 | 1 | 64 | 260 | 375 | 0 | 0 | 1 | 1 | 445 |
| Swan Hill Rural City Council | 16 | 13 | 7 | 36 | 10 | 10 | 2 | 2 | 41 | 0 | 29 | 278 | 348 | 0 | 0 | 3 | 3 | 399 |
| Towong Shire Council | 9 | 3 | 7 | 19 | 3 | 3 | 0 | 0 | 23 | 0 | 38 | 84 | 145 | 0 | 0 | 0 | 0 | 167 |
| Wangaratta Rural City Council | 35 | 16 | 22 | 73 | 2 | 2 | 0 | 0 | 50 | 0 | 73 | 246 | 369 | 0 | 1 | 0 | 1 | 445 |
| Warrnambool City Council | 31 | 20 | 3 | 54 | 11 | 11 | 1 | 1 | 72 | 0 | 44 | 352 | 468 | 0 | 0 | 0 | 0 | 534 |
| Wellington Shire Council | 36 | 7 | 10 | 53 | 11 | 11 | 8 | 8 | 70 | 0 | 71 | 424 | 565 | 0 | 0 | 0 | 0 | 637 |
| West Wimmera Shire Council | 10 | 5 | 0 | 15 | 0 | 0 | 0 | 0 | 21 | 0 | 15 | 48 | 84 | 0 | 0 | 1 | 1 | 100 |
| Whitehorse City Council | 10 | 2 | 7 | 19 | 1 | 1 | 0 | 0 | 52 | 0 | 52 | 704 | 808 | 0 | 0 | 75 | 75 | 903 |
| Whittlesea City Council | 68 | 27 | 24 | 119 | 1 | 1 | 4 | 4 | 91 | 0 | 116 | 719 | 926 | 0 | 8 | 15 | 23 | 1073 |
| Wodonga City Council | 40 | 10 | 6 | 56 | 1 | 1 | 4 | 4 | 51 | 0 | 35 | 209 | 295 | 0 | 0 | 0 | 0 | 356 |
| Wyndham City Council | 142 | 14 | 14 | 170 | 0 | 0 | 0 | 0 | 161 | 0 | 144 | 438 | 743 | 0 | 0 | 3 | 3 | 916 |
| Yarra City Council | 14 | 5 | 6 | 25 | 0 | 0 | 0 | 0 | 91 | 0 | 73 | 435 | 599 | 0 | 16 | 0 | 16 | 640 |
| Yarra Ranges Shire Council | 79 | 18 | 27 | 124 | 7 | 7 | 5 | 5 | 94 | 0 | 122 | 672 | 888 | 0 | 2 | 1 | 3 | 1027 |
| Yarriambiack Shire Council | 18 | 2 | 4 | 24 | 0 | 0 | 0 | 0 | 41 | 0 | 25 | 74 | 140 | 0 | 0 | 1 | 1 | 165 |
| Grand Total | 2787 | 1099 | 934 | 4820 | 278 | 278 | 112 | 112 | 5372 | 12 | 5307 | 31737 | 42428 | 3 | 71 | 4979 | 5053 | 52691 |

## Appendix 5: Enforcement actions by local council and fixed premises class 1–3

| Council | General enforcement action[[44]](#footnote-45) | | | | Infringement notice | | | Total |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Class 1 | Class 2 | Class 3 | Subtotal | Class 2 | Class 3 | Subtotal |
| Alpine Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Ararat Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Banyule City Council | 0 | 5 | 0 | 5 | 0 | 0 | 0 | **5** |
| Bass Coast Shire Council | 0 | 17 | 0 | 17 | 1 | 0 | 1 | **17** |
| Baw Baw Shire Council | 0 | 2 | 0 | 2 | 1 | 0 | 1 | **2** |
| Bayside City Council | 0 | 2 | 0 | 2 | 5 | 0 | 5 | **2** |
| Benalla Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Boroondara City Council | 4 | 146 | 15 | 165 | 19 | 0 | 19 | **165** |
| Borough of Queenscliffe | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Brimbank City Council | 0 | 15 | 6 | 21 | 11 | 1 | 12 | **22** |
| Buloke Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Campaspe Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Cardinia Shire Council | 0 | 2 | 0 | 2 | 1 | 0 | 1 | **2** |
| Casey City Council | 0 | 4 | 0 | 4 | 13 | 1 | 14 | **5** |
| Central Goldfields Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| City of Ballarat | 3 | 19 | 2 | 24 | 0 | 0 | 0 | **24** |
| Colac Otway Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Corangamite Shire Council | 0 | 0 |  | 0 | 0 | 0 | 0 | **0** |
| Darebin City Council | 0 | 13 | 0 | 13 | 5 | 0 | 5 | **13** |
| East Gippsland Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Frankston City Council | 1 | 12 | 0 | 13 | 4 | 1 | 5 | **14** |
| Gannawarra Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Glen Eira City Council | 0 | 6 | 0 | 6 | 1 | 0 | 1 | **6** |
| Glenelg Shire Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | **1** |
| Golden Plains Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Greater Bendigo City Council | 0 | 4 | 0 | 4 | 0 | 0 | 0 | **4** |
| Greater Dandenong City Council | 8 | 92 | 13 | 113 | 0 | 0 | 0 | **113** |
| Greater Geelong City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Greater Shepparton City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Hepburn Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Hindmarsh Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Hobsons Bay City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Horsham Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Hume City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Indigo Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Kingston City Council | 0 | 4 | 0 | 4 | 1 | 0 | 1 | **4** |
| Knox City Council | 2 | 27 | 0 | 29 | 1 | 0 | 1 | **29** |
| Latrobe City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Loddon Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Macedon Ranges Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Manningham City Council | 0 | 21 | 1 | 22 | 13 | 0 | 13 | **22** |
| Mansfield Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Maribyrnong City Council | 10 | 93 | 5 | 108 | 24 | 1 | 25 | **109** |
| Maroondah City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Melbourne City Council | 0 | 33 | 0 | 33 | 0 | 0 | 0 | **33** |
| Melton City Council | 0 | 5 |  | 5 | 3 | 1 | 4 | **6** |
| Merri-bek City Council | 0 | 2 | 0 | 2 | 0 | 0 | 0 | **2** |
| Mildura Rural City Council | 2 | 4 | 0 | 6 | 0 | 0 | 0 | **6** |
| Mitchell Shire Council | 0 | 7 | 0 | 7 | 3 | 0 | 3 | **7** |
| Moira Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Monash City Council | 0 | 4 | 4 | 8 | 4 | 0 | 4 | **8** |
| Moonee Valley City Council | 0 | 4 | 0 | 4 | 0 | 0 | 0 | **4** |
| Moorabool Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Mount Alexander Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Mornington Peninsula Shire Council | 1 | 6 | 0 | 7 | 0 | 0 | 0 | **7** |
| Moyne Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Murrindindi Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Nillumbik Shire Council | 0 | 4 | 0 | 4 | 0 | 0 | 0 | **4** |
| Northern Grampians Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Port Phillip City Council | 1 | 40 | 1 | 42 | 0 | 0 | 0 | **42** |
| Pyrenees Shire Council | 0 | 0 | 0 | 0 | 1 | 0 | 1 | **0** |
| South Gippsland Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Southern Grampians Shire Council | 0 | 5 | 0 | 5 | 0 | 0 | 0 | **5** |
| Stonnington City Council | 0 | 19 | 0 | 19 | 5 | 0 | 5 | **19** |
| Strathbogie Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Surf Coast Shire | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Swan Hill Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Towong Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Wangaratta Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Warrnambool City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Wellington Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| West Wimmera Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Whitehorse City Council | 0 | 6 | 0 | 6 | 10 | 2 | 12 | **8** |
| Whittlesea City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Wodonga City Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | **1** |
| Wyndham City Council | 2 | 43 | 16 | 61 | 5 | 0 | 5 | **61** |
| Yarra City Council | 0 | 5 | 0 | 5 | 1 | 0 | 1 | **5** |
| Yarra Ranges Shire Council | 0 | 5 | 0 | 5 | 3 | 0 | 3 | **5** |
| Yarriambiack Shire Council |  | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| **Total** | **34** | **676** | **63** | **773** | **135** | **7** | **142** | **915** |

## Appendix 6: Offences under the Act that resulted in a conviction, by type of offence

In the following table there may be more than one:

* offence per convicted party
* convicted party per premises.

| Offence | No. of recorded |
| --- | --- |
| **S. 11(1) – handling and sale of unsafe food** | |
| Did handle food intended for sale in a manner that will render, or is likely to render, it unsafe. | 11 |
| **S. 11(2) – handling and sale of unsafe food** | |
| Did sell food that is unsafe | 1 |
| **S. 16(1) – Failure to comply with the Food Standards Code** |  |
| Standard 3.2.2, clause 3(1)(a) – food handling – skills and knowledge: Fail to ensure persons undertaking or supervising food handling operations have skills in, food safety and food hygiene matters. | 11 |
| Standard 3.2.2, clause 3(1)(b) – food handling – skills and knowledge: Fail to ensure that persons undertaking or supervising food handling operations have knowledge of food safety and food hygiene matters commensurate with their work activities | 11 |
| Standard 3.2.2, clause 6(1)(a) – food storage: Fail to store food in such a way that it is protected from the likelihood of contamination. | 11 |
| Standard 3.2.2, clause 6(1)(b) – food storage: Fail to store food in such a way that the environmental conditions under which it is stored will not adversely affect the safety and suitability of the food. | 10 |
| Standard 3.2.2, clause 6(2)(a) – food storage: When storing potentially hazardous food, fail to store it under temperature control. | 5 |
| Standard 3.2.2, clause 7(1)(a) – food processing: Fail to take all practicable measures to process only safe and suitable food. | 11 |
| Standard 3.2.2, clause 7(1)(b)(i) – food processing: Fail, when processing food, to take all necessary steps to prevent the likelihood of food being contaminated. | 11 |
| Standard 3.2.2, clause 8(4) – food display: Fail to not display food for sale on any counter or bar, ready-to-eat food that is not intended for self-service unless it is enclosed, contained or wrapped so that the food is protected form likely contamination. | 1 |
| Standard 3.2.2, clause 8(5) – food display: Fail, when displaying potentially hazardous food to display it under temperature control; and if it is food that is intended to be displayed frozen, ensure the food remains frozen when displayed. | 1 |
| Standard 3.2.2, clause 8(5)(a) – food display: Fail, when displaying potentially hazardous food, to display it under temperature control. | 2 |
| Standard 3.2.2, clause 13 – General requirement: Fail to take all reasonable measures not to handle food or surfaces likely to come into contact with food in a way that is likely to compromise the safety and suitability of food. | 1 |
| Standard 3.2.2, clause 15(1)(e) – hygiene of food handlers: When engaging in any food handling operation, a food handler did fail to not eat over unprotected food or surfaces likely to come into contact with food. | 1 |
| Standard 3.2.2, clause 15(3(a)) – hygiene of food handlers: A food handler did fail, when engaging in a food handling operation that involves unprotected food or surfaces likely to come into contact with food, to wash his or her hands in accordance with subclause (4) before commencing or re-commencing handling food. | 1 |
| Standard 3.2.2, clause 17(1)(a)(b)(d) – hand washing facilities: Fail to maintain easily accessible hand washing facilities; at or near each hand washing facility, a supply of warm running water, and soap, or other items that may be used to thoroughly clean hands; and provide, at or near each hand washing facility single use towels or other means of effectively drying hands that are not likely to transfer pathogenic microorganisms to the hands, and a container for used towels, if needed. | 1 |
| Standard 3.2.2, clause 17(1)(b)(ii) – hand washing facilities: Fail to maintain at or near each hand wash facility, a supply of soap. | 6 |
| Standard 3.2.2, clause 17(1)(d)(i) – hand washing facilities: Fail to provide at or near each hand wash facility, single use towels or other means of effectively drying hands that are not likely to transfer pathogenic microorganisms to the hands. | 7 |
| Standard 3.2.2, clause 19(1) – cleanliness: Fail to maintain the food premises to a standard of cleanliness where there is no accumulation of garbage, except in garbage containers; recycled matter, except in containers; food waste; dirt; grease; or other visible matter. | 11 |
| Standard 3.2.2, clause 19(2) – cleanliness: Fail to maintain all fixtures, fittings and equipment, having regard to its use, and those parts of vehicles that are used to transport food, and other items provided by the business to purchasers to transport food, to a standard of cleanliness where there is no accumulation of food waste, dirt, grease or other visible matter. | 14 |
| Standard 3.2.2, clause 20(1) – cleaning and sanitising of specific equipment: Fail to ensure the following equipment is in a clean and sanitary condition in the circumstances set out as follows - eating and drinking utensils immediately before use; and the food contact surfaces of equipment whenever food that will come into contact with the surface is likely to be contaminated. | 1 |
| Standard 3.2.2, clause 20(1)(a) – cleaning and sanitising of specific equipment: Fail to ensure the following equipment is in a clean and sanitary condition in the circumstances set out as follows - eating and drinking utensils immediately before use. | 1 |
| Standard 3.2.2, clause 20(1)(b) – cleaning and sanitising of specific equipment: Fail to ensure the following equipment is in a clean and sanitary condition in the circumstances set out as follows - the food contact surfaces of equipment whenever food that will come into contact with the surface is likely to be contaminated. | 11 |
| Standard 3.2.2, clause 20(2)(a) – cleaning and sanitising of specific equipment: Fail to maintain a clean and sanitary condition in relation to a surface or utensil where it is clean. | 1 |
| Standard 3.2.2, clause 21(1) – maintenance: Fail to maintain food premises and all fixtures, fittings and equipment, having regard to their use, and those parts of vehicles that are used to transport food, and other items provided by the business to purchasers to transport food, in a good state of repair and working order having regard to their use. | 5 |
| Standard 3.2.2, clause 22(a) – temperature measuring devices: Fail, at a food premises where potentially hazardous food is handled, to have temperature measuring device that is readily accessible. | 4 |
| Standard 3.2.2, clause 23(b)(i) – single use items: In relation to single use items that are intended to come into contact with food or the mouth of a person, did fail to take all practicable measures to protect them from the likelihood of contamination until use. | 1 |
| Standard 3.2.2, clause 23(b)(ii) – single use items: In relation to single use items that are intended to come into contact with food or the mouth of a person, did fail to not reuse such items. | 10 |
| Standard 3.2.2, clause 24(1)(b) – animals and pests: Fail to take all practicable measures to prevent pests entering the food premises. | 9 |
| Standard 3.2.2, clause 24(1)(c) – animals and pests: Fail to take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food. | 9 |
| Standard 3.2.3, clause 5(a) – sewage and waste water disposal: Fail to ensure that the food premises has a sewage and waste water disposal system that will effectively dispose of all sewage and waste water. | 11 |
| Standard 3.2.3, clause 5(b) – sewage and waste water disposal: Fail to have a sewage and waste water disposal system that is constructed and located so that there is no likelihood of the sewage and waste water polluting the water supply or contaminating food. | 10 |
| Standard 3.2.3, clause 6(a) – storage of garbage and recyclable matter: Fail to ensure that the food premises has facilities for the storage of garbage and recyclable matter that adequately contain the volume and types of garbage and recyclable matter on the food premises. | 11 |
| Standard 3.2.3, clause 10(2)(a) – floors: Subject to clause (3), fail to ensure floors are able to be effectively cleaned. | 1 |
| Standard 3.2.3, clauses 11(3)(b) – walls and ceilings: Fail to ensure that walls and ceilings be unable to absorb grease, food particles or water. | 1 |
| Standard 3.2.3, clause 12(1)(a) – general requirements: Fail to ensure fixtures, fittings and equipment are adequate for the production of safe and suitable food. | 1 |
| Standard 3.2.3, clause 12(1)(b) – general requirements: Fail to ensure fixtures, fittings and equipment are fit for their intended use. | 1 |
| Standard 3.2.3, clause 12(2)(a) – general requirements: Fail to ensure fixtures and fittings be designed, constructed, located and installed, and equipment be designed, constructed, located and, if necessary, installed, so that there is no likelihood that they will cause food contamination. | 11 |
| Standard 3.2.3, clause 12(2)(b) – general requirements: Fail to ensure that fixtures and fittings are designed, constructed, located and installed, and equipment must be designed, constructed, located and, if necessary, installed so that they are able to be easily and effectively cleaned. | 1 |
| Standard 3.2.3, clause 12(2)(d) – general requirements: Fail to ensure fixtures and fittings be designed, constructed, located and installed, and equipment be designed, constructed, located and, if necessary, installed, so that, to the extent that is practicable, they do not provide harbourage for pests. | 1 |
| Standard 3.2.3, clause 12(3)(a) – general requirements: Fail to ensure that the food contact surfaces of fixtures, fittings and equipment are able to be easily and effectively cleaned and, if necessary, sanitised if there is a likelihood that they will cause food contamination. | 1 |
| Standard 3.2.3, clause 15(1) – storage facilities: Fail to ensure food premises have adequate storage facilities for the storage of items that are likely to be the source of contamination of food, including chemicals, clothing and personal belongings. | 11 |
| **S. 19(7) – orders relating to food vending machines and other equipment** | |
| Did contravene an order made under this section by the relevant authority. | 29 |
| **S. 19CB(6) – minimum record keeping** | |
| Fail to ensure that required minimum records are kept at the premises to which they relate. | 14 |
| **S. 19F – food safety program must be kept at premises** | |
| Fail to ensure that a required food safety program is kept at the premises to which it relates. | 12 |
| **S. 35A(1)(a) – requirement to be registered or to notify registration authority** | |
| Did operate a food business from a food premises that is not registered with the registration authority. | 2 |

## Appendix 7: Budget paper No. 3 – service delivery

| Measure name | Frequency | Measure | Target | Result |
| --- | --- | --- | --- | --- |
| Calls to food safety hotlines that are answered | Annually | Quality | 97% | 98.2% |
| Comments on proposals and applications to amend the ANZ Food Standards Code are provided within timeframes specified by FSANZ | Quarterly | Timeliness | 100% | 100% |
| Percentage of food recalls acted upon within 24 hours of notification | Quarterly | Timeliness | 97% | 100% |

1. Section 7C of the *Food Act 1984* stipulates the data that the department is required to publish in a Food Act annual report. [↑](#footnote-ref-2)
2. Section 32 of the Food Act requires mandatory sampling of food across the state. [↑](#footnote-ref-3)
3. Tables and figures presented are in Victoria from January to December 2023, unless otherwise indicated. [Appendix 2](#_Appendix_2:_Data) outlines the sources and specifications of the data used in this report. [↑](#footnote-ref-4)
4. For further information on the food safety regulatory system, visit [Health.vic](file:///C:/Users/lmul0402/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/WJ1M07LW/Health.vic) at <https://www.health.vic.gov.au/food-safety/food-regulation>. [↑](#footnote-ref-5)
5. PrimeSafe is responsible for the regulation of the sale of meat and seafood in Victoria under the *Meat Industry Act 1993* and the *Seafood Safety Act 2003,* respectively. More information on [PrimeSafe](https://www.primesafe.vic.gov.au/) is available at <https://www.primesafe.vic.gov.au/>. [↑](#footnote-ref-6)
6. DFSV is responsible for the regulation of the sale of dairy products in Victoria under the *Dairy Act 2000*. More information on [DFSV](file:///C:/Users/lmul0402/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/WJ1M07LW/DFSV) is available at <https://www.dairysafe.vic.gov.au/>. [↑](#footnote-ref-7)
7. Except those regulated by PrimeSafe or DFSV. [↑](#footnote-ref-8)
8. Private drinking water carters are private businesses that deliver water for sale to the public that is intended for human consumption, or purposes connected with human consumption (such as making ice or food preparation). Water transport vehicles are legally obligated to ensure the water they supply is protected from contamination and are classified as class 3 food premises for the purposes of the Food Act. For more information visit [Health.vic](ttps://www.health.vic.gov.au/food-safety/private-drinking-water-carters) at <https://www.health.vic.gov.au/food-safety/private-drinking-water-carters>. [↑](#footnote-ref-9)
9. For detailed information on the regulatory changes during 2022, visit [Health.vic](https://www.health.vic.gov.au/food-safety/changes-to-food-business-classifications-and-regulations) at <https://www.health.vic.gov.au/food-safety/changes-to-food-business-classifications-and-regulations>. [↑](#footnote-ref-10)
10. Class 4 fixed premises data is not provided by all local councils and is therefore excluded from this report. Any Class 4 data presented in this report pertains exclusively to non-fixed food premises. [↑](#footnote-ref-11)
11. This does not include premises that are in a status of revoked, suspended, refusal of renewal, or closed as of 31 December 2022. [↑](#footnote-ref-12)
12. See Table 2 above for class descriptions. [↑](#footnote-ref-13)
13. This figure is 25% higher than fixed premises registration data reported in 2021 (43,430 fixed food premises) due to an improvement in the method of calculating premises numbers in the 2022 reporting process, and the additional inclusion of ‘pending registration’ data. [↑](#footnote-ref-14)
14. 2022 fixed premises data is available at [**Appendices 2**](#_Appendix_2:_Fixed) and [**3**](#_Appendix_3:_Fixed). All fixed premises data relates to registrations only (for example, for premises classified as Class 1, 2, 3 or 3A). Due to the lower risk of food handling activity and exemption from the requirement to register, local councils may record limited details on Class 4 premises. The number of Class 4 fixed food premises actively trading in Victoria in any year is therefore unknown, and further data on Class 4 fixed food premises are excluded from this report. [↑](#footnote-ref-15)
15. **Conditional registration** is a type of registration that is granted but has specific conditions placed on it by the registering local council, in accordance with Part 6 of the Food Act.

    **Pending registration** refers to a registration that is waiting for renewal by local council. From 2022, pending registration premises data will be included in reporting, as these food businesses continue to operate while approval of their registration renewal is pending. [↑](#footnote-ref-16)
16. Meat retailers must register with PrimeSafe. Where they sell meat from mobile vehicles, they must also notify their registering local council under the Food Act. PrimeSafe premises are classified as Class 3 premises under the Food Act. [↑](#footnote-ref-17)
17. Section 32 of the Food Act requires each Victorian local council to submit food samples taken from their local area for laboratory analysis. Section 32A of the Act gives powers to the Secretary of the department to specify the sampling requirements for each local council by way of a declaration. The declaration can include requirements such as completing sampling within a specific timeframe or taking samples of a specific food type. [↑](#footnote-ref-18)
18. An updated version of the App was launched to extend its use to most iOS and Android devices, allowing more consistent use of the App across local councils and providing improved sampling data. [↑](#footnote-ref-19)
19. For more information on [2022 Food sampling requirements under section 32A](https://www.gazette.vic.gov.au/gazette/Gazettes2021/GG2021G050.pdf#page=25>.) of the Food Act is available at <https://www.gazette.vic.gov.au/gazette/Gazettes2021/GG2021G050.pdf#page=25>. [↑](#footnote-ref-20)
20. Fifteen local councils were unavailable to provide data. This may have been due to their continued use of paper-based test recording, incompatibilities between laboratory data systems and the updated version of the App, staff shortages or movement restrictions related to the COVID-19 pandemic that limited local councils’ ability to collect and/or submit samples. [↑](#footnote-ref-21)
21. Refers to an investigation related to a complaint, or a case, cluster or outbreak of a foodborne illness. [↑](#footnote-ref-22)
22. A single food sample may be tested for multiple hazards. No test type data was recorded against 130 (4%) samples. This is attributable to the data field not being mandatory for laboratory completion at the time of testing. [↑](#footnote-ref-23)
23. These are statewide and can include the assistance of local councils through section 32 of the Food Act sampling or can be rolled out directly by the department. [↑](#footnote-ref-24)
24. For example, sampling to check the health claims made on food labels or to monitor the accuracy of kilojoule labelling provided on menu boards in fast food restaurants. [↑](#footnote-ref-25)
25. For example, sampling to gain whole genome sequencing of salmonella isolates or sampling to measure the alcohol content of brewed soft drinks. [↑](#footnote-ref-26)
26. For more information visit [FSANZ](https://www.foodstandards.gov.au/science-data/surveillance/Antimicrobial-resistance-surveillance-in-retail-food) at <https://www.foodstandards.gov.au/science-data/surveillance/Antimicrobial-resistance-surveillance-in-retail-food>. [↑](#footnote-ref-27)
27. For further information about Food safety, enforcement and penalties [Health.vic](https://www.health.vic.gov.au/food-safety/food-safety-enforcement-and-penalties) at <https://www.health.vic.gov.au/food-safety/food-safety-enforcement-and-penalties>. [↑](#footnote-ref-28)
28. Refer to Schedule 1 of the Food Act to view the full list of infringement notice at [[Victorian](https://dhhsvicgovau.sharepoint.com/sites/RegulatoryServices-GRP-PerformanceandCapability/Shared%20Documents/Performance%20and%20Capability/Food%20Act%20Reports/2022%20Food%20Act%20Report/Annual%20report%20under%20review/Victorian) legislation](https://www.legislation.vic.gov.au/) <<https://www.legislation.vic.gov.au/>> . [↑](#footnote-ref-29)
29. These figures underestimate the actual number of notices issued state-wide. Not all local councils routinely report infringement notice data to the department. A full breakdown of infringement notices by local council can be found at [Appendix 5](#_Appendix_5:_Enforcement). [↑](#footnote-ref-30)
30. A full breakdown of general enforcement actions by local council can be found at [Appendix 5](#_Appendix_5:_Enforcement). [↑](#footnote-ref-31)
31. For more information about registration suspension and revocations refer to section 40D of the Food Act at <https://www.legislation.vic.gov.au/>. [↑](#footnote-ref-32)
32. This process is in accordance with Section 53D of the Food Act, which requires the Secretary of the department to keep a register of convictions for offences under the Food Act or regulations and published on department’s website under Section 53E. The Food Register of Convictions can be found at <https://www.health.vic.gov.au/food-safety/food-safety-register-of-convictions>. [↑](#footnote-ref-33)
33. Refer to [Appendix 6](#_Appendix_6:_Offences) for a detailed breakdown of the offences under the Act that resulted in a conviction in 2022. [↑](#footnote-ref-34)
34. The Australia New Zealand Food Standards Code (the Code) sets legal requirements for the labelling, composition, safety, handling and processing of food in Australia. The Code is applied and enforced in Victoria under the Food Act. For information on the Code is available on [Health.vic](https://www.health.vic.gov.au/food-safety/australia-new-zealand-food-standards-code) at <https://www.health.vic.gov.au/food-safety/australia-new-zealand-food-standards-code>. [↑](#footnote-ref-35)
35. Based on Australia Bureau of Statistics 2022 population estimate for Victoria of 6,704,300 people. [↑](#footnote-ref-36)
36. For information on Food incidents, visit [FSANZ](https://www.foodstandards.gov.au/food-recalls/FoodIncidents) at < https://www.foodstandards.gov.au/food-recalls/FoodIncidents>. [↑](#footnote-ref-37)
37. Many of the projects undertaken by the program were funded directly by the Department of Treasury and Finance under the Treasurer’s Incentive Fund (TIF) and the Reducing Regulation Incentive Fund (RRIF) and supported by Small Business Victoria in the Department of Jobs, Precincts and Regions (DJPR). [↑](#footnote-ref-38)
38. For more information about the Small Business Regulation Review (Retail sector), visit [Business Victoria](https://business.vic.gov.au/about-us/small-business-regulation-review) at <https://business.vic.gov.au/about-us/small-business-regulation-review>. [↑](#footnote-ref-39)
39. For more information see [Victoria Government Gazette No. 30, 28 July 2022](https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022G030.pdf#page=21>), <https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022G030.pdf#page=21>. [↑](#footnote-ref-40)
40. For more information see [Victoria Government Gazette No. G 46, 18 November 2021](https://www.gazette.vic.gov.au/gazette/Gazettes2021/GG2021G046.pdf#page=17), <https://www.gazette.vic.gov.au/gazette/Gazettes2021/GG2021G046.pdf#page=17>. [↑](#footnote-ref-41)
41. For more information see [Victoria Government Gazette No. 383, 2 August](https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022S383.pdf) 2022 <https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022S383.pdf>. [↑](#footnote-ref-42)
42. While every effort is made to ensure that the data presented in this report are complete and accurate, the report may contain some errors. For example, local councils may have under- or over-reported food premises numbers, or incorrectly recorded a food premises as Class 1, 2, 3A, 3 or 4 at the time when data were collated for this report. Technical data reporting problems, which could not be resolved in time for publication, may also affect the data. [↑](#footnote-ref-43)
43. Fixed and non-fixed food premises data relating to Victoria’s six alpine resorts and French Island are included in the figures for the municipalities that manage food safety in these areas. These are: Indigo Shire Council for Mount Hotham and Falls Creek Alpine Resort; Mansfield Shire Council for Mount Stirling and Mount Buller Alpine Resort; Baw Baw Shire Council for Mount Baw Baw Alpine Resort; Murrindindi Shire Council for Lake Mountain Alpine Resort and Bass Coast Shire Council for French Island. [↑](#footnote-ref-44)
44. General enforcement actions include: the issue of notices, directions or orders; premises closures; seizures; suspension or revocation of a registration; acceptance of corrective undertakings from a proprietor; an increase to the frequency of audits or assessments. [↑](#footnote-ref-45)