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| Food Act Report 2023 |
| Department of Health Victoria |
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| Food Act Report 2023  Department of Health Victoria |
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# Introduction

The *Food Act 1984 (Victoria)* (the Food Act) provides a legislative framework to ensure the 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 2023, 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 informs food safety policy and enforcement decision making in Victoria[[3]](#footnote-4).2023 Victorian food regulation snapshotWhole pizza outlineBadge Tick outlineNo sign outlineContract outlineGavel outlineWarning outlineOut of the total 107,063 reported registered food premises in Victoria in 2023, there were 52,007 non fixed food premises (49%) and 54, 303 (51%) fixed food premisesThe food safety regulatory framework

Food businesses operating in Victoria are obligated to ensure that the food they prepare, handle and sell is safe and suitable for consumption. They must comply with stringent regulations and standards set out by the food regulatory system that was designed to ensure these obligations are met.

Victorian food safety regulation (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. See [**Appendix 1**](#_Appendix_1:_The)for more details on the national food safety regulations.

## 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.

This report relates specifically to the food safety regulatory activities undertaken under the Food Act by the department and Victorian local councils.

## The role of the Department of Health

The Secretary to the department has a range of statutory functions under the Food Act. These include 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[[4]](#footnote-5)
* 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 serve as the regulating authorities for most food businesses under the Food Act [[5]](#footnote-6). Councils regulate food businesses primarily though the registration and compliance monitoring (inspection) of food premises.

# Regulating Victorian food premises

The department collaborates with Victorian local councils to regulate the food businesses operating across the state. Based on the Food Act, the department sets the rules which local councils apply in regulating each category of food business.

To strengthen this collaboration, the department provides information and guidance to local councils and the community regarding food safety regulation including:

* supporting the food safety activities of local council environmental health officers (EHOs)
* providing basic food handling education to food businesses and the general community.

## Food premises categories

Under the Food Act, food premises are categorised according to one of four component groups: fixed, temporary, mobile or food vending machine. For the purposes of this report, the latter three groups are collectively referred to as ‘non-fixed food premises’ (see **Table 1**).

**Table 1:** **Food premises category description**

|  |  |
| --- | --- |
|  | Fixed food premises   * are located within a building or structure and hold a permanent address or location in Victoria * examples include hospitals, childcare centres, cafes, restaurants, manufacturers, home-based businesses, supermarkets, 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 vehicles8 and ice-cream vans * food vending machines. * examples include market stalls, food trucks, water transport vehicles[[6]](#footnote-7), ice-cream vans and vending machines. |

## Food premises classification according to risk

The Food Act sets food premises, regardless of category, into five classifications based on potential health risks posed by their food-handling activities. 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 (see **Table 2**).

The department introduced key changes to the Food Act in 2022, affecting the legislative requirements of some Victorian food premises[[7]](#footnote-8).

**Table 2:** **Food premises classification description**

|  |  |
| --- | --- |
|  | 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, chain/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, for example, 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 the registration of food premises operating under their authority.

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. Councils will assess the food safety risks posed by each food premises, based on factors including:

* type of business
* suitability of the premises
* potential microbial hazards posed by the food handling processes.

Premises that are risk-classified by their registering councils as class 1, 2, 3A or 3 must renew their registration each year and undergo annual inspections. Once approved, the registering council issues an annual **Certificate of Registration** to the food premises.

Due to their lower level of risk, premises classified as class 4 are deemed exempt from registration. They only need to notify their local council of their activities once when they first begin operating. Once approved, the registering council issues a **Certificate of Notification** to the food premises.

# State-wide registrations

Across Victoria, local councils reported a total 106,666 registered or notified food premises[[8]](#footnote-9) under the Food Act during 2023. Of these 54,659 (51%) were fixed food premises[[9]](#footnote-10) and 52,007 (49%) were non-fixed food premises.

Class 2 premises were the most common classification with 48,656 food premises registrations, equivalent to 46% of all statewide registrations. Majority of class 2 food premises are fixed category. Conversely, class 1 premises made up 2,980 food premises registrations, equivalent to 3% statewide (see **Figure 1**).

Figure 1: Number and proportion of food premises by class[[10]](#footnote-11)

## Fixed food premises

The department received a total of **54,659** registered fixed food premises reported by 79 Victorian local councils[[11]](#footnote-12). The total is 0.53% more compared to the previous year’s number of 54,372 fixed food premises.

Of the total reported fixed food premises, majority were renewed registration with 48,056 (88%) and only 2,874 (5%) were newly registered. Whilst not legislated to be reported, conditional[[12]](#footnote-13) and pending[[13]](#footnote-14) registrations are taken into this analysis because businesses continue to operate, while waiting for approval of their renewal application (see **Figure 2**).

Figure 2: Number and proportion of fixed food premises by registration type

The majority of registered fixed premises were class 2 food premises with 40,951 (75%) while class 1 food premises made up 2,980 (5%) registrations (see **Table 3**).

Table 3: Registered fixed food premises by class 1-3

|  |  |  |
| --- | --- | --- |
| Class | Number | Percentage |
| 1 | 2,980 | 5 % |
| 2 | 40,951 | 75 % |
| 3A | 131 | <1 % |
| 3 | 10,585 | 19% |
| Class not indicated | 12 | <1 % |
| **Total** | **54,659** | **100%** |

See[**Appendix 3**](#_Appendix_3:_Fixed) for the breakdown of fixed food premises by local council and registration type and[**Appendix 4**](#_Appendix_4:_Fixed)**,** by local council and class.

## Non-fixed food premises

Non-fixed food premises can move location to trade in various locations in Victoria. In this category of food premises, the Food Act applies a single registration model. 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 a registering council, they must apply for a Statement of Trade (SOT) from every local council they intend to trade. The SOT provides them permission to trade in municipalities within local council’s municipal boundaries.

Table 4: Non-fixed food premises types

|  |  |
| --- | --- |
|  | Temporary food premises   * 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[[14]](#footnote-15) mobile premises |
| Bottle outline | 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 2023, local councils reported a total of **52,007** non-fixed food premises registrations and notifications, with temporary food premises being the most numerous with 41,725 (80%) (see **Figure 3**).

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

See [**Appendix 5**](#_Appendix_5:_Non-fixed) for the breakdown of non-fixed food premises by council, premises type and classification

# Other food safety regulations

In addition to the regulation of Victorian food premises, food safety regulation in Victoria encompasses a full range of regulatory activities, conducted under the Food Act and the *Public Health and Wellbeing Act 2008* by the department and local councils. These activities include:

* food safety surveillance (food sampling)
* authorising food safety programs and professionals
* enforcement action
* food safety programs and auditors
* food recalls
* anaphylaxis notification system
* reporting of a notifiable organism detected in food.

## Food sampling

Coordinated food safety surveillance is one of the ways the department monitors food safety across Victoria. In this program, the department collaborates with local councils to collect food samples which are tested for microbial, chemical, allergen, physical hazards, or labelling issues.

Analysis of surveillance and food sampling data provides insight into food-risk related trends across the state and monitor the safety of food in municipalities by local councils. There are two types of food sampling activities: the local council food sampling under section 32 of the Food Act and the targeted food sampling and food safety surveillance.

### Local council food sampling under section 32 of the Food Act[[15]](#footnote-16)

|  | **10,619** **food samples were collected** in Victoria for analysis |
| --- | --- |
|  | **93%** were collected through **routine sampling by local councils** |
|  | **89%** were **tested** for **microbial contaminants,** for example**,** *Salmonella* spp.*, Listeria* spp*.* |

The local councils use a tool called the Food Sampling App (the App) to record and transmit information about food samples collected and provide testing instructions to laboratories to analyse those food samples.

In 2023, the App recorded the submission of 10,619 food samples from 79 Victorian local councils. The state-wide number of samples sent to the laboratory for testing exceeded the gazetted 10,000 samples allocated for the year by 7%.

Of the total samples submitted:

* 9,884 samples (93%) were collected for routine

surveillance

* 735 samples (7%) were linked to investigations[[16]](#footnote-17).

Most food samples, 7,884 (74%) were collected from class 2 food premises(see **Table 5**)and were tested for microorganisms such as *Salmonella* spp. and *Listeria* spp.(see **Figure 4**).

Table 5: Number and proportion of food samples collected by class

|  |  |  |
| --- | --- | --- |
| **Food premises classification** | **Number of samples** | **Percentage** |
| 1 | 2,412 | 23% |
| 2 | 7,884 | 74% |
| 3A or 3 | 323 | 3% |
| **Total** | **10,666** | **100%** |

Figure 4: Number and proportion food samples collected by test type[[17]](#footnote-18) (*N=10,619*)

### Targeted sampling and food safety surveillance

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

* target a food type of interest[[18]](#footnote-19)
* evaluate industry compliance with the Australia New Zealand Food Standards Code (the Code) or the Food Act[[19]](#footnote-20)
* aim to fill gaps in food safety research or gain further information about foods with higher potential risks[[20]](#footnote-21)
* 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 provide guidance to local councils, food safety auditors and businesses.

#### Craft beer survey

Between 2019 and July 2023, there were 19 recalls nationally caused by under-declared alcohol, with 14 of those categorised as beer. This is potentially due to secondary fermentation which is a process failure in beer that results in alcohol production after bottling. In Victoria, there are at least 138 licensed breweries producing ‘craft beer’ across 52 local councils.

Between 30 November 2023 and 28 February 2024, 161 domestic craft beers sold in Victoria – also referred to as 'micro-brewed' or 'boutique' beer – were collected and analysed for this survey by participating councils from producers, manufacturers and retailers[[21]](#footnote-22), including lower alcohol beers such as light and mid strength craft beers. Imported beer was out of scope.

Results found:

* 16 were found to be non-compliant:
  + ten over-declaring alcohol content
  + six under-declaring alcohol content, by insignificant amounts.
* Local council followed up non-compliant products[[22]](#footnote-23):
  + no product was found to pose a public health risk or require a recall
  + non-compliant beers produced interstate were referred to the appropriate jurisdiction.

Aflatoxin testing of almond products

A total of 50 almond products were sampled for aflatoxin testing. These included a range of products such as almond butters, including those containing other nuts or ingredients, and almond butter powders.

Testing was conducted for aflatoxins B1, B2, G1 and G2. Aflatoxins are a type of mycotoxin, naturally occurring toxic compounds produced by certain fungi that can grow on food crops.

The Code sets a maximum level (ML) for aflatoxins in peanuts and tree nuts. This limit applies to both imported and domestically produced products.

Of the 50 samples tested, four returned positive results for aflatoxins, with two exceeding the ML.

Samples found to be non-compliant were referred to the relevant council for appropriate follow-up. No public health risks were identified as a result of this investigation.

#### Industrial dye surveillance in spices

Routine horizon scanning[[23]](#footnote-24) highlighted the US import alert 45-02 "Detention Without Physical Examination and Guidance of Foods Containing Illegal and/or Undeclared Colors", indicating that the US has seen a significant lift in imported foods with undeclared food colour additives.

Spices were identified as high risk. Thirty spice samples were collected and tested for the restricted Sudan colours[[24]](#footnote-25), spices red in colour were selected (chilli, paprika).

No Sudan colours were found in any of the samples.

Artificial colours in confectionery

Some food colours that are restricted in Australia are not restricted in other countries. The practice of importing identically branded products manufactured for sale in Australia is commonly termed ‘parallel imports.’ Although parallel importing is not illegal, it is possible that these products, in addition to not meeting labelling requirements, might not meet the compositional requirements of the Code in terms of food additives such as colours.

Thirty-seven confectionery samples were tested for a range of restricted synthetic colours[[25]](#footnote-26) (Allura Red AC (129), Amaranth (123), Azorubine (122), Erythrosine (127), Ponceau 4R (124), Sunset Yellow FCF (110), Tartrazine (102), Green S (142), Brilliant Blue FCF (133), Indigotine (132).

Seven samples were found to be non-compliant and were followed up by the relevant council. No public health risks were identified.

Survey of *Listeria* in enoki mushrooms

Food Standards Australia New Zealand (FSANZ) coordinated an analytical survey to generate national data on prevalence and levels of *Listeria* in enoki mushrooms[[26]](#footnote-27) in April 2023 and supported the development of a national risk profile for *L. monocytogenes* in domestically produced enoki mushrooms.

Victoria collected 48 samples for this survey. In July 2023, the department undertook further sampling and another 24 samples from Victorian importers were collected and tested. As a result, two products were recalled.

Zero alcohol drinks compliance surveillance

The department undertook a compliance survey for zero alcohol beers, wines and spirits. Thirty samples were collected including beer, wine and spirits. All samples were analysed for alcohol content and the results were compared to the alcohol statements on the label. Alcohol levels in all samples were found to be compliant.

Hepatitis A and Norovirus in frozen berries survey

Hepatitis A outbreaks in Australia in 2015 and 2017 linked to imported frozen berries are well documented. The department collected and analysed 50 samples of frozen strawberries and raspberries for Hepatitis A and Norovirus. Neither Hepatitis A nor Norovirus was detected in any samples.

Poppy seeds[[27]](#footnote-28)

In response to a national recall of poppyseeds in 2023 related to the potential presence of the toxic chemical thebaine, further sampling was undertaken to monitor poppy seeds available for purchase to Victorian consumers, including products purchased internationally.

Twenty-eight samples were collected from retailers, bakeries (bulk) and online sellers, including eBay, Amazon and Etsy, with no concerning levels detected.

## Enforcement action

The Food Act provides a range of enforcement options[[28]](#footnote-29) to be exercised where non-compliance is detected. The enforcement options available include:

* providing advice or guidance to educate the proprietor of the food premises on how to comply
* issuing a warning, 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 to 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[[29]](#footnote-30). 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.

| **317 infringement notices** were issued, with 90% of which were to **Class 2** food premises |  |
| --- | --- |

In 2023, a total of 317 infringement notices were issued, 285 (90%) of which were related to Class 2 food premises. All other infringement notices were issued to Class 1 and 3 food premises[[30]](#footnote-31).

Table 6: Top ten local councils with the highest number of infringement notices issued to fixed Class 1 to 3.

| Local council | Number of infringement notices issued | Percentage of total infringement notices issued statewide |
| --- | --- | --- |
| Boroondara City Council | 124 | 46% |
| Whitehorse City Council | 29 | 11% |
| Maribyrnong City Council | 26 | 10% |
| Casey City Council | 23 | 8% |
| Brimbank City Council | 22 | 8% |
| Greater Dandenong City Council | 13 | 5% |
| Melton City Council | 11 | 4% |
| Yarra Ranges Shire Council | 9 | 3% |
| Wyndham City Council | 8 | 3% |
| Bayside City Council | 7 | 3% |

See [**Appendix** **6**](#_Appendix_6:_General) for the number infringement notices issued by local council.

### General enforcement notices issued to fixed food premises

In 2023, local councils reported 774 general enforcement notices issued to fixed food premises (see **Table 7**).

Of these general enforcements issued:

* 705 (91%) were issued to Class 2 premises
* 40 (5%) were issued to Class 3 premises
* 29 (4%) were issued to Class 1 premises

Table 7: 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 |
| --- | --- | --- |
| Maribyrnong City Council | 136 | 23% |
| Boroondara City Council | 127 | 22% |
| Wyndham City Council | 72 | 12% |
| Port Phillip City Council | 66 | 11% |
| Greater Dandenong City Council | 44 | 7% |
| Melbourne City Council | 42 | 7% |
| Knox City Council | 32 | 5% |
| Whitehorse City Council | 27 | 5% |
| Yarra Ranges Shire Council | 23 | 4% |
| Stonnington City Council | 21 | 4% |

See [**Appendix** **6**](#_Appendix_6:_General) for the number of general enforcement notices issued by local council.

### Registration suspensions and revocations

When 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[[32]](#footnote-33) is breached
* the premises have not been complied with, or the food safety program is inadequate
* the premises is not complying with the regulations.

| **86 food premises** had their **registration revoked or suspended** across **12 councils** |
| --- |

In 2023, 12 local councils revoked or suspended 86 food premises registrations. This represents 11% of the 774 general enforcement actions undertaken during the year.

### 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[[33]](#footnote-34) 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.

A company can be charged with offences under the Act if it is the proprietor of the food business; and an individual may be charged if they are the proprietor of the business, or a director of a proprietor company, or is involved in the management of the food business.

In 2023, convictions were recorded against five parties(companies or individuals) relating to five food premises operating in Victoria during this period. The convicted parties were found guilty of a total of 298 offences under the Act, with most convictions involving multiple offences (see **Table 8**).

Table 8: Number of convictions by local council area

| Council | Number of parties convicted | Number of premises convicted |
| --- | --- | --- |
| Boroondara City | 2 | 2 |
| Frankston City | 1 | 1 |
| Knox City | 1 | 1 |
| Wyndham City | 1 | 1 |
| **Total** | **5** | 5 |

#### Convictions: types of offence

Most of the 2023 convictions[[34]](#footnote-35) were for breaches of section 16(1) of the Act, which is a failure to comply with the Code. The majority of these were breaches 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

| Contract outline | The **highest fine** of **$46,000** was issued to a **proprietor** in the City of Knox |
| --- | --- |

Financial penalties imposed in 2023 comprised fines ranging from $2,000 to $46,000. The lowest fines of $2,000 were issued to the proprietors of two separate food premises in Boroondara City, along with $146.92 costs, for operating from unregistered food premises. The highest fine of $46,000 was issued to the proprietor of a food premises in the City of Knox, with costs totalling $80,000, for a total of 26 charges for breaches of the Food Act and the Code between March 2021 and March 2022. This premises had the highest number of offences.

### Directions by the Minister under section 7E

Under section 7E of the Food Act, the Minister for Health may issue directions to council, or the chief executive officer of the council. No such directions were reported during 2023.

## Food safety **programs**

In Victoria, due to their level of food safety risk, all Class 1, and some Class 2 food premises, are required to use 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 FSPs:

* **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 usually written by a template developer, or a business, and is assessed by a technical review for its adequacy. The department can then be asked to register the FSP. The department only does this for food business groups with more than 20 premises in Victoria. The department publishes an online registered standard FSP template, known as FoodSmart. Food businesses can use FoodSmart 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 an FSP may choose between using a non-standard program or standard FSP.

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

In January 2023, there were 23 FSPs registered with the department. However, by the end of the year, the number dropped due to changes[[35]](#footnote-36) in August 2022 to requirements for Class 2 food services and retail food premises to have an FSP:

* 18 of these businesses were no longer required to have an FSP
* the five remaining businesses were required to have a standard FSP program registered with the department by the end of December 2023.

## Food safety auditors

Food safety audits are one part of a suite of tools provided under the Food Act that are used to protect public health in Victoria. All food safety auditors who intend to undertake audits in the state must first apply to the department for certification. Potential auditors must be able to demonstrate that they meet the criteria established under the *National Food Safety Audit Policy* and the accompanying *National Regulatory Food Safety Auditor Guidelines*.

In 2023:

* 97 auditors were registered at the department by the end of the year, including twelve newly registered auditors
* two auditor forums[[36]](#footnote-37) were held
* one auditor drop-in session was conducted in October.

## Authorised analysts

An authorised analyst is a person authorised to conduct laboratory analyses on samples collected for the purposes of the Food Act. Analysts test food samples taken by 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 2023, the department authorised:

* seven new analysts
* one current analyst to expand their field-testing scope.

## Food recalls

Recalling food requires the coordinated removal of unsafe food from distribution, sale and consumption. This is a crucial measure to ensure public safety and to prevent illness or injury.

In Australia, FSANZ works with food businesses and state and territory authorities to coordinate a food recall response and inform consumers. This involves collaborating with food businesses, gathering and collating information, and disseminating it to state governments, other government agencies and the food industry.

FSANZ also monitors the effectiveness of food recalls on behalf of the Australian Competition and Consumer Commission (ACCC).

In 2023, FSANZ coordinated 87 food recalls in Australia, a 14% increase from the previous year's number of 76 food recalls. Victoria instigated 33 (38%) of these food recalls, with five recalls resulting from investigations conducted through the state’s anaphylaxis notification system (see **Figure 5**).

Figure 5: Number of food recalls instigated by each state and territory, Australia, 2023

### Food recall reasons

Foods can be recalled for a variety of reasons including the detection of allergens in food, biotoxins, chemicals, incorrect labelling, microbial contamination, the presence of foreign matter, choking hazards or prohibited ingredients (see **Table 9**).

Table 9: Number and percentage of Victorian-instigated food recalls by reason

| Reason for recall | Number of recalls | Percentage |
| --- | --- | --- |
| Allergen | 19 | 58% |
| Biotoxin | 1 | 3% |
| Foreign matter | 3 | 9% |
| Labelling | 3 | 9% |
| Microbiological | 7 | 21% |
| **Total** | **33** | **100%** |

Of the Victoria-instigated food recalls, Australia was identified as the country of manufacture in 23 (70%) recalls, of which 19 products were manufactured in Victoria and four in New South Wales.

## Victorian anaphylaxis notification system[[37]](#footnote-38)

|  | **2,353 notified cases of anaphylaxis** |
| --- | --- |
|  | **68%** of cases were due to **consumption of food** |
|  | **5** **packaged food recalls** |
|  | **143** **referrals** made to **local councils** for further investigation |

The year 2023 marks the fifth full year of the Victorian anaphylaxis notification system. Since its launch in November 2018, the department received a total of 10,882 notifications of anaphylaxis cases that presented to a Victorian hospital for treatment.

In 2023, the department received 2,353 notifications, the highest in the last five years and 16% higher (*n=333*) than the 4-year[[38]](#footnote-39) average of 2,020 notifications. There was a noticeable decrease in the number of notifications received in 2020 due to statewide COVID-19 pandemic restrictions, which limited movement and interaction of people in the community i.e. decreased consumption of unpackaged food served in restaurants and cafes.

Between 2019 to 2023, notified anaphylaxis cases attributed to food consumption ranged between 60 to 68% of notified cases annually. The remaining cases were due to non-food causes such as a drug, insect venom, unknown, and other causes (see **Figure 6**).

**Figure 6: Number and proportion of notified anaphylaxis cases by suspected cause and year, Victoria, November 2018 – December 2023**

Recalling non-compliant and mislabelled food from being sold in the market is one of the objectives of the anaphylaxis notification system. Since its launch until 2023, the department ensured the recall of a total of 18 foods from being sold in the market and the referral of 636 cases to local councils for further investigation (see **Figure 7**).

In 2023, the department:

* ensured the recall of five mislabelled packaged foods
* referred 143 notifications to local councils for further investigation for potential breach of the Food Act.

All the recalled products contained undeclared allergens, with two being imported and three were locally produced in Victoria. The two imported products failed to declare the allergens present in the product due to mistranslation of the original labelling to English. The manufacturers of the three recalled locally produced products had not declared the allergens present in the products.

Figure 7: Number of food recalls through the anaphylaxis notification system by year, 2018-2023

## National food incidents

A national food incident is when a food safety incident is detected within the food supply chain and poses a risk to public safety across multiple Australian jurisdictions. In response to national food incident, Australian food regulators coordinate a response through the Bi-National Food Safety Network and adhere to the National Food Incident Response Protocol (NFIRP)[[39]](#footnote-40).

In 2023, there was **no** national food incident called under the NFIRP.

However, the department through OzFoodNet Victoria supported multi-jurisdictional outbreak investigations associated with *Salmonella* Saintpaul and three incidents associated with *Listeria monocytogenes*[[40]](#footnote-41).

## Notifiable microorganisms in food samples

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 cyts*
* Hepatitis A
* *Listeria monocytogenes*
* Norovirus
* *Salmonella* spp
* Shiga toxin and verocytotoxin-producing *Escherichia coli* (STEC/VTEC)
* *Vibrio* spp.

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.

|  | **840**food samples were reported with detection of a notifiable microorganism |
| --- | --- |
|  | ***Salmonella*** spp was detected in **67%** of those positive samples |
|  | ***Listeria monocytogenes*** was detected in **18%** of samples |

In 2023, laboratories and MDU notified the department with a total of 840 food samples with positive detection of a notifiable microorganism, 32% higher compared to the previous year’s figure with 636 notifications. This could be due to the redevelopment of the surveillance system for notifiable microorganisms in Victoria which the department deployed in April 2021. The system’s data collection process has been continuously improved since its deployment. As in 2022, the most common microorganism detected in 2023 was *Salmonella* spp with 559 (67%) notified samples (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 284 (51%) samples and raw almonds with 210 (38%). These products routinely undergo microbiological testing by food producers. 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.

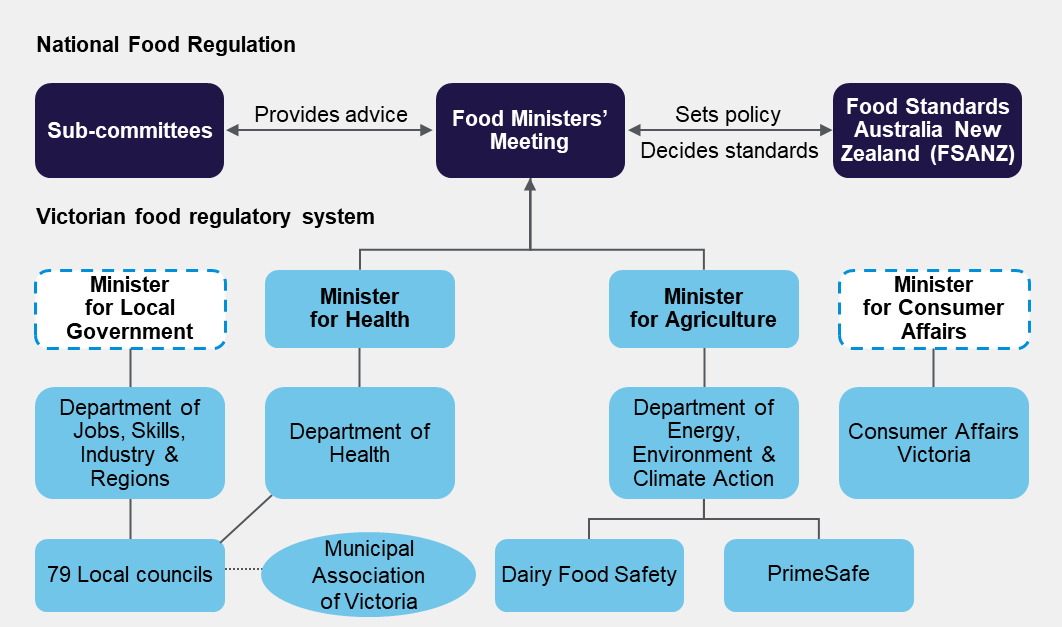
Various agencies collected food samples with positive detections with:

* 717 (85%) samples submitted by food businesses
* 72 (9%) samples collected by local councils
* 34 (4%) samples collected by the Department of Energy, Environment and Climate Action
* 9 (1%) samples collected by the department.

# Appendices

## Appendix 1: The food safety regulatory framework

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 legislations, which are based on a national model and incorporate national food standards[[41]](#footnote-42).

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

## Appendix 2: 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 2023 | * 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 Benalla, Ararat 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 2023. Incomplete data for these councils is included and noted where applicable. * Due to a system transition during the reporting year some external council data has not been fully validated. |
| Non-fixed food premises | * Streatrader export data * January – December 2023 | * Class 2, 3A, 3 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 * January – December 2023 | * 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. |
| Enforcement tools | * Quarterly local council reports transmitted through XML files. * January – December 2023 | * 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 2023 | * 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 2023 | * 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 2023 | * 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. * 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. * Food producers employed convenience sampling methodology when testing their food product quality. |

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

| Council | New | Renewed | Conditional | Pending | Total | Revoked or suspended |
| --- | --- | --- | --- | --- | --- | --- |
| Alpine Shire Council | 2 | 211 | 0 | 0 | 213 | 0 |
| Ararat Rural City Council | 0 | 124 | 0 | 0 | 124 | 0 |
| Banyule City Council | 18 | 747 | 3 | 0 | 768 | 0 |
| Bass Coast Shire Council | 20 | 412 | 0 | 0 | 432 | 0 |
| Baw Baw Shire Council | 10 | 468 | 1 | 0 | 479 | 0 |
| Bayside City Council | 21 | 714 | 0 | 0 | 735 | 0 |
| Benalla Rural City Council | 0 | 133 | 0 | 0 | 133 | 0 |
| Boroondara City Council | 20 | 1,342 | 1 | 0 | 1,363 | 0 |
| Borough of Queenscliffe | 7 | 30 | 1 | 0 | 38 | 0 |
| Brimbank City Council | 51 | 1,301 | 0 | 0 | 1,352 | 0 |
| Buloke Shire Council | 4 | 84 | 0 | 0 | 88 | 0 |
| Campaspe Shire Council | 48 | 339 | 0 | 5 | 392 | 0 |
| Cardinia Shire Council | 25 | 730 | 0 | 0 | 755 | 0 |
| Casey City Council | 70 | 1,804 | 0 | 2 | 1,876 | 0 |
| Central Goldfields Shire Council | 0 | 93 | 0 | 0 | 93 | 0 |
| City of Ballarat | 99 | 895 | 0 | 35 | 1,029 | 0 |
| Colac Otway Shire Council | 3 | 286 | 0 | 0 | 289 | 0 |
| Corangamite Shire Council | 46 | 275 | 4 | 0 | 325 | 0 |
| Darebin City Council | 35 | 1,275 | 0 | 0 | 1,310 | 0 |
| East Gippsland Shire Council | 83 | 899 | 0 | 0 | 982 | 0 |
| Frankston City Council | 4 | 591 | 0 | 293 | 888 | 1 |
| Gannawarra Shire Council | 2 | 106 | 0 | 0 | 108 | 0 |
| Glen Eira City Council | 36 | 1,066 | 0 | 0 | 1,102 | 0 |
| Glenelg Shire Council | 3 | 182 | 5 | 0 | 190 | 0 |
| Golden Plains Shire Council | 1 | 144 | 0 | 0 | 145 | 0 |
| Greater Bendigo City Council | 72 | 827 | 1 | 71 | 971 | 0 |
| Greater Dandenong City Council | 12 | 1,474 | 1 | 0 | 1,487 | 0 |
| Greater Geelong City Council | 0 | 2,080 | 0 | 53 | 2,133 | 0 |
| Greater Shepparton City Council | 12 | 160 | 0 | 356 | 528 | 0 |
| Hepburn Shire Council | 22 | 255 | 0 | 0 | 277 | 0 |
| Hindmarsh Shire Council | 0 | 130 | 0 | 0 | 130 | 0 |
| Hobsons Bay City Council | 14 | 803 | 0 | 10 | 827 | 0 |
| Horsham Rural City Council | 4 | 213 | 0 | 0 | 217 | 0 |
| Hume City Council | 37 | 1,604 | 0 | 0 | 1,641 | 0 |
| Indigo Shire Council | 7 | 280 | 0 | 0 | 287 | 0 |
| Kingston City Council | 18 | 1,487 | 1 | 0 | 1,506 | 0 |
| Knox City Council | 18 | 872 | 0 | 154 | 1,044 | 0 |
| Latrobe City Council | 12 | 547 | 0 | 0 | 559 | 1 |
| Loddon Shire Council | 2 | 131 | 0 | 0 | 133 | 0 |
| Macedon Ranges Shire Council | 18 | 381 | 0 | 4 | 403 | 0 |
| Manningham City Council | 29 | 78 | 0 | 681 | 788 | 0 |
| Mansfield Shire Council | 4 | 176 | 7 | 0 | 187 | 0 |
| Maribyrnong City Council | 12 | 981 | 2 | 0 | 995 | 0 |
| Maroondah City Council | 31 | 45 | 0 | 720 | 796 | 0 |
| Melbourne City Council | 742 | 2,155 | 0 | 1,009 | 3,906 | 0 |
| Melton City Council | 36 | 770 | 0 | 0 | 806 | 0 |
| Merri-bek City Council | 126 | 1,249 | 1 | 2 | 1,378 | 0 |
| Mildura Rural City Council | 12 | 551 | 0 | 0 | 563 | 0 |
| Mitchell Shire Council | 22 | 318 | 0 | 0 | 340 | 0 |
| Moira Shire Council | 12 | 252 | 0 | 0 | 264 | 0 |
| Monash City Council | 16 | 1,282 | 0 | 99 | 1,397 | 0 |
| Moonee Valley City Council | 17 | 935 | 0 | 0 | 952 | 0 |
| Moorabool Shire Council | 5 | 256 | 0 | 1 | 262 | 0 |
| Mornington Peninsula Shire Council | 176 | 1,150 | 9 | 0 | 1,335 | 0 |
| Mount Alexander Shire Council | 2 | 199 | 0 | 0 | 201 | 0 |
| Moyne Shire Council | 100 | 88 | 0 | 0 | 188 | 0 |
| Murrindindi Shire Council | 5 | 213 | 0 | 0 | 218 | 0 |
| Nillumbik Shire Council | 4 | 259 | 0 | 82 | 345 | 0 |
| Northern Grampians Shire Council | 8 | 146 | 0 | 1 | 155 | 0 |
| Port Phillip City Council | 23 | 1,148 | 0 | 0 | 1,171 | 0 |
| Pyrenees Shire Council | 1 | 91 | 0 | 0 | 92 | 0 |
| South Gippsland Shire Council | 0 | 336 | 0 | 20 | 356 | 0 |
| Southern Grampians Shire Council | 3 | 191 | 0 | 0 | 194 | 0 |
| Stonnington City Council | 41 | 1,292 | 1 | 0 | 1,334 | 0 |
| Strathbogie Shire Council | 1 | 135 | 1 | 0 | 137 | 0 |
| Surf Coast Shire | 6 | 395 | 0 | 0 | 401 | 0 |
| Swan Hill Rural City Council | 7 | 234 | 0 | 0 | 241 | 0 |
| Towong Shire Council | 3 | 75 | 0 | 0 | 78 | 0 |
| Wangaratta Rural City Council | 9 | 272 | 0 | 0 | 281 | 0 |
| Warrnambool City Council | 16 | 372 | 0 | 0 | 388 | 0 |
| Wellington Shire Council | 18 | 291 | 0 | 5 | 314 | 0 |
| West Wimmera Shire Council | 0 | 76 | 0 | 0 | 76 | 0 |
| Whitehorse City Council | 20 | 1,187 | 2 | 0 | 1,209 | 0 |
| Whittlesea City Council | 35 | 1,340 | 2 | 0 | 1,377 | 0 |
| Wodonga City Council | 6 | 284 | 4 | 0 | 294 | 0 |
| Wyndham City Council | 196 | 1,248 | 47 | 27 | 1,518 | 0 |
| Yarra City Council | 244 | 1,168 | 1 | 3 | 1,416 | 0 |
| Yarra Ranges Shire Council | 23 | 1,229 | 1 | 0 | 1,253 | 0 |
| Yarriambiack Shire Council | 7 | 94 | 0 | 0 | 101 | 0 |
| **Total** | **2,874** | **48,056** | **96** | **3,633** | **54,659** | **2** |

## Appendix 4: Fixed food premises class 1-3 by local council and classification

| Council | Class 1 | Class 2 | Class 3A | Class 3 | Class not stated | Total |
| --- | --- | --- | --- | --- | --- | --- |
| Alpine Shire Council | 8 | 156 | 0 | 49 | 0 | 213 |
| Ararat Rural City Council | 9 | 98 | 1 | 16 | 0 | 124 |
| Banyule City Council | 63 | 549 | 0 | 156 | 0 | 768 |
| Bass Coast Shire Council | 15 | 352 | 0 | 65 | 0 | 432 |
| Baw Baw Shire Council | 21 | 353 | 0 | 105 | 0 | 479 |
| Bayside City Council | 53 | 566 | 0 | 116 | 0 | 735 |
| Benalla Rural City Council | 8 | 98 | 0 | 27 | 0 | 133 |
| Boroondara City Council | 94 | 1,058 | 0 | 211 | 0 | 1,363 |
| Borough of Queenscliffe | 1 | 30 | 0 | 7 | 0 | 38 |
| Brimbank City Council | 74 | 983 | 0 | 295 | 0 | 1,352 |
| Buloke Shire Council | 6 | 51 | 0 | 31 | 0 | 88 |
| Campaspe Shire Council | 16 | 284 | 10 | 82 | 0 | 392 |
| Cardinia Shire Council | 54 | 514 | 0 | 187 | 0 | 755 |
| Casey City Council | 160 | 1,253 | 0 | 463 | 0 | 1,876 |
| Central Goldfields Shire Council | 9 | 73 | 0 | 11 | 0 | 93 |
| City of Ballarat | 75 | 769 | 3 | 182 | 0 | 1,029 |
| Colac Otway Shire Council | 9 | 222 | 0 | 58 | 0 | 289 |
| Corangamite Shire Council | 11 | 195 | 0 | 107 | 12 | 325 |
| Darebin City Council | 71 | 1,003 | 0 | 236 | 0 | 1,310 |
| East Gippsland Shire Council | 48 | 705 | 23 | 206 | 0 | 982 |
| Frankston City Council | 83 | 650 | 0 | 155 | 0 | 888 |
| Gannawarra Shire Council | 4 | 72 | 0 | 32 | 0 | 108 |
| Glen Eira City Council | 75 | 836 | 0 | 191 | 0 | 1,102 |
| Glenelg Shire Council | 9 | 142 | 0 | 39 | 0 | 190 |
| Golden Plains Shire Council | 4 | 112 | 0 | 29 | 0 | 145 |
| Greater Bendigo City Council | 52 | 713 | 5 | 201 | 0 | 971 |
| Greater Dandenong City Council | 76 | 985 | 0 | 426 | 0 | 1,487 |
| Greater Geelong City Council | 121 | 1,680 | 7 | 325 | 0 | 2,133 |
| Greater Shepparton City Council | 36 | 364 | 10 | 118 | 0 | 528 |
| Hepburn Shire Council | 7 | 180 | 17 | 73 | 0 | 277 |
| Hindmarsh Shire Council | 14 | 94 | 0 | 22 | 0 | 130 |
| Hobsons Bay City Council | 44 | 618 | 0 | 165 | 0 | 827 |
| Horsham Rural City Council | 9 | 152 | 0 | 56 | 0 | 217 |
| Hume City Council | 93 | 1,214 | 0 | 334 | 0 | 1,641 |
| Indigo Shire Council | 7 | 180 | 0 | 100 | 0 | 287 |
| Kingston City Council | 79 | 1,029 | 0 | 398 | 0 | 1,506 |
| Knox City Council | 75 | 676 | 3 | 290 | 0 | 1,044 |
| Latrobe City Council | 29 | 426 | 0 | 104 | 0 | 559 |
| Loddon Shire Council | 2 | 99 | 0 | 32 | 0 | 133 |
| Macedon Ranges Shire Council | 22 | 285 | 5 | 91 | 0 | 403 |
| Manningham City Council | 72 | 582 | 2 | 132 | 0 | 788 |
| Mansfield Shire Council | 4 | 124 | 0 | 59 | 0 | 187 |
| Maribyrnong City Council | 36 | 764 | 0 | 195 | 0 | 995 |
| Maroondah City Council | 66 | 555 | 2 | 173 | 0 | 796 |
| Melbourne City Council | 67 | 3483 | 1 | 355 | 0 | 3,906 |
| Melton City Council | 64 | 596 | 0 | 146 | 0 | 806 |
| Merri-bek City Council | 77 | 1,053 | 0 | 248 | 0 | 1,378 |
| Mildura Rural City Council | 26 | 400 | 0 | 137 | 0 | 563 |
| Mitchell Shire Council | 16 | 264 | 0 | 60 | 0 | 340 |
| Moira Shire Council | 15 | 174 | 0 | 75 | 0 | 264 |
| Monash City Council | 95 | 1,009 | 0 | 293 | 0 | 1,397 |
| Moonee Valley City Council | 54 | 807 | 0 | 91 | 0 | 952 |
| Moorabool Shire Council | 16 | 190 | 0 | 56 | 0 | 262 |
| Mornington Peninsula Shire Council | 77 | 1,022 | 1 | 235 | 0 | 1,335 |
| Mount Alexander Shire Council | 5 | 135 | 0 | 61 | 0 | 201 |
| Moyne Shire Council | 3 | 124 | 7 | 54 | 0 | 188 |
| Murrindindi Shire Council | 6 | 135 | 0 | 77 | 0 | 218 |
| Nillumbik Shire Council | 25 | 232 | 1 | 87 | 0 | 345 |
| Northern Grampians Shire Council | 7 | 92 | 0 | 56 | 0 | 155 |
| Port Phillip City Council | 38 | 1,015 | 0 | 118 | 0 | 1,171 |
| Pyrenees Shire Council | 2 | 74 | 0 | 16 | 0 | 92 |
| South Gippsland Shire Council | 9 | 251 | 8 | 88 | 0 | 356 |
| Southern Grampians Shire Council | 7 | 139 | 0 | 48 | 0 | 194 |
| Stonnington City Council | 44 | 1,157 | 0 | 133 | 0 | 1,334 |
| Strathbogie Shire Council | 5 | 103 | 0 | 29 | 0 | 137 |
| Surf Coast Shire | 15 | 286 | 0 | 100 | 0 | 401 |
| Swan Hill Rural City Council | 13 | 149 | 14 | 65 | 0 | 241 |
| Towong Shire Council | 3 | 51 | 0 | 24 | 0 | 78 |
| Wangaratta Rural City Council | 14 | 191 | 0 | 76 | 0 | 281 |
| Warrnambool City Council | 19 | 294 | 0 | 75 | 0 | 388 |
| Wellington Shire Council | 12 | 251 | 4 | 47 | 0 | 314 |
| West Wimmera Shire Council | 2 | 55 | 0 | 19 | 0 | 76 |
| Whitehorse City Council | 86 | 924 | 0 | 199 | 0 | 1,209 |
| Whittlesea City Council | 85 | 985 | 0 | 307 | 0 | 1,377 |
| Wodonga City Council | 20 | 221 | 4 | 49 | 0 | 294 |
| Wyndham City Council | 120 | 1,076 | 0 | 322 | 0 | 1,518 |
| Yarra City Council | 47 | 1,177 | 3 | 189 | 0 | 1,416 |
| Yarra Ranges Shire Council | 58 | 912 | 0 | 283 | 0 | 1,253 |
| Yarriambiack Shire Council | 4 | 80 | 0 | 17 | 0 | 101 |
| **Total** | **2,980** | **40,951** | **131** | **10,585** | **12** | **54,659** |

## Appendix 5: 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 | 28 | 10 | 5 | 43 | 0 | 0 | 0 | 0 | 52 | 0 | 43 | 102 | 197 | 0 | 0 | 0 | 0 | **240** |
| Ararat Rural City Council | 12 | 4 | 4 | 20 | 3 | 3 | 0 | 0 | 13 | 0 | 12 | 36 | 61 | 0 | 0 | 0 | 0 | **84** |
| Banyule City Council | 22 | 9 | 16 | 47 | 4 | 4 | 0 | 0 | 48 | 1 | 56 | 797 | 902 | 0 | 0 | 97 | 97 | **1050** |
| Bass Coast Shire Council | 31 | 7 | 11 | 49 | 0 | 0 | 1 | 1 | 34 | 1 | 41 | 291 | 367 | 0 | 0 | 1 | 1 | **418** |
| Baw Baw Shire Council | 20 | 13 | 20 | 53 | 10 | 10 | 6 | 6 | 53 | 0 | 71 | 434 | 558 | 0 | 0 | 1 | 1 | **628** |
| Bayside City Council | 17 | 10 | 6 | 33 | 0 | 0 | 0 | 0 | 60 | 0 | 71 | 408 | 539 | 0 | 0 | 0 | 0 | **572** |
| Benalla Rural City Council | 12 | 8 | 3 | 23 | 2 | 2 | 0 | 0 | 19 | 0 | 24 | 76 | 119 | 0 | 0 | 0 | 0 | **144** |
| Boroondara City Council | 14 | 8 | 14 | 36 | 0 | 0 | 0 | 0 | 87 | 0 | 83 | 999 | 1169 | 0 | 0 | 7 | 7 | **1212** |
| Borough of Queenscliffe | 3 | 1 | 1 | 5 | 0 | 0 | 0 | 0 | 11 | 0 | 7 | 26 | 44 | 0 | 0 | 0 | 0 | **49** |
| Brimbank City Council | 68 | 11 | 26 | 105 | 1 | 1 | 0 | 0 | 60 | 0 | 35 | 655 | 750 | 0 | 9 | 864 | 873 | **1729** |
| Buloke Shire Council | 8 | 7 | 3 | 18 | 0 | 0 | 0 | 0 | 19 | 0 | 17 | 45 | 81 | 0 | 0 | 0 | 0 | **99** |
| Campaspe Shire Council | 15 | 20 | 17 | 52 | 16 | 16 | 3 | 3 | 24 | 0 | 33 | 339 | 396 | 0 | 0 | 1 | 1 | **468** |
| Cardinia Shire Council | 54 | 6 | 29 | 89 | 8 | 8 | 4 | 4 | 42 | 1 | 82 | 862 | 987 | 0 | 0 | 3 | 3 | **1091** |
| Casey City Council | 135 | 14 | 75 | 224 | 0 | 0 | 1 | 1 | 136 | 1 | 75 | 1579 | 1791 | 0 | 0 | 68 | 68 | **2084** |
| Central Goldfields Shire Council | 11 | 6 | 4 | 21 | 5 | 5 | 2 | 2 | 14 | 0 | 15 | 101 | 130 | 0 | 0 | 0 | 0 | **158** |
| City of Ballarat | 48 | 23 | 41 | 112 | 3 | 3 | 0 | 0 | 98 | 2 | 95 | 792 | 987 | 0 | 0 | 36 | 36 | **1138** |
| Colac Otway Shire Council | 20 | 9 | 6 | 35 | 0 | 0 | 3 | 3 | 38 | 0 | 42 | 80 | 160 | 0 | 0 | 0 | 0 | **198** |
| Corangamite Shire Council | 8 | 14 | 4 | 26 | 3 | 3 | 0 | 0 | 20 | 1 | 36 | 117 | 174 | 0 | 0 | 0 | 0 | **203** |
| Darebin City Council | 76 | 8 | 5 | 89 | 0 | 0 | 1 | 1 | 119 | 1 | 91 | 248 | 459 | 1 | 1 | 2 | 4 | **553** |
| East Gippsland Shire Council | 56 | 19 | 11 | 86 | 9 | 9 | 7 | 7 | 78 | 2 | 81 | 228 | 389 | 0 | 0 | 1 | 1 | **492** |
| Frankston City Council | 38 | 12 | 18 | 68 | 0 | 0 | 1 | 1 | 45 | 0 | 43 | 563 | 651 | 0 | 3 | 12 | 15 | **735** |
| Gannawarra Shire Council | 9 | 3 | 3 | 15 | 6 | 6 | 0 | 0 | 12 | 1 | 15 | 67 | 95 | 0 | 0 | 0 | 0 | **116** |
| Glen Eira City Council | 14 | 7 | 12 | 33 | 0 | 0 | 0 | 0 | 73 | 0 | 52 | 542 | 667 | 0 | 0 | 2 | 2 | **702** |
| Glenelg Shire Council | 21 | 7 | 4 | 32 | 5 | 5 | 0 | 0 | 25 | 0 | 35 | 92 | 152 | 0 | 1 | 0 | 1 | **190** |
| Golden Plains Shire Council | 20 | 9 | 6 | 35 | 3 | 3 | 1 | 1 | 25 | 1 | 26 | 107 | 159 | 0 | 0 | 0 | 0 | **198** |
| Greater Bendigo City Council | 61 | 35 | 41 | 137 | 20 | 20 | 0 | 0 | 61 | 0 | 70 | 1199 | 1330 | 0 | 0 | 255 | 255 | **1742** |
| Greater Dandenong City Council | 42 | 16 | 11 | 69 | 0 | 0 | 0 | 0 | 109 | 0 | 71 | 559 | 739 | 0 | 9 | 9 | 18 | **826** |
| Greater Geelong City Council | 97 | 44 | 26 | 167 | 0 | 0 | 1 | 1 | 63 | 0 | 86 | 371 | 520 | 0 | 0 | 6 | 6 | **694** |
| Greater Shepparton City Council | 37 | 20 | 23 | 80 | 7 | 7 | 3 | 3 | 46 | 0 | 49 | 486 | 581 | 0 | 0 | 0 | 0 | **671** |
| Hepburn Shire Council | 15 | 11 | 18 | 44 | 1 | 1 | 5 | 5 | 46 | 0 | 69 | 258 | 373 | 0 | 0 | 0 | 0 | **423** |
| Hindmarsh Shire Council | 5 | 4 | 1 | 10 | 0 | 0 | 2 | 2 | 45 | 0 | 33 | 30 | 108 | 0 | 0 | 0 | 0 | **120** |
| Hobsons Bay City Council | 26 | 22 | 12 | 60 | 0 | 0 | 0 | 0 | 44 | 1 | 36 | 420 | 501 | 0 | 0 | 2 | 2 | **563** |
| Horsham Rural City Council | 16 | 5 | 0 | 21 | 2 | 2 | 0 | 0 | 22 | 0 | 16 | 140 | 178 | 0 | 0 | 1 | 1 | **202** |
| Hume City Council | 172 | 8 | 36 | 216 | 11 | 11 | 0 | 0 | 105 | 0 | 88 | 1098 | 1291 | 3 | 0 | 7 | 10 | **1528** |
| Indigo Shire Council | 19 | 7 | 9 | 35 | 3 | 3 | 2 | 2 | 87 | 6 | 65 | 105 | 263 | 0 | 0 | 0 | 0 | **303** |
| Kingston City Council | 107 | 28 | 20 | 155 | 3 | 3 | 1 | 1 | 133 | 0 | 175 | 1122 | 1430 | 0 | 0 | 3414 | 3414 | **5003** |
| Knox City Council | 39 | 94 | 14 | 147 | 0 | 0 | 0 | 0 | 36 | 0 | 33 | 841 | 910 | 0 | 0 | 3 | 3 | **1060** |
| Latrobe City Council | 28 | 11 | 7 | 46 | 2 | 2 | 6 | 6 | 85 | 0 | 73 | 252 | 410 | 0 | 0 | 0 | 0 | **464** |
| Loddon Shire Council | 8 | 1 | 1 | 10 | 3 | 3 | 0 | 0 | 29 | 0 | 13 | 73 | 115 | 0 | 0 | 0 | 0 | **128** |
| Macedon Ranges Shire Council | 18 | 14 | 7 | 39 | 4 | 4 | 1 | 1 | 42 | 1 | 70 | 243 | 356 | 0 | 0 | 0 | 0 | **400** |
| Manningham City Council | 19 | 5 | 11 | 35 | 0 | 0 | 0 | 0 | 43 | 1 | 46 | 145 | 235 | 0 | 0 | 0 | 0 | **270** |
| Mansfield Shire Council | 18 | 8 | 5 | 31 | 7 | 7 | 0 | 0 | 17 | 0 | 27 | 65 | 109 | 0 | 0 | 0 | 0 | **147** |
| Maribyrnong City Council | 21 | 7 | 10 | 38 | 1 | 1 | 0 | 0 | 64 | 0 | 48 | 484 | 596 | 0 | 0 | 23 | 23 | **658** |
| Maroondah City Council | 17 | 2 | 3 | 22 | 0 | 0 | 0 | 0 | 30 | 0 | 33 | 307 | 370 | 0 | 0 | 3 | 3 | **395** |
| Melbourne City Council | 90 | 24 | 18 | 132 | 0 | 0 | 2 | 2 | 457 | 0 | 290 | 1929 | 2676 | 1 | 3 | 8 | 12 | **2822** |
| Melton City Council | 110 | 35 | 15 | 160 | 2 | 2 | 0 | 0 | 67 | 0 | 83 | 612 | 762 | 0 | 1 | 14 | 15 | **939** |
| Merri-bek City Council | 55 | 11 | 23 | 89 | 0 | 0 | 2 | 2 | 114 | 0 | 76 | 853 | 1043 | 0 | 0 | 3 | 3 | **1137** |
| Mildura Rural City Council | 52 | 14 | 37 | 103 | 2 | 2 | 0 | 0 | 53 | 0 | 52 | 650 | 755 | 0 | 0 | 67 | 67 | **927** |
| Mitchell Shire Council | 29 | 6 | 11 | 46 | 13 | 13 | 3 | 3 | 28 | 0 | 32 | 347 | 407 | 0 | 0 | 21 | 21 | **490** |
| Moira Shire Council | 15 | 10 | 15 | 40 | 8 | 8 | 1 | 1 | 55 | 0 | 37 | 203 | 295 | 0 | 0 | 0 | 0 | **344** |
| Monash City Council | 30 | 12 | 23 | 65 | 0 | 0 | 0 | 0 | 73 | 1 | 75 | 1130 | 1279 | 0 | 6 | 23 | 29 | **1373** |
| Moonee Valley City Council | 25 | 3 | 7 | 35 | 0 | 0 | 2 | 2 | 84 | 0 | 59 | 231 | 374 | 0 | 0 | 1 | 1 | **412** |
| Moorabool Shire Council | 33 | 7 | 13 | 53 | 4 | 4 | 1 | 1 | 20 | 0 | 30 | 165 | 215 | 0 | 0 | 1 | 1 | **274** |
| Mornington Peninsula Shire Council | 60 | 28 | 14 | 102 | 10 | 10 | 4 | 4 | 109 | 0 | 197 | 601 | 907 | 0 | 0 | 4 | 4 | **1027** |
| Mount Alexander Shire Council | 15 | 11 | 12 | 38 | 4 | 4 | 1 | 1 | 63 | 1 | 77 | 233 | 374 | 0 | 0 | 0 | 0 | **417** |
| Moyne Shire Council | 13 | 13 | 11 | 37 | 0 | 0 | 2 | 2 | 79 | 0 | 68 | 127 | 274 | 0 | 2 | 0 | 2 | **315** |
| Murrindindi Shire Council | 11 | 8 | 8 | 27 | 1 | 1 | 4 | 4 | 35 | 1 | 52 | 229 | 317 | 0 | 0 | 0 | 0 | **349** |
| Nillumbik Shire Council | 15 | 12 | 5 | 32 | 1 | 1 | 0 | 0 | 33 | 0 | 72 | 596 | 701 | 0 | 0 | 0 | 0 | **734** |
| Northern Grampians Shire Council | 11 | 3 | 2 | 16 | 1 | 1 | 1 | 1 | 40 | 0 | 21 | 68 | 129 | 0 | 0 | 5 | 5 | **152** |
| Port Phillip City Council | 60 | 13 | 29 | 102 | 0 | 0 | 0 | 0 | 119 | 1 | 64 | 675 | 859 | 0 | 0 | 4 | 4 | **965** |
| Pyrenees Shire Council | 4 | 1 | 3 | 8 | 7 | 7 | 1 | 1 | 14 | 0 | 10 | 113 | 137 | 0 | 0 | 2 | 2 | **155** |
| South Gippsland Shire Council | 11 | 14 | 6 | 31 | 4 | 4 | 8 | 8 | 87 | 1 | 89 | 290 | 467 | 0 | 0 | 1 | 1 | **511** |
| Southern Grampians Shire Council | 9 | 1 | 9 | 19 | 1 | 1 | 0 | 0 | 55 | 0 | 26 | 78 | 159 | 0 | 0 | 0 | 0 | **179** |
| Stonnington City Council | 11 | 0 | 11 | 22 | 0 | 0 | 2 | 2 | 71 | 1 | 28 | 379 | 479 | 0 | 0 | 0 | 0 | **503** |
| Strathbogie Shire Council | 16 | 11 | 6 | 33 | 2 | 2 | 0 | 0 | 51 | 0 | 68 | 136 | 255 | 0 | 0 | 0 | 0 | **290** |
| Surf Coast Shire | 27 | 8 | 16 | 51 | 2 | 2 | 5 | 5 | 43 | 1 | 43 | 283 | 370 | 0 | 0 | 1 | 1 | **429** |
| Swan Hill Rural City Council | 21 | 12 | 8 | 41 | 8 | 8 | 2 | 2 | 40 | 0 | 36 | 290 | 366 | 0 | 0 | 18 | 18 | **435** |
| Towong Shire Council | 10 | 5 | 8 | 23 | 3 | 3 | 0 | 0 | 23 | 0 | 31 | 28 | 82 | 0 | 0 | 0 | 0 | **108** |
| Wangaratta Rural City Council | 35 | 12 | 22 | 69 | 2 | 2 | 2 | 2 | 40 | 0 | 69 | 273 | 382 | 0 | 1 | 0 | 1 | **456** |
| Warrnambool City Council | 37 | 18 | 4 | 59 | 11 | 11 | 1 | 1 | 71 | 0 | 44 | 380 | 495 | 0 | 0 | 0 | 0 | **566** |
| Wellington Shire Council | 35 | 8 | 12 | 55 | 12 | 12 | 8 | 8 | 38 | 0 | 40 | 442 | 520 | 0 | 0 | 0 | 0 | **595** |
| West Wimmera Shire Council | 9 | 5 | 2 | 16 | 0 | 0 | 1 | 1 | 20 | 0 | 16 | 49 | 85 | 0 | 0 | 1 | 1 | **103** |
| Whitehorse City Council | 12 | 2 | 5 | 19 | 1 | 1 | 0 | 0 | 56 | 0 | 48 | 394 | 498 | 0 | 2 | 74 | 76 | **594** |
| Whittlesea City Council | 63 | 23 | 27 | 113 | 1 | 1 | 2 | 2 | 65 | 2 | 97 | 771 | 935 | 0 | 6 | 15 | 21 | **1072** |
| Wodonga City Council | 47 | 6 | 9 | 62 | 1 | 1 | 4 | 4 | 51 | 0 | 19 | 168 | 238 | 0 | 0 | 0 | 0 | **305** |
| Wyndham City Council | 137 | 9 | 16 | 162 | 0 | 0 | 0 | 0 | 170 | 0 | 137 | 493 | 800 | 0 | 1 | 14 | 15 | **977** |
| Yarra City Council | 17 | 6 | 5 | 28 | 0 | 0 | 0 | 0 | 89 | 0 | 41 | 484 | 614 | 0 | 20 | 0 | 20 | **662** |
| Yarra Ranges Shire Council | 87 | 11 | 28 | 126 | 7 | 7 | 5 | 5 | 94 | 0 | 103 | 738 | 935 | 0 | 2 | 3 | 5 | **1078** |
| Yarriambiack Shire Council | 15 | 2 | 4 | 21 | 0 | 0 | 0 | 0 | 38 | 1 | 28 | 75 | 142 | 0 | 0 | 1 | 1 | **164** |
| Grand Total | 2752 | 951 | 1043 | 4746 | 250 | 250 | 115 | 115 | 4857 | 31 | 4540 | 32297 | 41725 | 5 | 67 | 5099 | 5171 | 52007 |

## Appendix 6: General enforcement actions and infringement notices 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 1 | Class 2 | Class 3 | Subtotal |
| Alpine Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ararat Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Banyule City Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Bass Coast Shire Council | 0 | 2 | 0 | 2 | 0 | 3 | 0 | 3 | 5 |
| Baw Baw Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayside City Council | 1 | 6 | 0 | 7 | 0 | 7 | 0 | 7 | 14 |
| Benalla Rural City Council |  | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boroondara City Council | 7 | 112 | 8 | 127 | 3 | 116 | 5 | 124 | 251 |
| Borough of Queenscliffe | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 |
| Brimbank City Council | 0 | 15 | 1 | 16 | 0 | 16 | 6 | 22 | 38 |
| Buloke Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Campaspe Shire Council | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Cardinia Shire Council | 0 | 3 | 0 | 3 | 0 | 1 | 0 | 1 | 4 |
| Casey City Council | 0 | 5 | 0 | 5 | 0 | 21 | 2 | 23 | 28 |
| Central Goldfields Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| City of Ballarat | 2 | 14 | 0 | 16 | 0 | 0 | 0 | 0 | 16 |
| Colac Otway Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Corangamite Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darebin City Council | 0 | 7 | 0 | 7 | 0 | 2 | 2 | 4 | 11 |
| East Gippsland Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankston City Council | 0 | 3 | 0 | 3 | 0 | 5 | 0 | 5 | 8 |
| Gannawarra Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glen Eira City Council | 0 | 11 | 3 | 14 | 0 | 0 | 1 | 1 | 15 |
| Glenelg Shire Council | 0 | 8 | 0 | 8 | 0 | 1 | 0 | 1 | 9 |
| Golden Plains Shire Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Greater Bendigo City Council | 0 | 4 | 1 | 5 | 0 | 0 | 0 | 0 | 5 |
| Greater Dandenong City Council | 3 | 35 | 6 | 44 | 0 | 12 | 1 | 13 | 57 |
| Greater Geelong City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Greater Shepparton City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hepburn Shire Council | 0 | 4 | 0 | 4 | 0 | 1 | 0 | 1 | 5 |
| Hindmarsh Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hobsons Bay City Council | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Horsham Rural City Council | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| Hume City Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Indigo Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kingston City Council | 0 | 9 | 0 | 9 | 0 | 0 | 0 | 0 | 9 |
| Knox City Council | 2 | 30 | 0 | 32 | 0 | 0 | 0 | 0 | 32 |
| Latrobe City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Loddon Shire Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Macedon Ranges Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manningham City Council | 0 | 9 | 1 | 10 | 0 | 6 | 0 | 6 | 16 |
| Mansfield Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maribyrnong City Council | 10 | 119 | 7 | 136 | 0 | 24 | 2 | 26 | 162 |
| Maroondah City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Melbourne City Council | 0 | 41 | 1 | 42 | 0 | 0 | 0 | 0 | 42 |
| Melton City Council | 0 | 3 | 0 | 3 | 0 | 8 | 3 | 11 | 14 |
| Merri-bek City Council | 0 | 6 | 0 | 6 | 0 | 0 | 0 |  | 6 |
| Mildura Rural City Council | 0 | 7 | 1 | 8 | 0 | 0 | 0 | 0 | 8 |
| Mitchell Shire Council | 0 | 4 | 0 | 4 | 0 | 1 | 0 | 1 | 5 |
| Moira Shire Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Monash City Council | 2 | 4 | 0 | 6 | 0 | 6 | 1 | 7 | 13 |
| Moonee Valley City Council | 0 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| Moorabool Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mount Alexander Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mornington Peninsula Shire Council | 0 | 12 | 2 | 14 | 0 | 0 | 0 | 0 | 14 |
| Moyne Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Murrindindi Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nillumbik Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Northern Grampians Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Port Phillip City Council | 0 | 66 | 0 | 66 | 0 | 4 | 0 | 4 | 70 |
| Pyrenees Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Gippsland Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Southern Grampians Shire Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Stonnington City Council | 0 | 21 | 0 | 21 | 0 | 6 | 0 | 6 | 27 |
| Strathbogie Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Surf Coast Shire | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 | 3 |
| Swan Hill Rural City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Towong Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wangaratta Rural City Council | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Warrnambool City Council | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Wellington Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Wimmera Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitehorse City Council | 0 | 25 | 2 | 27 | 0 | 26 | 3 | 29 | 56 |
| Whittlesea City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wodonga City Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyndham City Council | 1 | 66 | 5 | 72 | 0 | 8 | 0 | 8 | 79 |
| Yarra City Council | 0 | 14 | 1 | 15 | 0 | 1 | 0 | 1 | 16 |
| Yarra Ranges Shire Council | 0 | 22 | 1 | 23 | 0 | 8 | 1 | 9 | 32 |
| Yarriambiack Shire Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **Total** | **29** | **705** | **40** | **774** | **3** | **285** | **29** | **317** | **1090** |

## **Appendix 7: Offences under the Food Act that resulted in a conviction, by type of offence**[[45]](#footnote-46)

| Type of offence | Number of offences |
| --- | --- |
| **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. | 4 |
| **S.11(2) – handling and sale of unsafe food** | |
| Did sell food that is unsafe | 1 |
| **S.12(1) – handling and sale of unsuitable food** | |
| Did handle food intended for sale in a manner that will render, or is likely to render, the food unsuitable. | 1 |
| **S.16 – Failure to comply with the Food Standards Code** | |
| 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. | 6 |
| 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. | 2 |
| Standard 3.2.2, clause 6(2)(a) – food storage When storing potentially hazardous food, fail to store it under temperature control. | 1 |
| 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. | 1 |
| Standard 3.2.2, clause 9(c) - food packaging Fail, when packaging food, to ensure that there is no likelihood that the food may become contaminated during the packaging process | 1 |
| Standard 3.2.2, clause 11(1)(a) – food disposal Fail to ensure that food for disposal is held and kept separate until it is destroyed or otherwise used or disposed of so that it cannot be used for human consumption | 1 |
| 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)(a) – hygiene of food handlers Fail, when engaging in any food handling operation, to take all practicable measures to ensure his or her body, anything from his or her body, and anything he or she is wearing does not contaminate food or surfaces likely to come into contact with food. | 1 |
| 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. | 3 |
| Standard 3.2.2, clause 19(1)(c) – cleanliness Fail to maintain food premises to a standard of cleanliness where there is no accumulation of grease | 1 |
| 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. | 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. | 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. | 4 |
| Standard 3.2.2, clause 22(b) – temperature measuring devices Fail, at a food premises where potentially hazardous food is handled, to have temperature measuring device that can accurately measure the temperature of potentially hazardous food to +/- one degree Celsius. | 1 |
| Standard 3.2.2, clause 24(1)(b) – animals and pests Fail to take all practicable measures to prevent pests entering the food premises. | 5 |
| 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. | 1 |
| 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. | 3 |
| Standard 3.2.3, clause 6(b) – storage of garbage and recyclable matter Fail to provide facilities for the storage of garbage and recyclable matter that enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it. | 1 |
| Standard 3.2.3, clause 8 – lighting Fail to have a lighting system that provides sufficient natural or artificial light for the activities conducted on the food premises. | 1 |
| Standard 3.2.3, clause 10(2)(c) – floors Subject to subclause (3), fail to ensure floors be laid so that there is no ponding of water | 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 | 1 |
| Standard 3.2.3, clause 14(1)(a) – hand washing facilities Fail to provide hand washing facilities that are located where they can be easily accessed by food handlers within areas where food handlers work if their hands are likely to be a source of contamination of food. | 1 |
| Standard 3.2.3, clause 14(2)(b) - hand washing facilities Fail to ensure hand washing facilities are connected to, or otherwise provided with a supply of warm running potable water. | 2 |
| **S.19(7) – orders relating to food premises** | |
| Did contravene an order made under this section by the relevant authority. | 3 |
| **S.29(g) – offences with respect to authorised officers and articles** | |
| Did assault, obstruct or attempt to obstruct, threaten, abuse, insult, intimidate or attempt to intimidate any authorized officer or other person in the exercise of his powers or authorities or the discharge of his functions or duties under this Act. | 1 |
| **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 8: 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% |
| Anaphylaxis notifications attributed to food in people with a known allergy are acted upon within one day of notification | Quarterly | Timeliness | 100% | 100% (second half of year only) |
| Comments on proposals and applications to amend the 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. This involves contributing to national food law processes through working alongside regulatory partners including PrimeSafe, Dairy Food Safety Victoria (DFSV), other government departments, and local councils.

   **PrimeSafe** regulates 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/>.

   **DFSV** regulates the sale of dairy products in Victoria under the *Dairy Act 2000*. More information on [DFSV](file:///C:/Users/ivho1502/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/N80UHMPT/DFSV) is available at <https://www.dairysafe.vic.gov.au/>. [↑](#footnote-ref-5)
5. Except those regulated by PrimeSafe or DFSV. [↑](#footnote-ref-6)
6. 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-7)
7. 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-8)
8. 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-9)
9. This does not include premises that are in a status of revoked, suspended, refusal of renewal, or closed as of 31 December 2023. [↑](#footnote-ref-10)
10. See Table 2 for class descriptions. [↑](#footnote-ref-11)
11. The registration status of a premises can change throughout the year. As a result, a food premises may be counted more than once in a period as changes occur to its registered status. [↑](#footnote-ref-12)
12. **Conditional registration** is a type of registration that is granted but has specific conditions placed on it by the registering council, in accordance with Part 6 of the Food Act where conditions have been placed on their registration and that continual operations are contingent to the premises fulfilling required conditions. [↑](#footnote-ref-13)
13. **Pending registration** refers to a registration that is waiting for renewal by council. From 2022, pending registration premises data is included in reporting, as these food businesses continue to operate while approval of their registration renewal is pending. [↑](#footnote-ref-14)
14. Meat retailers must register with PrimeSafe. Where they sell meat from mobile vehicles, they must also notify their registering council under the Food Act. PrimeSafe premises are classified as Class 3 premises under the Food Act. [↑](#footnote-ref-15)
15. For more information about food sampling requirement refer section 32A of the Food Act at <<https://www.legislation.vic.gov.au/>>. The [2023 section 32A declaration](https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022S629.pdf#page=1) is publicly available in the Victorian Government Gazette at <https://www.gazette.vic.gov.au/gazette/Gazettes2022/GG2022S629.pdf#page=1>. [↑](#footnote-ref-16)
16. Refers to an investigation related to a complaint, or a case, cluster or outbreak of a foodborne illness. [↑](#footnote-ref-17)
17. One food sample may undergo multiple tests for different hazard types, for example, allergen and microbial testing. [↑](#footnote-ref-18)
18. 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-19)
19. 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-20)
20. For example, sampling to gain whole genome sequencing of salmonella isolates or sampling to measure the alcohol content of brewed soft drinks. [↑](#footnote-ref-21)
21. For example, breweries, pubs, restaurants and retail liquor stores. [↑](#footnote-ref-22)
22. Registering councils undertook compliance and follow-up activities according to standard process, with manufacturers of samples found to be non-compliant, for example, the alcohol statement is not accurate to within 0.3% alcohol by volume (ABV). Councils were directed to the Food Safety Unit Incidence and Compliance team if compliance support was required. [↑](#footnote-ref-23)
23. Routine horizon scanning is a systematic process of constantly monitoring and analysing emerging trends, potential threats, and opportunities to identify early signals of change, enabling proactive planning and decision-making. [↑](#footnote-ref-24)
24. Sudan dyes are synthetic dyes used industrially to colour textiles, plastics, shoe leather and other synthetic products such as floor polish. Due to their potential carcinogenicity, they are not permitted for use in food in many countries including Australia and New Zealand. For further information, please visit the Centre for Food Safety at < https://www.cfs.gov.hk/english/multimedia/multimedia\_pub/multimedia\_pub\_fsf\_05\_01.html>. [↑](#footnote-ref-25)
25. For further information about restricted synthetic food colours, please visit FSANZ at <https://www.foodstandards.gov.au/consumer/additives/foodcolour>. [↑](#footnote-ref-26)
26. For further information about this survey, please visit FSANZ at <<https://www.foodstandards.gov.au/consumer/prevention-of-foodborne-illness/listeria-monocytogenes-and-imported-fresh-enoki-mushrooms>>. [↑](#footnote-ref-27)
27. For further information about the national recall of poppy seeds, please visit FSANZ at <<https://www.foodstandards.gov.au/food-recalls/national-recall-poppy-seeds>>. [↑](#footnote-ref-28)
28. 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-29)
29. 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-30)
30. These figures are likely to represent an underestimation of the total number of notices issued state-wide. Not all councils routinely report infringement notice data to the department. [↑](#footnote-ref-31)
31. For more information about registration suspension and revocations refer section 40D of the Food Act at <https://www.legislation.vic.gov.au/>. [↑](#footnote-ref-32)
32. For more information about condition-imposed refer section 19V(2)(c) or 39A of the Food Act at <https://www.legislation.vic.gov.au/>. [↑](#footnote-ref-33)
33. 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-34)
34. Refer to [**Appendix 7**](#_Appendix_7:_Offences) for a detailed breakdown of the offences under the Act that resulted in a conviction in 2023. [↑](#footnote-ref-35)
35. 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-36)
36. The forums educate approved food safety auditors on requirements and expectations for audits under the Food Act. The forums, held in June and December 2023, included coverage of the new Code 3.2.2a and findings from food premises outbreak investigations. [↑](#footnote-ref-37)
37. Details of the Victorian anaphylaxis notification system can be found on the department’s website at <<https://www.health.vic.gov.au/public-health/anaphylaxis-notifications>>. [↑](#footnote-ref-38)
38. Four-year average was calculated from year 2019 to 2022. November and December 2018 data were excluded from this analysis. [↑](#footnote-ref-39)
39. For information on Food incidents, visit FSANZ at <https://www.foodstandards.gov.au/food-recalls/FoodIncidents>. [↑](#footnote-ref-40)
40. Contact OzFoodNet at <<https://www.health.gov.au/our-work/ozfoodnet-network>> regarding access to available reports on these investigations. Investigation reports are not publicly available. [↑](#footnote-ref-41)
41. For further information on the food safety regulatory system, visit [Heath.vic](https://dhhsvicgovau.sharepoint.com/sites/RegulatoryServices-GRP-PerformanceandCapability/Shared%20Documents/Performance%20and%20Capability/Food%20Act%20Reports/2022%20Food%20Act%20Report/Annual%20report%20under%20review/Heath.vic) at <https://www.health.vic.gov.au/food-safety/food-regulation>. [↑](#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, 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 that 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.

    There were no reported class 3A general enforcement action and infringement notices action taken in 2023. [↑](#footnote-ref-45)
45. In the following table there may be more than one offence per convicted party or convicted party per premises. [↑](#footnote-ref-46)