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PARLIAMENT OF TASMANIA

AUDITOR-GENERAL SPECIAL REPORT NO. 33

FOOD SAFETY

September 2000

*Presented to both Houses of Parliament in accordance with the provisions of Section 57 of
the Financial Management and Audit Act 1990*

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6 September 2000

President
Legislative Council
HOBART

Speaker
House of Assembly
HOBART

Dear Mr President
Dear Mr Speaker

**PERFORMANCE AUDIT NO. 33
FOOD SAFETY**

This report has been prepared consequent to examinations conducted under section 44 of the Financial Management and Audit Act 1990, for submission to Parliament under the provisions of section 57 of the Act.

Performance audits seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities, thereby identifying opportunities for improved performance.

The information provided through this approach will, I am sure, assist Parliament in better evaluating agency performance and enhance Parliamentary decision making to the benefit of all Tasmanians.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A J McHugh'.

A J McHugh
AUDITOR-GENERAL

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|------|--|
| AIEH | Australian Institute of Environmental Health |
| DHHS | Department of Health and Human Services |
| DPAC | Department of Premier and Cabinet |
| DPH | Director of Public Health |
| EFT | Employee – full-time |
| EHO | Environmental Health Officer |
| LGAT | Local Government Association of Tasmania |
| PI | Performance Indicator |

INTRODUCTION

Under the provisions of section 44(b) of the *Financial Management and Audit Act 1990* the Auditor-General may

“carry out examinations of the economy, efficiency and effectiveness of Government departments, public bodies or parts of Government departments or public bodies”.

The conduct of such audits is often referred to as performance auditing.

This report relates to a performance audit carried out by the Tasmanian Audit Office during the period April to July 2000.

The objective of this performance audit was to assess Local Government's performance in relation to monitoring of food safety through activities of councils' Environmental Health Officers.

The approach taken in this audit was to elicit information from all councils in Tasmania by means of a survey. This was followed up by field visits to a number of selected councils across the State.

AUDIT OPINION

| | |
|--------------------------------------|---|
| Report Title | Food Safety |
| Nature of the Audit | The objective of this performance audit was to assess Local Government's performance in relation to monitoring of food safety through activities of councils' Environmental Health Officers. |
| Responsible Party | All councils in the State. |
| Mandate | <p>This audit has been carried out under the provisions of Section 44(b) of the <i>Financial Management and Audit Act 1990</i> which provides that:</p> <p><i>"The Auditor-General may carry out examinations of the economy, efficiency and effectiveness of Government departments, public bodies or parts of Government department or public bodies."</i></p> |
| Applicable Standards | <p>This audit has been performed in accordance with Australian Auditing Standard AUS 806 "Performance Auditing" which states that:</p> <p><i>"The objective of a performance audit is to enable the auditor to express an opinion whether, in all material respects, all or part of an entity's activities have been carried out economically, and/or efficiently and/or effectively."</i></p> |
| Limitation on Audit Assurance | <p>Audit procedures were restricted to data supplied by councils on a survey questionnaire designed and circulated by the Audit Office. This information was supported by documentary evidence collated by the Audit Office during a round of field visits to a number of councils throughout the State. The evidence provided by these means restricts the audit assurance to a moderate level since the evidence is persuasive rather than conclusive in nature.</p> |
| Audit Criteria | <p>The assessment of councils' management was ascertained under these criteria:</p> <p style="padding-left: 40px;"><i>Staffing of Environmental Health Officer (EHO) positions</i></p> <ul style="list-style-type: none"> ?? EHOs should be qualified, adequately trained and objective; ?? EHOs should exercise authority to enforce the Act and Guidelines relating to food premises; and ?? EHOs should be guided by documented policies and procedures. Their responsibilities should be clear. <p style="padding-left: 40px;"><i>Planning and Conducting of Inspections</i></p> <ul style="list-style-type: none"> ?? Inspection procedures should measure compliance with the Act and Guidelines relating to food premises; ?? Routine inspections should be done to control risks in accordance with a pre-determined coverage plan; ?? Non-routine inspections should be done when appropriate, for example to address complaints |

from the public and to determine whether identified deficiencies have been corrected;

- ?? Inspection reports should be relevant, complete, consistent and filed; and
- ?? Inspection data should be supported by adequate information system.

Integrating the Results of Inspections

- ?? Registration and licensing processes should incorporate results of inspections; and
- ?? Results of inspections should be used to identify common problems of non-compliance.

Program Monitoring and Reporting

- ?? Monitoring procedures should measure the completeness and consistency of inspections;
- ?? There should be performance indicators and monitoring procedures for evaluating performance of the food premises inspection function; and
- ?? The extent and outcome of EHO activity on food safety should be made public (section in Annual report).

Opinion and Conclusions

Due to limitations imposed by the audit methodology employed, and the selective nature of field-testing, it has not been able to form an opinion on the basis of economy, efficiency or effectiveness. However, on the basis of information supplied in response to our survey questionnaire and additional data obtained through field-testing it was possible to obtain a "snap shot" of the food safety function undertaken by Local Government in Tasmania. Councils appear to have suitably trained and experienced EHOs to meet their obligations under the *Food Act 1998* and Director of Public Health (DPH) guidelines. EHOs are able to exercise their day-to-day authority without constraint.

Planning of inspections is mostly consistent with a risk management approach advocated by the DPH although the justification of some risk categorisations was not clear. Generally, the conduct of inspections is satisfactory although there are some issues of transparency where inspection reports are not completed.

Registration and licensing procedures appear to be satisfactory although councils could make better use of EHOs by considering the re-assignment of some of the related administrative functions to Municipal Officers.

The area of program monitoring and reporting needs to be given a priority by councils. Better reporting of EHO's activities in relation to food safety, using meaningful performance indicators, should be implemented for both council management and external stakeholders.

SUMMARY OF AUDIT FINDINGS AND RECOMMENDATIONS

The Audit Office commends West Tamar Council on its quality management system that ensured high standards of transparency through comprehensive and detailed documentation.

Page 11

Councils should develop policies and procedures for EHOs to ensure that the food safety function is managed in accordance with their objectives and priorities and in a manner consistent with best practice principles.

Page 11

Councils should adhere to the food premises inspections schedule, particularly for high-risk businesses.

Page 13

In the interests of transparency documentation should be available to justify an EHO's assessment of each food premises' risk categorisation.

Page 14

Inspections of food premises should be recorded by councils in a form that satisfactorily addresses the issues of accountability and transparency.

Page 15

Responsibility for billing of food premises registration and licensing of operators, together with follow up of payments, should be assigned to administrative staff so that EHOs have more time to devote to their professional duties.

Page 18

Regular reporting of food premises inspections should be made to council management by EHOs.

Page 19

Appropriate performance indicators should be established to permit councils to evaluate the food premises inspection function.

Page 20

The Audit Office commends Central Coast Council's "State of Environmental and Public Health Reporting" for the period 1998 – 1999 as an example of how public reporting needs can be met.

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Councils should comply with their public health reporting obligations as contained in the *Local Government Act 1993* and the *Local Government Amendment (Public Health) Act 1998*.

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AUDIT OBJECTIVES, APPROACH AND COST

Audit Objective

The objective of this performance audit was to assess Local Government's performance in relation to monitoring of food safety through activities of councils' Environmental Health Officers (EHOs).

Scope of the Audit

Our audit focused on those aspects of Local Government's environmental health role that related to food safety. This is a function that encompasses inspections of a wide range of food premises.

Audit Criteria

The criteria that were applied to food safety activities undertaken by EHOs covered the following areas:

- ?? Staffing of EHO positions;
- ?? Planning and Conducting of Inspections;
- ?? Integrating the Results of Inspections; and
- ?? Program Monitoring and Reporting.
- ?? Refer to pages 2 - 3 of this report for full details.

Audit Steering Committee

In line with the Audit Office's established practice for the conduct of performance audits, a steering committee was convened to reflect stakeholder views. The committee provided input to the audit's methodology and reviewed the draft report upon its completion. The Auditor-General chaired the steering committee and its members were drawn from the following areas:

- ?? Department of Premier and Cabinet;
- ?? Department of Health and Human Services;
- ?? Australian Institute of Environmental Health;
- ?? Clarence City Council;
- ?? Local Government Association; and
- ?? Representatives of the performance audit section.

Audit Methodology

The following methods were used during the course of the audit to gather evidence from which conclusions were drawn:

- ?? Data was gathered by means of a survey questionnaire that was circulated to all councils in Tasmania (refer to Appendix A);
- ?? Further information was collected through field visits made to seven councils that involved discussion with EHOs (refer to Appendices B and C for the methodology used). Council documents relating to policies and procedures in this area were also examined.
- ?? Discussions were held with staff from the office of the Director of Public Health (DPH).

Audit Resources and Timing

Planning for the performance audit commenced in April 2000. The survey questionnaire was circulated in May and field-testing at councils occurred in June. The report was finalised in August 2000.

The total cost of the audit, including the cost of Tasmanian Audit Office staff is estimated at \$33 899.

BACKGROUND

Food safety is important to individuals, the community, industries and governments alike. In Australia in the recent past food poisoning has led to cases of severe illness and even deaths. In addition to these hardships, there are considerable costs to the community through utilisation of medical resources and lost productivity. These and other factors such as increased rates of dietary disease, greater reliance on convenience foods and increased complexity in the food industry have combined to force governments to consider fundamental changes in food legislation. These food-specific pressures arise at a time when government is committed to reduced business regulation.

In Australia proposals to achieve uniformity with respect to legislation pertaining to food have a long history. In 1976 a working party considered creating model food legislation to simplify regulatory requirements for the food industry and the respective State and Federal authorities. Movement towards this goal has proceeded, albeit slowly, and the process now encompasses New Zealand. A treaty to establish a joint food standards system between the two countries was signed in 1995, with a bi-lateral authority being established for this purpose, namely the Australian New Zealand Food Authority (ANZFA).

In a 1998 discussion paper ANZFA identified a number of advantages of co-regulatory codes over prescriptive legislation such as:

- ?? Being developed in consultation with the food industry and the wider community they can provide a more flexible approach to problem areas and can be changed more easily under regulation-making powers than through legislation;
- ?? Industry, which is subject to ongoing technological innovation, can feel some ownership over regulation of the industry as a result of consultation; and
- ?? The use of guidelines offers flexibility and sensitivity to market circumstances necessary for innovation, diversification and development of the food industry.

Against this background the Tasmanian Parliament passed legislation to replace the previous Act (*Public Health Act 1962*) and reflect the proposed intent of the new Federal laws. Another of the principal objectives of the Tasmanian *Food Act 1998* was to clarify and articulate the roles and responsibilities of State and Local Governments in order to minimise administrative duplication. The State's role largely concerns matters that have a statewide focus such as legislation and broad policy directions. On the other hand, Local Government's primary responsibility is for the implementation of policy within municipal boundaries, including emphasis on monitoring of food safety.

The onus for compliance with the requirements of the *Food Act 1998* is upon vendors of food. Numerous sections of the Act create offences for selling food that is unfit for human consumption, falsely described or that does not comply with a prescribed standard. Councils are empowered to register certain food premises (namely take-aways, restaurants, bakeries, delicatessens, smallgoods manufacturers and seafood processors) and issue licenses to food handlers and vendors. Further, councils are also responsible to ensure that registered premises and licensed persons do comply with the Act.

Consistent with the trend towards reduced legislative prescription the *Food Act 1998* does not specify details regarding these and other operational matters. Instead, this level of detail is taken up in guidelines issued by the DPH within the Department of Health and Human Services (DHHS). The objective of the guidelines is to assist Local Government officers in meeting their obligations under the Act. To date, publications include *Guideline No.1: Food*

Hygiene issued in October 1998 and *Guideline No.2: Applying the Australian Food Standards Code* issued in November 1998.

To provide further guidance to Local Government staff charged with undertaking public health-related functions the DPH has also issued a *Manual for Local Government*. This manual is concerned with some issues that impinge on food safety but it goes beyond this particular matter in keeping with the diverse role of Environmental Health Officers (EHOs).

As the first line of defence against food borne illness councils' EHOs have a critical role in ensuring public safety. With a changed regulatory framework now in place across Tasmania's 29 councils it is possible that a lack of uniformity in interpretation and application could hamper effective monitoring of food safety.

Examination Focus and Approach

Our work focused primarily on the food safety aspects of councils' EHOs and to gain as comprehensive a view as possible input was sought from all councils. To expedite the process a survey was undertaken using a questionnaire. Criteria were developed that examined the professional background of staff working as EHOs and the way that inspections of food premises are planned, conducted and documented.

The audit also sought to ascertain how information obtained by EHOs is managed and used within councils as well as examining the councils' monitoring and reporting of performance within their municipal boundaries.

In addition to the analysis of completed questionnaires, field visits were made to a number of councils representing a range of urban / rural and regional areas to allow a more comprehensive view of food safety processes to be gained.

Reviews and Audits in other Jurisdictions

No similar work could be found in other jurisdictions in Australia, but two reports were noted from Canada:

- ?? In 1998 the Auditor-General of Newfoundland and Labrador released a report titled *Food Premises Inspection and Licensing*. It examined inspections carried out by staff of the Province's Department of Health and Community Services; and
- ?? In 1999 the New Brunswick Auditor-General issued a report titled *Department of Health and Community Services - Food Safety*. The main objective for this audit was to determine if the Department had systems and practices in place to ensure that food service establishments in the Province were complying with food safety standards set out in the Health Act and Regulations.

Acknowledgment

In this report we have drawn on the audit planning and reporting done by the Office of the Auditor-General, New Brunswick and I thank that Office for its cooperation and assistance.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This section of the report details our findings, conclusions and recommendations made in relation to the audit criteria.

Staffing of EHO positions

Three audit criteria were applied in regard to the staffing of EHO positions. These required that EHOs should:

- ?? Be qualified, adequately trained and objective;
- ?? Exercise authority to enforce the Act and Guidelines relating to food premises; and
- ?? Be guided by documented policies and procedures.

Qualifications

Under the *Food Act 1998* Environmental Health Officers are designated as authorised officers and are responsible to ensure that the provisions of the Act are complied with. To aid in this task they have recourse to a variety of powers that are aimed at preventing danger to public health from food-related sources. In order to ascertain the fitness of council EHOs our Local Government questionnaire (Appendix A) sought information regarding the qualifications of these staff, both in terms of work experience and academic training.

All 29 councils in the state employ EHOs, ranging from a complement of 7 EFTs in Hobart through to fractional positions (0.4 EFT) in smaller rural municipalities. EHOs possess suitable academic qualifications with the most commonly reported being a Diploma / Advanced Diploma of Applied Science, or Bachelor of Applied Science in the field of Environmental Health. These and the other qualifications advised by respondents are recognised by the AIEH.

As well as formal qualifications, Tasmanian EHOs have lengthy on-the-job experience with a reported average of approximately 15 years. In light of this combination of qualifications and experience it appeared that EHOs are well positioned to undertake their duties. Moreover, all reported participating in ongoing professional development activities such as seminars, workshops, forums and conferences in the last two years (during which time the *Food Act 1998* came into force). These activities were at either regional or state level and included those that were sponsored by council as well as events organised by the AIEH.

Our conclusion is that this criterion is met.

Authority

EHOs are granted considerable powers of entry, inspection and seizure under the *Food Act 1998*. During field-testing we sought to determine whether they were able to exercise that authority and fulfil their obligations regarding food safety without limitations being imposed by council management. In line with section 23 of the Act, it appeared that the Councils visited had issued certificates of authority specifying the powers that their EHOs can exercise and none had placed restrictions on their staff. However, normal consultative processes would be followed within council health departments before infringement notices are issued.

The serious actions of seizing goods, issuing infringement notices and instigating prosecutions are viewed as elements of a series of graded responses available to EHOs and

used according to their professional discretion. Councils had the objective of resolving issues of non-compliance with the minimum level of intervention that was appropriate. This approach stems from councils' role as facilitators and educators, with progress to sterner measures occurring only when and if necessary. Information regarding actions taken by councils is provided below in Table 1.

| Action | No of Councils | No of Incidents |
|--|----------------|-----------------|
| Seizures made in the last 12 months | 3 (10%) | 5 |
| Issued infringement notices during 1999 | 4 (14%) | 6 |
| Prosecutions instigated on food safety matters during 1999 | 3 (10%) | 8 |

Table 1: Number of councils making seizures, issuing infringement notices and instigating prosecutions

Our conclusion is that this criterion is met.

Policies and procedures

Part of our process involved a review of the policies and procedures that councils had available to guide EHOs in their duties. At the top level of the policy framework is the *Food Act 1998* which deals with matters of food quality, safety, sampling, registration of food premises, licences to sell or manufacture food and miscellaneous issues in broad terms.

Further direction to EHOs comes from the next tier of documentation in the form of guidelines from the DPH, issued in accordance with the regulatory provisions of the *Food Act 1998*. To date, the DPH has brought out two guidelines, the first on the subject of food hygiene and the second dealing with application of the Australian Food Standards Code. According to the latter, vendors, manufacturers and suppliers of food are required to comply with the previously mentioned code. On the other hand, the food hygiene guidelines contain details relating to food premises, hygienic operations, registration of premises and licensing of persons. These guidelines are quite technical and comprehensive with the level of detail such that EHOs could apply their conditions directly when inspecting food premises.

Nonetheless, the guidelines do not cover administrative processes that are needed to ensure that the food safety function is systematically managed within respective councils. The performance audit therefore sought to establish whether these requirements, that encompass issues of accountability and transparency, were clearly articulated by management and made available to EHOs. Amongst issues that could be covered by policies and procedures are the following:

- ?? Performing inspections;
- ?? Time taken to do an inspection;
- ?? Equipment necessary to do an inspection;
- ?? Details of how the inspection report is prepared;
- ?? Items to be included on individual food premise files;
- ?? Frequency of inspections and basis of timetabling;
- ?? Actions required in registering / licensing new food premises / operators;
- ?? Actions required in processing registration and licence renewals; and
- ?? Council's role in promoting food safety awareness.

In response to survey question 1.1.7 “Does Council have documented policies, procedures, job descriptions to guide EHOs in their duties?” 23 councils (79%) indicated that they did. It appeared, however, that these affirmative answers were related specifically to job descriptions rather than documented policies and procedures *per se*. During field-testing it became apparent that only one of the seven Councils visited had work instructions that actually listed process steps and associated details. This particular Council had embraced a quality management ethos and the extent and currency of documentation appeared to be of an unusually high standard.

Better Practice

West Tamar Council's quality management system ensured high standards of transparency through comprehensive and detailed documentation.

Position descriptions used by the majority of councils were quite broad and had not been written with a view to guiding new or existing employees in their duties or with communicating councils' priorities in relation to EHOs' diverse range of responsibilities. Position descriptions reviewed seemed to be of two kinds. There were those that listed the key responsibilities associated with food safety, environmental monitoring etc in a detailed way. Others, however, were very broad and contained items such as “...be able to effectively communicate ...”. It appeared that these generic position descriptions related to appraisal of employees' performance and they reflected commonly encountered selection criteria used in staffing positions.

For those councils that have a team of EHOs the development of policies and procedures that clearly state councils' requirements in respect to management of food safety monitoring would ensure a consistent approach. In the case of smaller councils with one EHO or a part-time position the development of policies and procedures would be a benefit where new staff are recruited. In either scenario there is the opportunity for councils to clearly articulate their objectives and priorities in relation to food safety.

Our conclusion is that this criterion is partially met.

Recommendation

Councils should develop policies and procedures for EHOs to ensure that the food safety function is managed in accordance with their objectives and priorities and in a manner consistent with best practice principles.

Planning and Conducting Inspections

To aid in considering planning and inspection procedures we reviewed them separately. The criterion applied in respect of planning was that it should measure compliance against the *Food Act 1998* and guidelines.

Four audit criteria were applied to the conduct of inspections. Briefly, inspections should:

- ?? Be routinely done in accordance with a pre-determined coverage plan;
- ?? Be done as required in response to complaints or follow up activity;
- ?? Result in relevant reports; and
- ?? Be supported by an adequate information system.

Planning

From the survey questionnaire a clear picture of inspection planning emerged. Asked whether the introduction of the *Food Act 1998* and accompanying guidelines had been a

problem for councils, 7 (24%) indicated that it had with the difficulties centring principally on resourcing issues. It was their view that the new regime entailed additional responsibilities that had to be accommodated within existing bottom lines. Inevitably, delays or bottlenecks crept into food safety monitoring or other aspects of EHOs' duties. Other functions that typically contribute to an EHO's workload are the following:

- ?? Public liaison on environmental matters;
- ?? Immunisation;
- ?? On-site waste disposal (septic tanks);
- ?? Building (inspection of sub-standard housing);
- ?? Environmental monitoring (air, noise, water pollution);
- ?? Health education; and
- ?? Nuisances (public nuisances, pest control).

Another source of complaint regarding the new Act was ambiguity in interpreting legislation. The move away from prescriptive legislation to guidelines that allow some scope for interpretation had caused difficulties in enforcement where operators had queried decisions made by EHOs. Where problems of this kind arose, the usual approach adopted by councils was to seek further advice from the DPH.

Coverage of the *Food Act 1998* extends to facilities such as hospitals, nursing homes and child care facilities that, for purposes of the Act, are viewed as food manufacturers. Likewise, all food manufacturers (including those operating on an industrial scale) are obliged to produce safe food. As a consequence, even though they may not be required to be registered or licensed under the Act, authorised officers are empowered to enter premises, seize goods etc.

In addition to restaurants, cafes, food retailers etc, the Act also includes the following types of food premises:

- ?? Smallgoods manufacturers;
- ?? Seafood processors;
- ?? Canneries;
- ?? Flour millers; and
- ?? Fruit and vegetable processors.

Premises normally excluded from EHO inspections are those overseen by the Department of Primary Industry, Water and Environment. Food-related activities of this Department include monitoring and licensing of abattoirs, random testing of fruit and vegetables for chemical residues as well as licensing and inspection of milk processors and cheese manufacturers.

The current basis for planning inspections is a document issued by the former Department of Community and Health Services in 1996: "Guidelines for Determining Minimum Frequencies of Local Government Food Premises Audits in Tasmania". It is currently viewed by Department of Health and Human Services (DHHS) as an interim publication as it will probably be superseded by a new federal guideline. DHHS anticipate that the new federal guidelines will be issued early in 2001 as part of the national reform process. In any event, the 1996 publication continued to be in force at the time of our audit and it is likely that there will be substantial overlap between the old and new guidelines. Despite their interim status the guidelines represents best practice from a health regulatory standpoint.

A majority of councils use, or are at least familiar with, this risk-based methodology. The "Consolidated Audit Rating Form", which is Annex 6 of the guidelines, was in wide use in the councils visited but not all of them have applied the risk categories precisely as suggested. Departure from the frequency of inspections sometimes produced results better than those stipulated, which it should be noted are recommended minimums. As an example, many councils held the view that all registered food premises must be visited at least once a year and the effect of this ruling was to amalgamate the lowest categories (D – F). However, at the other end of the scale there were councils that did not achieve compliance with the frequency of inspections required for higher risk premises. Accordingly, not all high-risk food premises were actually inspected every two months as required. Commonly, backlogs were caused by either staff shortages (due to unforeseen absences) or conflicting work priorities. Immunisations, septic tanks or nuisances are examples of tasks that may take precedence over food inspections. When obliged to postpone or cancel a scheduled visit EHOs took a risk-based approach to the situation to try and achieve the best possible outcome. Factors that EHOs would consider in this process were the operator's perceived knowledge of hygiene and food safety matters, the level of food hygiene training and the company's track record. Moreover, when competing pressures had subsided attempts were made to catch up on inspection work in arrears.

An important part of EHOs' role in food safety is to facilitate the education and development of safety awareness amongst operators of food premises. This function was embraced by a majority of councils according to responses given on the survey questionnaire with just four (14%) indicating that their council had no role in relation to food safety programs. Of the 25 who responded positively, 15 (52%) described their role as "promotion", 7 (24%) as "auditing" and 3 (10%) saw the role as "educational".

Our conclusion is that this criterion is partially met.

Recommendation

Councils should adhere to the food premises inspections schedule, particularly for high-risk businesses.

Inspection Procedures

Food premises are assigned to one of six categories details of which are given below in Table 2.

| Category | Minimum Frequency of Audit |
|-----------------|-----------------------------------|
| A | (at least) every 2 months |
| B | (at least) every 4 months |
| C | (at least) every 6 months |
| D | (at least) every year |
| E | (at least) every 2 years |
| F | (at least) every 3 years |

Table 2: Frequency of inspections

Source: "Guidelines for Determining Minimum Frequencies of Local Government Food Premises Audits in Tasmania" DCHS 1996

Categorisation is determined by use of the "Consolidated Audit Rating Form" contained in the guidelines that assigns points to various classes of hazard according to type of food and method of handling and processing, as well as considering the type and number of

consumers at risk. Added to this are ratings for the current level of compliance and an assessment based on the EHO's degree of confidence in the food premises' systems of control and management. Guidance in use of the scoring system is also given in the guidelines. From this process the aggregate point score allows food premises to be slotted into an appropriate risk category.

To be able to manage the timetabling of inspections EHOs need some form of database to record pertinent details, including the risk rating, of food premises in their municipality. The survey response indicated that all councils do have some form of database, though not necessarily in an electronic format. For smaller councils that may have between 20 – 40 registered food premises there would appear to be little advantage in implementing a software-based system when paper-based records are likely to be just as effective if not more so. Either form of record keeping is suitable provided that it has the capacity to contain adequate information and that it is kept up to date.

A method of record keeping that we observed at several Councils during field visits involved the use of food premises files. These were paper files kept in respect of each food premise in the municipality and that contained a complete record of actions taken by EHOs. Amongst documents kept on file were risk ratings to determine original risk classification, copies of inspection reports, correspondence related to follow up actions, assessment reports for registration renewals and file notes to indicate action points on subsequent visits. Food premise files provided the opportunity to easily gauge the level of performance of a business and council's activities in relation to it.

Those councils that used a control system of predominantly paper records often relied more heavily on local knowledge of food premises than those with a larger number of premises recorded on computer systems. This was a factor that impacted on the assessment of risk rating referred to above. In communities where food premises have a small volume of business it was usual for EHOs to use the DCHS guideline as a starting point and to then assign risk on an "instinctive" basis depending on their experience of the premises and its operator. For councils where the duties of an EHO were combined with those of plumbing or building inspections it was advised that opportunities arose occasionally that allowed additional monitoring of food premises. This situation was sometimes used to justify not conducting the full number of scheduled inspections. Although this practice may appear reasonable it could represent a risk to councils if food inspections fall behind schedule or are not properly documented.

Although the ability of an EHO to assess the relevant risk rating is not doubted, it was not always possible to examine the rationale for the assignment of a particular rating due to a lack of documentation.

Recommendation

In the interests of transparency documentation should be available to justify an EHO's assessment of each food premise's risk categorisation.

Techniques used in carrying out inspections of food premises varied across councils as did the coverage. In smaller municipalities it was not uncommon for EHOs to visit all premises preparing or selling food, including those that were not required to be registered as food premises, eg service stations or post offices that sell confectionary. In larger urban areas it was more usual for EHOs to only inspect those premises that fell within the ambit of the *Food Act 1998*.

EHOs in 25 councils (86%) relied on checklists to ensure consistent standards in their inspections. Many councils have developed their own checklists based on versions in use previously and/or samples circulated by the DPH. Almost all checklists had the facility for

EHOs to enter ticks or ratings against various criteria that encompassed matters such as structure, cleanliness, staff-related issues, food handling and temperature recording. Frequently, the checklist had space for comments to be included and notes to be made about remedial actions necessary. Report forms of this kind were either loose leaf or bound in multi-copy, sequentially numbered, pre-carboned books. Where these checklists are available their usage is routine with file copies being retained on food premises files.

The ways in which results of inspections were made available to operators also varied. For councils that used the food premises inspection reports referred to above it was the usual practice to discuss the outcome with the operator and hand them a copy of the form (which they may or may not sign as an acknowledgement) at the conclusion of the inspection. Another approach used by EHOs was to take the completed checklist back to their office and send a letter that outlined the inspection's findings.

Regardless of which of these alternatives for producing a report is employed a number of benefits are gained. A written report is available in the council's records, evidence exists of when the inspection was performed and by whom, and finally it forms the basis for any subsequent follow up actions. From the viewpoint of the food premise's operator, written advice serves to confirm discussions at the time of the inspection and is unequivocal. Moreover, it can also re-assure operators that the registration / licence fee is adding value to their business.

For those councils without checklists it was reported that EHOs relied on their extensive experience. This latter view could be supportable, particularly in small municipalities where there were only a limited number of low-volume food premises. It is important, though, that when an inspection is done a record of it is available and also that the outcome is communicated to the operator. The reasons for documentation are:

- ?? To demonstrate that the process is properly conducted;
- ?? To provide an accountability mechanism;
- ?? To facilitate ongoing monitoring and review; and
- ?? To provide an audit trail.

There were councils where reporting was done on an exception basis, with the EHO discussing the inspection with the operator, but not leaving a written report. A letter would be sent later if circumstances warranted it, otherwise no report was issued or notation made on council's records. This method of operation is not satisfactory given the above reasons for documentation. Moreover, if there were to be a change of personnel or an emergency arose it would not be possible to readily ascertain the current state of food safety monitoring in the municipality. In the interests of transparency and accountability councils need to be able to keep track of inspections carried out by EHOs, even if no follow up actions are necessary.

Recommendation

Inspections of food premises should be recorded by councils in a form that satisfactorily addresses the issues of accountability and transparency.

All respondents advised that they carried out unscheduled inspections, triggered either by follow up visits or the need to investigate complaints made to councils. Some basic data regarding food complaints was received from survey questionnaires, for example 25 councils (86%) received food complaints during 1999 with an average number of 24 each. During field-testing a more detailed examination was made of food complaints and the mechanisms that councils had in place to deal with them.

EHOs reported that complaints made in relation to food matters were not always easy to investigate as there was usually little or no evidence to go on. An example of this kind of complaint was where a member of the public would report food premises with unhygienic practices such as a staff member handling money and food with the same hand. Additionally, a proportion of complaints were perceived as frivolous or malicious. According to EHOs interviewed, the majority of remaining complaints related to contaminants or foreign matter found in packaged foods, eg fragments of metal or plastic. These complaints commonly involved companies outside of the state and resolution could be slow despite the best efforts of EHOs. Where investigation revealed that a complaint was justified the EHO had recourse to a number of options (recommend training, issue warning, serve an infringement notice) depending on the circumstances of the particular incident.

Procedures for handling complaints (of all kinds, not just food) existed in five out of the 7 Councils. Within this group there were mechanisms such as databases, registers or scheduling systems to log complaints. In all councils (including those without complaint handling procedures) it was standard practice to give food complaints priority treatment because of their potential urgency. Actions taken were documented and an adequate audit trail appeared to exist in the 7 Councils visited.

Our conclusion is that this criterion is partially met.

Integrating the Results of Inspections

In this audit criterion we examined the linkages between the inspection and registration/licensing functions. As well, we reviewed how information gained from inspections reports was used by councils.

Registration and Licensing

Responses to the survey question "Does the EHO make a recommendation about registration on the inspection report?" (3.1.2) indicated that 24 (83%) councils do. This is usually done by means of an assessment report, which is completed for annual renewals or new applications. Within the body of the report there is commonly a section where the EHO or Senior EHO makes a declaration to the effect that, through the medium of food premises inspections, they have considered:

- ?? The manner in which the premises, vehicle or equipment was operated during the period of registration; and
- ?? The manner in which the applicant manufactured or sold food under the licence.

Similarly, tying together the inspection and registration/licence functions was question 3.1.4.1 ("Are pre-licence inspections made?") where 26 (90%) of responses were positive.

Linkage between management of risk and level of registration and licence fees paid by operators can be achieved through charging on a per visit basis. Put simply, the higher the risk the more inspection visits are required. If each visit is charged to the operator then councils are likely to have (at least a degree of) cost recovery.

Our survey questionnaire sought to ascertain the extent to which councils applied cost recovery techniques to food safety monitoring. The question (2.2.4.3) "Are there any incentives/penalties built into the fee structure (eg extra fees for follow-up visits)?" saw councils almost evenly divided, with 14 positive and 15 negative responses. Those with a flat fee structure that did not offer incentives or penalties seemed to be adherents to one of two views. The first was based on perceptions of what the market would bear, with consideration of what neighbouring councils were charging. The second approach appeared

more altruistic, with food safety seen as a matter of public welfare and that it was inappropriate to pursue it along commercial lines. Of the 7 Councils reviewed during field-testing two had flat annual fees (\$50 and \$60).

Of the 14 Councils reporting the existence of incentive and/or penalty schemes with sliding scales of charges five were covered in the field-testing group. Table 3 gives details of the way each council treated fees for food safety inspections. Although based around similar groupings of risk, a degree of variation was noted in the level of fees.

| Risk Category | Council | | | | |
|-------------------------|------------|----------------|----------------|---------------------|----------------|
| | West Tamar | Derwent Valley | Glenorchy City | Tasman* | King-borough** |
| A | \$325 | \$300 | \$300 | \$150, \$200, \$300 | \$300 |
| B | \$250 | \$150 | \$150 | \$100, \$150, \$200 | \$150 |
| C | \$150 | \$100 | \$100 | \$40, \$100, \$150 | \$100 |
| D | \$80 | \$50 | \$50 | \$20, \$40, \$100 | \$50 |
| Follow-up | | \$25 | | | |
| Substantiated complaint | | \$25 | | | |
| Non-compliance fee | | | \$50 | | |

Table 3: Fees and charges for food inspections

* Each rating is split into "Low, Medium or High"

** 30% discount applies for food safety plan or accredited training

Sliding scales of fees provide councils with improved chances of recovering costs directly incurred in monitoring food safety. However, to do this reliably and systematically a management information system (MIS) first needs to be in place to capture the actual costs. The survey question that dealt with the level set for fees (2.2.4.2 "Do they cover Council's direct and indirect costs?") elicited just 5 (17%) responses that indicated that council's costs were recovered. During field-testing only two Councils had employee time sheets for EHOs that allowed the capture of time spent on food-related activities. Without a form of activity-based costing system it is only possible to estimate the cost of food safety since this is just one of the many responsibilities of EHOs. On this basis it appears that the majority of councils do not monitor the cost of the food safety function as a separate item within their EHO's other duties. Subsequently, cost recovery to date could only be seen as an approximation.

Administration of registration and licence procedures often seemed to require considerable effort by EHOs that could be more appropriately performed by other council staff instead. These functions frequently included responsibility for invoice production for renewals, following up of outstanding payments and issuing of annual registration and licence certificates.

In some councils there is a combined effort between EHOs and administrative staff. It was observed that this could lead to EHOs compiling and maintaining spreadsheet or database files of operators' names and addresses to facilitate mail merging for invoice production. Where databases already exist this is a straightforward process as the appropriate data can be stripped from the relevant database fields, but for those with less sophisticated paper-based record systems it requires a separate exercise by EHOs who are then responsible to ensure that the details are updated. To have gone to this effort it would appear a short step to create a complete food premises database. Alternatively, councils could consider removing the function of maintaining these records, together with the billing and debtor management activities. During the follow up process administration staff could keep EHOs advised of lapsed registrations and licences. Through a rationalisation of duties EHOs would be freed from essentially administrative tasks that they perform at the expense of their professional duties.

Recommendation

Responsibility for billing of food premises registration and licensing of operators, together with follow up of payments, should be assigned to administrative staff so that EHOs have more time to devote to their professional duties.

A further criticism that was raised by some councils related to tight time frames to receive and process large numbers of registration and licence applications. This particular point seemed to arise through a misunderstanding as several Councils took the view that the time span for registrations and licences paralleled the financial year. However, this is not the case and councils have the scope to set up whatever twelve-month cycle for registration and licences that best suits them. Similarly, they could stagger renewal dates throughout the year or issue pro-rated registration and licence periods for new applications received part way through the year.

Our conclusion is that this criterion is partially met.

Common Problems of Non-Compliance

Identifying common problems of non-compliance is achieved through council's rounds of food premises inspections, but not all problems identified in this way lend themselves to systematic eradication. Under strict application of DPH guidelines few food premises would undergo an inspections without adverse findings being made. Estimates varied as to the number of food premises that would unconditionally comply with an inspection, but EHOs frequently advised the figure would be of the order of 25%.

Alarming as this figure appeared, many of the shortcomings identified were of a minor nature (eg cracked window in a storage room) and although technically conforming to the notion of non-compliance they would not signal a serious threat to public health. Repairing such defects may require disproportionate expenditure and could be a low priority to a small business. The level of potentially more serious non-compliance was estimated at a much lower level. Interpreting items of non-compliance is a matter that relies on the experience and discretion of the EHO.

Our conclusion is that this criterion is met.

Program Monitoring and Reporting

Ongoing monitoring of performance is an important element of any management system. For the purposes of our audit three audit criteria were applied to program monitoring and reporting. These required that councils should:

- ?? Measure the completeness and consistency of inspections;
- ?? Have performance indicators (PIs) and monitoring procedures for evaluating performance of the food premises inspection function; and
- ?? Publish annual reports on food safety activity.

Measuring the completeness and consistency of inspections

Measurement of the completeness and consistency of food premises inspections is undertaken by a minority of Tasmanian councils. The survey questionnaire revealed that 11 (38%) have some form of measurement while the majority do not. Our field-testing showed that such monitoring as is carried out varied in frequency and content. The first Council had quarterly monitoring based on inspection and public health promotional activities while the second and third had monthly reporting on registration/licensing activities and food sampling. At the next two Councils monitoring was part of the supervisory function and was performed daily by the senior EHO. At the sixth Council reports to management were made on an exception basis, so that if there were no problems no report was furnished. At the final Council there was no monitoring.

During the planning for this audit we were interested to obtain a measure of the degree of consistency across councils. In collaboration with the DPH, and approval of the Steering Committee, a set of hypothetical questions was drawn up (refer to Appendix C) to gauge the approach that would be taken by an EHO when confronted with an assortment of authentic situations. These questions were based on similar cases reported to the State Food Officer and were put to EHOs without notice as part of field-testing. In all, 8 questions were used covering a number of contemporary potential problem areas. Responses displayed a high degree of uniformity across the seven Councils in terms of both immediate actions and underlying policy. They demonstrated the experience and expert knowledge possessed by EHOs. Interviewees indicated that in matters where there was uncertainty they would refer to the office of the DPH for further advice. Answers given were in line with best practice and revealed that public health practices and policies appear to be reasonably consistent state-wide.

Our conclusion is that this criterion is partially met.

Recommendation

Regular reporting of food premises inspections should be made to council management by EHOs.

Evaluating performance of the food premises inspection function

Question 4.1.1.1 in the survey questionnaire ("What are the targets or performance indicators for EHOs in relation to food safety?") sought to ascertain how councils evaluate their own performance of the food premises inspection function. The techniques that were employed differed across the councils but patterns were discernible.

From Table 4 the responses can be observed. Between the categories of "None" and "Exception basis" more than half the councils in the state do not currently have a documented evaluation of the food premises inspection function. Within those remaining 14 Councils four different evaluation techniques are applied. The educational response appears reasonable, but in practice would be hard to measure for performance purposes. Using complaints as an evaluation tool on its own may not be a valid measure in the light of comments made above regarding complaints, namely that they can be frivolous or malicious, or that they can arise due to circumstances beyond councils' control (eg during manufacture or packaging at food plants in other States).

| Response | Number |
|--|---------|
| Aim at legal compliance with Act and guidelines | 7 (24%) |
| Council uses several KPIs (eg no of premises audited, no of failures, no of complaints, etc) | 4 (14%) |
| Exception basis (ie no problem = no reporting) | 6 (21%) |
| Number of food complaints received | 2 (7%) |
| Educational ("Ensure all food handlers have basic knowledge of hygiene issues") | 1 (3%) |
| None (No KPI or are being developed) | 9 (31%) |

Table 4: Councils' methods of evaluating performance of food premises inspections

A further survey question examined the issue of evaluation. Question 4.1.1.2 ("Does Council have the data to respond at this time to the draft LGAT performance measure: '% of unconditional complying 'inspected' premises?") originated from a draft document circulated by the Local Government Association of Tasmania (LGAT) that looked at a range of council PIs, not just those connected with food safety. As mentioned previously, the notion of what constitutes "unconditional compliance" brings with it a professional judgment on the part of EHOs. Nevertheless, statistics of this kind appear to provide a useful gauge of food safety in a municipality.

Responses that we received to question 4.1.1.2 showed that a minority of councils (13 – 45%) felt that they would be able to respond to that measure. However, this result may need to be considered in the light of field-testing. Although three of the 7 Councils visited had indicated a negative response, it appeared likely on the basis of records available that they would have been able to provide the LGAT with the requested information, even if some effort were needed to compile it.

Based on this observation it appeared likely that most councils have the data on hand to be able to evaluate their performance, it is more a matter that many of them have not done anything with it. Meaningful PIs should be established so that management has a clear picture of food premise inspections undertaken. This would enable a baseline to be determined against which future productivity could be measured.

Our conclusion is that this criterion is partially met.

Recommendation

Appropriate performance indicators should be established to permit councils to evaluate the food premises inspection function.

Publish annual reports on food safety activity

To enable the DPH to maintain an appropriate degree of oversight, public health planning and reporting requirements have been included in relevant legislation. It is the view of the DHHS that references to public health in Local Government planning provisions is a proactive and risk-management-based approach that ensures information is provided to the State Government in a timely manner. Specifically, under the *Local Government Act 1993* and the *Local Government Amendment (Public Health) Act 1998* various reporting obligations are incumbent on councils in relation to public health. Included in this category

are a number of council plans that are required to be furnished to the DPH. Details are listed below in Table 5.

| Reporting Level | Requirement | Also includes |
|------------------|--|---|
| Strategic Plan | Councils must: <ul style="list-style-type: none"> ?? Prepare a strategic plan; ?? Cover at least a 5 year period; ?? Review strategic plans each financial year. | The plan must include: <ul style="list-style-type: none"> ?? Statement of council's public health objectives, policies and programs; ?? Major strategies to be used in achieving objectives and giving effect to its policies and programs. Councils must take advice from DPH in relation to the statement. |
| Operational Plan | Councils to prepare and approve an operational plan prior to start of each financial year. | The operational plan must include a: <ul style="list-style-type: none"> ?? Summary of the major strategies to be used in relation to its public health objectives, policies and programs. Copy to be furnished to DPH. |
| Annual Report | The Annual report must contain: <ul style="list-style-type: none"> ?? A summary of the operational plan for the preceding financial year; ?? A statement of its objectives, policies and programs in relation to public health for the preceding financial year. | This section of the Annual Report must also state: <ul style="list-style-type: none"> ?? The extent to which councils carried out their functions under the Public Health Act 1997 and Food Act 1998; ?? The resources allocated to public health; ?? The extent to which its objectives, policies and programs in relation to public health met the needs of persons within the municipal area; ?? Details of completion of any strategies. Copy to be furnished to DPH. |

Table 5: Councils' obligations under the *Local Government Act 1993* and the *Local Government Amendment (Public Health) Act 1998*

In response to survey question 4.1.3 ("Is there formal reporting to the Director of Public Health?") 17 (59%) councils gave a positive response. The related question 4.1.4 ("Are the new annual reporting requirements of S.72 *Local Government Act 1993* being met?") drew 24 (83%) positive answers.

Discussions with DHHS, however, indicated that this apparently high rate of reporting was misleading and that in several cases the quality of council data provided fell short of what was actually required. Correspondence from one Council indicated that reluctance to meet these obligations was not related to issues of resourcing. Instead, it appeared to be based on the view that public health did not justify “its own special recognition within a piece of legislation relating to another sphere of Government”. The current legislative arrangements, that saw the DPH relinquish direct powers over council EHOs and the introduction of a partnership type scheme, have only been in place for three years.

According to information supplied by DHHS complete compliance with collaboration and reporting requirements has not yet been achieved. At present there are five Councils that have not supplied any strategic or operational plans or annual reports to the DPH. There are an additional 6 Councils that have provided annual reports but neither strategic nor operational plans.

Even so, the public health component of strategic and operational plans and annual reports for those councils that have provided them to DPH has not been significant and some information published in annual report lacks detail and meaningful performance, eg:

“... Staff in this area [public health] continued professional development, enabling introduction of new food handling standards and environmental monitoring to achieve compliance with regulatory requirements and community expectations.”

Valuable progress has been made with some councils and work is ongoing to raise public health reporting to a level consistent with other council activities. There are examples of detailed and relevant reporting and one such is Central Coast Council’s “State of Environmental and Public Health Reporting” for the period 1998 – 1999. For food-related matters the report details targets, desired outcomes, strategy, commentary and performance. Comments are made in regard to the general standard of food premises and food hygiene. For many if not all the councils in Tasmania the raw data needed to produce a public report of this kind would be available in councils’ records.

Better Practice

Central Coast Council’s “State of Environmental and Public Health Reporting” for the period 1998 – 1999 is an example of how public reporting needs can be met.

Our conclusion is that this criterion is partially met.

Recommendation

Councils should comply with their public health reporting obligations as contained in the *Local Government Act 1993* and the *Local Government Amendment (Public Health) Act 1998*.

OVERALL CONCLUSION

Due to limitations imposed by the audit methodology employed, and the selective nature of field-testing, it has not been able to form an opinion on the basis of economy, efficiency or effectiveness. However, on the basis of information supplied in response to our survey questionnaire and additional data obtained through field-testing it was possible to obtain a “snap shot” of the food safety function undertaken by Local Government in Tasmania. Councils appear to have suitably trained and experienced EHOs to meet their obligations under the *Food Act 1998* and Director of Public Health (DPH) guidelines. EHOs are able to exercise their day-to-day authority without constraint

Planning of inspections is mostly consistent with a risk management approach advocated by the DPH although the justification of some risk categorisations was not clear. Generally, the conduct of inspections is satisfactory although there are some issues of transparency where inspection reports are not completed.

Registration and licensing procedures appear to be satisfactory although councils could make better use of EHOs by considering the re-assignment of some of the related administrative functions to Municipal Officers.

The area of program monitoring and reporting needs to be given a priority by councils. Better reporting of EHO's activities in relation to food safety, using meaningful PIs, should be implemented for both council management and external stakeholders.

APPENDIX A

Audit office survey questionnaire

1 STAFFING OF EHO POSITIONS

- 1.1.1 Does the Council have an(y) EHO(s)?
- 1.1.1.1 What basis is used to determine the establishment of EHO positions?
- 1.1.2 Do they work exclusively on environmental health matters?
- 1.1.2.1 Aside from food safety what other work do they do?
- 1.1.2.2 What proportion (%) of their time is devoted to food safety issues?
- 1.1.3 What length of experience do officers have in food safety?
- 1.1.4 What qualifications do officers have?
- 1.1.4.1 Is this recognised by the professional body - AIEH?
- 1.1.5 What training / PD have the EHOs undergone in the last two years?
- 1.1.6 Is there a register for conflict of interest (eg relatives who own/operate/work in food premises)?
- 1.1.6.1 How are potential conflict of interest issues handled by the Council?
- 1.1.7 Does Council have documented policies, procedures, job descriptions to guide EHOs in their duties?
- 1.1.7.1 Please list the above.
- 1.1.7.2 When were they last updated?
- 1.1.8 Is there professional contact between your Council's EHO staff and other Tasmanian Councils?
- 1.1.8.1 What forums exist for the exchange of ideas and experiences?
- 1.1.8.2 Are comparative statistics exchanged between Councils?

2 PLANNING AND CONDUCTING OF INSPECTIONS

2.1. Planning

- 2.1.1 Have the *Food Act 1998* and accompanying guidelines brought

problems for your Council?

2.1.1.1 If so, what problems have arisen?

2.1.2 Is the planning of inspections consistent with requirements of the Guidelines?

2.1.2.1 What kinds of food premises are not included?

2.1.3 Is there a forward program for inspection visits?

2.1.3.1 Are timetables treated confidentially to maximise effectiveness of field visits?

2.1.3.2 Do the visits peak in summer when food risk is highest?

2.1.3.3 Is advance notice of inspections given or can it be inferred through regularity of earlier visits?

2.1.4 Is there feedback from the Director of Public Health on municipal issues, eg disease outbreaks, food-borne illness?

2.1.4.1 If so, how is this reflected in planning?

2.1.5 Is there a database or similar to record food premises?

2.1.5.1 Does this tally with registration records?

2.1.5.2 Is there reconciliation against fees received?

2.1.5.3 Does the database contain risk ratings according to types of food premises?

2.1.6 Are temporary food premises (markets etc,) regulated by Council Bylaws or DPH guidelines?

2.1.7 Are temporary food premises monitored by EHOs?

2.2. Licensing

2.2.1 Have there been cases where food premises that should be registered were found operating without registration?

2.2.1.1 If licences/registration expire without renewal, is there follow up visit from EHO before re-registering?

2.2.2 Are non-registered food premises subject to inspection?

2.2.2.1 If so, what reporting is done?

2.2.3 If premises achieve ISO certification are they exempted from inspection by EHOs?

2.2.3.1 How does this process work?

2.2.4 How are registration/licence fees determined?

2.2.4.1 Are they standardised across Councils?

- 2.2.4.2 Do they cover Council's direct and indirect costs?
- 2.2.4.3 Are there any incentives/penalties built into the fee structure (eg extra fees for follow-up visits)?
- 2.2.5 Are restrictions imposed on some registrations/licences?
 - 2.2.5.1 Are restrictions confirmed during inspections?
- 2.2.6 If premises change hands what controls exist for change of licensee or operating conditions on registration?
 - 2.2.6.1 How are EHOs notified?
 - 2.2.6.2 What kinds of checks are made about new licence applicants?
- 2.2.7 How does Council support education and training for food handling businesses?
- 2.2.8 Does Council check whether food premises have a food safety program?
 - 2.2.8.1 What is the Council's role in relation to food safety programs?
- 2.2.9 Are there Council events that involve food selling/consumption?
 - 2.2.9.1 How are Council events or premises (eg childcare) regulated from a food safety point of view?

2.3. Inspection procedures

- 2.3.1 What food premises are excluded from inspections by EHOs?
 - 2.3.1.1 Why are they excluded?
- 2.3.2 What kind of program/checklist is used to aid field inspections?
- 2.3.3 Do inspection procedures generate a report in a standard format?
 - 2.3.3.1 What kind of information is provided to the licensee following an inspection visit?
- 2.3.4 Is the ratio of inspections to number of food premises increasing, decreasing or staying steady?
 - 2.3.4.1 Is there a backlog of inspection work?
- 2.3.5 How often are food samples taken?
 - 2.3.5.1 What was the outcome of sampling?
 - 2.3.5.2 What documentation is raised / retained?
 - 2.3.5.3 What is the proportion of failed food samples during 1999?
- 2.3.6 Are routine inspections done to control risks in accordance with a pre-determined coverage plan?

- 2.3.6.1 Are food premises risk-rated according to the nature of their business (eg fresh seafood = high risk)?
- 2.3.6.2 What is the frequency of inspections?
- 2.3.6.3 What is the inspection coverage?
- 2.3.6.4 What is the frequency of violations?
- 2.3.7 Are non-routine inspections done to address public complaints or to determine whether previous defects are fixed?
 - 2.3.7.1 Number of public complaints relating to food in 1999.
 - 2.3.7.2 Complaints relating to premises in 1999.
- 2.3.8 In the last 12 months have there been seizures of food or equipment?
- 2.3.9 Have any prosecutions been launched on food safety matters in the last two years?
 - 2.3.9.1 Number of infringements - "Failure to Comply with Notices" in 1999.
 - 2.3.9.2 Number of infringements - "Failure to Maintain Clean Premises" in 1999.

3. INTEGRATING THE RESULTS OF INSPECTIONS

- 3.1.1 Are inspection reports input to a management information system?
 - 3.1.1.1 Whose reporting needs are met by this system?
- 3.1.2 Does the EHO make a recommendation about registration on the inspection report?
- 3.1.3 Are results of inspections used to identify common problems of non-compliance?
 - 3.1.3.1 If sub-standard licensee has more than one food premises are wider inspections conducted?
- 3.1.4 Do licence processes incorporate results of inspections?
 - 3.1.4.1 Are pre-licence inspections made?

4. PROGRAM MONITORING AND REPORTING

- 4.1.1 Are there monitoring procedures to measure the completeness and consistency of inspections?
 - 4.1.1.1 What are the targets or performance indicators for EHOs in relation to food safety?

- 4.1.1.2 Does Council have the data to respond at this time to the draft LGAT performance measure:
- “% of unconditional complying 'inspected' premises”
- 4.1.1.3 How does management monitor EHO activity and inspection outcomes?
- 4.1.1.4 How does management report to the Council?
- 4.1.2 What form of public reporting occurs?
- 4.1.3 Is there formal reporting to the Director of Public Health?
- 4.1.3.1 What communications protocols exist between Council and DHHS?
- 4.1.4 Are the new annual reporting requirements of *S.72 Local Government Act 1993* being met?
- 4.2.1 **Has the completed questionnaire been approved by the General Manager as representing Council's position?**
- 4.3.1 Contact details of officer completing questionnaire

APPENDIX B

Field visit questionnaire

Data obtained from Director of Public Health in respect of Council:

| Council Name | Pop'n | EHOs | No. of Food Premises | Not Insp in 12 Months |
|--------------|-------|------|----------------------|-----------------------|
| | | | | |

Staffing of EHO positions

- 1 Explore issues of resourcing of EHOs and problems that may have occurred since the Food Act 1998 came into force.
 - ?? Council's view on desirable establishment (how it is determined)
 - ?? Have there been difficulties with recruitment?
- 2 Review job description, operating manual, procedures that are available to guide EHOs in food safety duties.
 - ?? Check for level of detail, currency.
 - ?? What is their origin?

Inspections - planning

- 3 Can registration and or license fees be reconciled to Council's records of licensees and registered premises?
 - ?? Are all monies due received for licenses and registrations?
 - ?? Is it easy to determine whether premises are currently registered?
- 4 Have all premises been inspected within the last year?
 - ?? Are there competing demands that have caused disruptions to inspections?
 - ?? If premises have not had a visit within 12 months, what is being done to follow up?
- 5 Is the forward program of inspections flexible enough to allow follow-up visits to be accommodated?
 - ?? Where a return visit is necessary, how is this noted?
 - ?? Could follow-ups be easily overlooked?

Inspections - licensing

- 6 What is the basis for Council's calculation of license/registration fees? Are incentives and/or penalties factored in?
 - ?? Is information available on actual costs involved?
 - ?? Do EHOs have an activity-based Management Information System?
- 7 When were license / registration charges last reviewed?

?? What justification is used to vary charges?

Inspections – procedures

- 8 Is checklist, or similar, used to aid EHO with inspections in the field?
- ?? How is consistency achieved?
 - ?? What is the origin of checklists?
 - ?? Are checklists reviewed for currency and adequacy?
- 9 What kind of report is produced for Council records?
- ?? Are inspections written up?
 - ?? In what form?
 - ?? Are the reports easy to find, or centrally filed?
 - ?? Are the reports used for performance reporting of EHO function?
- 10 What kind of report is produced for proprietors?
- ?? Do proprietors get a written record?
 - ?? Does it list action points?
 - ?? Are follow-up dates noted, if necessary?
 - ?? Do proprietors acknowledge receipt of report?
- 11 Where the ratio of inspections to number of food premises was reported as decreasing, what remedial action is planned?
- ?? Are there target figures identified by Council?
 - ?? Are work priorities being re-ordered to allow a catch up if necessary?
- 12 For those Council's that reported a backlog of inspection work, what will be done to address this.
- ?? What form does the backlog take?
 - ?? How many food premises are involved?
 - ?? Is a risk-based approach used in addressing the backlog?
- 13 Is there a Council policy on complaint handling that allows for standard treatment of food-related complaints made by the public?
- ?? Are complaints logged? How?
 - ?? Are targets set for response times?
 - ?? Is responsiveness of EHOs measured?
 - ?? Is there transparency in complaint handling procedures?
- 14 Are EHOs delegated to issue Infringement Notices or do they need management approval beforehand?
- ?? What authorisation / delegations are involved?
 - ?? Are there recommendations made by EHOs that are rejected by management?

Integrating the results of inspections

- 15 For Councils with a database (or equivalent) of food premises, examine it. Ascertain whether it contains details on:
- ?? Licensee;
 - ?? Risk rating;
 - ?? History of inspections / contact with Council officers;
 - ?? Is the number of registered premises increasing/decreasing/steady?
 - ?? Obtain details of numbers of licensees and food premises;
 - ?? How are follow up actions recorded;
 - ?? Can statistics or performance measures be readily obtained?
 - ?? Public complaints.

Monitoring and reporting

- 16 Review issue of oversight of food safety function by management. If there is no formal process in place, could performance appraisals of EHOs achieve the same end?
- ?? What performance measures are used to assess EHOs?
 - ?? Do these reflect the state of municipal food safety?
- 17 Does Council have the data to respond at this time to the draft LGAT performance measure: “% of unconditional complying 'inspected' premises”?
- ?? Is the response to the survey questionnaire accurate?
- 18 What form does public reporting take? Examine basis of public reporting?

In addition to the above questions the visit will provide an opportunity to discuss the Councils' survey response and to elicit any other issues that may be pertinent to the audit.

APPENDIX C

Hypothetical questions used during field-testing

The performance audit currently being undertaken on the subject of food safety is focusing, in part, on consistency of standards applied by Councils. The following questions are aimed at assessing the response of Councils' Environmental Health Officers in a variety of hypothetical situations involving issues of food safety.

Please briefly describe what action would you take in each of the following cases?

- 1 Early one morning you observe a delivery of perishable food left standing on the doorstep of a food establishment. The food is unrefrigerated and unprotected.
- 2 If the above situation had occurred previously and been taken up with the proprietor?
- 3 If minced meat taken by an informal sampling process failed to meet the appropriate standard.
- 4 Under what circumstances would you recommend to Council that a school canteen be registered under the *Food Act 1998*?
- 5 While on your rounds you notice a bread delivery van drive past with a dog in the cabin with the driver.
- 6 At a takeaway food outlet individually wrapped bread rolls with meat fillings are sitting on a countertop awaiting sale.
- 7 A small grocery shop specialises in selling out-of-date perishable and non-perishable foods at discounted prices.
- 8 A grower of currants and berries is interested in supplying local shops with punnets of freshly picked fruit. She approaches your Council for advice regarding licensing and/or registration.

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