

# South Australia Food Act 2001 Review

Discussion Paper

September 2026



Government  
of South Australia

SA Health

## Publication details

## Document information

| Title                                  |                                                                                                                |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <b>Business Unit, Division, Agency</b> | Food Safety and Regulation Branch<br>Public Health Division<br>Department for Health and Wellbeing (SA Health) |
| <b>Email</b>                           | <a href="mailto:FoodPolicyPrograms@sa.gov.au">FoodPolicyPrograms@sa.gov.au</a>                                 |

# Contents

---

|                                                                                                                           |           |
|---------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>South Australia Food Act 2001 Review .....</b>                                                                         | <b>1</b>  |
| <b>Purpose .....</b>                                                                                                      | <b>4</b>  |
| Why? .....                                                                                                                | 4         |
| What is the purpose of this discussion paper? .....                                                                       | 4         |
| How will my feedback be used? .....                                                                                       | 4         |
| <b>Submissions .....</b>                                                                                                  | <b>5</b>  |
| Ways to provide feedback .....                                                                                            | 5         |
| <b>Introduction – SA Food Act 2001 .....</b>                                                                              | <b>6</b>  |
| <b>Background.....</b>                                                                                                    | <b>7</b>  |
| <b>Part A – Your thoughts on the Act.....</b>                                                                             | <b>8</b>  |
| <b>Part B – Identified issues with existing arrangements .....</b>                                                        | <b>8</b>  |
| Section 86 – Notification of food businesses .....                                                                        | 9         |
| Challenges of the existing notification system (Section 86) .....                                                         | 9         |
| Auditor General report findings – food safety framework in South Australia.....                                           | 16        |
| What are the benefits of exploring a centralised system for South Australia? .....                                        | 17        |
| Exclusions .....                                                                                                          | 18        |
| Part 2 – Offences relating to food .....                                                                                  | 19        |
| Part 3 – Emergency powers .....                                                                                           | 20        |
| Section 92 – Exercise of functions by enforcement agencies .....                                                          | 21        |
| <b>Next steps.....</b>                                                                                                    | <b>22</b> |
| <b>Appendix A – Table of food business notification and licensing/registration<br/>arrangements across Australia.....</b> | <b>23</b> |
| <b>References .....</b>                                                                                                   | <b>27</b> |

# Purpose

---

## Why?

South Australia's food industry has a global reputation for quality and safety. As food businesses continue to evolve their products and practices to meet the demands of their customers, they need to be supported by contemporary and fit-for-purpose legislation.

Properly designed legislation can increase certainty, lower administrative burden, support innovation and ensure a level playing field that helps businesses compete fairly and protect consumers from sub-standard operators and foodborne disease outbreaks.

The South Australia *Food Act 2001* (the Act) has been in place largely unchanged since 2001 and while it has been a strong measure to protect public health, there are elements of it that no longer fit contemporary practice or effectively target the key issues facing the food industry today. In recent years, the Department for Health and Wellbeing (hereafter referred to as SA Health) and local government have identified issues with the Act that pose risks and limit its effectiveness, and we are seeking wider input from interested parties on any issues with the Act they would like to see addressed.

It is important to review the legislation to ensure the Act is fit-for-purpose and can better support businesses to provide safe food and regulators to respond to food safety risks and challenges.

## What is the purpose of this discussion paper?

This discussion paper (the paper) is intended to start a conversation about possible changes to the Act so that these can be explored further as part of an ongoing process to modernise it. It is important to emphasise that no specific options for regulatory change are being proposed in the paper.

The paper will be shared widely across the food industry, industry bodies, regulators and the community, seeking their concerns with the current Act and ideas to make it better. While all ideas are being sought, the paper outlines some existing issues that have already been identified, and we invite stakeholders to provide any feedback they consider relevant on these issues and ways to resolve them.

## How will my feedback be used?

All feedback will be reviewed and considered, including issues experienced from different points of view, which have not been identified in the paper.

After this consultation, practical future options will then be developed for additional public consultation, at a later stage, for potential changes to the Act.

We hope that you or your organisation will be involved in this very important ongoing and shared process.

# Submissions

---

We invite you to read the paper and share your views through the online survey on the yourSAy website, or by written comment (see below instruction).

We encourage you to provide feedback if you:

- operate, own, or work in a food business
- are a member of the public with an interest in food safety
- work in local or state government
- are from a food industry association
- are from the Local Government Association
- work or volunteer for a community organisation, charity group or club which provides food at events or fundraisers
- are a consultant or working in food safety or regulation.

You can choose to complete the entire survey or only the sections that interest you.

**We are seeking feedback until 5pm (ACST) on Monday 23 November 2026.**

If you need access to translating and interpreting services, contact the SA Interpreting and Translating Centre website - <https://translate.sa.gov.au/>

A Fact Sheet is also available from the yourSAy website.

## Ways to provide feedback

### Online

Complete the survey online via the yourSAy website.

### Written submissions

Written submissions, including your name, position and organisation (if applicable) – can be:

- Emailed to: [FoodPolicyPrograms@sa.gov.au](mailto:FoodPolicyPrograms@sa.gov.au)
- Mailed to: Food Standards Development  
Health Protection and Regulation  
Department for Health and Wellbeing  
PO Box 6, Rundle Mall  
ADELAIDE SA 5000

Please be aware that your answers to the survey and any written submission may be subject to disclosure if someone requests it through the [Freedom of Information Act 1991](#).

# Introduction – SA Food Act 2001

---

The South Australia *Food Act 2001* (the Act) provides for the safety and suitability of food in South Australia. It is the primary legislation for managing food safety risks and gives broad powers to:

- prevent the sale of unsafe or unsuitable food
- allow food businesses to be inspected by authorised officers
- regulate (oversee) the production of food
- require action to be undertaken where there is a risk to food safety
- order the recall or destruction of unsafe food (if necessary)
- ensure compliance with the [Australia New Zealand Food Standards Code](#) (the Code).

The Act has been in place for over 25 years and has largely remained unchanged. Since that time there has been changes in food business models, the introduction of new foods, food processes, emerging food technologies, and unanticipated events such as food tampering, raising the need to review the Act to ensure it remains effective, efficient, and responsive. Other states and territories have reviewed their legislation in recent years and made changes to modernise and improve their food safety systems.

A review of all parts of the Act aims to:

- ensure South Australia has a modernised food safety approach which is risk-based, sets the appropriate level of regulation, and supports business and regulators to ensure safe food
- improve the response to food illness outbreaks and food tampering
- improve regulatory efficiency and minimise cost impacts to food business owners
- improve business continuity and promote transparency and fairness
- encourage compliance by ensuring systems that foster better communication, early engagement and education between regulators and businesses
- improve monitoring and surveillance capabilities to manage the risks of food related illness
- align with systems used in other states and territories.

The findings from the paper will help shape options for future consultation. Food businesses, consumers, and local government will benefit from improvements to legislation that will ensure South Australia maintains the highest standards of food safety to foster economic growth, support businesses and achieve our commitment to public health and wellbeing strategies.

# Background

---

South Australia has a diverse and globally recognised food sector that ranges from small family-owned businesses to major manufacturers. Having a reliable and safe food supply is not only important from a public health perspective but is critical to consumer confidence and brand reputation. This leads to increased consumer trust, repeat purchases and expansion opportunities. This in turn helps drive economic growth within the food industry and supporting the overall economy of South Australia.

In South Australia there are approximately 17,600 food businesses across 68 local council areas and the unincorporated areas (areas without a local council). Each food business is monitored for compliance with the Food Safety Standards by their local council. SA Health monitors businesses in the unincorporated areas to ensure compliance with food safety and labelling requirements across our state.

There have been many challenges to food businesses over the past decade, and these challenges continue. There are also many opportunities that have emerged that have changed how food businesses operate and the products they produce. One constant throughout time has been the need to ensure safe food, and having clear, contemporary and targeted food safety legislation helps achieve this while minimising unnecessary regulatory burden.

The Government of South Australia is committed to improving the health and wellbeing of all South Australians by achieving the goals of the [State Public Health Plan 2026 Healthy | Liveable | Connected](#). Food safety is an important element of public health that protects the public and prevents foodborne disease in the community.

A report by the Australian National University in August 2023 estimates that foodborne illness in Australia costs \$2.81 billion each year.<sup>1</sup> This has continued to rise with the latest Food Standards Australia New Zealand ([FSANZ](#)) update (2025) estimating this cost to now be around \$3 billion each year. The rate of foodborne illness caused by Salmonella (bacteria) almost doubled in South Australia during 2010 to 2019 compared to the previous decade.<sup>2</sup> The OzFoodNet Annual Report published in 2025<sup>2</sup>, found that campylobacteriosis (foodborne bacteria) was the biggest contributor to foodborne illness notifications per capita in Australia. Poor food handling practices in food service contribute to increasing illness rates and interventions are needed to improve food safety while supporting food business operations.

South Australia is part of the Australia and New Zealand Food Regulation System and supports its priority outcomes. The bi-national system cooperates to develop food policy, makes standards, and govern food laws. The system outcomes include safe and suitable food, a healthy food supply, clear and accurate information to empower consumers to make informed choices and maintaining thriving food economies through a proportionate food regulation system that supports food businesses.

FSANZ is an independent statutory agency that develops the Code, which sets out requirements for all food sold in Australia and New Zealand. It is implemented by each Australian state and territory via their local Food Act laws. The Code includes the Food Safety Standards, which describe food handling practices and structural requirements for food businesses to manage food safety risks.

The relevant enforcement agency will be referred to as 'local council' throughout the following information in the paper, as they fulfil this role in most cases. However, please be aware that in certain situations SA Health serves as the relevant enforcement agency.

## Part A – Your thoughts on the Act

---

The objectives of the South Australia *Food Act 2001* are to:

- ensure food for sale is both safe and suitable for human consumption
- prevent misleading conduct in connection with the sale of food and
- provide for the Food Standards Code to be applied in South Australia.

A copy of the Act and Regulations can be downloaded from the [SA Health website](#).

We are interested in a range of perspectives including on how well the Act is achieving its objectives, and whether its requirements are clear and proportionate to respond to existing and future risks. We are also seeking suggestions on how the Act can be changed to address any issues identified.

| Targeted questions for survey                                                                       |
|-----------------------------------------------------------------------------------------------------|
| 1. What problems have you or your organisation experienced because of the existing ageing Food Act? |
| 2. What ideas (solutions) could be considered to avoid or lessen the problems being experienced?    |



## Part B – Identified issues with existing arrangements

---

A number of existing issues have already been identified with the Act and the following section provides information on these issues and again seeks your input on how to address them.

## Section 86 – Notification of food businesses

Section 86 of the Act requires that a proprietor of a food business must notify their local council with information on contact details, location, and nature of their food business prior to commencing operations. The proprietor must also notify of any proposed changes to these details before the changes occur. This is a once-off requirement that does not require any pre-approvals to operate and does not support early engagement and ongoing assistance from local councils.

The process involves the submission of a food business notification form to the local council or in some circumstances SA Health.

If a food business fails to notify when it starts operating, or when it makes changes to these operations, they may miss the opportunity for early education and support to meet food safety requirements and be subject to compliance issues and preventable foodborne illness incidents.

### Problem

The existing food business notification system does not adequately manage the risks posed by businesses handling and selling high-risk foods (high-risk food businesses) such as catering businesses, some restaurants and manufacturers, and other businesses that prepare high-risk food in advance.

## Challenges of the existing notification system (Section 86)

Feedback suggests that the existing food business notification system could be reviewed and improved to benefit food businesses, consumers, and local councils.

A recent review by the Auditor-General, '[Auditor-General's Report 2 of 2026 Managing food safety in council areas Part A: Department for Health and Wellbeing \(AGD report\)](#)' focused on the roles and responsibilities of food safety enforcement agencies under the Act. The report highlighted potential improvements that could be made to existing food safety management arrangements, including consideration of a centralised system for food businesses operating in South Australia, which is discussed further in Auditor General Report Findings.

Local council have long been advocating for improvements to the Act, including a review of the existing food business notification system. SA Health has explored this further and identified associated limitations with the existing system here in the paper. It is important to consider the following limitations to ensure appropriate controls are in place to manage potential risks associated with high-risk food business operations.

## Does not capture food safety risks

### High-risk food businesses and food safety practices

High-risk food service businesses play a significant role in the potential for foodborne illness outbreaks. High-risk food service typically includes restaurants, catering services, and food manufacturers where the volume and complexity of handling high risk foods pose an increased risk of contamination. About two-thirds of all reported foodborne illness outbreaks in Australia have been linked to food service and related retail businesses, including restaurants, takeaways, commercial caterers, camps, cruise/airline and delicatessens (OzFoodNet data 2010-2017)<sup>3</sup>. Restaurant settings accounted for the largest proportion (58%) of all foodborne outbreaks from food service and related retail settings (FSANZ, 2022).<sup>4</sup>

The nature of food businesses is constantly changing as they adapt to meet consumer expectations, market trends, and rethink their business strategies to increase customers and generate revenue. More businesses are engaging in new foods and processes; restaurants and cafés have increased meal delivery services<sup>5</sup>; prepared meal and catering services are growing<sup>6</sup>; and fast food and takeaway services are changing their product mix to meet consumer trends<sup>7</sup>. Generally, these services involve the increased production of high-risk foods from food service and retail businesses. The risk associated with certain sectors of food service and retail have been researched by the national food regulation system over the last two decades. The nationally agreed tool for assessing the risk posed by food business sectors is the Risk Profiling Framework.

South Australia adopts this framework through the [SA Food Business Risk Classification](#) to categorise food businesses and set inspection frequencies. The classification tool assigns a rating of Priority 1 to 4 (P1-P4) to a food business based on the inherent risk of the foods they sell and activities they undertake. P1 being the highest risk category and P4 being the lowest. P1 businesses sell foods which have been prepared, cooked, and cooled in advance for service later, *for example, restaurants, caterers, and hospitals*.

All food businesses, regardless of whether they are P1 or P4, are required to follow the same food business notification procedure. This makes it challenging for local council to apply risk-based regulation and support safe practices in high-risk food businesses. It leads to gaps in service and creates unnecessary risks for food business owners that handle and sell high-risk foods. Consideration could be given for improvements in the existing notification system to better support new food business owners in the establishment of safe practices for high-risk foods and meeting food safety requirements.

Of the estimated food businesses operating in South Australia around 12,000 food businesses are classified as handling or selling high-risk foods (P1 and P2). As more businesses expand or change operations to include more high-risk foods, it becomes increasingly important to make sure they have the skills and facilities to comply with the Food Safety Standards and manage the risks associated with their products.

Feedback from local council suggests that the existing notification system is not capable of supporting proactive measures to protect public health. This leads to challenges for food businesses, local council, and consumers.

The existing notification system is as an administrative function for providing business details, however it does not allow for compliance with the Food Safety Standards to be captured and addressed in the business establishment phase. There are no pre-assessment requirements for high-risk activities which can result in limited awareness that further controls are necessary to manage food safety risks.

*For example, if a food business decides to prepare and sell a high-risk food to the public, the owner can do this without any approval that verifies the person and premises, is suitable to provide high-risk food to the public. The person is required to notify the local council and then can begin the operation.*

On inspection, the local council EHO can undertake enforcement for any lack of compliance with the Food Safety Standards; however, this approach is reactive and is not favourable to building relationships with food businesses during the early stages of operation. The notification system does not consider the difference in risk of P1 to P4 food businesses which makes it difficult for local councils to provide an adequate service.

*For example, a business that sells low-risk packaged foods undertakes the same notification process as a high-risk caterer. The Act does not require any pre-assessment for the risks posed by the high-risk food business.*

There is an inability to capture activity changes as they occur in a business and support adjustments in food safety practices. For example, a low-risk food business begins processing high-risk foods without having an appropriate facility or the necessary skills and knowledge. There is also no ability for the Act to clarify what a business can do based on suitability of premises and skills and knowledge of business operators to control risks. For example, a food premises without adequate food preparation facilities starts using the hand wash sink to wash salads, increasing the risk of cross contamination.

Without the ability for process changes to be supported, consumers and the business may not be aware of, or adequately protected from food safety risks until they happen. Local council EHO's may be reluctant to advise on retrospective changes given the reactive nature and unfavourable compliance burden it places on a business. There are also limitations in preventing a business with a history of non-compliance from continuing operation or preventing an unskilled proprietor from conducting a high-risk food business.

Consumers expect to enjoy food knowing it is safe to eat. A system that encourages compliance by requiring an assessment before a business commences could be considered. This will ensure high-risk activities and premises are supported prior to the sale of food, protecting the consumer, and ensuring food businesses are provided an adequate service from councils and possess the necessary knowledge to comply with food safety regulations.

### **Does not encourage early and ongoing engagement**

Starting a new food business can be a stressful time and notifying the local council is often a final item that a new business actions. SA Health and local councils have previously conducted educational programs to increase awareness about the importance of notification and pre-inspection. Despite efforts aimed at raising awareness, there are still delays in notification responsibilities. The business may then miss the opportunity for early engagement and advice from their local council on how to meet the food safety standards. EHO's utilise inspections as an opportunity to educate food business owners. This lack of early engagement can at times lead to costly retrospective work to reach compliance.

The Act does not state when notification must be lodged to the local council and followed up by an EHO. This means that a business may only notify a council on the day before or day of beginning operations. An EHO may not be available to inspect the business on short notice leading to an increased chance of issues occurring.

*For example, a new food business operator fits out a food premises and then notifies the council the day before opening. An inspection is conducted once the EHO is available and the business premises fit out is found to be non-compliant with the food standards. The business owner is required to conduct retrospective fit out work to meet compliance with the standards.*

Currently, there is a potential risk that a business may operate for some time without any food safety assessment.

Businesses are often unsure about their compliance requirements under the Food Standards Code and would benefit from early engagement with their local council. This will help foster effective regulatory relationships, enable an educational approach, and support businesses to establish a strong food safety culture. *For example, food businesses understand that if they want to sell alcohol, they need to engage early with the relevant authority to achieve compliance requirements and obtain the appropriate approvals.*

An approach that is proactive in engaging business owners and providing a service that supports compliance early in the process of starting a business could be considered for South Australia. This helps make regulatory requirements clearer for food business owners and gives the opportunity for early and timely collaboration with local councils in situations where food handling and preparation pose heightened food safety risks.

## Lack of regulatory oversight

### Failure to notify

Food businesses can fail to notify the local council when setting up or when business details change. This can be because of various factors such as time constraints, prioritisation of other business matters, communication issues, or a lack of understanding or awareness of this requirement.

Local councils can issue expiations for failure to notify; however, this is a reactive measure that does not achieve improved food safety outcomes for the food industry.

The potential risks for an unnotified or incorrectly notified food business being linked to a foodborne outbreak are significant and can have serious consequences for both public health and food business reputation.

Unnotified food businesses may not be regularly assessed or inspected by councils. If a food business is not subject to regular inspections, it can increase the risk of a foodborne outbreak. The business can then face legal and financial risks along with loss of trust and reputational damage. They may also be challenged with increased scrutiny and enforcement action because of poor compliance with notification requirements.

### Maintaining updated business information

The notification system is designed to provide local councils with the details required to maintain a current list of food businesses within the council area. However, the initial notification is a once-off requirement and while businesses should be notifying of changes, this process currently is unclear and tends not to be followed, resulting in outdated business details being held by councils.

There is no process for regular updating of food business information in South Australia. This limits timely communication, causing inappropriate inspection schedules, inadequate food safety measures, and delays in response to foodborne outbreaks, recalls, incidents and emergencies.

To respond to a food incident, SA Health needs to obtain food business information from relevant local councils. When that information is outdated, it delays an effective response, further exacerbating the risk to the business and public health. Having up-to-date information enables local councils and SA Health to provide relevant communication and support to food businesses when needed.

*For example, targeted information could be sent directly to affected businesses during a food recall or food safety incident. This would improve incident response times and limit the impacts and costs to business by providing responsive food safety advice to help support the continued sale of their food.*

An awareness of business location and details also helps agencies to effectively communicate new changes to businesses.

*For example, the ability for local council to coordinate communication material to businesses about the introduction of the new food safety management standard.*

The SA Food Business Risk Classification system is used to determine frequency of inspection; not having up-to-date information can impact on the ability to undertake appropriate surveillance. EHO's may not be meeting inspection schedules due to a lack of awareness that a high-risk business is operating. It relies on the EHO having knowledge of the area and being proactive in the discovery of these businesses. Local councils failing to systemically identify food businesses undermines a key regulatory requirement to monitor whether food meets safety standards.

An alternative system could be considered to provide fairer, safer, and more consistent food regulation in South Australia. Ensuring food business information is regularly updated with local councils would minimise confusion among business owners regarding when or why they need to notify, allowing them to think ahead and incorporate the requirement into their business planning. This would ensure local councils have the necessary information to respond in a risk-proportionate and consistent manner.

### **Does not adequately provide for business legitimacy and transparency**

The system does not provide business legitimacy and transparency to the public in relation to food safety. In South Australia there is limited publicly available information for people to check on food business notification or their food hygiene performance. The public is unaware whether a food business has notified council, and the Act does not require a register of food businesses to be maintained or available to the public. Most councils maintain a food business contact list for the purposes of enabling inspections, however feedback from local councils suggests this data is incomplete due to limitations with notification and information technology systems.

The public and food businesses trust that mechanisms are in place to ensure the safety of their food; however, evidence shows a lack of visibility raises doubts of adequate monitoring and surveillance<sup>8</sup>. The inability for people to know whether a business has notified and is being inspected appropriately challenges trust in regulatory agencies ability to ensure food safety. Similarly, there is evidence that improving the visibility of regulatory oversight increases consumer confidence in the safety of the products sold by a food business. Lack of transparency also increases the inequity among food businesses, as those who ensure they do the right thing to comply with the Food Safety Standards are not differentiated from those who attempt to reduce business costs by avoiding regulatory oversight and putting their customers at risk.

Providing assurance of a food business's validity could increase consumer trust and support business growth. Supporting business legitimacy and transparency may also help maintain our national and international competitiveness. All food businesses should be afforded a risk-based, fair, and transparent process that promotes a balanced and consistent regulatory approach. This could be achieved by considering options for a centralised system such as a food business registration or licensing system.

## Not aligned with other states and territories

Nationally consistent food regulation is important to ensure a safe, fair, and efficient food system. Over the last 20 years the way we risk classify food businesses has improved and other states and territories have made changes to their respective food business notification or registration systems to align with these improvements via their own localised legislative reviews.

In all other states and territories, a notification system is complemented by a type of licensing or registration system for higher risk food activities. Other jurisdictions have implemented alternative systems across Australia as detailed in **Appendix A**.

National or multi-national businesses operating in South Australia are not subject to the same requirements as they are in other states and territories, which can be confusing and lacks consistency. It may also be perceived as sending a message that South Australia is less stringent about food safety.

Food businesses should be supported by a system that encourages compliance with the standards and allows businesses to grow while maintaining control of food safety risks. Harmonising with other states and territories could help ensure a fair, consistent, and understood process for businesses that operate across state borders.

South Australia could consider developing options for adopting a similar system to other jurisdictions, ensuring South Australians enjoy the same level of food safety and supporting our strong national and international reputation.

## Mobile food businesses

Mobile food businesses operate across the state at many different events in council areas.

All mobile food businesses must notify their local council, where the business is based or where the mobile food vehicle is garaged. In addition, the business must notify the council in which they intend to operate.

One complexity is that the food business notification process varies across councils, and there may be different requirements in different council areas. This is burdensome for the mobile food vendors, and councils lack a system to check that notification has been lodged with other councils.

Mobile food vendors that operate temporarily in multiple council areas are subject to an inspection in their home council and each council area when operational. This creates excessive regulation based on a business's movement instead of the risks.

In 2018, SA Health piloted a voluntary paper-based food passport system to address these issues. After the one-year pilot a review of the system found that it was perceived by regulators as complex and inefficient to administer with minimal benefit, this led to poor ongoing uptake of the system. However, most regulators were supportive of it continuing in a modified format, such as an electronic system for notification and inspection data. To achieve this, improvements in the legislation for the existing system could be investigated.

For a system to be effective, it needs to allow for the operation of mobile food businesses across council boundaries without the need for multiple inspections and administrative tasks for each council. Most jurisdictions allow mobile food businesses to operate throughout the state on a centralised system, such as a statewide licence or registration. This ensures local councils are confident that a business operating in their area has met the legislative requirements to operate a food business.

#### Targeted questions for survey

3. How could the existing food business notification system be improved?
4. What changes would you support, to improve the existing food business notification system?

## Auditor General report findings – food safety framework in South Australia

The SA Auditor General recently conducted a review into the management of food safety in council areas focussing on the roles of relevant enforcement agencies. The review selected state and local council activities to assess whether food safety is effectively managed.

The [Auditor-General's Report 2 of 2026 Managing food safety in council areas Part A: Department for Health and Wellbeing \(AGD report\)](#) was published on 19 May 2026.

One of the audit report findings concluded that South Australia does not have a centralised system about food businesses and recommends the Department for Health and Wellbeing (SA Health) to consider mechanisms to address this absence. The report emphasis on the limitations of the existing notification process and identifies discrepancies between South Australia and other states and territories when it comes to a centralised statewide system.

## **What are the benefits of exploring a centralised system for South Australia?**

The Attorney General's Department (AGD) report states that a centralised system in South Australia could make the process consistent across councils and bring the state in line with other states and territories. It also describes benefits for both business and local councils from such a system.

The benefits to business from the introduction of a centralised system could include <sup>(8)</sup>:

- *registration and licensing indicate the legitimacy of businesses and signals their commitment to the safety of customers. This builds trust, increases consumer confidence and gives registered/licensed food businesses economic benefits through increased trade*
- *faster communications from councils or SA Health about significant food incidents*
- *helping to reduce confusion for food business owners about when and why they need to notify councils and reinforce that all businesses must comply with the same rules, so that non-compliant businesses do not receive unfair advantage.*

The Report also describes benefits of a centralised system to support better public health outcomes by helping local councils<sup>9</sup> to:

- *access current and complete information about food businesses, classify their risk priority and set appropriate inspection frequencies*
- *check if new businesses can handle food safely by ensuring staff are trained, a food safety supervisor is appointed when needed, and premises are properly designed*
- *verify that owners and staff have the skills and knowledge for safe food, no history of major Food Act breaches, and no previous registration or licence cancellations*
- *meet inspection frequency requirements because they are aware of food businesses and any changes to their operations that affect their priority risk classifications*
- *build effective relationships with food businesses early in their operations*

- *improve data collection for trend analysis of areas of non-compliance, expiations issued and other enforcement actions taken*
- *assist with faster tracing, investigation and treatment of foodborne illness outbreaks*
- *communicate significant food incident warnings, food recalls and other emergencies to food businesses.*

Across South Australia other high-risk activities use regulatory interventions to prevent unnecessary risks to the public. This includes the use of risk-based notification, licensing, or registration in areas such as, high-risk manufactured water systems, wastewater systems, liquor and gambling operations, tobacco sales, supported residential facilities, private hospital operations, pesticide and poisons use, medicine sales and many more.

Ensuring high-risk food activities are adequately controlled directly enhances public health and safety. A system that allows for monitoring and implementing of controls to complement other food safety activities can significantly reduce the risk of foodborne illness. This not only protects consumers from becoming seriously unwell but also helps maintain trust in food businesses and the overall integrity of the food supply chain allowing South Australia to confidently compete in national and international markets.

The intended outcomes in reviewing the existing notification system are to:

- *create an equitable and risk-based approach to regulating food businesses*
- *support businesses to better comply with food safety requirements*
- *improve consumer awareness and confidence in individual business' ability to provide safe and suitable food*
- *provide a tool for enforcement agencies to improve the control of compliance measures in high-risk businesses*
- *improve monitoring and surveillance capabilities*
- *improve communication and information sharing.*

## Exclusions

Primary producers are outside the definition of a food business, except where they are undertaking high-risk processing regulated by SA Health, such as handling and vacuum packaging ready-to-eat meat.

To provide clarification and to avoid any duplication of requirements, primary production businesses are not required to notify as a food business where they are currently regulated and require accreditation under the [South Australia Primary Produce \(Food Safety Schemes\) Act 2004](#).

### Targeted question for survey

5. What options could be considered to address the absence of a centralised system about food businesses in South Australia?

## Part 2 – Offences relating to food

### Problem

The absence of legal obligations for individuals aware of food tampering incidents to notify SA Health can cause delays in initiating a timely public health response.

The Act has specific provisions stating that a person must not handle food intended for sale in an unsafe manner and must not sell food that they know is unsafe. A breach of these provisions is an offence which may incur a significant penalty. However, there is currently nothing in the Act requiring action if a person knows or suspects a food for sale may be unsafe. Suspected intentional contamination of food (tampering) is a crime that therefore must be reported to SA Police (SAPOL). SAPOL will generally lead an investigation of any such incident; however, a criminal investigation alone may not be sufficient to protect public health. It is important that SA Health is also notified to ensure an appropriate public health response.

There are existing mechanisms that ensure communication and collaboration between SAPOL and SA Health during these types of events. This was demonstrated during the national strawberry needle tampering incident in 2018 which saw a swift response from both agencies to control the problem, protect the public and put consumers' minds at ease. However, differing priorities and ways of working meant that there was a short delay between SAPOL receiving notification of a local incident and SA Health initiating the necessary aligned public health response.

Reporting suspected tampering is vital to protect the public from harm, but SA Health currently relies on food businesses voluntarily reporting these incidents - this can delay a time-critical public health response.

The tampering incident in 2018, in addition to similar incidents interstate, have suggested that voluntary reporting is inadequate. There is a risk that if another event like this occurs in the future, the different thresholds for response between police investigating criminal activity and SA Health responding to a public health incident could result in the inability to take the necessary steps in time to prevent more widespread public health risk.

Given the potential consequences of suspected intentional contamination, an alternative approach is worth considering.

Other jurisdictions have differing approaches to managing these incidents. For example, the *Queensland Food Act 2006* has a specific provision requiring food businesses to report suspected food tampering to their state's health department, in addition to reporting suspected criminal behaviour to the police. This will allow for a public health response to be immediately activated, even if the incident does not warrant a criminal investigation.

#### Targeted question for survey

6. Do you support a requirement in the Food Act for suspected tampering to be notified to SA Health? And why?

## Part 3 – Emergency powers

#### Problem

The lack of clarity regarding the disclosure of information about a food business during a serious incident can lead to delays in response efforts, and implementation of controls to prevent further harm.

The Act contains provisions that allow the relevant authority to intervene to protect public health in the event of an emergency. Section 31 allows for issuing of orders to prevent or to prevent a serious danger to public health. Section 32 describes the actions an order can do such as initiating a recall or destroying product. However, the existing emergency powers do not include provisions for the release of details on an implicated business during an incident to protect public health.

In the event of a foodborne illness outbreak or another significant risk to public health, SA Health works closely with the business in deciding whether to release information about the incident to the public. SA Health has highly trained Authorised Food Safety Officers who are able to manage serious foodborne illness outbreaks, but occasionally public warnings including details of an implicated business or product, may be necessary to protect public health. This is never done lightly, and the implications for business owners are weighed up against the potential risk to public health before any decision is made.

Other jurisdictions follow similar outbreak response procedures; however, the [Queensland Food Act](#) contains a specific provision detailing when government can disclose implicated business information to the public.

This has the added benefit of ensuring all those involved have a clear understanding of when action can be taken to prevent or mitigate a risk to public health.

Adopting a comparable provision into the South Australia Food Act may provide a mechanism to achieve the same outcome as the existing policy in a more transparent manner.

| Targeted question for survey                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. Do you support a permission in the Food Act for SA Health to publicly share important information during a foodborne illness outbreak? And why? |

- |                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. Do you support a permission in the Food Act for SA Health to publicly share important information during a foodborne illness outbreak? And why? |
|----------------------------------------------------------------------------------------------------------------------------------------------------|

## Section 92 – Exercise of functions by enforcement agencies

| Problem                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------|
| The Act is restricted regarding the adoption of guidelines to support best practices in the regulation of food. |

|                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------|
| The Act is restricted regarding the adoption of guidelines to support best practices in the regulation of food. |
|-----------------------------------------------------------------------------------------------------------------|

The Act currently has a provision allowing the Minister for Health and Wellbeing to adopt [National Guidelines](#) developed by Food Standards Australia New Zealand (FSANZ) and requiring enforcement agencies to use those Guidelines when undertaking actions under the Act.

However, national guidelines are no longer only developed regularly by FSANZ. Other documents have since been developed by SA Health, or within the Australia and New Zealand Food (bi-national) Regulation System to serve a similar function. These documents are often voluntarily adopted by enforcement agencies, which helps support consistency and the application of up-to-date information for guiding food businesses.

Other states and territories have incorporated provisions in their Food Acts that allow the adoption of guidelines without specifying the developing agency or body. This approach could be considered for South Australia and would ensure enforcement agencies and food businesses have clear access to consistent and relevant information.

| Targeted question for survey                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Should section 92 allow for the adoption of guidelines developed by other agencies/authorities rather than be limited to the adoption of guidelines by FSANZ only? And why? |

- |                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Should section 92 allow for the adoption of guidelines developed by other agencies/authorities rather than be limited to the adoption of guidelines by FSANZ only? And why? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Next steps

---

As mentioned earlier, feedback from this consultation will enable SA Health to identify where potential changes to the Act may be beneficial. From there, further practical options will be developed for future public consultation.

**See next sections for Appendix A and References.**

# Appendix A – Table of food business notification and licensing/registration arrangements across Australia

---

To assess whether a business is compliant with the Food Safety Standards most states and territories require a pre-licence assessment for all new businesses, and some require a copy of the food business licence to be displayed within the food premises.

Victoria, Australian Capital Territory, Tasmania and the Northern Territory employ a risk-based licensing/registration system based on the risk classification framework. The risk-based licensing system determines which food businesses need to be licensed with their local council based on their food safety risks. In other states and territories, registration and licensing systems mandate that food businesses routinely update their information, typically on an annual basis. This process enables regulatory authorities to maintain effective oversight of each food premises.

The process involves a food business applying to the local council to be licensed and then renewing this periodically. As part of the registration an EHO provides inspections to assess the risks and help the business owner understand the food safety standards to reach compliance. Generally, a minimal fee is required per premises to cover the cost of licensing and inspections which is based on the risk classification given to the business by the assessing officer.

Most states and territories only require certain types of higher risk businesses to be licensed or registered, with lower risk businesses being exempted, such as those that only sell low risk packaged food. Other jurisdictions exclude not-for-profit groups, such as charities or community organisations, from licensing or registration requirements.

|            | Notification                                                                                                                                   | Registration/Licensing                                                                                                                                                                                                                                                                                                                                                                            | Risk-based systems                                                                                                                                                                                                                                       |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SA</b>  | Once only<br><br>All food businesses                                                                                                           | N/A                                                                                                                                                                                                                                                                                                                                                                                               | South Australia uses the national food risk profiling framework to classify the risk priority of food businesses for purposes of inspection.                                                                                                             |
| <b>ACT</b> | Nil - captured with registration                                                                                                               | <b>Registration with ACT Health</b><br><br>For a period of 1, 2 or 3 years before renewal, beginning on the day the chief health officer registers the food business.<br><br>Included: <ul style="list-style-type: none"> <li>- All permanent food businesses</li> <li>- Non-profit community organisations selling food for service.</li> </ul> A registration fee based on risk classification. | Australian Capital Territory businesses are registered and inspected based on classification as:<br><br>Low risk<br><br>Medium risk<br><br>High risk<br><br>Exemptions apply for certain low risk food businesses and non-profit community organisation. |
| <b>QLD</b> | Nil - captured with licensing                                                                                                                  | <b>Licensing with local council area</b><br><br>No longer than three years before renewal - as determined by the local government that issues it.<br><br>Provisional license can be issued for up to 3 months.                                                                                                                                                                                    | In Queensland, exemptions apply under the Food Act 2006 for a number of different lower risk products and non-profit organisations.                                                                                                                      |
| <b>VIC</b> | Once only<br><br>All food businesses (food businesses which are required to register meet their notification requirement through registration) | <b>Registration with local council area</b><br><br>Renewed annually<br><br>Conditional registration for a maximum of 3 months or a longer period declared by the Secretary by notice in the South Australian Government Gazette                                                                                                                                                                   | In Victoria, businesses are registered as:<br><br>Class 1<br><br>Class 2<br><br>Class 3<br><br>Class 4 (not required to register but are required to notify)                                                                                             |

|            |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                     |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                                                                                                                                                      | Registration fees may be determined by risk classification and number of full-time equivalents (FTEs).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | As determined by the national food risk profiling framework                                                                                         |
| <b>NSW</b> | <p>Once only</p> <p>All food businesses (food businesses which are required to be licensed meet their notification requirements through licence application)</p> <p>Businesses that do not need to notify <i>nor</i> hold a Food Authority licence include certain not-for-profit groups and primary production farms not captured by licensing.</p> | <p><b>Licensing with NSW Food Authority for certain businesses</b></p> <p>Renewed annually.</p> <p>Licences are issued for the following businesses:</p> <ul style="list-style-type: none"> <li>- eggs producers</li> <li>- dairy - dairy producers, factories, stores, and vendors</li> <li>- meat - businesses that handle, process, pack or store red meat or poultry (other than small poultry meat farms) for humans or animals. Includes retail butchers.</li> <li>- seafood - businesses that handle and wholesale seafood.</li> <li>- shellfish - businesses that cultivate, harvest, or depurate shellfish.</li> <li>- plant products - businesses producing products such as seed sprouts, vegetables in oil or unpasteurised juices.</li> <li>- vulnerable persons - food service to vulnerable persons in hospitals and aged care facilities</li> <li>- transporters – businesses that transport any of the foods above.</li> </ul> <p>Administration fee plus annual fee determined by type and size of business.</p> | <p>New South Wales uses the national food risk profiling framework to classify the risk priority of food businesses for purposes of inspection.</p> |
| <b>TAS</b> | <p>Once only</p> <p>All food businesses.</p>                                                                                                                                                                                                                                                                                                         | <p><b>Registration with local council area</b></p> <p>Renewed annually.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Tasmanian businesses are registered based on risk classification:</p> <p>P1</p>                                                                  |

|           |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                 |
|-----------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                     | The registration of a food business or class of food business must be done in accordance with an approved risk-classification system for types of food businesses. Food businesses with risk classifications P1, P2 and P3 must be registered.                                                                                                                                                                                                                                                                                                                               | P2<br>P3<br>Low risk businesses (P3-N and P4) are not required to register, but they are required to notify.                                                                    |
| <b>WA</b> | Once only<br><br>All food businesses not required to be registered. | <b>Once-off registration with local council area</b><br><br>Registration of a food business in respect of any premises remains in force until cancelled.<br><br>All food businesses apart from those exempted food businesses as specified in the regulations.<br><br><b>Certain food businesses need to register with the Department of Health.</b><br><br>Registration fees are prescribed by regulations unless the enforcement agency is a Local government, in which case the Local Government may impose a fee under the Local Government Act 1995, P6, Div5, subdiv2. | Western Australia businesses are inspected based on classification as:<br><br>Low risk<br><br>Medium risk<br><br>High risk<br><br>Low risk businesses exempt from registration. |
| <b>NT</b> | Nil - captured with registration.                                   | <b>Registration with NT Department of Health</b><br><br>Renewed annually which includes an annual inspection.<br><br>All food businesses register except for those exempt by gazettal.                                                                                                                                                                                                                                                                                                                                                                                       | Northern Territory registration is based on risk classification:<br><br>P1<br><br>P2<br><br>P3<br><br>Low risk P4 are exempt from registration.                                 |

# References

---

1. “The annual cost of foodborne illness in Australia by food commodities and pathogens” Australian National University. 3 August 2023. Downloaded from [ANU Foodborne Disease Attribution Final Report.pdf](#)
2. “Monitoring the incidence and causes of disease potentially transmitted by food in Australia: Annual report of the OzFoodNet network, 2019. Communicable Disease Intelligence 2025 Volume 49. Downloaded from [View of Monitoring the incidence and causes of disease potentially transmitted by food in Australia: Annual report of the OzFoodNet network, 2019](#)
3. OzFoodNet is a national health network to enhance the surveillance of foodborne diseases in Australia. OzFoodNet surveillance data reports
4. Risk profile for Australian food service and related food retail businesses – P1053, FSANZ 2022
5. H4511a: Restaurants in Australia – Market Size, Industry Analysis, Trends and Forecasts (2024-2029). IBIS World, December 2023
6. H4513: Catering Services in Australia – Market Size, Industry Analysis, Trends and Forecasts (2024-2029). IBIS World, January 2024
7. Fast food and takeaway services in Australia – Market Size, Industry Analysis, Trends and Forecasts (2024-2029). IBIS World, August 2023
8. Coveney J. Food and trust in Australia: building a picture. Public Health Nutrition. 2008;11(3):237-245. doi:10.1017/S1368980007000250”
9. [Auditor-General’s Report 2 of 2026 Managing food safety in council areas Part A: Department for Health and Wellbeing](#)