

South Australia Food Act 2001 Review

Fact sheet

This Fact sheet includes frequently asked questions about the Food Act Review and summarises the Discussion Paper (the paper), to help you have your say on how South Australia's food laws could be improved.

Why review the Food Act?

The way food is produced, sold and eaten continues to change. New foods, ways of preparing food and food business types are being introduced. The way people buy and eat food is also changing.

Food laws need to keep up with these changes and continue to protect public health. Foodborne illness is rising across Australia and continues to be a public health concern.

The South Australia *Food Act 2001* (the Act) supports food safety actions including:

- preventing the sale of unsafe or unsuitable food
- allowing food businesses to be inspected by authorised officers
- allowing unsafe food to be recalled, to help protect communities against foodborne illness (also known as food poisoning).

How we've prepared this public consultation

While the Act has provided a strong framework since 2001, there may be opportunities to update some areas to better support businesses and consumers to protect public health.

SA Health has identified the following key areas for consideration, including:

- Food business notification
- Reporting of food tampering incidents
- Public disclosure of business information to protect public health
- The adoption of guidelines.

What we're aiming to achieve

The aim of the paper is to start a conversation about these key areas of consideration, and identify potential solutions.

This public consultation also offers food businesses, consumers, local government and other stakeholders an opportunity to identify other areas, based on lived experience, where current food laws could be improved.

This is an initial consultation. No law changes (to the Act) are being proposed in this current consultation.

Feedback will help identify options that could be explored in the future as part of an ongoing process to modernise the Act.

Who will benefit?

Food businesses, consumers, and regulators will benefit from this consultation process to ensure South Australia maintains the highest standards of food safety into the future.

Who are we wanting to hear from?

- Commercial food businesses (e.g. hotels, restaurants, cafes, bars, manufacturers and food trucks)
- Non-commercial food businesses (e.g. not-for-profits, cafeterias in schools, hospitals, prisons, and others)
- Local government officials and staff
- State government agencies
- Industry group representatives.

Items for review

Notification for food businesses

Under the current system, all food businesses in our state are required to notify their local council (or SA Health in non-council areas) before starting to trade.

This is usually one single notification, and businesses do not need an approval or an inspection before they start operating.

If a food business does not provide a notification about their operations or any changes to their business operations, they may miss an important opportunity for early education and support, to meet food safety requirements.

Local councils and some food businesses have identified that the current notification system does not fully address the risks of different food businesses or help businesses understand and meet their legal requirements.

The discussion paper and survey are seeking feedback on whether the notification system should be changed and what any helpful changes could look like.

Mobile food businesses

Mobile food vendors can experience different requirements for notification and inspection across different council areas. For example, needing multiple inspections for different sites.

Information from mobile food vendors about impacts to their businesses and risks posed will help inform options to address existing gaps.

Fees

No fee changes are being considered at this stage. If changes to the notification system are supported, further public consultation at a later stage will be undertaken on options before any fee changes are considered.

Serious public health incident notification

A disclosure provision in the Act clarifies permissions for SA Health to publicly release business details, including the name and location of a business, if there is evidence that business is involved in a serious public health incident.

SA Health has experienced and highly trained food safety investigators who will only release information when it is needed to protect the general public's health.

Food tampering

Food tampering is a criminal offence which is investigated primarily by South Australia Police (SAPOL). However, SA Health has food safety investigators with specialised knowledge to manage food safety incidents that may arise from tampering, to prevent widespread foodborne illness. Including a provision in the Act would make it clear that anyone who suspects a food has been deliberately interfered with must report this to SA Health as soon as possible, to help stop widespread foodborne illness.

SAPOL may also have a different reason for investigating tampering as a criminal activity.

Guidelines

Guidelines used in conjunction with food laws are helpful as they provide more clarity and consistent instruction to businesses, and also the regulators (who oversee the system of food production), such as the way in which risks from food handling are undertaken, to ensure they are correctly applied and managed. More information is provided in the [South Australian Food Act Review Discussion Paper](#).

Have your say

Why your feedback matters

The aim of the paper is to start a conversation about these existing areas of consideration, and to also identify potential solutions for improvements.

We'd like to remind you that no law changes (to the Act) are being proposed in this current consultation.

How to provide feedback

Share your views on the Food Act by completing the survey on the YourSAy website and/or provide a written submission to FoodPolicyPrograms@sa.gov.au.

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

There are eight survey questions and you can choose to complete the entire survey, or only the sections that interest you.

The survey asks for feedback around:

- the existing food business registration and notification system and if/how it could be improved
- rules and penalties for breaking food laws, including deliberately contaminating food
- how information can be shared with the public during a serious incident, to avoid further harm
- guidelines to help food laws be clearly and consistently enforced.

The survey also offers a chance to provide feedback on any other experiences identified with existing food laws that could benefit from a review and improvement.

Next steps

This consultation will close on Monday 23 November 2026.

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.

We hope that you, or your organisation, will continue to be involved in this important ongoing and shared process to better protect public health.