



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**18 MARCH 2024 AT THE CONCLUSION OF THE FINANCE AND CORPORATE
SERVICES COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr L Brug
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Team Leader Council Governance, Ms J O'Keefe-Craig

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 19 February 2024.

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Administration

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For Decision

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QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,**

34 CHURCH STREET, SALISBURY ON

19 FEBRUARY 2024

MEMBERS PRESENT

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)

STAFF

Deputy Chief Executive Officer, Mr C Mansueto
Assessment Manager, Mr C Zafiropoulos
A/Team Leader Council Governance, Mrs M Woods
Governance Trainee, Ms M Prasad

The meeting commenced at 6.49pm.

The Chairman welcomed the Elected Members, Members of the public and Staff to the meeting.

APOLOGIES

Apologies were received from Cr L Brug and Cr S McKell.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr K Grenfell
Seconded Mayor G Aldridge

The Minutes of the Governance and Compliance Committee Meeting held on 11 December 2023, be taken as read and confirmed.

CARRIED
UNANIMOUSLY

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr K Grenfell
Seconded Cr J Chewparsad

That Council:

1. Notes the report.

CARRIED
UNANIMOUSLY

For Decision

3.1.1 Building Fire Safety Committee Appointments

Moved Cr D Hood
Seconded Cr K Grenfell

That Council:

1. Adopts the City of Salisbury *Building Fire Safety Committee Terms of Reference* contained in Attachment 1 to this report, noting no changes are suggested (Item No 3.1.1 Governance and Compliance Committee, 19 February 2024).
2. Appoints the following persons to the City of Salisbury Building Fire Safety Committee for a period of three (3) years:
 - Mr Jeff Shillabeer (City of Salisbury staff), Presiding Member being a person appointed by the Council and who holds prescribed qualifications in building surveying.
 - Mr Paul Peters (City of Salisbury staff), Member being a person appointed by the Council and who holds prescribed qualifications in building surveying.
 - Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.

CARRIED
UNANIMOUSLY

3.1.2 Committee and Sub Committee Terms of Reference Review: Quorum Provision

Moved Mayor G Aldridge
Seconded Cr J Chewparsad

That Council:

1. Adopts the new Quorum Provision within the Terms of Reference for the Committees and Sub Committees aligned with paragraph 3.6 to this report (Item No. 3.1.2 Governance and Compliance Committee, 19 February 2024), which allows the Mayor if in an ex officio membership position to be excluded from the total number of Members but included in the count towards achieving the required quorum number if present at the meeting.

CARRIED
UNANIMOUSLY

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

There were no Other Business Items.

The meeting closed at 6.52pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Joy O’Keefe-Craig, Team Leader Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATIONThat Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 A list of resolutions requiring a future report to Council are presented to each committee for noting.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 No external consultation was required in the development of this report.

3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

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City of Salisbury

Governance and Compliance Committee Agenda - 18 March 2024

23/10/2023	Consideration of Adoption of Employee Behavioural Standards	Joy O’Keefe-Craig
3.1.4	2. Gives further consideration to the adoption of additional behavioural standards in 12 months time.	
Due:	October 2024	
23/10/2023	Motion on Notice: Salisbury Business Centre	Charles Mansueto
MON2	2. Requests the Administration to present a report to the relevant subcommittee within six months, including consultation with the Salisbury Business Association. 2.1. On the current geographical boundaries of the Salisbury City Centre planning zone and the boundary application of the Salisbury Business Association separate rate levy; and 2.2. On the merits and process of modifying the boundaries of the Salisbury Business Association separate rate levy to align with the Salisbury City Centre planning zone.	
Due:	April 2024	

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented for noting.

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Private Proponent Planning and Design Code Amendment Policy
AUTHOR	Sally Jenkin, Team Leader Strategic Urban Planning, City Development
CITY PLAN LINKS	3.4 Our urban growth is well planned and our centres are active
SUMMARY	The Privately Funded Planning and Design Code Amendments Policy has been reviewed. Additions to the policy for Council's consideration include criteria for providing advice on proposals to initiate a Code Amendment by a private proponent and criteria for considering whether Council should be the proponent for a Code Amendment on behalf of a private entity(ies).

RECOMMENDATIONThat Council:

1. Adopts the Private Proponent Planning and Design Code Amendment Policy provided in Attachment 1 (Item No. 3.1.1, Governance and Compliance Committee, 18 March 2024).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Revised Private Proponent Planning and Design Code Amendment Policy
2. Current Privately Funded Planning and Design Code Amendments Policy

1. BACKGROUND

- 1.1 Council policies are required to be reviewed within 12 months of a local government election. This policy is now due for review.
- 1.2 On 23 August 2021 the current Privately Funded Planning and Design Code Policy was endorsed by Council one month prior to the implementation of the new Planning and Design Code (the Code) in September 2021.
- 1.3 From September 2021, the Code could be amended by a private proponent and other entities, in addition to the Council, or the Minister for Planning.
- 1.4 To date only two private proponent Code Amendments have been initiated in the Council area.
- 1.5 It is timely to undertake a thorough review of the policy given that Council now has experience with the provisions and operation of the *Planning, Development and Infrastructure Act 2016* (the Act) as they relate to private proponents.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 There has been no external consultation.

3. DISCUSSION

- 3.1 The Planning and Design Code (the Code) established under the *Planning, Development and Infrastructure Act 2016* (the Act) provides policy for assessment of development applications across the State.
- 3.2 The State Planning Commission is responsible for preparing and maintaining the Code being the standard set of overlays, zones and policies that apply across the State.
- 3.3 To ensure that our Council grows in an orderly, economic, socially and sustainable manner it is important that land is zoned appropriately to meet our community and economic growth needs.
- 3.4 The zones that apply to land can be amended through a Code Amendment process. With approval of the Minister for Planning, a Code Amendment may be initiated by a range of entities (named under the Act as designated entities), including private proponents. Private proponents must have a legal interest in the subject land. Private proponent code amendments can be used to complement Council and State Government funded Code Amendments to ensure the Code can facilitate future development aligned to Council's city plan and urban growth strategy.

Private Proponent Code Amendments

- 3.5 The City of Salisbury supports private code amendments that seek to improve our community's liveability, housing choices and economic prosperity.
- 3.6 Council seeks to work with proponents in a collaborative manner to minimise delay and unnecessary disruptions.
- 3.7 Proponents or their representatives are encouraged to meet with Council staff early in the consideration of a rezoning process and seek informal advice. This process also assists Council to consider actions it may need to commence to further investigate a proposal.
- 3.8 The State Planning Commission's *Practice Direction 2 - Preparation and Amendment of Designated Instruments* requires that private proponents receive comments from the relevant council's Chief Executive prior to lodging an initiation proposal for a Code Amendment with the State Government's Planning Department for assessment.
- 3.9 This process gives Council an opportunity to provide the proponent and State Government advice as to its indicative support (or otherwise) and to shape the investigations that will be required to support a Code Amendment. Council may also provide guidance on how to best engage with Council Administration, Elected Members, and the community, as well as how Council can assist the consultation process.

Privately Funded Code Amendments

- 3.10 There may be circumstances where Council is asked to prepare a Code Amendment for one or more private proponents (e.g. to become the designated entity). For instance, if for orderly and economic reasons the land to be rezoned incorporates land that is not of a legal connection to the proponent, or it would streamline a process by bringing together multiple landowners. Section 73 (9) of the Act prescribes that Council may enter into an agreement with the proponent/s for the recovery of costs.

Code Amendment Process

- 3.11 The Code Amendment Process is prescribed under section 73 of the Act and supported by Practice Direction 2.
- 3.12 Once a Code Amendment is initiated by the Minister for Planning, the designated entity is responsible for preparing the necessary investigations and information as outlined in the initiation proposal.
- 3.13 The Code Amendment must be subject to engagement in accordance with the community engagement charter. Stakeholders can review the amendment and provide submissions through the State Government's SA Planning Portal (PlanSA).
- 3.14 The proponent is responsible for preparing a report on the engagement and lodging the final amendment proposal with the Planning Department for assessment and for forwarding to the Minister for Planning for a decision.

Changes to the Policy

- 3.15 The previous policy was limited in scope to Code Amendments that were prepared by Council on behalf of a proponent. The proponent was expected to financially contribute to the Code Amendment process. The revised policy does not significantly amend this section.
- 3.16 A copy of the previous policy is provided in Attachment 2.
- 3.17 The amended policy applies to Code Amendments and proposals by private proponents and their representatives, in particular:
- Criteria for the formulation of Council advice on a proposed change to the Code.
 - Criteria for Council undertaking a developer funded Code Amendment.
 - Project management, the procurement process, payment and legal arrangements for developer funded Code Amendments.
 - Expectations for private proponents and their representatives in engaging with Council during the Code Amendment process.
- 3.18 The additions to the policy include:
- 3.18.1 Proposed criteria for providing advice on a Code Amendment proposal as follows:

- (a) Consistency with the State Planning Policies, including the principles of good planning and the Regional Plan for Greater Adelaide
- (b) Consistency with Council strategic documents including:
 - a. The City Plan
 - b. Urban Growth Strategy
 - c. West of Port Wakefield Road Strategic Growth Framework
 - d. Other current Code Amendments
- (c) The detailed infrastructure requirements needed including social infrastructure to support the anticipated growth.
- (d) The social, economic and/or environmental merits.

3.18.2 Proposed criteria to determine whether Council should become the proponent for a Code Amendment proposed by a private entity as follows:

- (a) The criteria under 3.18.1 above.
- (b) The reasons why the private entity wishes Council to undertake the Code Amendment (including why the Private Proponent cannot undertake the Code Amendment itself, and whether they have already approached the Planning Department, and if so, any response received).
- (c) For support, the rezoning proposal should include additional land as well as land that the proponent has a legal interest and/or there is more than one private proponent in close proximity.
- (d) Whether the proposed Code Amendment can be appropriately project managed by Council staff, taking into consideration the timing of other priorities and projects within Council's policy program and resources available.

3.18.3 The information requirements for the above assessment are also listed in the policy.

4. FINANCIAL OVERVIEW

4.1 This policy seeks to minimise the costs of Council undertaking Code Amendments by:

- 4.1.1 supporting private entities undertaking Code Amendments
- 4.1.2 undertaking rezoning proposals for private entities subject to agreement for the recovery of costs.

5. CONCLUSION

5.1 The Privately Funded Planning and Design Code Amendments Policy is proposed to be amended to ensure that Council provides clear and consistent:

- 5.1.1 advice on proposals to rezone land by private entities.
- 5.1.2 decision making on whether to become a proponent for a rezoning on behalf of one or more private entities.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Private Proponent Planning and Design Code Amendment Policy

Approved by:	Council
Responsible Division:	City Shaping, City Development
First Issued/Approved:	23 August 2021
Last Reviewed:	March 2024
Next Review Date:	2027

1. Purpose

The Planning and Design Code (the Code) established under the *Planning, Development and Infrastructure Act 2016* (the Act) provides policy for assessment of development applications across the State.

The State Planning Commission is responsible for preparing and maintaining the Code. It is responsible for the standard set of overlays, zones and policies that apply across the State.

To ensure that our Council grows in an orderly, economic, socially and sustainable manner it is important that land is zoned appropriately to meet our community and economic growth needs.

The zones that apply to land can be amended through a code amendment process. With approval of the Minister for Planning a code amendment may be initiated by a range of entities (named under the Act as designated entities), including private proponents. Private proponents must have a legal interest in the subject land. Private proponent Code Amendments can be used to complement Council and State Government funded Code

Amendments to ensure the Code can facilitate future development aligned to Council's City Plan and Urban Growth Strategy.

Private Proponent Code Amendments

The City of Salisbury supports Private Code Amendments that seek to improve our community's liveability, housing choices and economic prosperity.

Council seeks to work with proponents in a collaborative manner to minimise delay and unnecessary disruptions.

Council encourages that proponents, or their representatives, meet with Council staff early in the consideration of a rezoning process to seek informal preliminary advice. This will also assist Council to consider actions it may need to commence to further investigate a proposal.

The State Planning Commission's *Practice Direction 2- Preparation and Amendment of Designated Instruments* requires that private proponent's receive comments from the relevant Council Chief Executive prior to lodging the initiation proposal for a Code Amendment with the State Government's Planning Department for assessment.

This gives Council the opportunity to provide the proponent and State Government, advice in relation to its indicative support or otherwise, and to shape the investigations required for the Code Amendment. Council may also provide guidance on how to best engage with Council administration, Elected Members, and the community, as well as how Council can assist in the engagement process.

It should be noted that proponents are required to pay fees to the State for Code Amendment administration.

Privately Funded Code Amendments

There may be circumstances where Council is asked to prepare a Code Amendment for one or more private proponents (i.e that Council be the designated entity). For instance, if for orderly and economic reasons the land to be rezoned incorporates land that is not of a legal connection to the proponent, or it would streamline a process by bringing together multiple landowners. Section 73 (9) of the Act prescribes that Council may enter into an agreement with the proponent/s for the recovery of costs.

It should be noted that the Chief Executive of the Planning Department may also pursuant to section 73 (4)(b) of the Act undertake a Code Amendment on behalf of a person or entity and charge reasonable costs in doing so.

Code Amendment Process

The Code Amendment process is prescribed under section 73 of the Act and supported by Practice Direction 2.

Once a Code Amendment is initiated by the Minister for Planning, the designated entity is responsible for preparing the necessary investigations and information as outlined in the initiation proposal.

The Code Amendment must be subject to engagement in accordance with the Community Engagement Charter. Stakeholders can review the Amendment and provide submissions through the State Government's SA Planning Portal (PlanSA).

The proponent is responsible for preparing a report on the engagement and lodging the final amendment proposal with the Planning Department for assessment and for forwarding to the Minister for Planning for a decision.

2. Scope

This policy applies to Code Amendments and proposals by private proponents and their representatives in particular:

- Criteria for the formulation of Council advice on a proposed change to the Code
- Criteria for Council undertaking a developer funded Code Amendment
- Project management, the procurement process, payment and legal arrangements for developer funded Code Amendments
- Expectations for private proponents and their representatives in engaging with Council during the Code Amendment process.

The policy is applicable to the Council, private proponents and their respective representatives.

3. Legislative Requirements and Corporate Policy Context

- *Planning, Development and Infrastructure Act 2016* (the Act)
- Planning, Development and Infrastructure (General) Regulations 2017
- Practice Direction 2- Preparation and Amendment of Designated Instruments issued by the State Planning Commission (Practice Direction 2)
- *Local Government Act 1999*

4. Interpretation/Definitions

- **Code** – the Planning and Design Code.
- **Designated Entity**- the entity that is preparing the Code Amendment and undertaking the engagement process.
- **A private proponent** - a person who has interest in the land where the person is seeking to alter the way in which the Planning and Design Code affects the land (Private Proponent).
- **Peer Review** – a review undertaken by an independent Planning Consultant.
- **Chief Executive of the Planning Department** – is responsible for assisting the Minister in the administration of the Act.

- **Planning Department-** the Department responsible for assisting the Minister in the administration of the Act.

5. Policy Statements

5.1 Chief Executive advice on Code Amendment Proposals

In accordance with the State Planning Commission's Practice Direction 2- Preparation and Amendment of Designated Instruments a proposal to initiate is required to be referred to a council for the Chief Executive's comment.

It is expected that a complete draft proposal consistent with the requirements of Practice Direction 2 and the template on the SA Planning portal is provided.

On receipt of these proposals, the proposal will be referred to relevant sections of the Council for comment.

It is recommended that a minimum of six weeks is given to Council for this process.

At this stage, it is important that the proposal to initiate incorporates all the envisaged investigations, especially around infrastructure requirements.

In providing support and comment on private proponent Code Amendment proposals where the private proponent will be the designated entity, the proposal to initiate a Code Amendment will be assessed against the following criteria:

- (a) Consistency with the State Planning Policies, including the principles of good planning and the Regional Plan for Greater Adelaide
- (b) Consistency with Council strategic documents including:
 - a. The City Plan
 - b. Urban Growth Strategy
 - c. West of Port Wakefield Road Strategic Growth Framework
 - d. Other current Code Amendments
- (c) The detailed infrastructure requirements needed including social infrastructure to support the anticipated growth.
- (d) The social, economic and/or environmental merits.

5.2 Privately Funded Council led Code Amendments

Council will consider the following criteria in determining whether to be a designated entity/proponent for a Code Amendment funded by one or more private entities:

- (a) The criteria under 5.1.
- (b) The reasons why the private entity wishes Council to undertake the Code Amendment (including why the Private Proponent cannot undertake the Code

Amendment itself, and whether they have already approached the Department, and, if so, any response received).

- (c) For support, the rezoning proposal should include additional land as well as land that the proponent has a legal interest, and/or there is more than one private proponent in close proximity to each other.
- (d) Whether the proposed Code Amendment can be appropriately project managed by Council staff (taking into consideration the timing of other priorities and projects within Council's policy program) and the resources available.

In requesting Council's endorsement to proceed with a Privately Funded Code Amendment the private proponent should submit to the Council either:

- (a) a draft 'Proposal to Initiate a Code Amendment' in the template provided through the PlanSA website and which is consistent with Practice Direction 2; and
- (b) any additional information that responds to the criteria in sections 5.1 and 5.2 above, if not already addressed in a 'Proposal to Initiate a Code Amendment'.

Council will then assess the information, make necessary preliminary investigations and consultation with Government Agencies to understand policy positions of the Agencies and determine whether to proceed with the preparation and lodgement of a proposal to initiate a Code Amendment which is required for the agreement of the Minister to begin the Code Amendment.

Council at all times retains the right to reject a proposal to initiate a Privately Funded Code Amendment.

The reasons for proceeding with, or rejecting, a proposed Privately Funded Code Amendment will be recorded and communicated to the Private Proponent/s.

5.3 Project Management and the Procurement Process

- 5.3.1 Subject to Ministerial approval to proceed, if Council is the designated entity for a Privately Funded Code Amendment it will require an agreement under section 73(9) of the Act between the Council and the Private Proponent for recovery of costs incurred by the Council in relation to the Code Amendment process. Those costs may include (but are not necessarily limited to):

- (a) Preparation of a draft of the relevant proposal
- (b) Community consultation
- (c) Compliance with conditions of the Minister's approval to proceed, and any requirements of the State Planning Commission, or as prescribed by the regulations (if any)
- (d) Preparation of a section 73(7) report to the Minister (including independent Council review if the initial draft report is prepared by, or on instruction of the Private Proponent)

- (e) Publication on the SA Planning Portal
- (f) Disbursements (including printing, postage, advertising etc)
- (g) A project management and administration fee.

The cost of the Code Amendment Process will be borne by the Private Proponent/s funding the Code Amendment and paid into a fund as directed by Council. Where the Council has, at the Private Proponent's request, expended material resources to obtain the Minister's approval to proceed with a Code Amendment, the Council may also seek to recover those costs.

- 5.3.2 If Council agrees to proceed with a Privately Funded Code Amendment, generally (and subject to any alternative arrangements as agreed to by the Council on a case-by-case basis):

- 5.3.2.1 The Private Proponent will engage a suitably qualified consultant to prepare the draft Code Amendment, in accordance with the agreed proposal to initiate and associated conditions, the Act and Practice Direction 2.
- 5.3.2.2 Council will undertake a Peer Review of the draft Code Amendment and may need to engage a consultant to do so depending on the nature and complexity of the Code Amendment and the resource capacity of Council.

The Peer Review will:

- (a) review the draft Code Amendment against the Proposal to Initiate a Code Amendment approved by the Minister for Planning, and against the requirements of section 73(6) of the PDI Act.
- (b) review the mapping changes, documentation for community engagement, all responses received during consultation, and finalised policy changes and documentation including the draft report to the Minister under section 73(7) of the PDI Act.

Selection of a consultant to undertake the Peer Review will be undertaken in accordance with Council's Procurement Policy. In selecting a consultant, the Council will enquire as to any current or prior relationship with the Private Proponent which could affect, or be perceived to affect, the consultant's independence.

- 5.3.3 The capacity for Council to process a Privately Funded Code Amendment will be influenced by Council's other policy priorities, and projected timing will be estimated accordingly. It is acknowledged that some parts of the Code Amendment process cannot be outsourced and management, policy oversight and

processing will be required to be undertaken by Council staff, therefore Code Amendments will be managed according to Council priorities and subsequent timeframes.

- 5.3.4 Any consultant undertaking any Peer Review will report directly to Council staff.
- 5.3.5 Council maintains ultimate control of the Code Amendment process, and key stages will be presented to Council for consideration, prior to being submitted to the Minister for agreement or endorsement.
- 5.3.6 Council will publicly indicate that it has received payment for preparation of the Code Amendment.

5.4 Payment and Legal Arrangements

- 5.4.1 A legally binding Deed between Council and the third party funding the Code Amendment will be prepared which will outline applicable agreement and legal procedures. The Deed will be executed upon approval on the Initiation of the Code Amendment by the Minister.
- 5.4.2 The legal agreement will contain at least the following:
 - (a) The nature of the arrangements, including the project management and administration fee to be paid, and the time when payment is to be made.
 - (b) Details about the nature of the Code Amendment, including the area to be covered, the purpose of the Code Amendment and what the Code Amendment investigations will encompass (the Code Amendment principles).
 - (c) Details about the responsibilities of each of the parties in relation to preparation of the Code Amendment and documentation, and draft Code Amendment.
 - (d) An acknowledgment by the Private Proponent funding the Code Amendment that it is a Council document and as such may be amended at the direction of Council.
 - (e) An acknowledgment by the Private Proponent that after complying with the requirements of section 76(6) of the PDI Act, the Council may choose to not proceed with the Code Amendment.
 - (f) An acknowledgement by the Private Proponent that timing and processing of the Code Amendment will be dependent upon the timing and priorities of other Council projects and the availability of staff resourcing.
 - (g) An acknowledgment by the Private Proponent that while the Council may initiate a Code Amendment, ultimately the decision on its

authorisation is a decision of the Minister, and not the Council, and that the Council has no control over the outcome.

- (h) An acceptance that if the Code Amendment is either not authorised by the Minister, or is authorised with amendments that do not suit the interest of the Private Proponent, the Private Proponent must abide the event and is still responsible for the cost of the Code Amendment process.
- (i) Agreement that the Private Proponent will fund any legal costs associated with preparation of the Code Amendment, including legal review and representation in any legal proceedings or judicial review proceedings that are brought in relation to the Code Amendment process (should the Council be involved or choose to participate in such proceedings).
- (j) Acknowledgement that Council may require additional investigations to be undertaken, as directed by the Minister, and may charge the Private Proponent for the cost of these additional investigations.
- (k) The Private Proponent will pay the full cost of the Code Amendment process including an appropriate project management fee as determined (see below).

5.5 Project Management and Administration Fee

5.5.1 The Private Proponent will pay to Council a project management and administration fee to cover a portion of the Council resourcing costs for management of the Code Amendment process. The fee will be a fixed rate, based on the scope and complexity of the Code Amendment and the estimated hours of input required of Council staff. This will be determined by the General Manager City Development, once the Proposal to Initiate a Code Amendment has been agreed by the Minister, and details incorporated into the Deed of Agreement.

5.5.2 The project management fee may be split into several payments, details of which will be incorporated into the Deed, with the first payment payable upon approval by the Minister of the Proposal to Initiate a Code Amendment. The Code Amendment may not proceed until payment is received.

6 Related Policies and Procedures

Council Procurement Policy / Procedure

7 Approval and Change History

Version	Approval Date	Approval By	Change
2	March 2024	Council	Addition of requirements for private proponent prepared Code Amendment and review of private proponent funded Code Amendments.

8 Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council’s website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.gov.au

9 Review

This policy will be reviewed within 12 months of a Council election or as dictated by legislation changes or changes to related Policies and Procedures, or as deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Team Leader- Strategic Urban Planning
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Privately Funded Planning and Design Code Amendments

Approved by:	Council
Responsible Division:	Economic Development and Urban Policy, City Development
First Issued/Approved:	23 August 2021
Last Reviewed:	23 August 2021
Next Review Date:	August 2023

1. Introduction/Purpose

An up to date Planning and Design Code is important in ensuring that the City grows in an orderly and economically, socially and environmentally sustainable manner. The Council recognises the importance of the Code and the role it plays in enabling the objectives of the City Plan. Current and best practice planning policies also assist with ensuring that potential conflicts and impacts from development are minimised. High quality sustainable development improves the wellbeing, prosperity and general amenity of the city.

The PDI Act allows the initiation of Code Amendments by a range of entities, including Private Proponents. Privately Funded Code Amendments can be used to complement Council and State Government funded Code Amendments to ensure the Code is capable of facilitating future development in an appropriate and sustainable manner, in alignment with the City of Salisbury values. However, it is important to consider how these privately funded Code Amendments fit within the overall strategic objectives of the Council and that they are prioritised accordingly given the available resources.

Section 73(9) of the PDI Act anticipates that a designated entity (which includes a Council) may enter into an agreement with 'a person' for the recovery of costs incurred by the designated entity in relation to a Code Amendment process. As such, the Council is able to initiate a Code Amendment process on behalf of a Private Proponent.

The Code Amendment process is a statutory process undertaken pursuant to the provisions of the PDI Act and involves the Minister, the Commission, various State authorities and community consultation. It is a lengthy process that can take anywhere from 6 to 18 months or more and there is no guarantee of support from Council, the Commission, or State Agencies. Applicants have no right of appeal in relation to the outcomes of a Code Amendment request or process.

2. Scope

The policy is applicable to the Council, Private Proponents and their respective representatives.

3. Legislative Requirements and Corporate Policy Context

- Planning, Development and Infrastructure Act 2016
- Planning, Development and Infrastructure (General) Regulations 2017 Practice Directions issued by the State Planning Commission
- Local Government Act 1999

4. Interpretation/Definitions

1. Code – Planning and Design Code
2. Designated Entity-
 - a. Council.
 - b. Chief Executive of the Attorney General's Department (Chief Executive).
 - c. Agency or Instrumentality of the Crown.
 - d. A Joint Planning Board.
 - e. An Infrastructure Scheme Coordinator.
 - f. A provider of essential infrastructure (which may include a Private Proponent such as a telecommunications carrier or energy company).
 - g. A person who has interest in the land where the person is seeking to alter the way in which the Planning and Design Code affects the land (Private Proponent).
3. Designated Instrument – includes the Planning and Design Code.
4. Peer Review – a review undertaken by an independent Planning Consultant.

5. Private Proponent - A person who has interest in the land where the person is seeking to alter the way in which the Planning and Design Code affects the land.

5. Policy Statements

1. In order to determine whether or not Council should proceed with a privately funded Code Amendment, the Amendment proposal will be assessed against the following criteria:
- (a) The relevant State Planning Policies, including the principles of good planning
 - (b) The expected population growth and capacity for accommodating the anticipated growth
 - (c) The strategic needs of the existing zone
 - (d) The infrastructure needed to support the anticipated growth
 - (e) The performance-based policy to facilitate opportunities or mitigate challenges
 - (f) Relevant Regional Plans, including, but not limited to, the 30 Year Plan for Greater Adelaide- 2017 Update.
 - (g) The proposed policy change is consistent with Council Strategic Documents such as the City Plan, Growth Action Plan and the like and any other proposed or current Code Amendments
 - (h) The proposed policy change has demonstrated and considerable social, economic and/or environmental merit
 - (i) The reasons why the Private Proponent wishes Council to undertake the Code Amendment (including whether the Private Proponent has already approached the Department of Planning, Transport and Infrastructure, the Minister or the Commission and, if so, any response received)
 - (j) Whether the proposed Code Amendment can be appropriately project managed by Council staff, taking into consideration the timing of other priorities and projects within Council's policy program and the resources available.

In requesting Council's endorsement to proceed with a Privately Funded Code Amendment a 'Statement of Justification' should be submitted by the Private Proponent which outlines the level of consistency with the above criteria (a) through (i) and clearly outlines the policy outcome that is being sought.

Council will then assess the 'Statement of Justification', make necessary preliminary investigations and consultations with Government Agencies to understand policy positions of the Agencies and determine whether to proceed with the preparation and lodgement of a proposal to initiate a Code Amendment which is required for the agreement of the Minister to begin the Code Amendment, after taking advice from the Commission.

Council at all times retains the right to reject a proposal to initiate a Privately Funded Code Amendment.

The reasons for proceeding with, or rejecting, a proposed Privately Funded Code Amendment will be recorded and communicated to the Private Proponent.

6. Project Management and the Procurement Process

1. Subject to Ministerial approval to proceed, a Privately Funded Code Amendment will require an agreement under section 73(9) of the PDI Act between the Council and the Private Proponent for recovery of costs incurred by the Council in relation to the Code Amendment process. Those costs may include (but are not necessarily limited to):
 - a. Preparation of a draft of the relevant proposal.
 - b. Independent Peer Review of the draft proposal (if the initial draft is prepared by or on instruction of the Private Proponent).
 - c. Consultation.
 - d. Compliance with conditions of the Minister's approval to proceed, and any requirements of the Commission or as prescribed by the regulations (if any).
 - e. Preparation of a section 73(7) report to the Minister (including independent peer review if the initial draft report is prepared by or on instruction of the Private Proponent).
 - f. Publication on the SA planning portal.
 - g. Disbursements (including printing, postage, advertising etc).
 - h. A project management fee.

The cost of the Code Amendment Process will be borne by the Private Proponent funding the Code Amendment, and paid into a fund as directed by Council. Where the Council has, at the Private Proponent's request, expended material resources to obtain the Minister's approval to proceed with a Code Amendment, the Council may also seek to recover those costs.

2. If Council agrees to proceed with a Privately Funded Code Amendment, generally (and subject to any alternative arrangements as agreed to by the Council on a case by case basis):
 - 2.1 The Private Proponent will engage suitably qualified consultants to prepare the draft Code Amendment, including a timetable, investigations, instructions for the drafting of proposed policy amendments, any maps to an industry standard, heritage data sheets, significant tree data sheets, identification and assessment of proposed inconsistencies with State Planning Policies if applicable, explanation and summary of investigations and how these support the amendment, explanation of how infrastructure will be provided, and other requirements as directed in any relevant Practice Directions issued by the Commission.
 - 2.2 Council will engage a suitably qualified and independent consultant to undertake a Peer Review of the draft Code Amendment.
 - 2.3 The Peer Review will:
 - a. Review the draft Code Amendment against the Proposal to Initiate a Code Amendment approved by the Minister for Planning, and against the requirements of section 73(6) of the PDI Act
 - b. Review the drafting instructions and mapping changes and documentation for community engagement, all responses received during consultation, and finalised policy changes and documentation including the draft report to the Minister under section 73(7) of the PDI Act.
 - 2.4 Selection of a consultant to undertake the Peer Review will be undertaken in accordance with Council's Procurement Policy. In selecting a consultant, the Council will enquire as to any current or prior relationship with the Private Proponent which could affect, or be perceived to affect, the consultant's independence.
- 3 The capacity for Council to process a Privately Funded Code Amendment will be influenced by Council's other policy priorities, and projected timing will be estimated accordingly. It is acknowledged that some parts of the Code Amendment process cannot be outsourced and management, policy oversight and processing will be required to be undertaken by Council staff, therefore Code Amendments will be managed according to Council priorities and subsequent timeframes.
- 4 The consultant undertaking the Peer Review will report directly to Council staff.

- 5 Council maintains ultimate control of the Code Amendment process, and key stages will be presented to Council for consideration, prior to being submitted to the Minister for agreement or endorsement.
- 6 Council will publicly indicate that it has received payment for preparation of the Code Amendment but has sought independent advice.

7. Payment and Legal Arrangements

1. A legally binding Deed between Council and the third party funding the Code Amendment will be prepared which will outline applicable agreement and legal procedures. The Deed will be executed upon approval on the Initiation of the Code Amendment by the Minister.
2. The legal agreement will contain at least the following:
 - a. The nature of the arrangements, including the project management fee to be paid, and the time when payment is to be made.
 - b. Details about the nature of the Code Amendment including the area to be covered, the purpose of the Code Amendment and what the Code Amendment investigations will encompass (the Code Amendment principles).
 - c. Details about the responsibilities of each of the parties in relation to preparation of the Code Amendment and documentation, and draft Code Amendment.
 - d. An acknowledgment by the Private Proponent funding the Code Amendment that it is a Council document and as such may be amended at the direction of Council.
 - e. An acknowledgment by the Private Proponent that after complying with the requirements of section 76(6) of the PDI Act, the Council may choose to not proceed with the Code Amendment.
 - f. An acknowledgement by the Private Proponent that timing and processing of the Code Amendment will be dependent upon the timing and priorities of other Council projects and the availability of staff resourcing.
 - g. An acknowledgment by the Private Proponent that while the Council may initiate a Code Amendment, ultimately the decision on its authorisation is a decision of the Minister, and not the Council, and that the Council has no control over the outcome.

- h. An acceptance that if the Code Amendment is either not authorised by the Minister, or is authorised with amendments that do not suit the interest of the Private Proponent, the Private Proponent must abide the event and is still be responsible for the cost of the Code Amendment process.
- i. Agreement that the Private Proponent will fund any legal costs associated with preparation of the Code Amendment, including legal review and representation in any legal proceedings or judicial review proceedings that are brought in relation to the Code Amendment process (should the Council be involved or choose to participate in such proceedings).
- j. Acknowledgement that Council may require additional investigations to be undertaken, as directed by the Minister, and may charge the Private Proponent for the cost of these additional investigations.
- k. The Private Proponent will pay the full cost of the Code Amendment process including an appropriate project management fee as determined (see below).

8. Project Management Fee

- 1. The Private Proponent will pay to Council a project management fee to cover a portion of the Council resourcing costs for management of the Code Amendment process. The project management fee will be a fixed rate, based on the scope and complexity of the Code Amendment and the estimated hours of input required of Council Staff. This will be determined by the General Manager City Development, once the Proposal to Initiate a Code Amendment has been agreed by the Minister, and details incorporated into the Deed of Agreement.
- 2. The project management fee may be split into several payments, details of which will be incorporated into the Deed, with the first payment payable upon approval by the Minister of the Proposal to Initiate a Code Amendment. The Code Amendment may not proceed until payment is received.

9. Related Policies and Procedures

Council Procurement Policy / Procedure

10. Approval and Change History

Version	Approval Date	Approval By	Change
1	23/08/2021	Council	

11. Availability

11.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au.

11.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.gov.au

12. Review

This policy will be reviewed within 12 months of a Council election or as dictated by legislation changes or changes to related Policies and Procedures, or as deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Principal Planner – Land Use Policy
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

ITEM	3.1.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Dog Registration Fees 2024/2025
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report seeks Council approval for the proposed 2024/2025 dog registration fees, rebates, exemptions and other fees. Fees must be approved prior to 31 May 2024 to facilitate the update and generation of new registrations for the 2024/25 period in the State-wide dog registration database, Dog and Cats Online (DACO).

RECOMMENDATION

That Council:

1. Adopts the 2024/2025 registration fee of \$50 for standard dog and the maximum of \$100 for non-standard dogs, along with the registration categories, fees, eligible rebates and exemptions and late fees as shown in the Proposed *Dog and Cat Management Act 1995 Fee Schedule 2024/2025 Attachment 3* (Governance and Compliance Committee agenda, 18 March 2024, Item No. 3.1.2).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Dog Registration Fees by Category
2. Revenue and Expenditure Estimates
3. Proposed Dog and Cat Management Act 1995 Fee Schedule 2024-2025

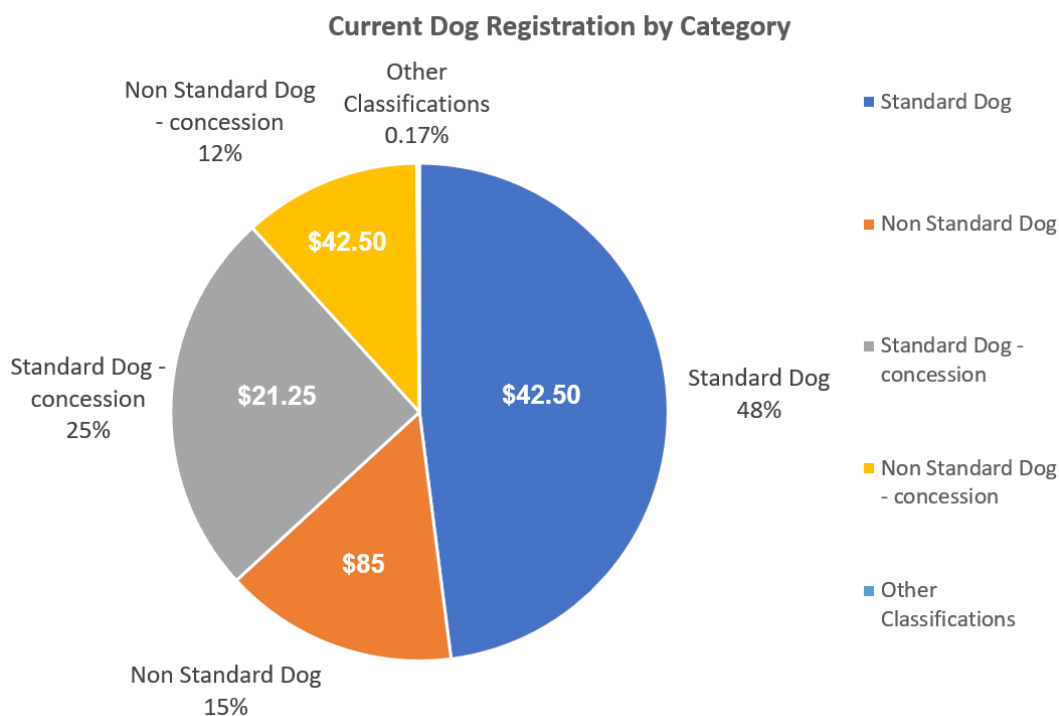
1. BACKGROUND

- 1.1 Under the provisions of the *Dog and Cat Management Act 1995* (the Act) Council has the discretion to set dog registration fees and must notify the Dog and Cat Management Board.
- 1.2 Fees must be approved prior to 31 May 2024 to facilitate the update of fees on Dogs and Cats Online (DACO) the state-wide dog registration database, and the generation of new registrations for the 2024/25 period.
- 1.3 To provide consistency in the required categories on DACO the standard and non-standard dog category has been adopted. Categories include:

- Standard Dog
 - Standard Dog – Working
 - Standard Dog – Concession
 - Non-Standard Dog
 - Non-Standard Dog – Working
 - Non-Standard Dog – Concession
 - Business Registration
 - Assistance Dog
- 1.4 A standard dog is a “desexed and microchipped dog” and this category has a 50% rebate on the maximum fee which is applied to a “non-standard dog”.
- 1.5 A “non-standard dog” means a dog that is either microchipped or desexed (but not both).
- 1.6 The Act requires that all money received by Council under the Act must be utilised by Council in the provision of dog and cat management services.
- 1.7 The City of Salisbury provides various dog and cat management services and facilities including:
- Dog attack investigations;
 - Responding to dogs wandering at large, non-compliance with dog leashing laws and dog noise and nuisance complaints;
 - Maintenance of a guard dog register;
 - Support for micro-chipping days, desexing initiatives and off-leash greyhound events;
 - Cat nuisance investigations, trapping services and cat relocations and impounds;
 - Dog rehoming with suitable shelter providers and foster carers;
 - Provision and maintenance of ten dog friendly parks and eight small dog parks and associated signage;
 - Provision of dog litter bags and dispensers;
 - Provision of information and educational material to the community; and
 - Operation of the Pooraka Pound facility in partnership with City of Tea Tree Gully.
- 1.8 Dog registration fees provide the most consistent and predictable source of funding for expenditure associated with dog and cat management activities. Under the Act, 24% of dog registration fees collected are required to contribute to the Dog and Cat Management Fund which is managed by the Dog and Cat Management Board.
- 1.9 Registration numbers have remained relatively consistent with average annual registrations between 21,000 to 23,000, however there has been a slight decline in overall numbers over the last 3 years. Standard dog registrations have increased from 65% in 2018/19 to 73% of total registrations in 2022/23 as shown in Table 1 below.

Classification	2022-2023	2018-2019
Standard (including concessions)	15,800	14,943
Non-Standard (including concessions)	5,778	8,014
Other classifications	38	25
Total	21,616	22,982

- 1.10 The percentage of standard dog registrations are expected to increase as new dog registrations transition to the standard dog category, however the estimates for 2023/24 have the percentage of Standard dogs at 73.1% showing a stabilization in the trend.
- 1.11 The 2023/24 fee structure is \$42.50 for a standard dog and \$85 for a non-standard dog, with a 50% concession in both categories (\$21.25 and \$42.50 respectively) for eligible concession card holders.
- 1.12 Thirty-seven percent (37%) of all current dog registrations attract a concession, paying a reduced fee of \$21.25 (25%) for standard dog registration, or \$42.50 (12%) for non-standard dog registration.
- 1.13 Almost half (48%) of all dog registrations are for a standard dog registration (without a concession) at a cost of \$42.50, with only 15% of all dog registrations attracting the maximum fee of \$85 for a non-standard dog registration (without a concession). Other categories (i.e. working dogs, business registrations and assistance dogs) make up less than 0.2% of all registrations.
- 1.14 Current dog registrations by category are shown in the chart below.



- 1.15 In 2022/23 dog registration revenue was \$812,678, 83% of all revenue. In the current financial year (2023/24) it is anticipated that the total revenue from dog registrations will also make up 80% of all revenue at the estimated \$957,100. However projected dog registration numbers are tracking slightly lower than previous year, and any reduction will see dog registration revenues reduce.
- 1.16 Other revenue collected under the provisions of the Act includes expiations, fines and pound fees. These revenue sources account for approximately 19% of revenue in the current year, and are variable and dependent on offences being committed and animals being impounded. Further details are provided in Attachment 2 - Revenue and Expenditure Estimates.
- 1.17 The costs for services and facilities relating to dog and cat management exceed the revenue generated through registration and other fees and require a cross-subsidisation from general rates revenue.
- 1.18 While capital expenditure may vary from year to year, operating expenditure in 2022/23 exceeded revenue by \$1,295,296 due to the new Pooraka Pound construction.
- 1.19 In 2023/24, it is anticipated that operating expenditure will exceed revenue by approximately \$853,409.
- 1.20 Without a fee increase to dog registrations in 2024/25, it is estimated that operating expenditure (\$2,102,810) would exceed revenue (\$1,178,078) by \$924,732.

2. DISCUSSION

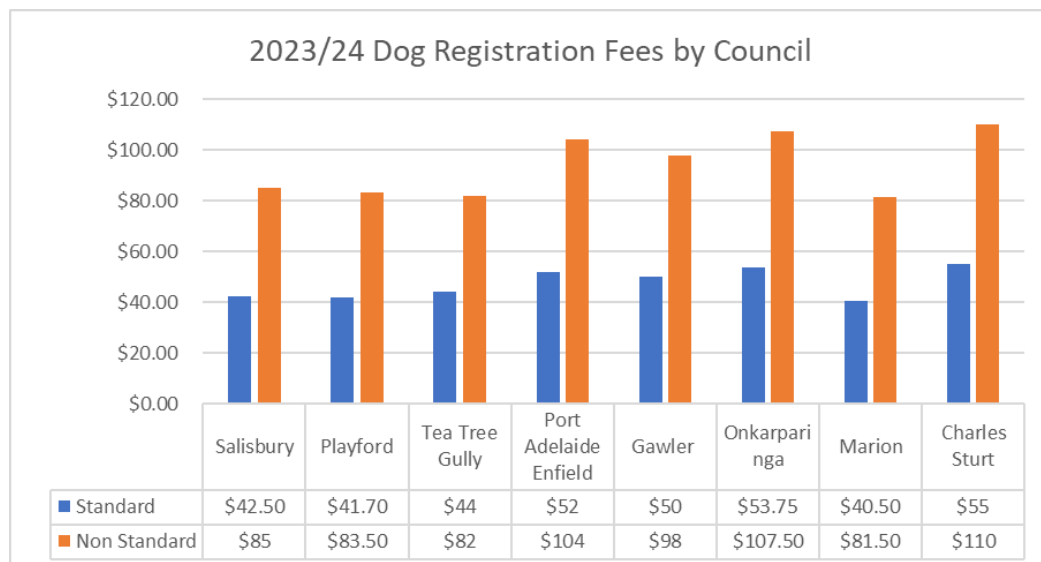
- 2.1 Council adoption of the proposed 2024/2025 dog registration fees, rebates/exemptions and other fees is required prior to 31 May 2024 to facilitate the update and generation of new registrations for the 2024/25 period in Dogs and Cats Online.

Dog Registration Fees

- 2.2 Dog registration fees contribute to the delivery of Council's dog management services and facilities consistent with the 'user pays' principle.
- 2.3 Table 4 below provides a summary of dog registration fees since 2019/20.

Year	Fee	Fee increase	Percentage change
2023/24	\$42.50/\$85	\$6.50/\$13	18%
2022/23	\$36/\$72	\$1/\$2	3.0%
2021/22	\$35/\$70	\$2.50/\$5	7.7%
2020/21	\$32.50/\$65	\$0	0%
2019/20	\$32.50/\$65	\$0	0%

- 2.4 The minimal increase in dog registrations fees over the previous five years resulted in the City of Salisbury dog registration fees falling behind adjoining and other large metropolitan councils. However, the increase in 2023/24 has started to align the City of Salisbury with other councils and seeks to ensure that dog registration revenues continue to contribute to dog related expenditure. This is shown in the graph below which provides a comparison of dog registration fees for the current financial year.



- 2.5 Dog registration fees for a non-standard dog in 2023/24 range from \$81.50 (City of Marion) to \$110 (City Charles Sturt).
- 2.6 An appropriate increase in dog registration fees will ensure that the services provided for dog management are predominantly funded on a 'user pays' basis, rather than being subsidised by rate revenue. This is particularly important as an increasing proportion of dog registrations are in the standard category (i.e. desexed and microchipped) attracting the 50% rebate. This trend will continue as the Act requires all new dogs to be desexed and microchipped, unless exempted (e.g. breeding dog).
- 2.7 The potential range of dog registration fees for 2024/25 is shown in Attachment 1 - Potential Dog Registration Fee by Category (\$90 to \$100 for a non-standard dog, along with the 50% rebate for a standard dog, and 50% concession rebate).
- 2.8 An analysis of the potential revenue associated with each scenario is shown in Attachment 2 - Revenue and Expenditure Estimates.

Proposed Dog registration fee rebates and exemptions

- 2.9 The City of Salisbury has the ability to adopt additional concessions/rebates for dog registration fees and consistent with previous policy, it is proposed that the following fees are adopted as per current fee structure;
- 2.9.1 puppies and new dog registrations after 1 January attract a 50% rebate.
- 2.9.2 Assistance dog registrations are proposed to continue to attract a 100% rebate (exemption).
- 2.9.3 new dog adoptions from approved shelters, continue to attract a full rebate on the first year of registration for adopted dogs that are desexed, microchipped, vaccinated and temperament tested for those dogs that are located within the City of Salisbury, and
- 2.9.4 the first year of registration for adopted greyhound dogs that have been put through Greyhounds as Pets SA's training program continue to attract a full rebate.

- 2.10 It is proposed that the late payment fees increase from \$10 to \$15. Late payment fees are incurred when registration is not paid by the due date of 31 August. The due date provides dog owners two months to pay and during this period they have also received reminders via SMS or email. After the due date Council incurs added administrative costs to process reminders. The late fee is designed to compensate the added administrative costs to follow up late payments and postal reminder notices. The late fee has not increased since 2018/19 and given the additional resources required for issuing reminder notices and follow up by staff it is considered that an increase is justified.

Other Fees

- 2.11 Additional fees charged by the City of Salisbury for dog and cat management include fees associated with the seizure, detention or destruction of dogs and cats, such as:
- seizure fees;
 - daily and long-term pound fees;
 - veterinary or welfare costs;
 - microchipping;
 - desexing; and
 - euthanasia fees.
- 2.12 These fees may be incurred whilst a dog or cat is held by the City of Salisbury (or its agents) at the pound or an alternative facility.
- 2.13 The seizure fee and daily pound fee have been reviewed and it is recommended that seizure fee increase from \$85 to \$90 and daily and long-term pound fees be increased from \$55 to \$60 due to higher operational and cleaning costs associated with the dog pound. Note that the seizure fee is inclusive of the day one pound fee, therefore a maximum three day (72 hour) hold will be \$210 (\$90+\$60+\$60).

Operational and Cleaning Costs

- 2.14 The City of Salisbury and City of Tea Tree Gully joint use Pooraka Pound was opened for operations in early 2023 to facilitate the holding of impounded dogs for both Council areas and the final concept and design was based on historical demands and forecasted occupancy rates, based on ongoing service provision from shelters.
- 2.15 The facility is built to provide a high welfare environment for impounded animals, providing state of the art pens for maximum comfort and hygiene, a climate-controlled environment, and the ability to isolate unwell dogs to reduce the risk to healthy dogs.
- 2.16 The welfare and hygiene of the environment is maintained through the ongoing and daily cleaning along with added services to manage the welfare of the dogs in long term holds.

- 2.17 The use of the pound starting in 2023 has identified that the cleaning regime and welfare requirements are significantly different to that of the previous facility and the cleaning contractors have had to modify their approach to manage the cleaning of the new pens and facility. This is due to the design of the prefabricated pens, the type of materials used in construction and the required sanitizing and cleaning chemicals and their applications. These requirements have increased the time taken to clean which has translated into increased resources and costs. Whilst the new pens have increased the cleaning regime, the benefits include improved hygiene and comfort for the dogs compared to concrete and render pens and allow for individual pen replacements through normal long-term use or in the event that they are damaged.
- 2.18 The impact on cleaning costs is also associated with the need to hold unclaimed dogs for significantly longer periods due to the lack of regular service from shelters.
- 2.19 The long term holds mean higher occupancy rates, increased cleaning requirements and increased welfare management of dogs. The welfare needs include:
- 2.19.1 Walking and regular exercise - this is very important for the dogs' wellbeing and physical health, but helps alleviate stress and provides a positive outlet for their energy.
 - 2.19.2 Collaboration with local vets to provide assessments and treatment to injured or ill dogs to ensure their comfort and recovery and ensuring any treatments or medicines are administered correctly as well as worming and flea treatments for dogs held past the 3 day mandatory hold period.
 - 2.19.3 Providing enrichment for the impounded dogs - in addition to medical care toys and mental stimulation are crucial for the overall wellbeing. Treats are provided as part of walking and cleaning and toys are placed in pens.
 - 2.19.4 Temperament assessments and managing opportunities for fostering dogs to independent shelters.
- 2.20 All of these new functions have added costs to the overall cleaning contract and operating costs of the new pound.
- 2.20.1 In 2021/22 the expenditure for cleaning the old pound facility was approximately \$40K, (noting that there was ongoing service by shelters to take dogs after the mandatory 72 hour hold).
 - 2.20.2 In 2022/23 the estimated budget was \$121K, and due to the late occupancy of new facility the actual expenditure was approximately \$90K.
 - 2.20.3 In 2023/24, the estimated budget was \$121K (less \$46K from CTTG) resulting in a net bid of \$75K. However, the December 23 YTD expenditure is tracking at \$98K, with a forecasted EOY expenditure of approximately \$200K, less 38% from CTTG (\$76K), resulting in a net cost of \$124K.
- 2.21 The welfare component associated with the longer term holding of dogs equates to approximately 30% to 40% of overall costs (approximately \$79K) as well as an increase in materials and supplies relating to cleaning chemicals, food and contractual services, such as veterinary assessments and medications.

- 2.22 An increase in impound fees will contribute to the increased cleaning costs and subsequently an increase in dog registration fees will further contribute to the increased pound operating costs.
- 2.23 No increases to the other fees are proposed as these are charged at direct costs incurred.

Expiations

- 2.24 Other revenue collected under the Act includes expiations and fines recovered by the Fines Enforcement and Recovery Unit. These revenue sources are variable and dependent on offences being committed. Expiation fees and fines are legislated under the Act.

Proposed Dog and Cat Fee Schedule 2024/2025

- 2.25 The operating expenditure on dog and cat management services and facilities in 2024/25 is projected to be in the order of \$1,709,397. In addition, the proposed capital expenditure in the draft 2024/25 budget is in the order of \$175,000.
- 2.26 On the basis of the projected expenditure, dog registrations income will provide a cost recovery (or 'user-pays') in the order of 51% of the total cost with fees set at \$50/\$100 (standard dog/non-standard dog). This would result in a cross-subsidisation from rate revenue in the order of \$801,893, equating to approximately a 0.65% rate increase equivalent, based on 23/24 rates.
- 2.27 Dependent on the approved dog registration fees, the total expenditure on dog and cat services, could require a cross-subsidisation from rate revenue of up to \$883,037 if the lowest increase in fees was adopted (i.e. \$45 standard dog /\$90 non-standard dog).
- 2.28 The revenue and expenditure estimates are presented in Attachment 2 - Revenue and Expenditure Estimates.
- 2.29 On this basis it is recommended that the proposed dog registration fees are set at \$50 standard dog /\$100 non-standard dog (with 50% rebate for concessions).
- 2.30 Attachment 3 - Proposed *Dog and Cat Management Act 1995* Fee Schedule 2024/2025 sets out all of the proposed dog registration fees, rebates and exemptions and other associated fees for consideration by Council.

3. CONCLUSION

- 3.1 The services provided by Council in the area of dog and cat management are diverse, resource intensive and involve a significant budget provision and cross-subsidy from rates revenue.
- 3.2 There is an opportunity to increase the current dog registration fees to contribute more to cost of delivering these services along with the administration and enforcement of the Act, noting that only 15% of current dog registrations attract the full non-standard dog fee.
- 3.3 The report outlines options to increase registration fees and it is recommended that registration fees for 2024/25 be increased to \$50 for standard dog and the maximum of \$100 for non-standard dogs to reduce the level of subsidy of the services and facilities from general rate revenue.

Attachment 1 - Dog Registration Fee by Category (\$90, \$95, \$100)

Registration Category	% rebate	2024/25 \$90 fee	2024/25 \$95 fee	2024/25 \$100 fee
Business Registration	0	\$90.00	\$95.00	\$100.00
Assistance Dog	100	\$0.00	\$0.00	\$0.00
Non Standard Dog	0	\$90.00	\$95.00	\$100.00
Standard Dog	50	\$45.00	\$47.50	\$50.00
Non Standard Dog - Concession	50	\$45.00	\$47.50	\$50.00
Standard Dog - Concession	75	\$22.50	\$23.75	\$25.00
Non Standard Dog - Working	0	\$90.00	\$95.00	\$100.00
Standard Dog - Working	50	\$45.00	\$45.00	\$50.00

Attachment 2 Revenue and Expenditure Estimates

Year	2022/23	2023/24	2024/25	2024/25	2024/25	2024/25	2024/25	2024/25	2024/25	Revenue as %
										of Total
Budget Estimates										Expenditure
Operating Revenue - Registration Fees	\$72.00 fee	Estimates with \$85 fee	Estimates with \$85 fee	Estimates with \$90 fee	Estimates with \$95 fee	Estimates with \$95 fee	Estimates with \$100 fee	Estimates with \$100 fee	Estimates with \$100 fee	51
	(\$812,678)	(\$957,100)	(\$926,058)	(\$980,919)	(\$1,034,304)	(\$1,034,304)	(\$1,087,688)	(\$1,087,688)	(\$1,087,688)	
Operating Revenue - Other	(\$166,094)	(\$232,280)	(\$252,020)	(\$252,020)	(\$252,020)	(\$252,020)	(\$252,020)	(\$252,020)	(\$252,020)	12
Total Operating Revenue	(\$978,772)	(\$1,189,380)	(\$1,178,078)	(\$1,232,939)	(\$1,286,324)	(\$1,286,324)	(\$1,339,708)	(\$1,339,708)	(\$1,339,708)	63
Operating Expenditure	\$1,454,082	\$1,608,063	\$1,709,397	\$1,722,564	\$1,735,376	\$1,735,376	\$1,748,188	\$1,748,188	\$1,748,188	
Capital Expenditure	\$614,000	\$222,400	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	***
Estimated Other Items Expenditure**	\$205,986	\$212,326	\$218,413	\$218,413	\$218,413	\$218,413	\$218,413	\$218,413	\$218,413	
Total Expenditure	\$2,274,068	\$2,042,789	\$2,102,810	\$2,115,976	\$2,128,789	\$2,128,789	\$2,141,601	\$2,141,601	\$2,141,601	
Net Deficit / (Profit)	\$1,295,296	\$853,409	\$924,732	\$883,037	\$842,465	\$842,465	\$801,893	\$801,893	\$801,893	

Estimated Expenditure

- Organisational overheads (IT, HR, Administration, Accommodation costs)
- Customer Centre staff resources to provide animal management services, (customer requests, registrations)
- Regular maintenance of 10 dog parks and 9 small dog parks
- Provision and maintenance of dog signs (approximately 700 signs throughout the City)
- Provision and maintenance of dog litter bags and dispensers
- Maintenance of the dog pound
- Upgrades of dog parks ***
- Dog Park renewal commitments BNIB for 24/25 for \$730,800 committed over 4 years starting 2024/25
- Dog and Cat Management actions, strategies and additional dog management initiatives which can have financial implications for the organisation.
- Future upgrades of dog parks, microchipping days, low cost desexing, greyhound off leash events

Dog and Cat Management Act 1995 Fee Schedule 2024-2025

Dog Registration Fees Category	Percentage % rebate	2024/25 Registration fee \$100	2024/25 Registration fee including \$15 Late fee
Business Registration	0%	\$100.00	\$115.00
Assistance Dog	100%	\$0.00	\$0.00
Non Standard Dog	0%	\$100.00	\$115.00
Standard Dog	50%	\$50.00	\$65.00
Non Standard Dog - Concession	50%	\$50.00	\$65.00
Standard Dog - Concession	75%	\$25.00	\$40.00
Non Standard Dog - Working	0%	\$100.00	\$115.00
Standard Dog - Working	50%	\$50.00	\$65.00

Other Dog Registration Fees	2023/24	2024/25
Transfer of Registration	N/A	N/A
Replacement Disc Fee	As determined by the DCMB	As determined by the DCMB
Late Registration Penalty (applies 3 clear business days from last day to pay annual registration)	\$10.00	\$15.00
Puppies aged 6 months or less	Standard Dog or Standard Dog - Concession Fee applies	Standard Dog or Standard Dog - Concession Fee applies
Part Year Rebate after 1 January and until end of current period for new dogs not previously registered in the area	Varies (50% of fee)	Varies (50% of fee)
Fee free registration period from 1 June to 30 June	\$0 for all registrations	\$0 for all registrations
Certified Extract from register (per page)	\$10.00	\$10.00

Fees for meeting any other requirement imposed on councils under the Dog and Cat Management Act 1995	2023/24	2024/25
Seizure Fee Seizing a dog for the purposes of impounding. Includes Day 1 (or first 24 hours) or part thereof of impounding.	\$85.00	\$90.00
Daily Pound Fee (per day or part thereof) (Fees for Keeping Dog at Pound daily (or part thereof)) applicable for: Day 2 (or second 24 hour period) or part thereof and Day 3 (or third 24 hour period) or part thereof.	\$55.00 per day	\$60.00 per day
Daily Pound Fees – Long term hold for dog Applicable rate for each and every day dog held for consideration of appeals to Control Orders, and or legal action (onsite at pound or at alternative facility - Note - alternate facility will be charged at costs incurred)	\$55.00 per day	\$60.00 per day
Daily Pound Fees – short or long term hold for cat Applicable rate for each and every day cat held for consideration of action taken under the Dog and Cat Management Act (onsite at pound or at alternative facility)	Varies (Direct costs incurred)	Varies \$60.00 per day onsite or (Direct costs incurred alternate facility)
Veterinary Fees Applicable to dogs and cats, and all direct costs incurred will be claimed	Varies (Direct costs incurred)	Varies (Direct costs incurred)
Other animal welfare related costs includes euthanasia, microchipping, desexing (Applicable to dogs and cats and all direct costs incurred will be claimed)	Varies (Direct costs incurred)	Varies (Direct costs incurred)

Other Registration Fees (Adopted and Fostered Dogs)	2023/24	2024/25
Dogs adopted from recognised animal shelters Free dog registration for the first year of registration for dogs adopted from approved shelters An approved shelter is recognised as the Animal Welfare League South Australia, the RSPCA, and any shelter agency that is registered as a not-for profit agency and or endorsed by the Dog and Cat Management Board, and interstate shelters endorsed as an approved shelter by interstate Councils or endorsed by the Dog and Cat Management Board. Rebate applies to dogs that are desexed, microchipped, vaccinated and temperament tested.	\$0 for first year of registration only.	\$0 for first year of registration only.
Foster Dogs Dogs registered in the name of the shelter agency* and being cared for by foster carers are offered free registration for the first year of registration whilst they are in foster care and in the custody of these agencies. *Shelter agency is a registered as a not-for profit agency and or endorsed by the Dog and Cat Management Board, and interstate shelters endorsed as an approved shelter by interstate Councils or endorsed by the Dog and Cat Management Board.	\$0 for first year of registration only.	\$0 for first year of registration only.
Greyhounds adopted as pets free dog registration for the first year of registration for greyhounds adopted from GAP SA or other similar agencies approved by the Dog and Cat Management Board	\$0 for first year of registration only.	\$0 for first year of registration only.

ITEM	3.1.3
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Delegations Update: Section 188 of the Local Government Act 1999
AUTHOR	Michelle Woods, Governance Officer, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	In November 2023 Council reviewed its delegations in accordance with Section 44(6)(a) of the <i>Local Government Act 1999</i> . Council is now asked to consider an amendment to one of the conditions placed on Section 188 of the Local Government Act 1999.

RECOMMENDATION

That Council:

1. Adopts the following variations to Council's delegations in accordance with section 44(1) of the *Local Government Act 1999*.

In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999* and specified in the proposed Instrument of Delegation contained in Attachment 1 of the report (Item 3.1.3; Governance and Compliance Committee; 18 March 2024) are hereby delegated this day, 25 March 2024 to the person occupying the position of Chief Executive Officer except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Instrument of Delegation under the Local Government Act 1999 - Section 188

1. BACKGROUND

- 1.1 Council considered the review of legislative delegations in November 2023.
- 1.2 Pages 698 – 728 of Attachment 1: *Instrument of Delegation (including City of Salisbury Delegations Register) (Circulated under separate cover)* of Item 3.1.2 of 20 November 2023 set out specific conditions relating to the application of Section 188(1)(a)-(c), (3) and (5)(b) under Fees and Charges.

188—Fees and charges

- (1) A council may impose fees and charges—
 - (a) for the use of any property or facility owned, controlled, managed or maintained by the council;

- (b) for services supplied to a person at his or her request;
- (c) for carrying out work at a person's request;
- (3) A council may provide for—
 - (a) specific fees and charges;
 - (b) maximum fees and charges and minimum fees and charges;
 - (c) annual fees and charges;
 - (d) the imposition of fees or charges according to specified conditions or circumstances;
 - (e) the variation of fees or charges according to specified factors;
 - (f) the reduction, waiver or refund, in whole or in part, of fees or charges.
- (5) Fees and charges may be fixed, varied or revoked—
 - (b) by decision of the council.

1.3 One of the conditions of using the delegations under Section 188 is currently:

001098 - The Manager Community Participation and Partnerships to:

- *Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis;*
- *Vary fees for regular bookings in accordance with a Memorandum of understanding with Council; and*
- *Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub).*

1.4 As the City of Salisbury has additional buildings to that referenced in the above condition, many of which are utilised for community programs, Council is asked to consider removing the specific facilities in the condition to be applied in the use of this delegation to facilitate the effective and efficient day to day operations and decision making processes of the Council.

2. EXTERNAL CONSULTATION / COMMUNICATION

2.1 No external consultation was required in the preparation of this report.

3. DISCUSSION

- 3.1 It has been identified that the reference to specific sites in the condition on using the Section 188 delegation is impacting the effectiveness of assessing new programs to be implemented in the City of Salisbury.
- 3.2 To alleviate this situation Council is asked to consider removing the specific locations on the condition.

3.3 The new condition would read:

001098 - The Manager Community Participation and Partnerships to:

- *Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis;*
- *Vary fees for regular bookings in accordance with a Memorandum of understanding with Council; and*
- *Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs. ~~(specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub).~~*

4. CONCLUSION

4.1 Council is asked to consider the updated delegations.

Instrument of Delegation under the Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
500198	Local Government Act 1999	section 188(1)(a)	Impose fees and charges for the use of any property or facility owned, controlled, managed or maintained by the council	<p>In addition to the Council Fees and Charges Register, the following conditions apply:</p> <p>001098 - The Manager Community Participation and Partnerships to:</p> <ul style="list-style-type: none"> - Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis; - Vary fees for regular bookings in accordance with a memorandum of understanding with Council; and - Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub). 	council

Instrument of Delegation under the Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
500199	Local Government Act 1999	section 188(1)(b)	Impose fees and charges for services supplied to a person at his or her request	<p>In addition to the Council Fees and Charges Register, the following conditions apply:</p> <p>001098 - The Manager Community Participation and Partnerships to:</p> <ul style="list-style-type: none"> - Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis; - Vary fees for regular bookings in accordance with a memorandum of understanding with Council; and - Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub). 	council

Instrument of Delegation under the Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
500200	Local Government Act 1999	section 188(1)(c)	Impose fees and charges for carrying out work at a person's request	<p>In addition to the Council Fees and Charges Register, the following conditions apply:</p> <p>001098 - The Manager Community Participation and Partnerships to:</p> <ul style="list-style-type: none"> - Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis; - Vary fees for regular bookings in accordance with a memorandum of understanding with Council; and - Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub). 	council

Instrument of Delegation under the Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
500201	Local Government Act 1999	section 188(3)	Provide for: (a) specific fees and charges; (b) maximum fees and charges and minimum fees and charges; (c) annual fees and charges; (d) the imposition of fees or charges according to specified conditions or circumstances; (e) the variation of fees or charges according to specified factors; (f) the reduction, waiver or refund, in whole or in part, of fees or charges.	In addition to the Council Fees and Charges Register, the following conditions apply: 001098 - The Manager Community Participation and Partnerships to: - Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis; - Vary fees for regular bookings in accordance with a memorandum of understanding with Council; and - Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub).	council

Instrument of Delegation under the Local Government Act 1999

ID	Delegation Source	Provision	Item Delegated	Conditions & Limitations	Capacity of Council
500202	Local Government Act 1999	section 188(5)(b)	Fix, vary or revoke fees and charges for the purposes of section 188(1)(a), 188(1)(b) and 188(1)(c) of the Local Government Act	<p>In addition to the Council Fees and Charges Register, the following conditions apply:</p> <p>001098 - The Manager Community Participation and Partnerships to:</p> <ul style="list-style-type: none"> - Assess events, activities and functions to determine whether the booking is low or high risk, and to vary hire fees and bond, as well as request additional services on this basis; - Vary fees for regular bookings in accordance with a memorandum of understanding with Council; and - Vary fees to introduce new programs and allow for increase in supply costs, at Community Centres and Hubs (specifically Burton Community Hub, Twelve25 Youth Centre, The Mawson Centre and Para Hills Community Hub). 	council

ITEM	3.1.4
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Review of Flag Policy
AUTHOR	Belinda Hanlan, Executive Assistant to CEO/Mayor, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This report presents the Flag Policy to Council for consideration and adoption. The Policy has been reviewed and only minor formatting changes have been made.

RECOMMENDATIONThat Council:

1. Adopts the Flag Policy as set out in Attachment 1 to this report (Item No. 3.1.4, Governance and Compliance Committee; 18 March 2024).

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Flag Policy

1. BACKGROUND

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within 12 months of a general election.
- 1.2 In May 2021 the Flag Policy was reviewed and the following amendment was made to section D-Policy Statement, Part 7:
 - b) The fifth flag pole is to be used for the display of the South Vietnamese Yellow Flag, the Eureka Flag, and the Rainbow Flag during the appropriate period or by request from the relevant organisations.
 - c) The fifth flag pole is to be used to fly alternative flags as and when required, as agreed by the Mayor and CEO.
- 1.3 The Flag Policy is now due for review. The proposed changes that have been made are to transfer the policy into the current template.

2. EXTERNAL CONSULTATION / COMMUNICATION

2.1 Internal.

2.1.1 Consultation with staff as the continuing relevance of the policies and any changes that may be required.

2.2 External

2.2.1 Nil.

3. REPORT

3.1 The Flag Policy has been reviewed by the Policy Owner. No material changes are required in the content of the Policy to ensure its continuing relevance.

4. CONCLUSION / PROPOSAL

4.1 The Flag Policy as contained within Attachment 1 is recommended to Council for adoption.



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Flag Policy

Adopted by:	Council
Responsible Division:	CEO and Governance
First Issued/Adopted:	24 June 2013
Last Reviewed:	24 May 2021
Next Review Date:	March 2026

1. Purpose

- 1.1. The City of Salisbury will fly flags at the Council Offices at 34 Church St Salisbury as an expression of Council's governance responsibilities and will ensure that the flags displayed are acknowledged with due diligence, dignity and attention to position.
- 1.2. The City of Salisbury will administer the flying of the flags in accordance with the Department of Prime Minister and Cabinet requests and requirements.

2. Scope

- 2.1 In the first instance, this Policy applies to the flying of flags on the flag poles situated immediately outside the City of Salisbury Municipal Office at 12 James Street, Salisbury.
- 2.2 This Policy may also be applied to the flag poles situated within the Town Square, or any Council owned flag pole in any other location within the City at the discretion of the Chief Executive Officer.

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3. Legislative Requirements and Corporate Policy Context

3.1 *Flags Act 1953*

4. Policy Statements

- 4.1 All flags will be flown in accordance with the requirements of the Flags Act 1953 and the "*Australian Flags* – Part 2: The protocols for the appropriate use and the flying of the flag" publication.
- 4.2 The flag poles at the Municipal Office will be used to display flags and banners to encourage local and national pride and to mark events of community and wider significance.
- 4.3 Flags may be flown for the purpose of governance if they are:
 - A recognised National Flag (pursuant to the Commonwealth Flags Act 1953, including subsequent Proclamations);
 - The South Australian State Flag (State Proclamation 1904);
 - Council's corporate image and brand;
 - Approved by specific resolution of Council;
 - Approved by the CEO in accordance with this Policy.
- 4.4 The national or city flags of the City of Salisbury's sister cities will be flown during visits by the mayor (or his or her delegate) of a sister city. On those occasions the order of precedence would be adjusted to recognize the flying of another National Flag.
- 4.5 Where a specific Council resolution approves the display of another flag, subject to the requirements of the Flags Act and the "*Australian Flags*" publication, that flag will be flown beside the Australian National Flag; unless otherwise specified by Council.
- 4.6 Where declared by the Commonwealth or State Government, a special flag or flags may be flown. When Council receives advice on such "special declarations" by the government then the Salisbury Flag and/or State Flag will be replaced with the special flag(s) of the special declaration if the display cannot otherwise be appropriately accommodated on the flag poles.

Standard Flag Display

- a) The standard flag display will comprise (in order of precedence from left to right of a person facing the building)
 - i) The Australian National Flag
 - ii) The South Australian Flag
 - iii) The Aboriginal Flag
 - iv) The City of Salisbury Flag
- b) The fifth flag pole is to be used for the display of the South Vietnamese Yellow Flag, the Eureka Flag, and the Rainbow Flag during the appropriate period or by request from the relevant organisations.

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- c) The fifth flag pole is to be used to fly alternative flags as and when required, as agreed by the Mayor and CEO.

Flying alternative flags and banners

- a) Where Council has endorsed an Action Plan or Strategy, which includes opportunities for acknowledgement or recognition through they flying of a flag or banner, these flags or banners may be flown (subject to the relevant order of precedence requirements) from the flag poles located at the Council Office without further reference to Council.
- b) The Chief Executive Officer and Mayor may consider applications from other parties to fly flags and banners from the flag poles and make a determination as to whether such flags and banners will be flown.
- c) Each application to fly a flag or banner other than the standard display must comply with the requirements set out in this Policy. The following additional criteria will guide the consideration of any applications received:
 - i) Relevance to the City of Salisbury
 - ii) Alignment to (or conflict with) activities taking place within the City of Salisbury

6. Related Policies and Procedures

6.1 Nil.

7. Approval and Change History

Version	Approval Date	Approval By	Change
5	25 March 2024	Council	Policy updated in new template

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council’s website www.salisbury.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.gov.au

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9. Review

This Policy will be reviewed:

- Within 12 months of a Council election.

Further Information

For further information on this Policy please contact:

Responsible Officer: Executive Assistant to the CEO/ Mayor

Address: 34 Church Street, Salisbury SA 5108

Telephone: 8406 8222

Email: city@salisbury.sa.gov.au

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ITEM	3.2.1		
	GOVERNANCE AND COMPLIANCE COMMITTEE		
DATE	18 March 2024		
PREV REFS	Works and Services Committee	2.4.1	16/11/2020
	Governance and Compliance Committee	3.1.2	16/05/2022
	Governance and Compliance Committee	3.2.1	15/08/2022
HEADING	Off-Leash Greyhound Events Review		
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development		
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities		
SUMMARY	<p>On 21 October 2023 the Community Compliance team hosted the fourth off-leash greyhound event. Whilst the entire day was successful, there was an unfortunate incident at one session that involved up to eight greyhounds chasing and attacking one other greyhound and resulting in a Council officer being bitten.</p> <p>The Administration has reviewed the incident and this report presents the findings and outcomes of the review, which will support the hosting of these events in future whilst ensuring staff and attendees' safety.</p>		
RECOMMENDATION	<p><u>That Council</u></p> <p>1. Notes the report.</p>		
ATTACHMENTS	There are no attachments to this report.		
1. BACKGROUND	<p>1.1 Further to <i>Item 3.1.2, Off-Leash Greyhound Events Review</i>, presented to <i>Governance and Compliance Committee on the 16 May 2022</i>, it was resolved that Council:</p>		

- 1.1.1 *approves the Administration conducting up to two off-leash greyhound events per annum subject to approval from the Dog and Cat Management Board and Greyhound as Pets SA.*
- 1.2 Since that resolution of Council and the initial pilot off-leash event held on 5 November 2021, there have been two of the three planned events conducted.
- 1.3 The event on 19 November 2022 was booked to capacity, however it was cancelled due to the inclement weather on the day. Two more events were conducted on 20 May 2023 and 21 October 2023, and both were booked at capacity.
- 1.4 Each event had four by one-hour sessions attended by a maximum of 12 dogs per event. Due to the popularity of the previous events, the last event on 21 October had two more sessions added, making it six by one-hour sessions and each session had a maximum of twelve dogs attending.
- 1.5 All events have been approved by the Dog and Cat Management Board, and Greyhounds as Pets SA (GAP SA) and conducted in accordance with the Dog and Cat Management Board Off-Leash Greyhound Events Guidelines for Councils.
- 1.6 Despite precautions being in place an incident occurred at the last event held on 21 October 2023 during the second session of the day.
- 1.7 Around 10.30am the greyhounds in the park reacted to one of the greyhounds that appeared to be timid and this then escalated very quickly and without notice into a pack chase and eventual attack on the timid dog involving about eight of the greyhounds present.
- 1.8 All dog owners were present in the reserve with their dogs, however the owners were not able to bring the dogs under effective control by voice command. Physical intervention was required by owners and Council officers.
- 1.9 One of the Council officers (three officers were in attendance during the day) was in the fenced park assisting with the event. The sudden onset of the incident and number of dogs involved resulted in the officer being bitten on the hand by the dog that was being chased by the other dogs and this incident required a review of the risk assessment for the event.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Dog and Cat Management Board
- 2.2 Greyhound as Pets SA
- 2.3 Greyhound owners and attendees

3. DISCUSSION

- 3.1 The off-leash greyhound events are always well received by the greyhound owners and they have all provided positive feedback and have been very thankful for the opportunity to exercise their pets off-leash.
- 3.2 Continuing to host the events will ensure that this experience is available for greyhound owners who have adopted greyhound as pets, however ongoing approval is required from the Dog and Cat Management Board and this required a review of our risk assessment.

- 3.3 As a result of the incident on the 21 October 2023 the Administration has undertaken a review of the event including:
 - 3.3.1 Incident investigation and Work Health and Safety review;
 - 3.3.2 Reporting and liaising with GAP SA and the Dog and Cat Management Board to review event guidelines and GAP approvals; and
 - 3.3.3 Reviewed future events to consider maximum numbers attending, and/or guidelines and practices during the event, including mandatory muzzles on all dogs.
- 3.4 The feedback from GAP SA, the Dog and Cat Management Board and internal review have been incorporated into the revised Risk Assessment.
- 3.5 The main changes include:
 - 3.5.1 a GAP SA representative and/or authorised delegate is to be present at all future events;
 - 3.5.2 all dogs should be muzzled throughout event duration;
 - 3.5.3 all dogs introduced to other dogs on lead outside of area, prior to entering the park to reduce excitement levels and pack mentality;
 - 3.5.4 a reduction in the overall dog numbers per session from twelve to ten; and
 - 3.5.5 Any dog showing extreme signs of fear, aggression, or that continues to excite other dogs shall be asked to leave the area and be referred to GAP SA for further training.
- 3.6 The Dog and Cat Management Board have reviewed and approved the amended Risk Assessment for any future events.
- 3.7 Feedback from the greyhound owners and attendees of the event and those present during the incident has been positive and they would be supportive of returning to off-leash events, even if they are required to keep their dogs muzzled during the events.
- 3.8 The updated Risk Assessment will ensure that the health and safety of all staff and attendees is not impacted by any adverse event and all reasonable precautions are taken to prevent any future incidents so the events can continue.

4. CONCLUSION

- 4.1 As a result of the feedback, internal review and updated Risk Assessment it is considered that future events can be conducted in a safe manner with reduced risk to staff and attendees, and staff are supportive of hosting and conducting the events in future.
- 4.2 Any future events will continue to require an exemption from the Dog and Cat Management Board under section 80A of the *Dog and Cat Management Act 1995* to undertake a greyhound off-leash event in a public place such as a fenced dog park.

ITEM	3.2.2
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	18 March 2024
HEADING	Public and Environmental Health Services
AUTHORS	Nicholas Malandris, Environmental Health Officer, City Development John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 4.2 We deliver quality outcomes that meet the needs of our community 4.1 Members of our community receive an exceptional experience when interacting with Council
SUMMARY	The increasing obligations under the <i>Food Act 2001</i> and associated standards, as well as the <i>Local Nuisance and Litter Control Act 2016</i> are impacting service delivery standards. This report presents further detailed information on the above matters, and proposes an efficient resourcing solution that allocates roles and responsibilities to the most appropriate team.

RECOMMENDATION

That Council:

1. Notes the City of Salisbury's legislative obligations under the *Food Act 2001* and the *Local Nuisance and Litter Control Act 2016*.
2. Notes the New Initiative Bid OPN 001278 as part of the 2024/25 annual Business Plan and Budget process for the creation of a new 1 full time equivalent position in the Environmental Health and Community Compliance Division.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Service Areas Environmental Health
2. Food Standards Code, Food Standard 3.2.2A – Food Safety Management Tools
3. The South Australian Food Business Risk Classification
4. Public and Environmental Health Service Standards
5. Local Nuisance and Litter Control Complaints
6. Enforcement Policy

1. BACKGROUND

- 1.1 The City of Salisbury is responsible for the administration of public health legislation and monitoring of a number of key environmental functions, ensuring that community health and wellbeing is being maintained and enhanced.

- 1.2 Council's obligations are set out under the following legislation:
 - 1.2.1 *Food Act 2001*, Food Hygiene Regulations 2002, and Food Safety Standards
 - 1.2.2 *South Australian Public Health Act 2011*, Public Health Regulations 2013 (including General, Legionella and Waste Control) and prescribed policies
 - 1.2.3 *Environment Protection Act 1993* and Environment Protection (Water) Policy
 - 1.2.4 *Supported Residential Facilities Act 1992*
 - 1.2.5 *Local Government Act 1999*
 - 1.2.6 *Safe Drinking Water Act 2011*
 - 1.2.7 *Local Nuisance and Litter Control Act 2016*
- 1.3 These services and the administration of these Acts is through the appointment of Authorised Officers who are suitably qualified Environmental Health Officers under the *South Australian Public Health Act 2011*, *Food Act 2001* and *Supported Residential Facilities Act 1992* in the Environmental Health Team.
- 1.4 Core functions included regulatory, educational and service provision which can be classified into the following areas:
 - 1.4.1 Food Safety;
 - 1.4.2 Public and Environmental Health;
 - 1.4.3 Immunisation;
 - 1.4.4 Supported Residential Facilities;
 - 1.4.5 Mosquito Control; and
 - 1.4.6 Local Nuisance Litter Control.
- 1.5 The Environmental Health service areas are further outlined in Attachment 1.
- 1.6 A comprehensive review of the Environmental Health Team (formerly the Public and Environmental Health Services Division) was undertaken in 2016. The services in Attachment 1 are consistent with those identified in the 2016 review, with the addition of responsibilities under the *Local Nuisance and Litter Control Act 2016 (LNLC Act)* which was implemented in 2017 and 2018.
- 1.7 The 2016 review however did acknowledge that the forthcoming introduction of the *Local Nuisance and Litter Control Act 2016 (LNLC Act)* would create obligations on local government to manage and enforce local nuisances.
- 1.8 At the time of the review the number of nuisance complaints received by the Environment Protection Authority was comparatively low (40 in 2012/13 and 48 in 2013/14). The review noted however that there would likely be an increase in complaints following introduction of the new legislation as community awareness of the ability to report nuisances to Council increased.

Local Nuisance and Litter Control Act 2016

- 1.9 The LNLC Act came into effect in 2017/18. It specifies that local government is the principal authority for dealing with local nuisance and littering in its area and resolving local environmental complaints.
- 1.10 Whilst these matters may have relatively minor environmental impacts, their impact on amenity at a local level (e.g. from dust, noise and smoke, etc) can be of high importance to those people affected.
- 1.11 Following the introduction of the LNLC Act the actual number of nuisance complaints has been significantly higher than envisaged in the Program Review (approximately 1,600-1,700 per annum).
- 1.12 In 2022/23 there were 1,609 complaints, with 595 managed by the Environmental Health Team and 1,014 managed by the Community Compliance Team.
- 1.13 Upcoming amendments to the LNLC Act is likely to see an increase in the number of complaints and complexity of investigations. Amendments include:
 - 1.13.1 Rental properties will no longer be exempt;
 - 1.13.2 Light will be introduced as a 'nuisance';
 - 1.13.3 Shopping trolley management requirements will be introduced; and
 - 1.13.4 Amplified noise from places of worship will no longer be exempt.
- 1.14 A key recommendation of the 2016 review was:
 - 1.14.1 *Council's approach to resourcing the Act's administration should consider the nature and level of complaint risk and the best fit with regard to integration with existing functions across the Environmental Health Team (for complaints of higher public and environmental health risk, including insanitary conditions, noise and asbestos); General Inspectorate Team (for litter and low risk nuisance complaints); and the Development Services Team (for overlaps with development approval conditions, amenity and unsightly premises and reducing nuisance risks through the development process).*
- 1.15 In relation to the report Public and Environmental Health Service Program Review Outcome in September 2016, Council resolved:
 1. *The information be received.*
 2. *The Healthy Environs Report – Program Review Public and Environmental Health (as set out in Attachment 1, Item No. PRSC1, Program Review Sub Committee, 12/09/2016) be received and noted.*
 3. *That the recommendations and Management responses as contained in Attachment 3, Public and Environmental Health Program Review - Strategic Recommendations and Improvement Opportunities (Item No. PRSC1, Program Review Sub Committee, 12/09/2016) be endorsed, and the Executive Group monitor the implementation of the actions, as required. [1336/2016]*
- 1.16 The relevant recommendation and management response are set out below:

Recommendation:	Management Response:
Prepare an administration model for new legislative responsibilities under the <i>Local Nuisance and Litter Control Act 2016</i> .	Supported. The implementation of the LNLC Act will require the development of procedures and policies and will be subject to future reports to the Executive and Council for endorsement. Consideration will be given to roles and responsibilities across all relevant divisions of Council and including regional approaches to certain functions in the Act.

- 1.17 The City of Salisbury's *Local Nuisance and Litter Control Act 2016* Administrative Procedure was developed in 2017 and reviewed in 2019. The Procedure sets of the nuisance type and the team with the primary and secondary responsibility for dealing with the matter.
- 1.18 Responsibilities under the Administrative Procedure are currently allocated to the following teams:
- 1.18.1 Environmental Health;
 - 1.18.2 General Inspectorate (now known as Community Compliance);
 - 1.18.3 Development Planning; and
 - 1.18.4 Development Building.
- 1.19 The Administrative Procedure is proposed to be updated following the proposed amendments to the LNLC Act that are planned for April 2024.
- 1.20 Any changes to responsibilities as a result of this report would also be reflected in updates to the Procedure.

Food Act 2001 and new Food Standard

- 1.21 Additional food safety requirements have also been introduced in the last two years. In 2022, amendments under the *Food Act 2001* introduced the requirement to monitor and enforce allergen controls for businesses declaring allergen free products and requires Environmental Health Officers to assess, discuss and monitor allergen compliance requirements during inspections.
- 1.22 In December 2023 a new Food Standards Code, *Food Standard 3.2.2A – Food Safety Management Tools* was introduced. (A copy of the Standard is available in Attachment 2). The Standard applies to the majority of food businesses in the city and requires businesses to designate a trained Food Safety Supervisor and ensure that all food handlers complete a food safety training course.
- 1.23 Category 1 businesses additionally need to maintain records or demonstrate compliance with specific provisions, signifying a shift in operational practices. Environmental Health Officers are required to assess records, question staff and ensure compliance with Standard is being maintained.
- 1.24 The introduction of the above food safety requirements has significantly increased the contact time required to undertake Council's legislative obligations regarding food safety inspections across the city.

Domestic Hoarding and Squalor

- 1.25 Council's legislative responsibility in addressing squalor and hoarding situations is outlined in the *South Australian Public Health Act 2011* and the South Australian Public Health (Severe Domestic Squalor) Policy 2013.
- 1.26 Where a property poses a risk to public health and safety due to squalor and hoarding conditions, and/or when there is an immediate risk to the health and well-being of occupants or the broader community the Environmental Health Team is involved.
- 1.27 Since 2022/23 there has been an increase in the number of reports relating to severe domestic hoarding and squalor. These reports have been predominantly initiated by SAPOL undertaking welfare checks, and also by paramedics, supporting mental health agencies, case managers, NDIS providers and/or family members. In 2022/23 the number of reported incidents went from three in the previous year to thirteen, and currently for 2023/24 the YTD figure is thirteen reported cases.
- 1.28 Due to the hazardous nature of reported premises and the complex needs of residents/property owners the process of investigation, issuing clean up orders and supervision of statutory clean up processes requires two staff to be in attendance to reduce the potential risk to safety. In some instances, the process has taken several weeks to resolve and has required the coordination with State Government agencies (e.g. SAPOL and the Adult Safeguarding Unit), mental health providers and case workers.
- 1.29 Following initial investigation, not all cases require Council intervention. There have however been three major clean ups undertaken by Council with potentially two others to be instigated in early 2024.
- 1.30 Once inspections and significant preliminary work has been carried out these cases, on average, take seven to ten business days to remediate the premises and cost in the vicinity of \$20,000 to \$30,000. Additional follow up work is undertaken by the staff to follow statutory cost recovery processes.

Summary

- 1.31 Responding to the additional legislative requirements and operational impacts has been managed over the last two years within existing resource levels, however it has become clear that this has negatively impacted service levels of food premises inspections under the *Food Act 2001*.
- 1.32 The reduction in service level is now considered to present a risk that Council is not meeting its legislative obligations. Consequently, there is an increased risk to public health, and a reputational risk to Council should a public health incident occur.
- 1.33 In addition, complaints from the community in relation to noise, litter, dust, smoke and odours (under the LNLCA Act) that represent a lower risk to public health have been deprioritised and are not being resolved as quickly as expected by the community.
- 1.34 This report presents further detailed information on the above matters, and proposes an efficient resourcing solution that allocates roles and responsibilities to the most appropriate team.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 Internal – Environmental Health Team, Community Compliance Team, Development Services Division, Events Team, Finance
- 2.2 External – SA Health

3. DISCUSSION

Food Safety

- 3.1 The food industry is an important business sector in the City of Salisbury, with a number of significant food processing companies established in the region and a large volume of smaller retailers and family owned businesses in the retail and food service sector including restaurants, cafes, take-away shops and bakeries.
- 3.2 The City of Salisbury, as the local authority, is required to administer the requirements of the *Food Act 2001* and the Food Safety Standards. The requirements for Local Government are set out in the Memorandum of Understanding signed between the Minister of Health and the Local Government Association.

Allergen Management

- 3.3 In 2019, amendments to the administrative responsibilities for Local Government saw the inclusion of allergens as part of Council's responsibility for the preparation and sale of safe food in the food service sector covering ready to eat foods from restaurants and takeaways, but not including allergens in packaged foods which remains a State responsibility.
- 3.4 From 1 July 2022, local government in South Australia via authorised Environmental Health Officers were required to monitor and enforce allergen controls in food service businesses where they are making (processing) and selling allergen free meals/products.
- 3.5 These businesses make up a significant proportion of businesses in Salisbury and approximately 70% (615) are classified as food service.

Food Standards

- 3.6 In December 2022, Food Standards Australia New Zealand (FSANZ) added *Food Standard 3.2.2A – Food Safety Management Tools* into the Food Standards Code.
- 3.7 Currently 531 out of the 869 (61%) registered food business in Salisbury are affected by the new standard and have been classified as either category 1 (471) or category 2 (60).
- 3.8 The requirements for businesses captured under category 1 and 2 include:
 - 3.8.1 Appointing a trained Food Safety Supervisor before they engage in prescribed activities, with the training through a registered training organisation; and
 - 3.8.2 Ensuring all food handlers have completed a food safety training course before they undertake any prescribed activities or have the adequate skills and knowledge to undertake the activities.

- 3.9 Category 1 businesses must also maintain records or demonstrate via other suitable means to Authorised Officers that specific prescribed provisions in Standard 3.2.2A are being managed or met.
- 3.10 The affected businesses include restaurants, cafes, supermarkets, takeaways, bakeries, pubs, service stations, delis, canteens, sporting clubs, and mobile food vendors.
- 3.11 All affected businesses were required to comply with the Standard by 8 December 2023.
- 3.12 The new legislative requirements are a significant shift in operational practices for businesses and will require engagement, training and support from the Environmental Health Team during routine inspections to ensure businesses are compliant and to commence enforcement when non-compliance is not addressed.
- 3.13 In December 2022, The South Australian Food Business Risk Classification was released (see Attachment 3). It sets out guidelines for setting and adjusting food inspection frequency based on the food risk classification. Priority 1 (eg restaurant, bakery, supermarket and food processing) is the highest risk and priority 4 (e.g. dry goods and beverages distributor) the lowest risk.
- 3.14 The Environmental Health Team has classified all food businesses based on the Food Business Risk Classification and written to them directly to advise them of their obligations.
- 3.15 A business in a higher risk classification that fails to comply with Food Safety Standards presents a greater likelihood of serious consequences or harm to the consumer.

Classification	Frequencies (every x months)		
	Starting point	Maximum	Minimum
Priority (P1)	6	3	12
Priority (P2)	12	6	18
Priority (P3)	18	12	24
Priority (P4)	Initial inspection to confirm risk level		Re-inspect on complaint, recall or risk change only

- 3.16 Inspection frequency varies depending on inspection results (i.e. greater frequency for unsatisfactory compliance) with follow up inspections occurring to ensure ongoing compliance with food safety requirements. Taking a risk-based approach, P1 and P2 businesses with low compliance are prioritised for inspections.

Food Business Inspections

- 3.17 Food safety compliance is assessed during routine food inspections and/or through complaint investigations. Inspections for compliant businesses can range from 15 minutes (for low risk establishments selling prepacked foods) to 2 hours (for businesses selling high risk foods and undertaking processing such as restaurants and takeaway).
- 3.18 In cases where businesses are not compliant, inspection times can extend from 1 to 4 hours for the same businesses. This does not include travel, report writing and any follow up inspections.

- 3.19 An analysis of food inspections over the past six years reveals a decline from 802 per annum (2017/18) to 566 per annum (2022/23).

Year	No. Businesses	Routine Inspections	Follow up Inspections	Inspections resulting from complaints
2017/2018	939	802	251	50
2018/2019	919	791	194	55
2019/2020	796	580	126	46
2020/2021	861	674	141	31
2021/2022	832	482	185	48
2022/2023	869	566	145	37

- 3.20 At the end of 2022/23 there were over 303 overdue routine food business inspections.
- 3.21 The Environmental Health Team has taken a risk-based approach to prioritising food inspections. Eighty-five percent (85%) of Priority 1 food businesses have had a routine food inspection; with 80% of Priority 2; 42% of Priority 3; and 3% of Priority 4 food businesses having been inspected during 2022/23.
- 3.22 Of the 2022/23 overdue routine inspections, 42 were classified as Priority 1 and 52 were classified as Priority 2, with the City of Salisbury not meeting the minimum inspection frequency recommended in the *South Australian Food Business Risk Classification*. Should a food poisoning outbreak occur an investigation is unlikely to result in a positive finding for the City of Salisbury.
- 3.23 There were 122 overdue routine food business inspections classified as Priority 3 and 87 classified as Priority 4.

Food Businesses Inspections by Priority Risk Classification 2022/23				
Risk Classification	No. Businesses	Routine Inspections	Follow up Inspections	Inspections arising from complaints
Priority 1 High Risk*	297	255	90	18
Priority 2 Medium Risk	268	216	42	12
Priority 3 Low Risk	214	92	13	7
Priority 4 Negligible Risk	90	3	0	0
Total	869	566	145	37

* Priority 1 Excluding "Vulnerable Population" businesses.

- 3.24 In the six months to 31 December 2023, the trend of food inspections has remained relatively consistent with the level of activity achieved in 2022/23 with P1 and P2 food businesses remaining the priority. This will potentially result in a slightly higher number of overall food premises that will not be inspected, further increasing the risk to Council.

Risk Classification	No. Businesses 2022/23	Inspections 2022/23	Inspections July - Dec 2023	Estimated Inspections 2023/24
Priority 1 High Risk*	297	255	135	270
Priority 2 Medium Risk	268	216	94	188
Priority 3 Low Risk	214	92	41	82
Priority 4 Negligible Risk	90	3	0	0
Total	869	566	270	540

- 3.25 A compounding risk to the City of Salisbury is the increasing number of P3 food premises (42% in 2022/23 and predicted 62% in 2023/24) where the recommended inspection frequency is not being achieved.
- 3.26 Without regular inspections Environmental Health Officer are reporting an increasing occurrence of non-compliance by operators when the premises are inspected. This results in additional time having to be allocated during the routine inspection as well as requiring follow up inspections for non-compliance matters.
- 3.27 The introduction of the new Food Safety Standard and allergen management assessments on average is increasing food inspection times by 30-60 minutes as a result of the additional areas to be inspected and recorded. In addition to the increased inspection time (which will be an ongoing resource demand), staff are also spending a significant amount of time educating food business owners on the requirements of both the new Standard and allergen management.
- 3.28 Allowing for the impacts of COVID on both businesses and operational changes due to access and staffing levels between 2020 and 2022, the decline in inspections per annum is attributed to:
- 3.28.1 An increase in the complexity and level of investigations required.
 - 3.28.2 Changing demographic and business ownership to persons with English as a second language resulting in more time to communicate and educate on food laws.
 - 3.28.3 Changes to operational practices requiring two officers for complex investigations and inspections whether food related, public health or local nuisance matters (e.g. where subjective assessments are required or where there is potential or identified work health safety risks arising from a single Officer working or attending private residences and/or businesses).

- 3.28.4 An increase in number of complex hoarding and squalor investigations, increasing from three in 2021/22 to thirteen in 2022/23 and currently for 2023/24 the YTD figure is thirteen reported cases.
- 3.28.5 The ongoing high number of local nuisance complaint investigations.
- 3.28.6 Training staff in new legislation and allergen requirements, categorisation of all 531 food premises under the new Risk Classification, preparation of templates and inspection checklists, as well as dissemination of educational material to all food businesses.

Implications

- 3.29 The reduction in food business inspections carries inherent risks for Council and the community. The failure to conduct food business inspections in accordance with the frequency guidelines set out in the Food Business Risk Classification increases the potential risk of a foodborne outbreak where Council's absence from inspections could be a contributing factor.
- 3.30 The potential consequences of reduced inspection frequencies include:
 - 3.30.1 Inconsistent inspection schedules among food businesses;
 - 3.30.2 Decreased compliance with Food Standards, translating to higher risks for the community;
 - 3.30.3 An elevated risk of food poisoning or contamination – of particular concern for vulnerable populations;
 - 3.30.4 Reputational damage to the City of Salisbury arising from any negative media coverage of an outbreak;
 - 3.30.5 Community expectations and standards are not met;
 - 3.30.6 The City of Salisbury not meeting its statutory obligations in relation to the level and scope of services provided; and
 - 3.30.7 Decline in revenues from food premises inspections impacting financial targets and overall budget.
- 3.31 In 2019, despite regular routine inspections and a 5-star rating, there was a severe food poisoning outbreak (*Salmonella Typhimurium*) in a City of Salisbury food business. The incident led to 72 confirmed cases of salmonella, with 21 individuals requiring hospitalisation.
- 3.32 The City of Salisbury's food inspection schedule and ability to undertake the routine assessments of the subject business (and other businesses) were viewed favourably when they were assessed as part of the investigation, with impacts to Council and its reputation minimised.

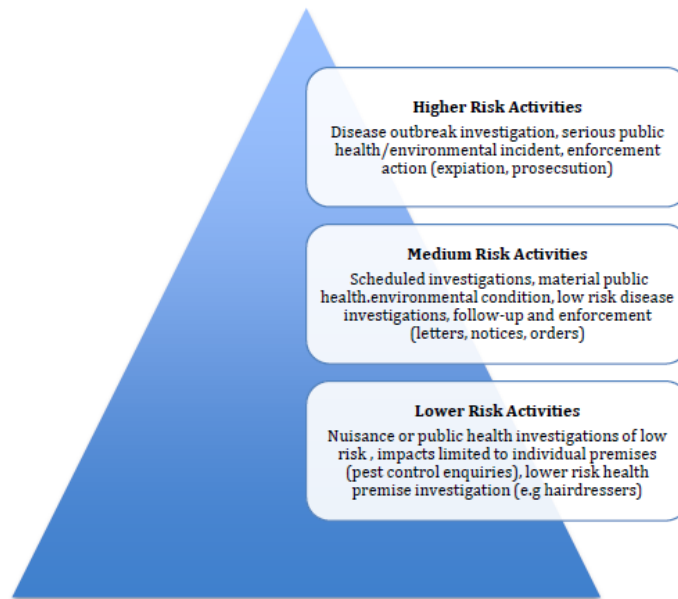
Local Nuisance and Litter Control

- 3.33 In 2022/23 there were a total of 1,609 investigations under the LNL Act, with 595 managed by the Environmental Health Team and the remaining 1,014 managed by the Community Compliance Team.

- 3.34 In 2023, the nature of the main complaints under the LNLC Act included litter, animals (vermin), noise, unsightly rubbish/waste, discharge liquid waste, development pollution, odours/fumes/aerosols, unsightly disused/derelict materials, dust and unsightly excessive vegetation. A list of the complaints under the LNLC Act from 2017/18 to 2022/23 is contained in *Attachment 5*.
- 3.35 The average number of complaints investigated each year is in the order of 1,600-1,700.
- 3.36 This is significantly more than the number of nuisance complaints received by the Environment Protection Authority in 2012/13 (40) and 2013/14 (48) that informed the 2016 Program Review of the Public and Environmental Health Services Division.
- 3.37 It is considered that across both service areas the resource demand to investigate and respond to nuisance complaints is in the order of two (2) full time equivalent (FTE) staff, with 1.2 attributed to the Environmental Health Team and 0.8 to the Community Compliance Team.

Public and Environmental Health Service Standards

- 3.38 The 2016 Program Review identified the expected service standards for public and environmental health based on:
- 3.38.1 Legislative requirements;
 - 3.38.2 Guidelines and Memorandums of Understanding;
 - 3.38.3 Corporate standards; and
 - 3.38.4 Community expectations.
- 3.39 The service standards have been updated to refer to the current City Plan 2035 and reflect any changes to legislation, policies or standards. The updated services standards are available in Attachment 4.
- 3.40 Activity levels in 2022/23 and commentary on meeting service standards is available in Attachment 1.
- 3.41 The Environmental Health Team adopts the principles of ‘environmental health risk assessment’ to determine the level of investigation required. Resource allocation may depend on the number of investigations being undertaken and their degree of significance or risk to the community.



- 3.42 Enforcement response is dependent on a number of factors such as consistency, transparency and proportionality as outlined in Council's Enforcement Policy (see Attachment 6).
- 3.43 It is clear from a review of our current service levels that the Environmental Health Team is meeting service levels for the predominate activities being undertaken relating to community programs including immunisation, mosquito control and customer request and complaint investigations.
- 3.44 However, the services levels related to routine food premises inspections are not being met.

Environmental Health Resourcing

- 3.45 The Environmental Health Team reports to the Manager Environmental Health and Community Compliance Division within the City Development Department.
- 3.46 The Team comprises the Team Leader Environmental Health Officer and four Environmental Health Officers (noting one position is currently filled at 0.9FTE due to maternity leave). Immunisation and Mosquito Control services are provided via external contractors. Inspection of high risk manufactured water systems (cooling towers and warm water systems) is undertaken by third party auditors and reviewed by an Environmental Health Officer.
- 3.47 All staff are Authorised Officers under a range of legislation. Four staff are accredited as Food Safety Auditors offering a depth of experience in food safety and risk assessment.
- 3.48 Administration support is provided by the Business Services Team which serves both the Environmental Health and Community Compliance Division, Development Services Division and the Council Assessment Panel.

- 3.49 Resourcing levels remain consistent with the 2016 Program Review despite the increase in Council's legislative responsibilities over the last seven years. The Review found that the Public and Environmental Health Services Team was meeting or exceeding Council's minimum statutory compliance requirements under relevant legislation at that time. The following table summarises the Service activity analysis in 2023/24 and compares the percentage of allocated hours to activities.

2023- 24						2016
2023- 24 Business Plan Estimates	Activities per year	Hours per year	Hours per activity	Estimated FTE	Estimated % of total hours*	Actual 2016 % of total hours*
Food Premises Inspections	565	2,885	5.11	1.46	30.8	39
Food Safety Auditing	35	400	11.43	0.20	4	3
Customer Requests – Food Act	75	150	2.00	0.08	1.7	1.9
General Advice	70	100	1.43	0.05	1	2.2
Other Services	700	250	0.36	0.13	3	3.1
Education and Promotion	90	150	1.67	0.08	2	0.4
Health Premises Inspections	50	400	8.00	0.20	4	2.7
Customer Requests – Environment Protection & SA Public Health Acts	90	700	7.78	0.35	7	19.3
Customer Requests – Local Nuisance and Litter Control Act	595	2,250	3.78	1.14	24	N/A
General Advice	40	400	10.00	0.20	4	2.1
Other Services	150	300	2.00	0.15	3	3.1
Education and Promotion	15	75	5.00	0.04	1	0.3
Immunisation	10	80		0.04	1	1.1
Business Unit Management	0	1,000		0.51	10.7	17.2
Corporate issues	0	150		0.08	2	2.2
Other	0	80		0.04	0.8	1.3
Roxby Downs	N/A	N/A	N/A	0	0	1.1
Hours		9,370		4.74	100	100

Note: *Excluding leave

- 3.50 The Service Activity Analysis from 2016 has been compared to 2023/24. The change in resource allocation as a percentage of total time across the major service area is:
- 3.50.1 Food Services 50% (2016) reduced to 42% (2023) with a decline of 8%;
 - 3.50.2 Public Health Services 29% (2016) to 21% (2023) with a decline of 8%;
 - 3.50.3 Local Nuisance and Litter Control 0% (2016) increased to 24% (2023), with an increase of 24%; and

3.50.4 Business Unit Management and Administration 22% (2016) reduced to 13% (2023) with a decline of 9%.

3.51 The decline in time allocated to food services is clearly shown in comparison between 2016 and 2023.

2023- 24 Business Plan Estimates	Activities per year	Hours per year	Hours per activity	Estimated FTE
Food Premises Inspections Estimated for 2022/23	565	2,885	5.11	1.46
Desired Number of Inspections and Time to complete based on new standards	800	4,880	6.10	2.47
Variance	235	1,995	0.99	1.01

3.52 The 2016 level of service for food services was based on the City of Salisbury meeting its obligations under the relevant legislation, standards and policies. To maintain a level of service that meets current obligations (including new Food Safety Standard and allergen management, as well as minimum inspection frequency recommended in the South Australian Food Business Risk Classification) it is considered that the Environmental Health team would need to dedicate 4,880 hours per annum. This is the equivalent of an additional 1.01 FTEs.

3.53 To meet minimum inspection frequency recommended in the South Australian Food Business Risk Classification it is estimated that an additional 1 FTE would be required. This is in line with the increase of resources allocated to Local Nuisance and Litter Control services.

3.54 Any increased demands associated with public health matters (in particular hoarding and squalor) may impact these outcomes as estimates have been based on current level of activities.

Benchmarking

3.55 Environmental Health Officer resources, including their allocation to LNL Act matters, has been benchmarked (by population size and number of food premises) against other large northern metropolitan Adelaide local government areas.

	City of Salisbury	City of Playford	City of Tea Tree Gully	City of Port Adelaide Enfield	City of West Torrens
Population	147,932	103,414	102,619	135,806	63,099
Food Premises	869	560	631	1,183	581
Environmental Health Officers (EHO)	5	5.6	3.7	10	4
<i>EHO FTE allocated to LNL Act, included in overall FTE</i>	<i>1.2</i>	<i>0</i>	<i>0.7</i>	<i>1</i>	<i>1.5</i>
Dedicated Nuisance and/or other Officer	0.9	2.8	1.0	1.2	0
Ratio - Food Premises per EHO	174	100	170	118	145
Ratio - Population per EHO	29,586	18,467	27,734	13,581	15,775

- 3.56 Based on ratios of food premises and population per officer the City of Salisbury Environmental Health officers are servicing significantly more premises and residents than the comparative Councils, with City of Tea Tree Gully being the closest.
- 3.57 All other Councils also had a level of Environmental Health Officer's involvement in the administration of the *Local Nuisance and Litter Control Act 2016* (apart from the City of Playford).

Resourcing Options

- 3.58 A number of options to respond to resourcing the environmental health services have been considered as outlined below:
 - 3.58.1 An additional Environmental Health Officer role is allocated to the team.
 - 3.58.2 A new role be created as a dedicated Environmental Health and Local Nuisance Officer. This role would focus on the local nuisance activities and support Environmental Health Officers where two staff members are required (e.g. for supervising property clean ups and other work health safety requirements). This would also provide an opportunity to create additional pathways for career progression for environmental health professionals.
 - 3.58.3 Increase administration support - Limited numbers of low-risk, transactional activities are currently performed by the Administrative Team and the Division continues to identify other opportunities for administration support that would enable Environmental Health Officers to prioritise higher risk activities. It is considered that this option is not feasible as additional administrative support would not address the substantive issue.
- 3.59 The financial implications are considered below.

4. FINANCIAL OVERVIEW

- 4.1 The budget implication of the proposed resourcing options is \$112,652 (Level 4) to \$125,900 (Level 5) for staffing, inclusive of on costs.
- 4.2 Food inspections fees are undertaken on a cost recovery basis with fees for 2023/24 set at \$140 under the *Food Act 2001* as per Council's Food Inspection Fees Policy.
- 4.3 Food Auditing is a cost recovery service with fees set \$90 per hour for desk top audits and \$185 per hour for onsite audits. (Amended annually under Council's fees and charges).
- 4.4 The financial implication (i.e. lost revenue) of not undertaking the desired and required number of inspections is approximately \$32,900. The 800 target food inspections have an estimated \$112,000 in revenues, however if only 565 food inspections were undertaken this will result in a reduced revenues in the order of \$79,100.
- 4.5 Other associated revenues anticipated from a focus on food premises inspections and audits and dedicated local nuisance work include:
 - 4.5.1 Approximate increase of \$2,500 for Food Safety auditing – audit additional 5 premises @ \$500 each.

- 4.5.2 Estimated expiation income for food premises offences due to increased inspections frequency – increase by \$7,500. Anticipating:
- 2 x failing to comply with FSS standard (company) @ \$2,500 = \$5,000.
 - 2 x failing to comply with FSS standard (individual) @ \$500 = \$1,000.
 - 2 x failing to comply with Improvement notice - @ \$750 = \$1,500.
- 4.5.3 Estimated expiation revenues for *Local Nuisance and Litter Control Act* increase by \$3,000, anticipating:
- 2 x Local Nuisance - \$500.
 - 2 x Litter (discharge) 50 litres or more of class B hazardous litter or general litter - \$1,000.
- 4.6 With the anticipated revenue increases in food and local nuisances enforcement of \$45,900, the net cost for the new position is estimated at \$66,750 to \$75,000.

5. CONCLUSION

- 5.1 Given the increasing resource demands of the *Local Nuisance and Litter Control Act 2016* and the critical need to address the evolving *Food Act 2001* and *Food Safety Standard* requirements effectively, it is proposed that the Environmental Health team increase resources by a minimum of 1 full time equivalent officer.
- 5.2 The preferred option is to create a new role as a dedicated Environmental Health and Local Nuisance Officer that would focus on local nuisance activities and support Environmental Health Officers where two staff members are required (e.g. for supervising property clean ups and other work health safety requirements). Appointment of either an Environmental Health and Local Nuisance Officer or Environmental Health Officer will depend on market response.
- 5.3 This option would also enable Environmental Health Officers to focus on the growing demands of food premises inspections, audits and public health obligations and reduce Council's risk.
- 5.4 A New Initiative Bid OPN 001278 as part of the 2024/25 annual Business Plan and Budget process for the creation of a new 1 full time equivalent position in the Environmental Health and Community Compliance Division has been prepared for Council's consideration.

Service Area Environmental Health

Service Area	Service Element	Core Legislation	Activity 2022/23	Commentary on meeting Performance Standards
1. Food Safety	<p>Inspections</p> <ul style="list-style-type: none"> - Ensure that food premises and food handlers are complying with the applicable legislation and codes of practice and are maintaining proper standards, with inspection frequency based on a risk assessment rating (RAR). <p>Food Safety Rating Program</p> <ul style="list-style-type: none"> - Inspect food premises participating in the Program in accordance with the requirements of the program and frequency determined by the Program. 	<i>Food Act 2001</i> Food Regulations 2017 and Food Safety Standards	566 inspections 145 follow up inspections 37 complaint inspections	The required number of inspections and inspection frequency is not being met due to competing demands.
	<p>Food Safety Auditing</p> <ul style="list-style-type: none"> - Audit of food premises servicing vulnerable populations, including aged care, child care and private hospitals 	Food Safety Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Person	38 premises subject to food safety audits (Includes preliminary desk top audit and field audits)	Food Safety Audits are meeting the required frequency. Note that proprietors can choose alternative auditors (Councils) to undertake audit of their premise. Resource restrictions has meant decline in audits by CoS staff and therefore decline in income.
	<p>Customer Requests</p> <ul style="list-style-type: none"> - Investigate customer requests relating to alleged breaches of the <i>Food Act</i>, Food Hygiene regulations and the Food Safety Standards, and administer relevant provisions of legislation, act to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences. <p>General Advice</p> <ul style="list-style-type: none"> - Provide advice and information to customers on matters relating to Food Control 	<i>Food Act 2001</i> Food Regulations 2017 and Food Safety Standards	75 customer requests 70 General advice	All CR are addressed according to risk, and advice is provided by phone or email as required.

Service Area Environmental Health

	<p>Other services</p> <ul style="list-style-type: none"> - Provide other relevant services to customers in the area of Food Control, including: <ul style="list-style-type: none"> o special events inspections o food sampling programs, o assessment of new food premises o food van and temporal events applications o projects 		128 activities	All task are addressed according to risk, and assigned as CR or inspections
2. Public and Environmental Health	<p>Health Premise Inspections (e.g., swimming pools, beauty therapists, hairdressers, tattoo parlours)</p> <ul style="list-style-type: none"> - Ensure that Health Premises and the operators are complying with the applicable legislation and codes of practice and are maintaining proper standards. - Investigate reports of legislated breaches and conduct site visits as required - General advice on public and environmental health matters (eg written, verbal advice, pamphlets, standard letters) 	<p><i>SA Public Health Act 2011</i> SA Public Health (Legionella) Regulations 2013 SA Public Health (General Regulations) 2013 SA Public Health (Waste Control) Regulations 2013 <i>Environment Protection Act 1993</i> <i>Local Government Act 1999</i> <i>Housing Improvement Act 1940</i> <i>Severe Domestic Squalor Policy 2013</i></p>	<p>92 inspections or health premise</p> <p>18 customer requests</p> <p>50 advices/customer contacts</p>	The required inspection frequency for high risk premises is being met, eg Pools and skin penetration, however lower risk premises inspections have been ceased and addressed on complaint and through information exchange and advice to businesses e.g. hairdressers
	<p>High Risk Manufactured Water Systems (Legionella Control)</p> <ul style="list-style-type: none"> - Annual licensing and 3rd party audit review and complaint investigations 		<p>29 inspections/audits and assessments of 3rd party audits</p> <p>5 complaint investigations</p>	The required number of inspections and inspection frequency is being met.
	<p>Onsite Wastewater Control</p> <ul style="list-style-type: none"> - Approval of onsite wastewater systems, complaint and system failure investigations 		<p>12 approvals</p> <p>22 advices / investigations</p>	The ability to undertake 3 inspections for new applications has not been met due to competing demands and increase in applications.
	<p>Hoarding and squalor</p>		13 customer requests	All CR are addressed according to risk, and advice is provided by phone or email as required.

Service Area Environmental Health

	<p>Customer Requests</p> <ul style="list-style-type: none"> - Investigate customer requests relating to concerns or alleged breaches of the <i>Public Health Act</i> and <i>Environment Protection Act</i>, and administer the relevant provisions of the applicable legislation and act to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences. <ul style="list-style-type: none"> o Clandestine drug labs o General litter - development pollution o Accommodation Standards o Asbestos o Body piercing / tattooing / Other skin penetration o Infectious disease / notifiable condition (including COVID-19) o Hairdressing / beauty salons o Legionella investigation o Mosquitoes o Public swimming pools and spa pools o Sanitary facilities o Septic tanks / aerobic servicing / failing onsite system o Supported Residential Facilities 		<p>92 customer requests</p> <p>13 hoarding and squalor investigations</p>	<p>All CR are addressed according to risk, and advice is provided by phone or email as required.</p>
3. Immunisation	<p>Community Clinics</p> <ul style="list-style-type: none"> - Provide free community clinics for childhood vaccinations 	<i>SA Public Health Act 2011</i>	1000 vaccines at the free clinics	The requirements of the service specification for the Immunisation Program are being met.
	<p>School Clinics</p> <ul style="list-style-type: none"> - Deliver the schools program for all eligible age groups as per annual vaccination program 		5669 vaccines at the schools clinics	The requirements of the service specification for the School immunisation Program are being met.
4. Supported Residential Facilities	<p>Licensing</p> <ul style="list-style-type: none"> - Annual licensing 	<i>Supported Residential Facilities Act 1992</i>	1 licence	The required number of inspections and inspection frequency is being met
	<p>Inspections</p> <ul style="list-style-type: none"> - Annual inspections and complaint investigations 		2 inspections	

Service Area Environmental Health

5. Mosquito Control	<p>Mosquito Control Program</p> <ul style="list-style-type: none"> - Implement and manage mosquito control and treatment on public land - Education and promotion 	SA Public Health Act 2011	<p>Monitoring, surveillance and treatment of mosquito breeding grounds</p> <p>120 treatments conducted across 10 sites</p> <p>34 Customer requests</p>	<p>The requirements of the service specification for the Mosquito Control Program are being met, along with repotting requirements for SA Health.</p> <p>All CR are addressed according to risk, and advice is provided by phone or email as required.</p>
6. Local Nuisance Litter Control	<p>Investigate customer requests relating to concerns or alleged breaches of the <i>Local Nuisance and Litter Control Act</i></p> <ul style="list-style-type: none"> - General Litter - Development Pollution - General Litter - Discharge Liquid Waste - Nuisance Animal Mosquitoes Residential - Nuisance Animals Vermin/Rats/Mice - Nuisance Dust - Nuisance Insanitary Condition Offensive Material/Odour - Nuisance Insanitary Condition Rodents/Other Pests - Nuisance Noise Environmental Health S17(1)(a) LNLC - Nuisance Odours/Fumes/Aerosols - Nuisance Smoke Combustion Heaters - Nuisance Unsightly Condition Excessive Vegetation - Nuisance Unsightly Disused/Derelict Items/Material - Nuisance Unsightly Rubbish/Waste/Excessive/Unconstrained 	<p><i>Local Nuisance Litter Control Act 2016</i></p> <p>Local Nuisance and Litter Control Regulations 2017</p>	<p>595 customer requests and investigations (for further breakdown by activity see Attachment 4)</p>	<p>All CR are addressed according to risk, and advice is provided by phone or email as required.</p>



Food Standards (Proposal P1053 – Food Safety Management Tools) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this Standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on a date 12 months after the date of gazettal.

Dated 1 December 2022

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

Lisa Kelly
Delegate of the Board of Food Standards Australia New Zealand

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 8 on December 2022. This means that this date is the gazettal date for the purposes of the above notice.

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Standard 3.2.2A Food Safety Management Tools

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This Standard applies in Australia only.

3.2.2A—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 3.2.2A – Food Safety Management Tools*.

Note Commencement:

This Standard commences on a date that is 12 months after the date of gazettal, being the dates specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

3.2.2A—2 Definitions

In this Standard:

category one business—see 3.2.2A—6.

category two business—see 3.2.2A—7.

food safety supervisor means a person who:

- (a) holds a food safety supervisor certificate that has been issued within the immediately preceding period of 5 years; and
- (b) has the authority and ability to manage and give direction on the safe handling of food.

food safety supervisor certificate means certification as a food safety supervisor by:

- (a) a registered training organisation; or
- (b) an organisation recognised by the *relevant authority under the application Act.

food safety training course means training in food safety that includes training in each of the following:

- (a) safe handling of food; and
- (b) food contamination; and
- (c) cleaning and sanitising of food premises and equipment; and
- (d) personal hygiene.

potentially hazardous food means food that has to be kept at certain temperatures to:

- (a) minimise the growth of any pathogenic microorganisms that may be present in the food; or
- (b) prevent the formation of toxins in the food.

prescribed activity—see 3.2.2A—5.

process, in relation to food, means activity conducted to prepare food for sale and includes chopping, cooking, drying, fermenting, heating, thawing and washing, or a combination of these activities.

ready-to-eat food means food that is ordinarily consumed in the same state as that in which it is sold, but does not include:

- (a) nuts in the shell; or
- (b) whole, raw fruits; or
- (c) vegetables that are intended for hulling, peeling or washing by the

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consumer.

Note 1 In this Code (see section 1.1.2—2):

application Act means an Act or Ordinance of a *jurisdiction under which the requirements of this Code are applied in the jurisdiction.

authorised officer, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant *jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

jurisdiction means a State or Territory of Australia, the Commonwealth of *Australia*, or *New Zealand*.

relevant authority means an authority responsible for the enforcement of the relevant application Act.

Note 2 In this Chapter (see clause 2 of Standard 3.1.1):

food business means a business, enterprise or activity (other than primary food production) that involves –

(a) the handling of food intended for sale; or

(b) the sale of food;

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

food premises means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons and any other place declared by the relevant authority to be premises under the Food Act kept or used for the handling of food for sale, regardless of whether those premises are owned by the proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food.

handling of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

3.2.2A—3 Application of this Standard

- (1) This Standard applies to a food business in Australia that is a category one business or a category two business.
- (2) This Standard does not apply to the handling of food for or at a *fund raising event.

3.2.2A—4 Food service

- (1) For the purposes of this Standard, **food service** means a food business which processes and serves ready-to-eat food direct to a consumer, whether consumed at the food premises or elsewhere.
- (2) For the purposes of subsection (1), **serve** means the act of setting out or presenting food to or for a person to eat that food and includes the following activities:
 - (a) portioning food from a bulk tray or container into single serves and placing it on plates; or
 - (b) presenting food in a bain-marie or other bulk food display unit for self-service; or
 - (c) delivery of plated food.

3.2.2A—5 Prescribed activities

For the purposes of this Standard, a prescribed activity is the handling by the food business of any unpackaged potentially hazardous food that:

- (a) is used in the preparation of ready-to-eat food to be served to a consumer; or
- (b) is ready-to-eat food intended for retail sale by that business.

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3.2.2A—6**Category one business**

For the purposes of this Standard, a **category one business** means a food business that:

- (a) is a *caterer or a food service; and
- (b) processes unpackaged potentially hazardous food into a food that is:
 - (i) potentially hazardous food; and
 - (ii) ready-to-eat food.

3.2.2A—7**Category two business**

For the purposes of this Standard, a **category two business** means a food business that offers for retail sale a food that is:

- (a) potentially hazardous food; and
- (b) ready-to-eat food; and

where that food:

- (i) was received unpackaged by the food business or was unpackaged by the food business after receipt; and
- (ii) was not made or processed (other than slicing, weighing, repacking, reheating or hot-holding the food) by the food business.

3.2.2A—8**Food safety management tools required for category one businesses**

A category one business must comply with sections 3.2.2A—10, 3.2.2A—11 and 3.2.2A—12.

3.2.2A—9**Food safety management tools required for category two businesses**

A category two business must comply with sections 3.2.2A—10 and 3.2.2A—11.

3.2.2A—10**Food safety training for food handlers engaged in a prescribed activity**

The food business must ensure that each food handler who engages in a prescribed activity has, before engaging in that activity:

- (a) completed a food safety training course; or
- (b) skills and knowledge of food safety and hygiene matters commensurate with that specific prescribed activity.

3.2.2A—11**Supervision of food handlers**

The food business must:

- (a) appoint a food safety supervisor before engaging in a prescribed activity; and
- (b) ensure that the food safety supervisor is reasonably available to advise and supervise each food handler engaged in that prescribed activity.

3.2.2A—12**Substantiating food safety management of prescribed activities**

- (1) Subject to subsection (3), if the food business engages in a prescribed activity, the food business must make a record that substantiates any matter that the prescribed provisions require in relation to that prescribed activity.
- (2) The food business must keep a record required by subsection (1) for 3 months after the business makes the record.
- (3) Subsection (1) does not apply to a food business that can demonstrate to the reasonable satisfaction of an *authorised officer on request that the business has complied with each of the prescribed provisions.
- (4) For the purposes of this section, the prescribed provisions are the following

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provisions of Standard 3.2.2:

- (a) subclause 5(3);
- (b) paragraph 6(2)(a);
- (c) paragraph 7(1)(b)(ii);
- (d) subclause 7(2);
- (e) subclause 7(3);
- (f) subclause 7(4);
- (g) paragraph 8(5)(a);
- (h) paragraph 10(b); and
- (i) clause 20.

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The South Australian Food Business Risk Classification

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Version	Date from	Date to	Amendment
1.0	October 2013	August 2015	Original version
2.0	November 2018	December 2022	Modifications after use
3.0	December 2022	Current	Addition of Std 3.2.2A categories

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Food Business Risk Classification Overview

The Food Regulation Standing Committee (FRSC) and later the Australian Government's Productivity Commission endorsed a national risk profiling tool, the Risk Profiling Framework (the Framework). The Framework is located on the Food Regulation Secretariat web site at <http://www.health.gov.au/internet/main/publishing.nsf/Content/risk-profiling-framework>

The Framework is a series of decision trees, with supporting documentation to assist its use. The approach in the decision trees is to consider: the nature of the potential risk from products sold by the business sector and considering both the inherent risk, (i.e. in the absence of existing controls) and the reliability of existing risk management actions, i.e. managed risk, and whether there are steps that are susceptible to introduction of hazards, or processes that are critical to the safety of the product at the time it is consumed.

The result from using the Framework is classification of food businesses or industry sectors into one of four classifications, from the highest risk category of Priority 1 (P1) through P2 and P3 to the lowest risk category of P4.

Priority 1 Priority 2

This classification relates to business sectors that will, characteristically handle foods that support the growth of pathogenic micro-organisms and where such pathogens are present or could, from experience or literature reports, be expected to be present. Their handling of food will, characteristically, also involve at least one step at which control actions must be implemented to ensure the safety of the food. Priority 1 business sectors are further characterised by known risk-increasing factors, such as potential for inadequate/incorrect temperature control (e.g. reheating or 'hot holding' of food), a consumer base that includes predominantly immunocompromised populations, the scale of production/service and others factors identified in the National Risk Validation Project (FSA & ME, 2002).

Priority 3

This classification relates to business sectors that will only handle "low risk" or "medium risk" foods. A medium risk food is one that may contain harmful natural toxins or chemicals introduced at steps earlier in the food supply chain, or that: – may contain pathogenic microorganisms but will not normally support the formation of toxins or growth of pathogenic microorganisms due to food characteristics; or – is unlikely to contain pathogenic microorganisms due to food type or processing but may support the formation of toxins or growth of pathogenic microorganisms.

Priority 4

Business sectors that will normally handle only "low risk" foods, i.e. those that are unlikely to contain pathogenic organisms and will not support their growth, and will not introduce microbial, physical or chemical hazards to the foods they sell or handle.

Determining the Risk Classification

1. **What are the types of food provided by this business?**
 - List all the food products of the food business to assist in classifying the type of business.
2. **What types of processes are used by this business?**
 - List all the food processes used by the food business to assist in classifying the type of business.
3. **What is the highest risk food of the business?**
 - The highest risk food/process of the food business segment determines the risk classification.
4. **What is the food business sector?**
 - a) Retail
 - b) Food Service
 - c) Processor/Manufacturer
 - d) Transporter
5. **Determine risk classification**
 - Look at the tables of food risk classifications provided.
 - For the sector determined assign the highest risk food and process.
 - If a food business operates across more than one business segment then the segment that has the highest risk determines the classification from the highest risk category of Priority 1 (P1) through P2 and P3 to the lowest risk category of P4.
 - For a food business that is a processor/manufacturer, the size of the processor/manufacturer is also used to determine the risk classification in some categories (as indicated in the tables).

Change of risk classification

- Risk classification is set and remains unchanged unless the type of food or business segment changes the risk - NOT performance.

Adjustment of inspection frequency

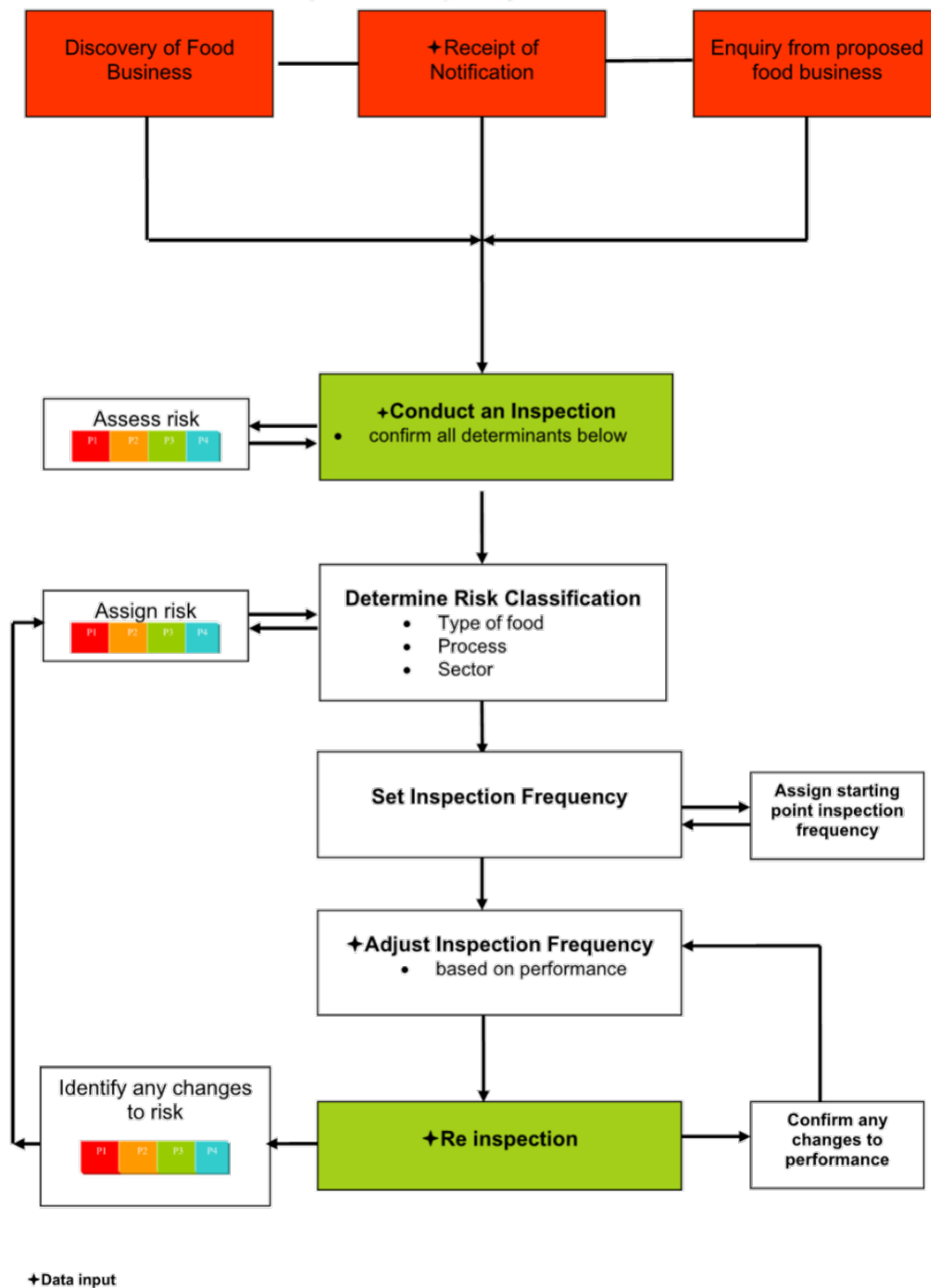
- Performance of the food business is used to adjust the inspection frequency within the range for that risk classification.

Note

Please contact SA Health Food & Controlled Drugs Branch (08 8226 7100):

- Where there is uncertainty or difficulty in determining a risk classification or
- New processes or products are identified during inspections that do not fit within the current risk classification system.

Risk classification and inspection frequency flow chart



Definitions

Category one business a food service or caterer business who processes unpackaged potentially hazardous food into food that is both potentially hazardous and ready-to-eat (see Standard 3.2.2A).

Category two business a food retailer who handles and sells (but does not make) unpackaged, potentially hazardous, ready to eat food (see Standard 3.2.2A).

Catering event involves the provision of food under an agreement where the food is predetermined in type and quantity, for a predetermined group of persons and served at a predetermined time and date.

Cold holding means storing or displaying foods at or below 5°C.

Cook-chill a process where meals or meal components are fully cooked then cooled by controlled chilling (e.g. blast chilling) and subsequent storage at a temperature above freezing point (e.g. 3°C) prior to regeneration and/or service (the meals are expected to be reheated prior to consumption). Cook-chill processes can include:

- The products are assembled after separate cooking of individual components, chilling and then packing in the final container.
- The components are cooked individually, packaged, sealed and chilled in the final container.
- The meal components are packed, and then receive a pasteurisation process which gives the potential for a longer shelf life under chill storage conditions because of the reduced risk of post-process contamination (the sous-vide process).

These foods are not sterile, and their safety is based on a combination of:

- a minimal heat treatment (usually at 75°C or time/temp equivalent) intended to minimise loss of sensory and nutritional quality product formulation
- refrigerated storage
- limited shelf-life
- packaging systems (e.g., vacuum [VP] or modified atmosphere [MAP] packaging)
- intrinsic properties of the foods (such as reduced pH or water activity, addition of bacteriocins, etc).

Food business means a business, enterprise or activity (other than primary food production) that involves the handling of food intended for sale and/or the sale of food; regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only (see South Australia Food Act 2001).

Food handler training means food handlers must complete a food safety training course that provides training in or demonstrate skills and knowledge in safe handling of food, food contamination, cleaning and sanitising and personal hygiene (see Standard 3.2.2A).

Food safety supervisor means a business must appoint a food safety supervisor with appropriate qualifications to oversee food handlers and food safety management within the business, and ensure they are reasonably available (see Standard 3.2.2A).

Food premises means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons and any other place declared by the relevant authority to be premises under the Food Act kept or used for the handling of food for sale, regardless of whether those premises are owned by the proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food.

Food service business means businesses that make and/or serve food for immediate consumption (may include transport) regardless of whether the food is consumed onsite or elsewhere.

Handling means the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food. This is intended to cover all the activities that take place in relation to food before it is sold and is not restricted to the activities listed.

High risk foods are foods that may contain pathogenic microorganisms and will support formation of toxins or growth of pathogenic microorganisms.

Hot holding means storing or displaying foods at or above 60°C.

Inherent risk relates to the possibility for a food to contain a hazard that could be present at levels that could cause human illness whether due to the nature of the food itself or the processing and handling it undergoes.

Low risk food is food that is unlikely to contain pathogenic organisms and will not support their growth, and will not introduce microbial, physical or chemical hazards to other foods the business sells or handles.

Medium risk foods are those that may contain harmful natural toxins or chemicals introduced at steps earlier in the food supply chain, or that: may contain pathogenic microorganisms but will not normally support the formation of toxins or growth of pathogens due to food characteristics; or, are unlikely to contain pathogenic microorganisms due to food type or processing but may support the formation of toxins or growth of pathogenic microorganisms.

Perishable foods are foods that allow microbial growth and so will eventually deteriorate and spoil. Typically, such foods require storage under refrigeration to extend shelf life i.e. foods that are not shelf stable or are potentially hazardous.

Potentially hazardous foods are foods that meet both of the criteria below:

- They might contain the types of food-poisoning bacteria that need to multiply to large numbers to cause food poisoning, and
- The food will allow the food-poisoning bacteria to multiply.

Potentially hazardous food has to be kept at certain temperatures to minimise the growth of any pathogenic microorganism that might be present in the food or to prevent the formation of toxins in the food.

Processing in relation to food means activity conducted to prepare food for sale including cooking, drying, fermenting, pasteurising, preserving and washing, or a combination of these activities.

Processor/manufacturer businesses are engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Their food can be sold via wholesaler or direct to business and can include minimal or widespread distribution.

Ready-to-eat food is normally consumed in the same state as that in which it is sold (without further cooking or preparation) but does not include nuts in the shell and whole, raw, fruits and vegetables that are intended for hulling, processing, peeling or washing by the consumer.

Retail business is a businesses that sell food to the public which is not processed on site (can include slicing & weighing of delicatessen products and reheating/hot holding of RTE cooked foods). Generally not intended to be consumed on site and can include supermarkets, convenience stores or specialty retail stores (e.g. bakery, butcher.)

Small producer a business that employs less than 50 people in the 'manufacturing' sector or which employs less than 10 people in the 'food services' sector.

Substantiation of matters means a business must either demonstrate to an authorised officer or keep a record to show that key food safety controls are being managed (see Standard 3.2.2A).

Transporter is a businesses engaged in transport or pre-retail distribution activities (particularly importation, wholesaling, wholesale storage and multipurpose wholesalers who distribute not only to retailers but also to restaurant owners or consumers). Transporters do not process foods.

Retailers

Retailer Food for retail sale - food for sale to the public which is not processed on site (can include slicing & weighing of delicatessen products and reheating/hot holding of RTE cooked foods). <i>Generally not intended to be consumed on site and can include supermarkets, convenience stores or specialty retail stores (e.g. bakery, butcher).</i>						
Food	Description	Example Foods/ Business	Risk/ Hazard	Comment	FSM Category	Required FSM Tools
Alcoholic beverages packaged	Outlets selling alcohol to the public for consumption off the premises only.	<ul style="list-style-type: none"> - Packaged or bottled beer, wine or spirits - Bottle shop 	P4 Chemical	Products are usually pre-packaged; exception - port from a port barrel.	N/A	N/A
Bakery products	Retailer of bread and baked goods. Not manufacturing. Does not include retail sale of bakery products that contain perishable fillings (P2).	<ul style="list-style-type: none"> - Bakery products that may contain non-perishable fillings e.g. jam - Bread - Biscuits - Cakes 	P3 Microbial	May contain pathogenic microorganisms but will not normally support the formation of toxins or growth of pathogenic microorganisms due to food characteristics.	N/A	N/A
Bakery products Perishable fillings	Baked goods that contain perishable fillings that are not manufactured on the premises but can include reheating. If manufactured on premises the classification becomes P1. See <i>Processor Manufacturer - Bakery products Perishable fillings processing.</i>	<ul style="list-style-type: none"> - Cream filled cakes - Custard filled pastries - Meat pies - Sausage rolls - Egg-based fillings - Egg glazes 	P2 Microbial	Classified P2 on the basis that the retail outlet does not contribute significantly to the safety of the product. Perishable fillings may encourage pathogen growth.	If the RTE food is handled unpackaged Category 2. If the food is packaged N/A.	Food handler training (FHT) & food safety supervisor (FSS).
Continental type delicatessen food	Retailer of products which are high risk, processed (heat or non-heat treatment), ready to eat, requiring refrigeration or reheating) such as smallgoods, cheeses, antipasto. Can include portioning, slicing, and weighing.	<ul style="list-style-type: none"> - Antipasto - Caviar - Cheese - Cured meats - Fermented products - Pate - Smoked or Pickled products - Smallgoods 	P2 Microbial	Many of the foods sold in a delicatessen require refrigeration for control of microbial growth. Prevention of recontamination is critical to the safety of the product sold by the business.	If the RTE food is handled unpackaged Category 2. If the food is packaged N/A.	Food handler training (FHT) & food safety supervisor (FSS).
High risk food Perishable	Business that sells but has not prepared high risk foods. (See definition pg. 7). Ready to eat, refrigerated storage or reheated / hot held for sale. Generally packaged.	<ul style="list-style-type: none"> - Supermarkets - Sandwiches - Fresh cut fruit and veg - Pastries containing meat or egg - Vending machines 	P2 Microbial	Many of the foods require refrigeration for control of microbial growth. Prevention of recontamination is critical to the safety of the product sold by the business.	If the RTE food is handled unpackaged Category 2. If the food is packaged N/A.	Food handler training (FHT) & food safety supervisor (FSS).

P1
P2
P3
P4

8

Retailer Food for retail sale - food for sale to the public which is not processed on site (can include slicing & weighing of delicatessen products and reheating/hot holding of RTE cooked foods). <i>Generally not intended to be consumed on site and can include supermarkets, convenience stores or specialty retail stores (e.g. bakery, butcher).</i>						
Food	Description	Example Foods/ Business	Risk/ Hazard	Comment	FSM Category	Required FSM Tools
Low risk packaged food	Business that sells only low risk pre-packaged foods.	<ul style="list-style-type: none"> Newsagent Chemist Vending machine Chewing gum Potato crisps Soft drinks 	P4 Microbial and chemical	Low risk foods only, packaging provides protection against recontamination.	N/A	N/A
Low risk food unpackaged	Business that sells only low risk unpackaged foods.	<ul style="list-style-type: none"> Packing dry ingredients from bulk e.g. spices, flours, grains, nuts, tea Wine tasting Cellar door Bar serving alcohol Bar serving (hot) food from another vendor Service station coffee vendor 	P3 Microbial and chemical	Low risk foods only. Handling glasses, food, alcohol. Potential for physical, chemical or microbial contamination.	N/A	N/A
Medium risk food Perishable	Business that sells medium risk foods. (See <i>Definitions</i>). Ready to eat, refrigerated storage. Can be packaged or unpackaged.	<ul style="list-style-type: none"> Ice-cream Milk-based confectionary Yoghurt Fresh whole and single cut fruit & vegetables Pasteurised milk Dried fruit & nut vendor Health food shops Bed & Breakfast (providing low-medium risk breakfast supplies only) 	P3 Microbial	May contain pathogenic microorganisms but will not normally support the formation of toxins or growth of pathogenic microorganisms due to food characteristics. Other considerations include hygiene, temperature control, and stock rotation.	N/A	N/A
Raw Meat & poultry	High risk, processed food (chopping, no heat treatment), refrigerated, not intended to be eaten raw. Does not include cooked chicken outlets which are regarded as a takeaway (see <i>Food Service</i>).	<ul style="list-style-type: none"> Beef Lamb Mutton Pork Fresh poultry Fresh chicken Fresh duck Butcher 	P2 Microbial	Classified P2 on the basis that the retail outlet does not contribute significantly to the safety of the product.	N/A – not selling RTE food.	N/A
Seafood Excludes processing of bi-valve mollusc	High risk, processed (raw and heat treated) fish and seafood, refrigerated storage. Processing of bivalve molluscs on site is P1 (see <i>Mollusc processing</i>).	<ul style="list-style-type: none"> Crustaceans Fish Mollusc retailing (already processed) Seafood, fresh or frozen 	P2 Microbial	Classified P2 on the basis that the retail outlet does not contribute significantly to the safety of the product.	If the RTE food is handled unpackaged Category 2. If the food is packaged N/A.	Food handler training (FHT) & food safety supervisor (FSS).

P1
P2
P3
P4

9

Food Service

Food Service						
Businesses that make and/or serve food for consumption on site, taken away for immediate consumption or at a catering event (may include transport).						
Food	Description	Example Foods/ Business	Risk/ Hazard	Comment	FSM Category	Required FSM Tools
Catering <i>Offsite activity</i>	High risk, processed (e.g. cooking), pre-prepared ready to eat food (possible cooling), transported to another location, refrigerated storage, reheating or hot holding before serving.	<ul style="list-style-type: none"> Airline, Rail, Sea Transport Motor racing 	P1 Microbial	For large catering operations exposure is relevant.	Category 1	Food handler training (FHT), food safety supervisor (FSS) & substantiation of matters.
Catering <i>Onsite activity</i>	High risk, processed (e.g. cooking), pre-prepared ready to eat food, possible cooling, refrigerated storage, reheating or hot holding.	<ul style="list-style-type: none"> Vulnerable population facilities Sporting and major event venues Correctional facilities 	P1 Microbial	Vulnerable population businesses required to comply with Std 3.3.1. A childcare centre serving a snack only is classified P3	Category 1	Food handler training (FHT), food safety supervisor (FSS) & substantiation of matters.
Medium Risk Foods <i>Perishable</i>	Business that make/serves medium risk foods (see definition). Ready to eat, refrigerated storage.	<ul style="list-style-type: none"> Ice cream vans Strawberries & cream vendors Popcorn/fairy floss makers Childcare - Lunch box centre Coffee vans Bubble tea 	P3 Microbial, chemical and physical	May contain pathogenic microorganisms but will not normally support the formation of toxins or growth of pathogenic microorganisms due to food characteristics	N/A	N/A
Restaurants and takeaway <i>RTE food prepared in advance >4 hours</i>	<p>High risk, processed on site from raw (e.g. cooking), time delay before serving (cooling, hot or cold holding)</p> <p>Raw preparation allows for cross contamination risks to be increased.</p> <p>Food can be consumed on the premises, taken away by the customer or delivered.</p>	<ul style="list-style-type: none"> Bar Cafe Clubs Hotel Night club Pub Restaurant Tavern Mobile food van Sushi Chicken shop Supermarket hot chicken Soft serve ice-cream (no in situ pasteuriser) 	P1 Microbial	<p>Outbreaks amongst restaurants pre-prepared ready to eat meals (e.g. <i>Salmonella</i> and <i>Campylobacter</i>.)</p> <p>Hot holding or poor cooling of foods supporting spore forming pathogen growth identified as a relatively common cause of food-borne disease outbreaks. Left-overs to be considered.</p>	Category 1	Food handler training (FHT), food safety supervisor (FSS) & substantiation of matters.

P1 P2 P3 P4

10

Food Service		Businesses that make and/or serve food for consumption on site, taken away for immediate consumption or at a catering event (may include transport).				
Food	Description	Example Foods/ Business	Risk/ Hazard	Comment	FSM Category	Required FSM Tools
Restaurants and takeaway food RTE food - express order <4 hours	High risk, processed from raw (e.g. cooking), direct cook/serve or make/serve operation, anticipated for immediate consumption. Food can be consumed on the premises, taken away by the customer or delivered	<ul style="list-style-type: none"> - Deli - Fast food - Juice bar - Mobile food van - Soft serve ice-cream (in situ pasteuriser) - 	P2 Microbial	High risk food but no hot holding and no simultaneous servings. Cross contamination risks still exist from raw prep on site i.e. campylobacter	Category 1	Food handler training (FHT), food safety supervisor (FSS) & substantiation of matters.
Restaurants and Takeaway food. RTE food - no raw prep	High risk, purchased pre-prepared/cooked. Can be held cold or hot for sale and or consumption on site. Food intended to be consumed in short period of time (i.e. <4 hrs).	<ul style="list-style-type: none"> - Subway - Hot dogs/dim sims - Soup - Sandwiches - 	P2 Microbial	Could also be covered under P2 retailer of HR foods if no option to consume on site.	Category 2	Food handler training (FHT), food safety supervisor (FSS) & substantiation of matters.

P1 P2 P3 P4

11

Processors/Manufacturers

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Bakery products Perishable fillings processing	Applies to baked goods that contain perishable high risk fillings (including frozen bakery products). Can include either factory based premises or home based activities. For bakery items (non-perishable) see cereal processing.	<ul style="list-style-type: none"> – Cake or pastry, fresh or frozen – Pie/ Pasty (including meat, fruit or vegetable) – Quiche – Some ganache's (depends on Aw) 	P1 Microbial	Control unreliable as evidenced by repeated problems with <i>Salmonella</i> . Product requires low temperature storage to minimise pathogen growth, that remain in the product or a component of the product e.g. (filling) and to prevent the formation of toxins.
Baby food processing	Food that is intended or represented for use as a source of nourishment for infants, but does not include infant formula products; formulated meal replacements; and formulated supplementary foods (see Infant Formula P1). Pasteurised and hermetically sealed in a can, glass jar or retort pouches.	<ul style="list-style-type: none"> – Fruit gel in glass jars – Canned egg custard – Pasta in jar – Mashed fruit and vegetable in can or retortable pouch. 	P2 Microbial	Canned baby food retorting is an effective control of microbial hazards.
Beverage processing	Applies to the processing operations of beverages including alcoholic, fermented teas, carbonated and bottled water. Also applies to ice making. Does not include manufacturing milk and milk product or fruit and vegetable juices.	<ul style="list-style-type: none"> – Beer – Spirit, Wine and Other Alcoholic Beverage Soft Drink, Cordial and Syrup – Packaged water – Powder flavour – Purified water – Tonic water – Wine vinegar – Kombucha – Ice making 	P3 Microbial and chemical	Carbonated beverage processing and acidity means pathogens unlikely to be present or to grow. For alcoholic beverages chemicals that cause acute illness (methanol) are unlikely. Physical contamination is the greatest risk associated with ice making as frozen water does not support microbial growth.
Beverage processing Small producer	Applies to small businesses producing fermented beverages.	<ul style="list-style-type: none"> – Kombucha – Water-based & nut-based kefirs – Rejuvelac – Kvass – Fermented sodas 	P3 Chemical	Acidity means pathogens unlikely to grow. If pH is too low, can cause injury with acid burns to the oesophagus. Uncontrolled fermentation or secondary fermentation may increase alcohol content where it breaches the <i>South Australia Liquor Licensing Act 1997</i> .
Canned food processing	Preparing food (including processing) by appropriate heating before or after hermetically sealing the food in a container to prevent spoiling. The commercial sterilisation of fish, meats, fruits & vegetables, soups & sauces in metal or glass containers or retort pouches.	<ul style="list-style-type: none"> – Cans – Bottles – Sterile retort pouches – All low acid foods (pH>4.5) 	P2 Microbial	Canned foods are usually heat treated to be stored indefinitely at ambient temperature. The heat process severity is dependent on the pH of the food. Unopened, heat-treated canned foods are not potentially hazardous foods.

P1 P2 P3 P4

12

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Canned food processing Very small producer & high acid food	Very small producer of high acid product. The size and type of food of the manufacturer may be used to alter the risk classification.	<ul style="list-style-type: none"> – Few kilograms per week of canned tomatoes 	P3 Microbial	Classified level P3 due to size and type of food. High acid (pH< 4.5) precludes germination and outgrowth of <i>Clostridium botulinum</i> spores.
Chocolate processing	A large manufacturer of chocolate and similar confectionary.	<ul style="list-style-type: none"> – National producer of chocolate 	P2 Microbial	The size of the chocolate manufacture determines the classification level. Raw ingredients can introduce contamination to finished product.
Chocolate processing Small producer	Small business making chocolates is classified as P3.	<ul style="list-style-type: none"> – Local producer of chocolate – Carob producer 	P3 Microbial	Classified level P3 due to size. Less risk due to smaller distribution.
Cereal processing & medium/low risk bakery	<p>Bread Manufacturing</p> <p>Biscuit Manufacturing</p> <p>Cakes (including fillings or decorations)</p> <p>Flour and Starch products manufacturing Includes arrowroot, rice, corn, barley, malt, wheat germ etc. Also includes pulses/ legumes.</p> <p>Cereal, Pasta and Baking Mix Manufacturing Manufacturing prepared cereal foods (including oatmeal), fresh and dried pasta, and prepared baking mixes.</p>	<ul style="list-style-type: none"> – Bread, inc. pita – Baking powder – Breakfast cereal – Cake mix – Coatings – Custard powder – Dessert, dried – Dextrin, dextrose – English muffin – Glucose, gluten – Ice cream cone – Dry noodle – Pasta, fresh or dried – Pastry mix – Rye, sago, tapioca – Semolina – Un-popped corn – Repacking/down packing of flours or dried grains – Perishable fillings if validated as shelf stable – Shelf stable cakes & cake decorations/ fillings/icings e.g. cream cheese & icing sugar, royal icing, lemon curd, ganache (depends on a^w) 	P3 Microbial and chemical	<p>Processing, baking and low water activity mean pathogens unlikely to be present or to grow.</p> <p>Decorations, fillings and icing that have a low water activity do not support the growth of pathogens.</p> <p>Physical contamination to be considered when repacking flours and grains.</p>

P1 P2 P3 P4

13

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Confectionary processing	<p>Sweets/sugar confectionary</p> <p>High sugar spreads/condiments</p> <p>High sugar snack foods</p>	<ul style="list-style-type: none"> - Chewing gum - Crystallised or glace fruit - Liquorice - Marshmallow - Nut, candied, - Popcorn, candied - Jams, preserves, spreads - Honey packing - 'Protein/bliss' balls with high sugar syrup or dried fruit content - Carob products - Some ganache's (depends on Aw) 	<p>P3</p> <p>Microbial</p>	<p>Low water activity and processing mitigate against microbial contamination or growth.</p> <p>Low water activity of 'protein' balls due to amount of sugar syrups & dried fruit added to bind them.</p> <p>NOTE – honey packing is inspected by LG, but all hives must be registered with PIRSA for hive health.</p>
Cook-chill food <i>Short shelf-life processing</i>	Cook chill - Short Shelf Life perishable foods which have undergone a mild heat or pasteurisation process (generally equivalent to 70°C for 2 minutes). This process delivers a 6 log reduction in <i>Listeria monocytogenes</i> and has a refrigerated shelf life of no more than 10 days at ≤ 5°C including the days of production and consumption.	<ul style="list-style-type: none"> - Pre-Prepared Meals - Pre-Prepared Pasta - Pre-Prepared Rice - Pre-Prepared Soups and Sauces. 	<p>P1</p> <p>Microbial</p>	<p>Cold chain for chilled transport and storage unreliable with significant potential for microbial growth or recontamination.</p> <p>Generally packaged.</p>
Cook-chill food <i>Extended shelf life processing</i> <i>Non-aseptic</i>	Cook chill - Extended Shelf Life (ESL) means food that is given a cooking process equivalent to 90°C for 10 minutes. This process delivers a 6 log reduction of non-proteolytic <i>Clostridium botulinum</i> , and a refrigerated shelf life of more than 10 days if validated	<ul style="list-style-type: none"> - Pre-Prepared Meals - Pre-Prepared Pasta - Pre-Prepared Rice - Pre-Prepared Soups and Sauces. 	<p>P1</p> <p>Microbial</p>	<p>Evidence of pathogens in long shelf life cook-chill products in Australia has increased due to inadequate process controls used by inexperienced operators.</p> <p>Potential for recontamination during packing.</p>
Cook-chill food <i>Extended shelf life processing</i> <i>Aseptic packaging</i>	Cook chill - Extended Shelf Life (ESL) means food that is given a cooking process equivalent to 90°C for 10 minutes. This process delivers a 6 log reduction of non-proteolytic <i>Clostridium botulinum</i> , and a refrigerated shelf life of more than 10 days if validated	<ul style="list-style-type: none"> - Pre-Prepared Meals - Pre-Prepared Pasta - Pre-Prepared Rice - Pre-Prepared Soups and Sauces. 	<p>P2</p> <p>Microbial</p>	<p>No evidence of botulism from cook-chill products in Australia where process and risks are well managed and understood.</p> <p>Generally industrial scale manufacturing</p>
Cook-frozen food processing	Cook-frozen food means foods which has undergone a mild heat or pasteurisation process and are intended to be frozen with the intent of reheating prior to eating.	<ul style="list-style-type: none"> - Pre-Prepared Meals - Pre-Prepared Pasta - Pre-Prepared Rice - Pre-Prepared Soups and Sauces. 	<p>P2</p> <p>Microbial</p>	Substantial documented evidence that cook-freeze reliably controls pathogens in food in the community.

P1 P2 P3 P4

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Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Dairy processing <i>(not including soft cheese)</i>	Includes – milk; cream, butter, buttermilk, margarine, ghee, casein, cheese; whey, cultured milk and yoghurt; ice-cream and ice-cream mix, powdered milk etc.	<ul style="list-style-type: none"> – Cheese (not soft) – Condensed milk – Confections, frozen – Evaporated milk – Flavoured milk – Gelato – Ice-cream – Sour cream – Ultra-heat treatment milk – Yoghurt – Dairy kefir – Probiotic dairy beverages – Desserts made with milk powder 	P2 Microbial	Pasteurisation is generally considered as reliable and pasteurised milk is considered a medium risk.
Dairy processing <i>Soft cheese processing</i>	A manufacturer or processor of soft and semi-soft cheese (moisture content > 39%) with pH >5.0	<ul style="list-style-type: none"> – Brie – Camembert – Feta – Ricotta 	P1 Microbial	<i>Listeria monocytogenes</i> multiplication on soft cheese during long term cold storage. Cross contamination risks during processing/handling.
Egg processing	Egg product means the content of egg, as part or whole, in liquid, frozen or dried form. Processed and pasteurized. Includes grading of eggs.	<ul style="list-style-type: none"> – Fresh shell eggs – Value added products where egg is the major ingredient. – Basic egg products include whole eggs, whites, yolks, and various blends- with or without non-egg ingredient. 	P2 Microbial	Cracked eggs have <i>Salmonella</i> risk. No evidence of outbreaks associated with pasteurised/processed egg products but major risk associated with businesses using unpasteurised egg pulp.
Fruit and vegetable processing	Fruit and vegetable processing: Peeling, cutting or combining ingredients to make fruit and vegetable salads or similar products, including washed and or sanitised & bagged leafy greens.	<ul style="list-style-type: none"> – Fruit salad – Salad – Tabouli – Raw processed fruit and vegetables (e.g. mousses, slices) 	P1 Microbial	<i>Listeria</i> and <i>Salmonella</i> uncontrolled or control steps are potentially unreliable.
Fruit and vegetable processing <i>Frozen</i>	Manufacturer freezes the produce and is continuously maintained at -18°C or below. Includes businesses where <ul style="list-style-type: none"> – processing includes peeling, slicing – not all products blanched i.e. berries – large volumes are produced 	<ul style="list-style-type: none"> – Fruit, frozen – Vegetable, frozen 	P2 Microbial	Time/temperature control to limit microbial growth during processing and the blanching process are strong controls against microbial hazards. Frozen storage at less than -18°C is widely recommended.

P1 P2 P3 P4

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Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Fruit and vegetable processing Frozen blanch Wash/pack Dehydrating Condiments Small producer	<p>Small manufacturers that blanch all products.</p> <p>Small manufacturers that dehydrate fruit and vegetables.</p> <p>Manufacturing low pH/ low water activity condiments.</p> <p>Growers that wash or pack low risk whole fruit and vegetables</p>	<ul style="list-style-type: none"> – Fruit, frozen – Vegetable, frozen – Packing low risk whole fruit and vegetables e.g. citrus, potatoes, onion, carrots etc. – Washing low risk whole fruit and vegetables – Dehydrating – Chutneys, sauces, relishes 	P3 Microbial	<p>The size of the manufacturer is used to determine the risk classification.</p> <p>Pre-preparation e.g. blanching, peeling, of fruit and vegetables may reduce risk of dehydrated products.</p> <p>Pickles etc. are usually cooked & hot filled and or have low pH/low water activity.</p> <p>For extra or high risk processing, refer to P1 Fruit and vegetable processing.</p>
Fruit and vegetable Juice Unpasteurised processing	<p>Fruit juice or vegetable juice unpasteurised means juice that has not been heat treated to commercial sterility.</p> <p>Product is intended to be kept under refrigerated storage.</p>	<ul style="list-style-type: none"> – Unpasteurised juice 	P1 Microbial	<p>Unpasteurised juice is classified as a high risk product as it may contain pathogens and support their growth.</p>
Fruit juice Pasteurisation processing Shelf stable processing	<p>Pasteurised fruit or vegetable juice Has undergone a mild heat treatment that will not eliminate all spores, so it requires refrigerated storage.</p> <p>Shelf-stable fruit juice and purees has undergone an ultra-heat treatment and therefore does not require refrigeration.</p> <p>Medium or large processor.</p>	<ul style="list-style-type: none"> – Pasteurised & Shelf-stable fruit juice, purees and nectars 	P2 Microbial	<p>Pasteurised fruit juice may support the growth of pathogens and toxin formation, but the actions during production (e.g. pasteurisation and low temperature storage) manages the risk.</p> <p>Shelf-stable fruit juice is not potentially hazardous since ultra-heat treatment of the product inactivates vegetative cells and spores and therefore low temperature storage is not necessary.</p>
Fruit juice Pasteurisation processing Shelf stable processing Small producer	<p>Small manufacturer (as above).</p>	<ul style="list-style-type: none"> – Pasteurised and shelf-stable fruit juice, purees and nectars 	P3 Microbial	<p>The size of the manufacturer is used to determine the risk classification, small manufacturers are classified P3.</p>
Infant formula product processing	<p>Processor or manufacturer of infant formula.</p>	<ul style="list-style-type: none"> – Infant formula – Follow-on formula – Lactose free formula – Low Lactose formula – Pre-term formula – Baby formula 	P1 Microbial	<p>Baby formula is specifically made for infants – vulnerable populations – critical control unreliable as evidenced by repeated problems with infant formula – e.g. <i>Salmonella</i> and <i>Enterobacter sakazakii</i>.</p>

P1 P2 P3 P4

16

Processor/Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/Hazard	Comment
Meat Processing <i>Abattoir/ Boning Room</i>	Abattoir - Includes receipt and slaughter of animals, dressing of carcasses for meat or meat products from animals subject to AS4696:2007. Boning room – includes processing, packaging, handling and storage of for meat or meat products from animals subject to AS4696:2007.	<ul style="list-style-type: none"> Abattoir operation (except poultry) Lard, tallow rendering Animal meat packing and freezing 	P2 Microbial	Red meat is considered a high risk food as it may contain pathogenic microorganisms that are able to grow if temperature is not controlled.
Meat Processing <i>Fermented meat processing Smallgoods processing</i>	Fermented, cured meat and smallgoods manufacturing Manufacturing fermented (salami), cured and preserved meats, such as bacon or ham, and in manufacturing smallgoods or prepared meat products not elsewhere classified.	<ul style="list-style-type: none"> Bacon Corned meat Pate Poultry smallgoods Smallgoods. Salami Dried meats 	P1 Microbial	<i>E.coli</i> (EHEC/STEC) in fermented meat products and Listeria in long shelf life manufactured meat products demonstrates risk associated with these products. Meat can be cured by salting, drying, pickling or smoking
Oils and fats processing	Oil and Fat Manufacturing means manufacturing crude vegetable or marine animal oil, fat, cake or meal, margarine, compound cooking oil or fat, blended table or salad oil, or refined or hydrogenated oil or fat.	<ul style="list-style-type: none"> Animal oil, refined, vegetable oil Edible oil or fat, Fish or other marine animal oil or meal Lard or tallow, refined, Margarine Olive oil Oil based marinades/ dressings (pH & water activity) 	P3 Microbial	Low water activity precludes microbial growth. Marinades and dressings with other ingredients depends on pH <4.6, water activity, cooking or cooling steps.
Peanut Butter processing <i>Nut processing</i>	Peanut butter means a peanut based spread containing no less than 850 g/kg of peanuts.	<ul style="list-style-type: none"> Peanut butter manufacturing Other nut butters and pastes Nut processing/ packing 	P2 Microbial	<i>Salmonella</i> can be eliminated from nuts by roasting process. However if recontamination of finished product by <i>Salmonella</i> occurs, there can be prolonged survival of the pathogen. Peanut butter does not support pathogen growth because of its low water activity and does not require refrigeration.
Peanut Butter processing <i>Nut processing Small producer</i>	The size of the manufacturer is used to determine this risk classification, small manufacturers are classified level P3.	<ul style="list-style-type: none"> Peanut butter manufacturing (small or retail premise) Other nut butters and pastes Nut processing/ packing 	P3 Microbial	
Poultry processing	Slaughtering and dressing birds (including poultry and game birds) and/or preparing and processing, boning, chilling, freezing or packaging (including canning) the whole or selected parts of bird carcasses.	<ul style="list-style-type: none"> Poultry abattoir operation Frozen poultry manufacturing Game bird (e.g. pheasant, quail) slaughtering Poultry meat processing & packing 	P1 Microbial	Substantial evidence of failure in the community – residual contamination <i>Salmonella</i> and <i>Campylobacter</i> .

P1 P2 P3 P4

17

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Prepared foods <i>Not ready to eat food processing</i>	Not ready-to-eat products (NRTE) are identified as "raw" although some products may have received partial heat treatment and can contain the presence of pathogens that could cause foodborne illness. Not-ready-to-eat meals require frozen or refrigerated storage and require the consumer to cook thoroughly in order for safe consumption	<ul style="list-style-type: none"> - Frozen food entrees (pizzas, pies, TV dinners, etc.) - Marinated, stuffed and/or breaded fish or meat 	P2 Microbial, chemical, physical	The foods are described as requiring frozen or refrigerated storage and not intended to be consumed without cooking.
Prepared foods <i>Ready to eat food processing</i>	The food is normally consumed in the same state as that in which it is sold (i.e. without further cooking or preparation). This is a generic category, if ready to eat food products are classified specifically in the table, that risk profile should be used. Refrigerated high risk foods and non-refrigerated medium risk foods included.	<ul style="list-style-type: none"> - Sandwich/salad manufacturing - Wet noodles/tofu - Fresh cut fruit and vegetable processing - Pesto - Non-dairy dip/dressing processing - Non-dairy beverages e.g. almond milk (unpasteurised) - Food for catering purposes - Manufactured meats - Salami 	P1 Microbial	Demonstrated uncontrolled hazard <i>Salmonella</i> in manufactured salads. Reheating is generally not regarded as a preparation step. Many ready to eat foods require refrigeration. For fruit and vegetable processing <i>Listeria</i> and <i>Salmonella</i> uncontrolled or control steps are potentially unreliable.
Salt & other low risk ingredients/additives processor	Manufactures or down-packs ingredients	<ul style="list-style-type: none"> - Salt production/packing - Sugar packing - Food acids (liquid/powder) - Colours - Calcium chloride - Preservatives - Artificial sweeteners 	P3 Physical	The inherent nature of these products does not support the growth of pathogens. Physical contamination needs to be considered.
Seafood processing	Includes –the killing, dismembering, filleting or cutting into portions, gill or gutting, or skinning of seafood; and the brining of seafood; and the packing, treating, washing, freezing, refrigeration or storing of seafood.	<ul style="list-style-type: none"> - Uncooked fish product - Whole fish - Fish fillets - Reformulated fish cakes 	P2 Microbial	Fish fillet and deboning operations do not contribute significantly to microbial food safety
Seafood processing <i>Ready to eat and shelf stable</i>	Includes smoking, cooking and collecting caviar. It does not include sushi processing (see sushi below) and Mollusc processing.	<ul style="list-style-type: none"> - Caviar - Seafood salad products - Smoked cooked fish - Smoked salmon - Fish sauce - Canned fish - Pickled Shellfish 	P2 Microbial	Chilled or frozen, requires no further cooking prior to consumption. Shelf stable stored at ambient.

P1 P2 P3 P4

18

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Seafood processing Mollusc processing	Bivalve molluscs intended for human consumption	<ul style="list-style-type: none"> - Cockles - Clams - Mussels - Oysters - Pipis - Scallops 	P1 Microbial	Considerable debate regarding cross contamination regarding marine <i>Vibrios</i> . Refer to PP Std 4.2.1 for hazard controls
Snack chips processing	Potato, Corn and Other Crisp Manufacturing. Making potato crisps, corn chips and other crisps.	<ul style="list-style-type: none"> - Corn chip - Crisp - Potato crisp - Taco, tortilla or tostada shell 	P3 Microbial	Frying and low water activity mitigate against microbial hazards being present or being able to grow.
Spices and dried herbs processing	Manufacturers of dehydrated culinary herbs and spices.	<ul style="list-style-type: none"> - Dried Herbs and spices - Repacking of herbs and spices - Tea and coffee repacking - Coffee bean roasting - Seeds 	P2 Microbial	Low water activity but may contain heavy microbial load.
Spices and dried herbs processing Small producer	Small manufacturers of dehydrated culinary herbs and spices are classified level 3	<ul style="list-style-type: none"> - Dried Herbs and spices - Repacking of herbs and spices - Tea and coffee repacking - Coffee bean roasting - Seeds 	P3 Microbial and physical	The size of the manufacturer is used to determine the risk classification. The production of salt has low microbial risk, but physical contamination must be considered.
Sprout processing	<p>A sprout producer means a business, enterprise or activity that involves any or all of the following –</p> <ol style="list-style-type: none"> receipt or storage of seed; decontamination of seed or seed sprouts; soaking of seed; germination or growth of seed; harvest of seed sprouts; washing, drying or packing of seed sprouts; chilling or storage of seed sprouts; or transport of seed sprouts. <p>Usually sold as ready to eat, refrigerated storage.</p>	<ul style="list-style-type: none"> - Alfalfa - Fenugreek - Mung bean - Pea sprouts 	P1 Microbial	High risk. Sprout seeds may be contaminated with pathogens at low levels but the sprouting process (at ambient temperature in water) will support their growth to high levels. Critical control actions include: using certified seed, pre-screening seeds before germination, process verification through pathogen and testing; using potable water during germination and harvest; and storing finished product in refrigerated conditions.
Sushi processing	Sushi is rice, acidified with vinegar, and usually combined with other ingredients such as raw fish.	<ul style="list-style-type: none"> - Nigiri - Gunkan - Norimaki - Temaki - Temakizushi - Oshizushi - Inari 	P1 Microbial	Controls - limitation on storage time, storage and display temperature, appropriate cooling and storage of rice to minimise <i>Bacillus cereus</i> and acidification to prevent other pathogen growth. P1 based on widespread consumption.

P1 P2 P3 P4

19

Processor/ Manufacturer		Mainly engaged in the physical or chemical transformation of food, food ingredients, substances or components into new products. Can be sold via wholesaler, direct to business or direct to the public. Can include minimal or widespread distribution.		
Food	Description	Example Food/business	Risk/ Hazard	Comment
Vegetables in oil processing Vegetable fermentation	The use of oil, brine, water and vinegar to preserve vegetables.	<ul style="list-style-type: none"> - Chopped garlic - Garlic cloves - Sun-dried tomatoes - Chilli - Ginger - Eggplant - Capsicum - Mushrooms - Olives - Kimchi - Sauerkraut - Marinades containing garlic or other vegetables if pH or water activity unknown/not hot filled 	P1 Microbial	The Food Standards Code Std 2.3.1 specifies this class of product must not have a pH greater than 4.6.
	Acidified, submerged in oil etc., ambient or refrigerated storage. Fermentation of vegetables is included here as the fermentation process drops the pH.			<p>Fruit & vegetables are considered to be the same in this Standard.</p> <p>Possible acidifying agents include vinegar, acetic acid, citric acid, and lemon juice.</p> <p>Increased risk of spore former toxin production i.e. <i>Clostridium botulinum</i>.</p>

P1 P2 P3 P4

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Food Transporters

Food Transporter				
Pre-retail distribution activities (particularly importation, wholesaling, wholesale storage and multipurpose wholesalers who distribute not only to retailers but also to restaurant owners or consumers). Transport activities are also included.				
Food	Description	Examples	Risk/ Hazard	Comment
Bulk flour storage distributor	Bulk flour storage means wholesale distribution, transport and storage of flour in large consignments.	<ul style="list-style-type: none"> – Bulk flour 	P3 Microbial	Low water activity, packaging minimises recontamination; storage unlikely to affect risk.
Bulk milk collection distributor	Dairy transport business means a business, enterprise or activity involving the collection and transport of milk from the dairy primary production business to the processing business or the transport of bulk milk or dairy products between dairy processors.	<ul style="list-style-type: none"> – Bulk milk 	P2 Microbial	Pasteurisation occurs later
Dairy produce distributor	Mainly engaged in wholesaling dairy produce, ice cream and other frozen dairy desserts. Does not include distributors of soft cheese (see High risk food P2).	<ul style="list-style-type: none"> – Butter – Cheese but not soft cheese. – Cream – Yoghurt – Frozen dairy dessert – Ice cream – Milk 	P3 Microbial	Pasteurisation is effective; packaging provides safety against recontamination.
Dry goods and beverages distributor	Dry goods are wholesale products that are generally solid and dry that does not require refrigeration or freezing to maintain.	<ul style="list-style-type: none"> – Bottled water – Canned food – Cereal food – Condiment – Confectionery – Cooking oil or fat – Cordial – Honey – Margarine – Nuts, potato crisps 	P4 Microbial	Product unlikely to be contaminated and does not support growth. Distribution does not affect risk.
Frozen food distributor	Food preserved by freezing and packaged for wholesale distribution. Medium risk foods, large volumes	<ul style="list-style-type: none"> – Frozen fruit – Frozen vegetables – Frozen fish/seafood – Frozen ready meals 	P3 Microbial	Cook-freeze reliably controls pathogens in food
Fruit and vegetables distributor	Consists of businesses mainly engaged in wholesaling fresh fruit or vegetables .	<ul style="list-style-type: none"> – Fruit, fresh – Vegetable, fresh 	P3 Microbial and chemical	Uncut fruit and vegetables unlikely to become undetectably contaminated with microorganisms or chemicals.
Perishable ready to eat, packaged, medium risk food distributor	Medium risk foods are those that may contain harmful natural toxin or chemicals introduced at steps earlier in the food supply chain.	<ul style="list-style-type: none"> – Salami – Vegetables stored in oil – Peanut butter – Shell eggs – Milk-based confectionary – Hard frozen ice-cream 	P3 Microbial	Distribution does not affect risk.

P1
P2
P3
P4

21

Food Transporter		Pre-retail distribution activities (particularly importation, wholesaling, wholesale storage and multipurpose wholesalers who distribute not only to retailers but also to restaurant owners or consumers). Transport activities are also included.		
Food	Description	Examples	Risk/ Hazard	Comment
Perishable, ready to eat, packaged, high risk food distributor	High risk food, ready-to-eat food, refrigerated storage, consumed cold, packaged product	<ul style="list-style-type: none"> – Fresh cut fruits and vegetables, ready to eat, packaged. – Smallgoods – Soft cheeses 	P2 Microbial	Prior processing in the supply chain of food is important for safety. The safety also relies on the integrity of the cold chain. Distributor has a responsibility to maintain refrigerated storage.
Processed meat distributor	Mainly engaged in wholesaling fresh or frozen meat, bacon, ham, poultry or rabbit meat. Does not include fermented meats.	<ul style="list-style-type: none"> – Bacon – Frozen meat – Ham – Meat – Poultry – Rabbit meat – Sausage 	P2 Microbial	Products may harbour pathogens; temperature control is important to minimise potential for growth.
Seafood distributor	Mainly engaged in wholesaling fresh or frozen fish or other seafood (except canned).	<ul style="list-style-type: none"> – Crustacean wholesaling (including processed, – Fish – Mollusc (including processed) – Seafood, fresh or frozen 	P2 Microbial	Products may harbour pathogens; temperature control is important to minimise potential for growth.

P1 P2 P3 P4

22

Guidelines for Setting and Adjusting Inspection Frequency

Food Business Risk Classification and the following inspection frequency model provide Environmental Health Practitioners with guidance to make an objective determination of food business inspection frequency.

A business in a higher risk classification that fails to comply with Food Safety Standards presents a greater likelihood of serious consequences or harm to the consumer. As a result businesses in higher classifications require higher levels of surveillance than those in a lower classification.

Inspection frequency may further vary depending on the results of the previous inspection of the food business. By taking account of both risk classification and compliance history, food business inspection can be prioritised as suggested here (FAO, 2008).

1. Top inspection priority – when business compliance is low and the risk classification is high.
2. Medium inspection priority – when business compliance is high and the risk classification is high. Also, when business compliance is low and the risk classification is low.
3. Low inspection priority – when business compliance is high and the risk classification is low.

Business compliance	Risk classification	Inspection priority*
Low	High (P1, P2)	1
High	High (P1, P2)	2
Low	Low (P3)	2
High	Low (P3)	3

*Inspection priority: 1 = top priority; 2 = medium priority; 3 = low priority.

The following matrix is based upon these principles.

Once the Environmental Health Practitioner has established the risk classification, the business should be inspected within the applicable frequency range for that risk. However, the frequency of inspection may be reduced or increased depending on whether or not compliance is satisfactory during the inspection.

Classification	Frequencies (every x months)		
	Starting point	Maximum	Minimum
P1	6	3	12
P2	12	6	18
P3	18	12	24

P4 classification food businesses are low risk. They require an inspection to confirm risk classification and may require a subsequent inspection upon notification of change in activity or complaint.

P4	Initial inspection to confirm risk level	Re-inspect on complaint, recall or risk change only
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New business/operator or no history

The initial frequency of inspection should be that of the starting point for the risk classification. Results of two inspections should be taken into consideration to form an objective judgement before the inspection frequency of a new food business is adjusted.

Existing business/operator

If there is a documented compliance history available, this should be taken into consideration after one inspection and frequency adjusted accordingly. The initial inspection using this system can take into account previous inspection timeframes but must not be longer than the minimum for the appropriate risk. It may not need to commence at the starting point.

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General guidance

The level of confidence in the business should be considered when determining the frequency of inspection. The question of confidence is meant to elicit a judgement from the Environmental Health Practitioner on the likelihood of satisfactory compliance in the future.

Several factors will influence the Environmental Health Practitioner's judgement including:

- (a) the "track record" of the business, its willingness to act on previous advice and enforcement and the complaint history of the business
- (b) the attitude of the present management towards hygiene and food safety
- (c) the technical knowledge within or available to the business on hygiene and food safety matters
- (d) the types of non-compliances - those with no direct impact on food safety would be considered to present less risk than those impacting directly on the safety of the food.

A food business may incur additional inspections to the starting point of inspection frequency if the Environmental Health Practitioner has a low level of confidence in the business. Conversely, inspections may be less frequent if there is a high level of confidence, although inspections should not occur less frequently than shown under the heading 'Minimum' of the matrix.

High Confidence – good record of compliance. A business with good food hygiene performance and is well understood by the workforce.

Moderate Confidence – satisfactory record of compliance with few non-compliances that do not have a direct impact on food safety.

Little Confidence – varying record of compliance. Poor appreciation of hazards and control measures.

No Confidence – poor track record of compliance. Little or no technical knowledge. Little or no appreciation of hazards or control.

Extra inspections may be prompted by the need to address outstanding non-compliances, reports of food related illness or other food safety related complaints.



References

ANZFA Food Safety: The priority classification system for food businesses. A risk-based system designed to classify food businesses into priority ratings based on the risk they present to public health and safety. Information paper, Canberra (2001)

<http://www.foodstandards.gov.au/scienceandeducation/publications/thepriorityclassific353.cfm>

Australian Bureau of Statistics (2006) Australian and New Zealand Standard Industrial Classification

Department of Health and Ageing (Commonwealth) 2007, The Business Sector Food Safety Risk Priority Classification Framework, Canberra.

[www.health.gov.au/internet/main/publishing.nsf/Content/D838A89DCEB7348ACA256F190003AFC1/\\$File/Risk%20Profiling.ppt](http://www.health.gov.au/internet/main/publishing.nsf/Content/D838A89DCEB7348ACA256F190003AFC1/$File/Risk%20Profiling.ppt)

Draft for Food Regulation Standing Committee (2009) Risk Profiling Framework Example Classifications.

FAO (2011) Guidelines for risk categorization of food and food establishments applicable to ASEAN countries (Food and Agriculture Organization of the United Nations Regional Office for Asia and the Pacific Bangkok 2011)

Food Standards Agency Food Safety Act 1990 Code of Practice on Food Hygiene Inspections (Code of Practice No. 9 Second Revision October 2000)



Appendix 1: Quick Reference Risk Tables

Retailer		Cook – Frozen food processing	14
Alcoholic beverages packaged	8	Dairy processing (not including soft cheese)	15
Low risk packaged food	9	Egg processing	15
Bakery products	8	Fruit & vegetable processing - frozen	15
Low risk food unpackaged	9	Fruit juice – Pasteurisation processing – Shelf stable processing	16
Medium risk food - Perishable	9	Meat processing – Abattoir / boning room	17
Bakery products – Perishable fillings	8	Peanut butter & nut processing	17
Continental type delicatessen food	8	Prepared – Not ready to eat food processing	18
High risk food – Perishable	8	Seafood processing	18
Raw meat and poultry	9	Seafood processing – Ready to eat & shelf stable	18
Seafood	9	Spices and dried herbs processing	19
		Bakery products - Perishable fillings processing	12
Food Service		Cook-chill food – Short shelf-life processing	14
Medium risk foods - Perishable	10	Cook-chill food – Extended shelf-life processing, non-aseptic packaging	14
Restaurants & takeaway - RTE food express order <4hrs	11	Dairy processing – Soft cheese processing	15
Restaurants & takeaway – RTE food – no raw prep	11	Fruit & vegetables processing	15
Catering – Off-site activity	10	Fruit juice and vegetable juice - Unpasteurised processing	16
Catering – On-site activity	10	Infant formula product processing	16
Restaurant & takeaway – RTE prepared in advance >4hrs	10	Meat processing – Fermented meat processing, Smallgoods processing	17
		Poultry processing	17
Processor/Manufacturer		Prepared - Ready to eat food processing	18
Beverage processing	12	Seafood processing – Mollusc processing	19
Beverage processing – small producer	12	Sprout processing	19
Canned food processing – Very small producer & high acid food	13	Sushi processing	19
Chocolate processing – Small producer	13	Vegetables in oil processing	20
Cereal processing & medium/ low risk bakery	13		
Confectionary processing	14	Food Transporter	
Fruit & vegetable processing – Small producer	16	Dry goods & beverages distributor	21
Fruit juice – Pasteurisation processing; shelf stable processing - Small business	16	Bulk flour storage distributor	21
Oils and fats processing	17	Dairy produce distributor	21
Peanut butter & nut processing – Small producer	17	Frozen food distributor	21
Salt & other low risk ingredient/additive processor	18	Fruit and vegetables distributor	21
Snack chips processing	19	Perishable, ready to eat, packaged, medium risk food distributor	21
Spices & dried herbs processing – Small producer	19	Bulk milk collection distributor	21
Baby food processing	12	Perishable, ready to eat, packaged, high risk food distributor	22
Canned food processing	13	Processed meat distributor	22
Chocolate processing	13	Seafood distributor	22
Cook-chill food – Extended shelf-life processing, aseptic packaging	14		

For more information

Food Safety and Regulation Branch
Health Protection and Licensing Services
Citi Centre Building
11 Hindmarsh Square
Adelaide SA 5000
Telephone: 8226 7100
www.sahealth.sa.gov.au/foodsafety

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Service Standards Public and Environmental Health – 2023/24

Service	Service Purpose		Service Standards	
	Legislative	Corporate	Government Codes/Agreements	Internal
Food Safety				
Food Premises Inspections	To administer Council's responsibilities under the <i>Food Act 2001</i> and Food Regulations 2017, Ensure that food premises and food handlers are complying with the applicable legislation and codes of practice and are maintaining proper standards	The health and wellbeing of our community is a priority Salisbury's businesses are successful and part of our community Salisbury is a place of choice for businesses to start, invest and grow Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	Food Standards Code Food Act MOU 2009 (the Minister for Health and Local Government) South Australian Food Business Risk Classification	Food Inspection Fees Policy City of Salisbury Enforcement Policy – Environmental Health and Safety
Customer Requests	To administer Council's responsibilities under the <i>Food Act 2001</i> and Food Regulations 2017, Enforce the relevant sections of the Food Act and Food Hygiene regulations where breaches are detected.	As above, and Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	Food Standards Code Food Act MOU 2009 (the Minister for Health and Local Government) South Australian Food Business Risk Classification	Food Inspection Fees Policy City of Salisbury Enforcement Policy – Environmental Health and Safety
Food Auditing	Implement the requirements of Food Safety Standard 3.3.1 – Food Safety Programs and undertake the required audits of all applicable premises.	As above for Food premises inspections	Food Standards Code South Australian Guidelines for Auditors of Mandatory Food Safety Programs	
Food Safety Rating Program	Alternative method to inspect premises and to administer Council's responsibilities under the <i>Food Act 2001</i> and Food Regulations 2017	As above for Food premises inspections	SA Health Food Safety Rating Scheme (voluntary scheme) Food Standards Code Food Act MOU 2009 (the Minister for Health and Local Government)	Food Inspection Fees Policy City of Salisbury Enforcement Policy – Environmental Health and Safety

Service Standards Public and Environmental Health – 2023/24

			South Australian Food Business Risk Classification	
Public and Environmental Health				
Health Premise Inspections	To administer Council's responsibilities under various Acts: - <i>South Australian Public Health Act 2011</i> - <i>Environment Protection Act 2003</i> - <i>Local Government Act 1999</i> - <i>Safe Drinking Water Act 2011</i>	The health and wellbeing of our community is a priority Salisbury's businesses are successful and part of our community Salisbury is a place of choice for businesses to start, invest and grow Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	Standards for the Operation of Swimming Pools and Spa Pools in South Australia, 2013 Guideline on the Public Health Standards of Practice for Hairdressing Guidelines on the Safe and Hygienic Practice of Skin Penetration	City of Salisbury Enforcement Policy – Environmental Health and Safety
Customer Requests – SA Public Health Act, Environment Protection Act	To administer Council's responsibilities under various Acts: - <i>South Australian Public Health Act 2011</i> - <i>Environment Protection Act 2003</i> - <i>Local Government Act 1999</i> - <i>Safe Drinking Water Act 2011</i>	As above, and Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	Standards for the Operation of Swimming Pools and Spa Pools in South Australia, 2013 Guideline on the Public Health Standards of Practice for Hairdressing Guidelines on the Safe and Hygienic Practice of Skin Penetration	City of Salisbury Enforcement Policy – Environmental Health and Safety
Customer Requests- Local Nuisance and Litter Control Act	To administer Council's responsibilities under the Local Nuisance and Litter Control Act 2016	As above	Supporting guidelines and Fact sheets supporting Local Nuisance and Litter Control Act	City of Salisbury Enforcement Policy – Environmental Health and Safety
Wastewater Control	To administer Council's responsibilities under the <i>South Australian Public Health Act 2011</i> and Regulations	The health and wellbeing of our community is a priority Salisbury's businesses are successful and part of our community Salisbury is a place of choice for businesses to start, invest and grow	On-site Wastewater Systems Code Community Wastewater Management Systems Code	City of Salisbury Enforcement Policy – Environmental Health and Safety

Service Standards Public and Environmental Health – 2023/24

		Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community)		
Legionella Control	To administer Council's responsibilities under the <i>South Australian Public Health Act 2011</i> and Regulations Note: Council regulates yet does not provide auditing services.	As above	Guidelines for the Control of Legionella, Department of Health, 2013	City of Salisbury Enforcement Policy – Environmental Health and Safety
Immunisation				
School Clinics	<i>South Australian Public Health Act 2011</i> –m requirement to support and promote immunisation	The health and wellbeing of our community is a priority Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	National Immunisation Program Schedule Australian Immunisation Handbook	Contract 11504 – Immunisation Services
Community Clinics	<i>South Australian Public Health Act 2011</i> - requirement to support and promote immunisation	The health and wellbeing of our community is a priority Members of our community receive an exceptional experience when interacting with Council We deliver quality outcomes that meet the needs of our community	National Immunisation Program Schedule Australian Immunisation Handbook School Immunisation Program Protocols, CDCB, 2015	Contract 11504 – Immunisation Services
Supported Residential Facilities				
Licensing and customer requests	To administer Council's authorisations under the <i>Supported Residential Facilities Act 1992</i>	The health and wellbeing of our community is a priority Salisbury's businesses are successful and part of our community	<i>The Supported Residential Facilities Act 1992</i> , Guidelines and Standards (DCSI, 2011)	City of Salisbury Enforcement Policy – Environmental Health and Safety

Service Standards Public and Environmental Health – 2023/24

		<p>Salisbury is a place of choice for businesses to start, invest and grow</p> <p>Members of our community receive an exceptional experience when interacting with Council</p> <p>We deliver quality outcomes that meet the needs of our community</p>		
Key Projects - Mosquito Control	<i>South Australian Public Health Act 2011</i> – Council requirement to protect, promote and preserve public health	<p>The health and wellbeing of our community is a priority</p> <p>Members of our community receive an exceptional experience when interacting with Council</p> <p>We deliver quality outcomes that meet the needs of our community As above</p>	SA Integrated Mosquito Management Strategy City of Salisbury Mosquito Management Plan	Contract 11498 – Mosquito Control services

Local Nuisance and Litter Control Complaints

Environmental Health Team	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18
General Litter - Development Pollution	59	42	24	38	30	22
General Litter - Discharge Liquid Waste	75	61	86	64	75	74
Nuisance Animal - Mosquitoes Residential	17	15	18	8	8	12
Nuisance Animals - Vermin/Rats/Mice	110	107	88	60	59	88
Nuisance Dust	30	31	28	35	33	27
Nuisance Insanitary Condition Offensive Material/Odour	24	20	17	13	22	22
Nuisance Insanitary Condition Rodents/Other Pests	15	13	12	8	15	14
Nuisance Noise Environmental Health S17(1)(a) LNL	26	8	11	8	8	0
Nuisance Odours/Fumes/Aerosols	41	56	37	45	44	30
Nuisance Smoke Combustion Heaters	24	18	22	39	29	29
Nuisance Unsightly Condition Excessive Vegetation	19	10	34	66	66	76
Nuisance Unsightly Disused/Derelict Items/Material	34	30	39	42	72	53
Nuisance Unsightly Rubbish/Waste Excessive/Unconstrained	121	118	122	109	98	91
Total Environmental Health	595	529	538	535	559	538

Community Compliance Team						
Litter Bill Posting	1	1	1	3	0	2
Litter Class A - Asbestos	1	1	1	0	0	0
Litter Class B - Glass/Syringe/Litter Cigarettes	2	1	0	1	0	3
Litter General - Litter Dumped/Thrown/Deposited	703	517	654	886	1047	928
Nuisance Animal - Offensive Odour	13	14	N/A	N/A	N/A	N/A
Nuisance Animals (other)	152	169	183	171	134	146
Nuisance Noise	108	95	85	92	91	93
Nuisance Projection Image onto Property	2	1	1	0	0	1

Local Nuisance and Litter Control Complaints

Nuisance Smoke	10	31	32	39	21	25
Nuisance Unsightly Condition Graffiti	3	6	4	7	6	2
Nuisance Unsightly Excessive Vegetation/Vacant Land	19	13	53	0	0	0
Nuisance Vibration	0	0	1	1	1	0
Total Community Compliance	1,014	849	1,015	1,200	1,300	1,200
Total Environmental Health and Community Compliance	1,609	1,378	1,553	1,735	1,859	1,738



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Enforcement Policy

Adopted by:	Council
Responsible Division:	Environmental Health and Community Compliance
First Issued/Adopted:	27 April 2010
Last Reviewed:	24 April 2023 (Resolution No. 0239/2023)
Next Review Date:	February 2025

1. Purpose

Local Government is charged with legislative responsibilities which protect individuals and the community as a whole. Council's community and customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff carry out a range of activities that aim to educate, encourage and enforce compliance with legislative requirements.

This policy outlines Council's approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken in order to:

- provide consistency in enforcement action relating to legislative non-compliance;
- ensure transparency, procedural fairness and natural justice principles are applied; and
- ensure that enforcement action is proportionate to the alleged offence.

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Enforcement activities include:

- Regular patrols of public spaces including roads, and local government land, to assess the use and activities being carried out to ensure compliance with applicable legislation,
- Regular and or routine inspections of private land, premises and facilities that must comply with legislation applicable to the premises, operators or activity being conducted,
- Inspections and investigations in response to customer requests and or complaints related to alleged legislative breaches or offences.
- Education programs and provision of a range of information to encourage community compliance with applicable laws and legislative requirements
- Issuing notices, orders, expiations or instigating prosecution to address non-compliances and generate compliance with legislative provisions.

2. Scope

This Policy is applicable to all enforcement actions and activity under legislation that is administered by Council.

3. Legislative Requirements and Corporate Policy Context

Local Government Act 1999

4. Interpretation/Definitions

None applicable

5. Policy Statements

Principles of Good Enforcement

- 5.1. Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their enforcement related work with due regard to the following principles.

Proportionality

- 5.2. A proportionate response means that Council's actions will be scaled to the seriousness of the breach.
- 5.3. Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.

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- 5.4. Attention will be focussed on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the infringement, Council will enforce the minimum action necessary to secure future compliance.
- 5.5. Prosecution will generally be used for continuous or serious offences that pose a severe risk and hazard to the community.

Consistency

- 5.6. Council will take a consistent enforcement approach in similar cases.
- 5.7. While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:
 - follow standard operating procedures wherever applicable;
 - ensure fair, equitable and non-discriminatory treatment; and
 - record any deviation from standard operating procedures along with the reasons for the deviation.

Transparency

- 5.8. Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. It will consult on and provide ready access to published standards and levels of service and performance that can be expected and be clear and open about what is expected from those on whom the law places a duty (duty holders).
- 5.9. In educating the community at large and dealing with duty holders, Council will make a clear distinction between what is legally required and what is desirable but not compulsory.
- 5.10. Staff will be open to discussing potential and actual compliance failures, before, during and after formal action has been taken.
- 5.11. When remedial action is needed Council will explain clearly and in plain language why the action is necessary. Where practicable or where required by legislation, it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision and in most cases, this is required by the applicable legislation.

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- 5.12. Where it is not practical to give notice, or where legislation requires immediate action, or where there is high risk or hazard from the offence, enforcement action will be commenced and the reasons why will be recorded in accordance with Council's Records Management investigation protocols.
- 5.13. Complainants will be advised of what action has been taken and why that action has been taken.

Authorised Officers

- 5.14. Only authorised officers/persons who are competent by training, qualification and/or experience will be authorised to take enforcement action.
- 5.15. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons for action recorded in accordance with Council's Records Management investigation protocols.
- 5.16. Officers are required to show their authorisations on demand (or as required by the specific Act they are administering).

Decision Making

- 5.17. Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance can include any or all of the following:
 - explaining legal requirements and, where appropriate, the means to achieve compliance;
 - providing an opportunity to discuss points of issue where appropriate;
 - allowing reasonable timeframes to achieve compliance
 - facilitating mediation between affected parties;
 - issuing a verbal or written warning; or
 - enforcement actions such as issuing an expiation, issuing an order/notice or instigating prosecution.
- 5.18. Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded in accordance with Council's Records Management and investigations protocols and the complainant will be advised.
- 5.19. In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:
 - the seriousness of the offence;
 - the degree of wilfulness involved;
 - past history;

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- the consequences of non-compliance;
- the likely effectiveness of the various enforcement options;
- deterrence;
- the effect on the community and other people; and
- consistency of approach to similar breaches/offences.

5.20. The following principles should be exercised when choosing an enforcement strategy:

- No discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- No political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any political group or party.

5.21. Where a personal association or relationship with the alleged offender or any other person involved exists:

- an alternative person will make decision; and
- the facts about any conflict/relationship will be recorded in accordance with Council's Code of Conduct and Records Management protocols.

5.22. Written documentation will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

Enforcement Options

No Action

5.23. No action will be taken when, after investigation, no breaches of the legislation are discovered.

5.24. It may also be appropriate to take no action when:

- the complaint is frivolous, vexatious or trivial in nature;
- the alleged offence is outside Council's area of authority; or
- taking action may prejudice other major investigations.

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Informal Action

- 5.25. Informal action to achieve compliance with legislation may include:
- offering verbal or written advice;
 - verbal warnings and requests for action; or
 - written warnings.
- 5.26. If written confirmation is required, advice from officers will be put clearly and simply.
- 5.27. The circumstances in which informal action may be appropriate include:
- the act or omission is not serious enough to warrant formal action;
 - the duty holder's past history reasonably suggests that informal action will secure compliance;
 - confidence in the individual/other body is high;
 - the consequences of non-compliance will not pose a significant risk; or
 - where informal action may prove more effective than a formal approach.
- 5.28. Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.

Mediation

- 5.29. Where practical, Council will suggest mediation. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

Formal Action - Service of Orders and Notices

- 5.30. Various pieces of legislation specify the procedures which Councils must follow, in order to:
- advise of the intention to issue an Order/Notice;
 - invite submissions with respect to the matter;
 - order a person to do or refrain from doing a thing under specified circumstances; and/or
 - issue directions specifying how the Order/Notice may be complied with.
- 5.31. Council Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/Notice and the timeframe to comply.

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- 5.32. Only in circumstances such as a threat to life or immediate threat to public health or safety or where legislation allows for immediate action, will an Order/Notice be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.
- 5.33. In most cases the person receiving the Order/Notice has a right of appeal to the appropriate court or other body as specified in the legislation such as the South Australian Civil and Administrative Tribunal if the Order/Notice is considered unreasonable. If an Order/Notice is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order/Notice.
- 5.34. Where there is evidence that an offence has been committed Council may issue an Expiation Notice or instigate a prosecution in addition to serving an Order/Notice. This will be done where it is determined that the conduct of the recipient and the nature of the offence justifies taking both steps.

Action in Regard to a Default

- 5.35. Failure to comply with an Order/Notice will incur further enforcement action such as expiation or prosecution.
- 5.36. Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, Council may undertake the required work. Before doing the work Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken Council will seek to recover all costs over a fair period, using all statutory means available.
- 5.37. The decision to carry out action in default will be made by the Chief Executive Officer or delegate.
- 5.38. Where an offence has been committed Council may issue an Expiation Notice or consider prosecution in addition to taking action to fulfil an Order/Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

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Service of an Expiation Notice

- 5.39. A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. There must be sufficient evidence to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.
- 5.40. The following circumstances are likely to warrant an Expiation Notice:
- Direct breaches of legislation administered by Council, where the nature of the offence is recurrent and requires continual enforcement action;
 - Direct breaches of legislation administered by Council where the officer has considered amongst other relevant factors, the factors listed in Clauses relating to Decision making.
 - Failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
 - Failure to comply with the requirements of an Order/Notice;
 - Confidence in the individual/other body is low; or
 - A written warning has been given for a similar offence.

Prosecution

- 5.41. A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt. The following circumstances are likely to warrant a prosecution:
- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
 - the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
 - a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
 - a failure to comply with the requirements of an Order/Notice;
 - an established and recorded history of similar offences;
 - an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
 - the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.
- 5.42. Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

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- 5.43. Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.
- 5.44. A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:
- whether the offence was premeditated;
 - the need to influence the offender's future behaviour;
 - the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
 - the availability and efficacy of any alternatives to prosecution;
 - the prevalence of the alleged offence and the need for deterrence, both personal and general;
- 5.45. The final decision to prosecute will be made by the Chief Executive Officer or delegate.

Civil Penalties

- 5.46. New enforcement tools introduced via legislative amendments and within new legislation allows greater flexibility in dealing with contraventions by recovering a civil penalty in respect of a contravention, as an alternative to criminal proceedings.
- 5.47. The civil penalty may be recovered either by negotiation with the alleged offender or by application to the appropriate Court. The benefit of this tool is in situations involving a breach of the Act which is serious enough to warrant some form of statutory compliance action (i.e. over and above a formal warning), and there have been costs incurred or penalty is appropriate, but is not serious enough to warrant a criminal prosecution or civil enforcement proceedings.
- E.g. this new process could be used where waste has been discharged and caused pollution incident and costs incurred by the Council to remediate the concerns, or the removal of significant tree without approval.
- 5.48. The final decision to instigate Civil Penalties will be made by the Chief Executive Officer or delegate.

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6. Related Policies and Procedures**6.1. Divisional Standard Operating Procedures****7. Approval and Change History**

Version	Approval Date	Approval By	Change
8	24 April 2023	Council (Resolution No. 0239/2023)	Minor changes to reflect legislative changes relating to Civil Penalties. Minor editorial changes.

8. Availability

8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au

8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 84068222
Email: city@salisbury.sa.gov.au

9. Review

This Policy will be reviewed:

- If a new Policy - within 12 months of a Council election and thereafter as necessary; or
- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related Policies and Procedures; or
- If deemed necessary by Council.

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Further Information

For further information on this Policy please contact:

Responsible Officer: Manager Environmental Health and Community Compliance

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