

## President's Message

Do you remember your last lightning bolt moment? That moment when something clicked in your brain and changed the way you think moving forward?

I seem to have them fairly regularly, and for my professional life they often happen on development days, or at a forum or symposium.

At the Food forum I talked about how sometimes I'll listen to a speaker and be interested, but not really convinced that this will have any impact on me long term. Then months later I'll realise, with a lightning bolt, that my thinking has shifted and it all goes back to that speaker at the forum!

The challenge lies in recognising how to adapt what you hear to your own situation and when you do the rewards can be immensely worthwhile.

Enjoy this edition of Health Focus, I look forward to seeing you at a forum, training day or symposium soon where we can look forward to many more lightning bolt moments!

**Sarah Annells**

President

Environmental Health Professionals Australia

## Upcoming Events

### Mark Your Diary Now!

**6 June @ 10:00 am - 3:00 pm** - Food SIG Meeting

**14 June @ 10:00 am - 3:00 pm** - Eastern & Southern Suburbs Regional Group Meeting

**22 June 2018** - Onsite Wastewater Forum, Ballarat

**10 & 11 May 2018** - Advanced Rural Environmental Health School. Mildura

**11 & 12th October 2018** - Symposium, Vibe Hotel, Marysville

For more events --> [EHPA Event Calendar](#) <--

## 2018 Symposium

### Call for Papers

[symposium.ehpa.org.au](http://symposium.ehpa.org.au)

Abstracts close: **30/04/2018**



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Do you know any person who:

- Has been a Member or Associate Member of EHPA for 5 or 10 years
- made an exceptional contribution to the Environmental Health profession

That person may be eligible for advancement to the status of Fellow or Life Fellow. Nominations for 2018 are due by COB 3 August 2018, and will be determined by EHPA Board resolution. Download the nomination form >> [HERE](#) <<

**EHPA Fellow  
&  
Life Fellow**



# Welcome to DoFoodSafely

This free, non-accredited online learning resource is provided by the Department of Health and Human Services to enable you to understand how to safely work with food.

DoFoodSafely, the department's award winning, free, online learning program for food handlers has just been refreshed to make the site more functional, accessible and user friendly.

New content has been added to the program, such as updated information on allergens, to strengthen learning outcomes for users. Additionally, a new feature of the program enables users to generate a named and dated certificate of completion if they successfully achieve 90 per cent, or more, correct answers on the assessment quiz.

This popular program is seen as particularly useful for job seekers and students, and can also be a fun and interesting way for current food handlers and employers to refresh their knowledge of food handling skills and food safety techniques.

Although DoFoodSafely is not an accredited program (the department is not a registered training organisation) it is often recommended by accredited courses and employers as a prerequisite for course acceptance or employment.

Future updates are planned for DoFoodSafely, with capacity for the updated program to include photos, instructional videos and podcasts designed to demonstrate the theory and practices outlined in the program.

DoFoodSafely can be accessed at: <http://dofoodsafely.health.vic.gov.au/>

# EHO Profiles

## Gillian Tattersall

### *What course did you do to qualify as an EHO?*

After finishing school I deferred for a year and then undertook the Diploma of Applied Science (Env Health), I was in the 2<sup>nd</sup> intake of the newly established Swinburne course in 1977 and females were definitely in the minority

### *Can you give an overview of the positions and councils you have worked for and any involvement in EHPA committees/SIGs etc?*

I did my work experience year at Broadmeadows City Council when Brian Hicks headed up the Health Team.

As a graduate I had no trouble in gaining a position with the City of Melbourne.

Flemington and then East Melbourne were my patch and food safety was naturally the focus of the work. Bill Maher was the Chief at Melbourne at the time and MCC was a driving force for proprietors of food businesses to have recognised competencies and skills in understanding the principles of food safety before they commenced trading.

I moved up to Maryborough after I was married in 1982 and have worked as a sole operator EHO ever since, within several of the smaller municipalities of Central Victoria.

(Pre-amalgamation: Tullaroop, Avoca, Lexton, Talbot & Clunes, Maldon, Newstead, Metcalfe, Maryborough. Post amalgamation: Pyrenees,



Ararat and Central Goldfields)

***Are there any particular highlights that have occurred during your time?***

Implementing an Immunisation program at Maldon and Newstead.

The first successful EHO prosecution involving the sale of illegal tobacco.  
A few stories where blokes didn't appreciate a woman giving them instructions!!

There was a guy living out on a bush block who didn't appreciate dealing with a woman for his septic permit who was told quite clearly, "This isn't a (expletive deleted) popularity contest mate!!" – probably not politically correct to speak to the public like that these days!

And then there was an irate old gentleman (looking back he was probably the age I am now .. but to a young EHO he seemed REALLY old!) with a collection of pigs on a rural property fronting onto a lovely creek who told me that he went to war to keep damn immigrants like me out of this country. Fortunately I'd had the foresight to take a cop with me! And he did eventually get rid of the pigs

***What significant changes have you seen in the profession during your career?***

The obvious significant changes are:

- An increased number of women who have chosen this profession.
- The increased use of technology.

What hasn't changed over the ages is the necessity for a well-developed set of interpersonal and communication skills.

***Where do you think the profession will be in the next 20 years?***

The profession will continue to be affected by advances in

technology. Compliance, mobile, automation and robotics technologies will continue to improve .... and many other changes are yet to be thought of.

However I believe there will still be a need for strongly developed communication, analytical and interpersonal skills.

There will always be a role to protect public health but I have no doubt that the profession will change.

In my view, technological advances have the potential to increase health disparities due to the affordability factor as much of the population in this world lives in dire circumstances.

Challenges to the profession include

- continuing to provide an exceptional service when there's a definite move towards a lower cost workforce as a way to save costs.
- addressing the as yet unknown risks posed by emerging/new strains such as the inordinate increase in flu during the 2017 European and Australian winter; the current listeriosis outbreak in South Africa with 967 confirmed cases and 183 lives claimed

***What is your advice to an EHO graduate that is embarking on their career?***

Have the confidence of your learning and the strength of your convictions. Find some mentors, keep your sense of humour and don't let the big tough-looking guys intimidate you (if they do ... don't let them know)!!

**EHPA Tamper Evident Tape**



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# EHPA-Maddocks Professional Excellence Awards

**The Maddocks, Young Environmental Health Professional awards recognise the achievements of our young EHOs that have displayed exceptional efforts with beneficial outcomes. The recipients of this award were nominated by their peers in recognition of their commitment to their profession and community they serve.**

**John Rantino, Partner from Maddocks presented the awards to two well deserved recipients at the Food Forum.**

## Young Environmental Health Professional 2017

### Aaron Kennett

Aaron commenced his experience in this field as a trainee EHO in 2011 with the Southern Grampians Shire Council at the age of 17 before progressing to a full authorised Environmental Health Officer, an accreditation which he has now held for 2 years.

Aaron has been involved in several key programs across a variety of environmental health disciplines. In particular I am aware of a notable project where he completed a program of onsite domestic wastewater system audits across answered townships in the Southern Grampians Shire, completing assessments, reporting and filing action plans to mitigate the ever growing public health risk from sub-standard systems in the community. This project was able to rectify a long standing legacy issue.

Aaron has developed a strong reputation with community members through consultation and close working relationships with key stakeholders across all facets of the environmental health field; this is something that he has very quickly carried

over to Glenelg Shire Council, where Aaron has been employed as the sole EHO for the past 8 months, commencing in June 2017.

During this time at Glenelg Shire, Aaron has streamlined a number of processes in many areas of the profession, including upgrading

and development of application guides for food/health premises and onsite wastewater, ongoing digitalisation of the Environmental Health Unit and internal consultation with like departments to further enhance the efficiency of local government in south west Victoria.

More recently Aaron has quickly and efficiently developed a strong skill set in the coordination and development of immunisation programs for at-risk adolescents in the Glenelg Shire Council and has successfully coordinated the vaccination of over 700 students within the past 6 months whilst coordinating

a team during the process to achieve excellent results.

Aaron's potential for career advancement is apparent and this has been evident in his transition from trainee to authorised EHO in a relatively short period. He is now coordinating an Environmental Health Unit as a solo officer and has made a



seamless transition succeeding a long term and very experienced EHO. He has demonstrated an ability to undertake the most sensitive matters such as enforcement with the approach of a more seasoned employee and displays a temperament and understanding of an experienced professional which is uncommon in an individual of his young age and exposure.

## Individual Excellence and Innovation in Environmental Health 2017

### Teresa Arnup

Teresa's Environmental Health career has spanned over 22 years, with 9 of those years at Loddon Shire Council where she is currently employed as a Senior Public Health Officer.

Teresa is responsible for all things environmental health and is the sole environmental health practitioner at Loddon Shire Council. Loddon Shire is a small rural council with a number of small communities. As an environmental health practitioner it is not uncommon to get involved in things that are traditionally not the role of environmental health, but are important health related matters within the community.

Recently, Teresa was involved with the investigation of a complaint concerning a non-compliant wastewater disposal system for a rural residential property. Commencing an investigation into the matter, it quickly became apparent to Teresa that the family residing at the property in question were living in very poor conditions.

The house was dilapidated and falling apart around them but their personal circumstances did not allow them to take the action they needed to take in order to improve their own standard of living. The investigation was made more difficult as the family owned the house they were living in but they did not own the land.



# Maddocks

Teresa's role and responsibility as a local government officer was to try and rectify the wastewater issues that was the source of the original complaint, an issue that needed to be addressed as a public health matter. But Teresa knew that this family could not continue to live in these conditions and that they needed help from someone that was willing to take an extra interest in the wellbeing of this family.

Teresa went above and beyond in her role as a Senior Public Health Officer to try and assist the family to find alternative accommodation. Teresa liaised with the landowner and DHHS to try to resolve the situation and find the family accommodation and provide the ongoing support they needed. As a result of Teresa's persistence and with assistance from DHHS/Office of Housing, the family was found more suitable accommodation and were able to relocate.

This outcome solved the complaint that she had been dealing with regarding a non-compliant wastewater system, but more importantly lead to an overall positive health outcome for this family. They now have long term accommodation and are able to receive the assistance that they require from other agencies.

**2018 Awards**  
**Nominations for the 2018 EHPA-**  
**Maddocks Professional Excellence**  
**Awards close 24/08/2018**

[Download the nomination form](#)



## The City of Greater Dandenong is responsible for registering and monitoring a large and growing number of food importers.

By **Gareth Little-Hales**, City of Greater Dandenong

Many of these importers specialise in culturally specific foods and supply culturally specific retailers, many of which are small family owned businesses.

Concern has been expressed by officers that many of the food products stored in the importer's warehouses do not comply with the Food Standards Code. These non-compliances range from nutritional panels in the American format to allergens that are not declared in the list of ingredients.

This is often seen by local manufacturers as an uneven playing field as they have to meet all of the requirements of the Code before food is released onto the market.

In the early part of 2017 Council embarked on a major sampling program in order to gauge the extent of the problem. A total of 169 samples were obtained over a 3 month period. Only nine (9) were compliant for all aspects of labelling. This represents a 95% failure rate. The failures were broken down into the following categories (some samples failed more than one requirement):

- 1.2.1 Requirements to have labels or otherwise provide information (14)
- 1.2.2 Food Identification (44)
- 1.2.3 Warning Statements, Advisory Statements and Declarations (66)
- 1.2.4 Labelling of Ingredients (40)
- 1.2.5 Date Marking of Food for sale (67)

- 1.2.6 Directions for Use and Storage (28)
- 1.2.7 Nutrition, health and related claims(9)
- 1.2.8 Nutrition Information Requirements (127)
- 1.2.9 Legibility Requirements (not tested)
- 1.2.10 Characterising ingredients and components of food (23)
- 1.2.11 Country of Origin Requirements (13)

Making a total of 431 separate instances of non-compliant labelling.

A number of these samples, when tested by the Public Analyst, were found to contain undeclared allergens. The Department of Health and Human Services (DHHS) was notified of each instance. These findings were presented to the EHPA Symposium in October 2017.

Research carried out by the City of Greater Dandenong in 2013 attempted to place a monetary value on the cost of incorrectly labelled foods. Using some fairly conservative estimates we believed that the approximate annual value of incorrectly labelled food sold through supermarkets and other retail outlets in the City of Greater Dandenong to be in excess of \$11,000,000 (\$11 million) based on 2013 retail prices (research unpublished but available upon request). Currently, councils only have limited powers for enforcement.

The City of Greater Dandenong will continue to seek further advice and guidance in order to treat local manufacturers and importers fairly and equitably.

# Restaurant fined \$87,000 for using trendy wooden boards as plates



## WOODEN boards have taken the place of plates at trendy restaurants serving hipster food - but they could be poisoning us.

A restaurant in Birmingham, England, has been charged \$87,000 for dishing up meals on “unhygienic” planks.

Ibrahims Grill and Steakhouse in Acocks Green was slapped with the fine on January 4 for failing to comply with food safety requirements, according to Birmingham City Council.

The eatery was first visited by health inspectors in October 2016 after an alleged food poisoning outbreak affecting a party of 14. A number of concerns were found, including the fact wooden boards were being used as plates.

“Officers served improvement notices requiring a remedy to the issues — and on a return visit in December 2016 it was found that whilst food handling had improved, the wooden plates were still being used,” said the city council, adding the practice could pose a risk of food poisoning.

The restaurant owner entered a guilty plea at Birmingham Magistrates’ Court and was fined \$86,582 plus \$1160 costs and \$208 victim surcharge.

Mark Croxford, the council’s head of environmental health, said: “It is completely unacceptable for

businesses to put the health of people eating at their restaurants at risk.

“The owners were given sound advice which they chose to ignore. I am pleased magistrates supported our efforts with a large fine and hope advice we give on improving businesses to protect health will not be ignored in future.”

And food safety inspectors aren’t the

only ones who hate novelty methods of serving food — from bricks to slate to oversized spoons, some diners are over the experimentation.

There’s even an entire Twitter account devoted to bringing back ceramic plates:

<https://twitter.com/WeWantPlates>

**This article was first published NEWS.COM.AU  
PUBLISHED: JANUARY 10, 2018**

# 2018 EHPA

Professional Development Symposium

## Environmental Health in a Multifaceted World

“Learning from the past, planning for the Future,  
delivering for the Community”

October 11 - 12 @ Vibe Hotel, Marysville, Vic

## CALL FOR PAPERS

[SYMPOSIUM.EHPA.ORG.AU](http://SYMPOSIUM.EHPA.ORG.AU)



weeks by the Australian Red Cross to the border of Bangladesh and Myanmar to assist with the Rohingya population movement operation. He was deployed as an emergency Water, Sanitation and Hygiene (WASH) Delegate and worked on providing safe water and sanitation facilities within the refugee camps that accommodated over 600,000 people that had fled violence in Myanmar.



**Robert Beattie, Daniella Failla and Kristy Davidson**

The Emergency Management Special Interest Group (EMSIG) will be undertaking a number of projects and actions over 2018 to ensure Public Health Professionals are skilled in all aspects of emergency management including undertaking critical roles during emergencies and contributing to planning, response and recovery activities.

Whilst EHPA will not be continuing as a Registered Training Organisation, the EMSIG will continue to provide Emergency Management learning and development opportunities for public health professions in 2018.

The EMSIG will:

- Conduct a survey of EHPA members on Emergency Management skills, training and other resource requirements
- Deliver 2 workshops in 2018 - topics will be determined following a skills and training needs analysis
- Review and update the Public Health Emergency Management Plan template and resources
- Advocate for and enhance partnerships with key emergency management stakeholder partners in regards to EHOs in emergencies

#### **EM SIG Member in action**

EMSIG Member and Corangamite Shire EHO Mark Handby was recently deployed for nine

Refer to the ABC news article link : <http://www.abc.net.au/news/2017-11-19/australians-helping-rohingya-refugees-in-bangladesh/9164374>

Below are a number of relevant subscriptions to keep you up to date with public health emergency management.

#### **CHO advisories and alerts**

<https://www2.health.vic.gov.au/about/key-staff/chief-health-officer>

#### **Subscribe to EMV newsletter**

<https://www.emv.vic.gov.au/>

#### **Australian Journal of Emergency Management**

<https://ajem.infoservices.com.au/>

#### **Councils and Emergencies Consultation Project**

The 3 phase, 4 year project looks into council's roles and responsibilities and capability and capacity in emergency management. The *Councils and Emergencies Position Paper* makes reference to Public Health, relevant for EHOs on page 18, table 2 and page 26, table 5.

<https://engage.vic.gov.au/councils-and-emergencies-consultation>

**SIG & Regional Groups are run frequently and are a fantastic resource for keeping abreast of interesting issues.**

**To find out when the next meeting is being held, check out the EHPA calendar**

<https://ehpa.org.au/events-calendar/>

**P: 03 9438 5960**

**E: [info@ehpa.org.au](mailto:info@ehpa.org.au)**

# Annual Food Forum Well Attended



*EHPA President Sarah Annells*

## The 27 February 2018 was the date set for the annual EHPA Food Forum at the Moonee Valley Race Course.

The Food Forum is organised by the Food SIG and is one of the major activities organised by the group. The MC for the day was Roger Sayce, a seasoned MC and EHPA Board Member. The Forum commenced with a welcome by EHPA President Sarah Annells. Sarah's message was 'what will you take home from today's Forum'. With a host of different topics on the program there is likely to be at least one issue that will make and impact on attendees.

John Rantino from Maddocks presented two well deserved awards for EHPA Young Environmental Health Professional. This year's award winners were Teresa Arnup, Senior Public Health Officer from the Shire of Loddon and Aaron Kennett, EHO from the Shire of Glenelg.

Pauline Maloney, Senior Policy Officer from the DHHS delivered the first presentation on Food Safety Auditing and Council Obligations. Local Government has specific responsibilities under the Food Act and have a role in the audit system. Pauline made reference to the Auditors Handbook (Edition 4) which is available from the Department's website.

Joanne Young, Health Projects Coordinator from the City of Melbourne spoke on the ongoing gluten free sampling project being conducted by Council

EHOs. Joanne previously presented at the EHPA Symposium in 2015 in conjunction with Coeliac Australia. Ongoing sampling with questionnaires and subsequent follow up has produced some valuable outcomes, increasing the awareness and responsibilities of businesses when advertising their food as gluten free.

In 2016 the City of Melbourne Health & Wellbeing Branch partnered with The Walter and Eliza Hall Institute of Medical Research, Royal Melbourne Hospital and Coeliac Australia. This collaboration has resulted in an article to be published in the Medical Journal of Australia - *Presence of gluten in gluten-free food provided by food businesses: a cross-sectional Australian study*.



**Joanne Young, Health Projects Coordinator from the City of Melbourne**

## Concurrent Department of Health and Human Services Workshops

After morning tea there were four concurrent sessions which were presented by Officers from the Department. The sessions were then repeated. Cameron Huntington, Senior Food Safety Officer provided an update on the implementation of the Kilojoule Labelling Scheme which comes into effect 1 May 2018. It will apply to chain food businesses and chain supermarkets that have 20 or more outlets in Victoria or 50 or more outlets nationally, including at least one outlet in Victoria.

Gabrielle Allen, Senior Food Science Officer gave a workshop on Preserving Food. Gary Smith, Manager Systems & Program Development discussed the food safety reforms intended in the Small Business Regulation Review. There are 4 reform areas. These include simplifying the process for a businesses to discover what is needed to start and grow a business, reduce the time taken for approvals, making it easier to understand and comply with food safety regulation and make retail leases fairer and easier to understand. EHOs are obviously affected by the reform related to businesses being able to comprehend food safety.

In regards to food safety regulation, there are a number of objectives to achieve this such as developing a single set of guidance materials to ensure EHOs work with the same instructions so there is consistent application of food law across all Councils. There are proposed changes to Streatrader and there will be review of record keeping requirements as well as providing the Food Act as a digital service.

Sally Symes, Senior Food Science Officer presented version 2 of the sampling App. Sally outlined the improvements and features of the new version such as windows compatibility, survey functionality, repopulation of fields with council data and access to photos from your camera. Version 2 is in the final stages of testing, and Version 1 will remain active for a short time to allow transition.

After lunch Karen Ferres, Manager of Food Safety & Audit from SA Health gave a very informative presentation on Cook Chill. She elaborated on the expansion on the use of Cook Chill in the food sector and the sale of Cook Chill products with extended shelf life in supermarkets. Karen

discussed warning signs when an EHO should be concerned with these products as well as the microbes- Listeria and Clostridium botulinum which are the two of most concern. Some of the parameters to be aware of when discussing Cook Chill with businesses is shelf life, cook process, chill process, storage temperatures, type of packaging, pH, water activity and salt content. South Australia is currently doing a survey to identify ready to heat Cook Chill meals and assessing the micro integrity of the food.

Joy Gregory, Principal Epidemiologist OzFoodNet Communicable Disease Epidemiology & Surveillance from the Department spoke about phage typing and Salmonella surveillance and how it relates to point source detection and outbreak detection.



**Joy Gregory, Principal Epidemiologist OzFoodNet Communicable Disease Epidemiology & Surveillance, DDHS**

John Rantino, Partner at Maddocks presented on the use of social media as an investigation and evidentiary tool. There are no express rules (yet) about the admissibility of evidence obtained from new technologies. It's important to think about the authenticity of the evidence, and having to prove the information wasn't altered and the reliability of the evidence. It is also imperative to show a chain of command when you record the evidence. During an interview you can confirm posts/account holdings. When social media becomes entrenched in our culture it then becomes accepted by the courts as evidence.

The next presentation was from Amy Holt and Amanda Turner who discussed a Norovirus outbreak that occurred at a Mothers Day luncheon on the 11<sup>th</sup> May in 2014 in the City of Boroondara. They detailed the investigation they undertook involving two clean ups and closure of the premises.

They outlined some of the learnings from the process which included confirming the person you tell the gastro clean up is the person who will be conducting the clean up and the importance of a staff illness register and labelling of samples.

The final presentation was the Compliance Project. Vanessa Healey, Food Safety Consultant from Advance Compliance provided an update of the Food Safety Assessment Project which is a risk based methodology (HACCP) for EHOs to conduct food safety assessments. The project aims to assist EHOs to refocus on risk management in a food premises and the outcome of safe food. Feedback received from Councils involved in the pilot of the project has been an improved identification of the real food safety hazards and a higher level of engagement and there has been positive feedback from proprietors and food handlers who also see the value of such a project.

Adam Lee from the Surf Coast Shire was involved in the initial trial and indicated that the assessment process is now embedded in their assessment tool. Carolyn Anderson from the City of Yarra was a second tier council. Carolyn said that they are implementing the methodology and it is an evolving process. City of Yarra was also a peer council. They assisted the City of Whittlesea in the implementation of the project. This system of peer support between councils has proved to be very beneficial and builds better relationships as outlined by Zac Osman from the City of Whittlesea.

The Forum finished at the expected time with Roger Sayce asking participants to complete a survey. The Food SIG welcomes new members. If you have a suggestion or would like to nominate a speaker for next year's forum, please contact Emily Taylor, SIG Secretary on [etaylor@geelongcity.vic.gov.au](mailto:etaylor@geelongcity.vic.gov.au)



And for the first time, these photos - taken by health inspectors and showing dirty cooking stations and rat or mouse droppings on floors and across stainless steel benches - can be shown publicly after they were obtained through freedom of information laws.

Two Nando's outlets, in Belmont and Northbridge, were among seven WA businesses fined for pest or hygiene failures last year, according to a Department of Health website.

A City of Perth officer who inspected Nando's in Lake Street, Northbridge, found the store "critically non-compliant" with health standards.

"Rat activity complaint. Extremely high rodent activity present. Cleaning and adequate pest control required," the inspector's audit found.

Photos show filthy floors, solidified grease and fat down the sides of cooking equipment, mould growing on floor tiles, exhaust vents covered

**Trevor Paddenburg | PerthNow January 21, 2018 2:30AM**

in grease, and rodent droppings on floors and stainless steel benches.

The inspection was carried out in 2016, and in February 2017 Nando's Australia was fined \$20,000 plus \$1745.50 costs for failing to maintain cleanliness standards, failing to keep equipment clean, failing to eradicate pests, and prevent them from entering the shop or being harboured on the premises.

An inspection of Nando's at Belmont Forum Shopping Centre on Belmont Road, Cloverdale, found cleanliness was "below required standards".

Photos taken by a City of Belmont health inspector show the areas around ovens, grills, fryers and sinks covered in grease and grime, and the inspector's report said the "overall standard of cleaning, including floors, walls and fixtures, must improve".

That inspection was also carried out in 2016 and for the food safety breaches at its Belmont Forum store

### WA Food Act convictions, 2017:

**Belmont Market** - \$3000 plus \$1340.35 costs for three food labelling offences.

**IGA Xpress, St James** - \$10,000 plus \$2500 costs for offences relating to used-by dates and storing potentially hazardous food under temperature control.

**Maharajah Store, Willetton** - \$12,000 plus \$1338.50 costs for cleanliness and pest-related breaches.

**West Road Deli, Bassendean** - \$15,000 for a variety of breaches related to cleanliness, temperature control and pest prevention.

**Nando's Northbridge** - \$20,000 for breaches related to premises and equipment cleanliness, plus prevention and eradication of pests.

**Nando's Belmont** - \$20,000 for failing to maintain food premises and equipment to a standard of cleanliness.

### WA Food Act convictions, 2016:

**The Curry Tree, Nedlands** - \$12,000 for failing to notify the local council of its decision to start offering pre-packaged meals.

**Nando's Nedlands** - \$10,000 for temperature control, hand washing facility and cleanliness issues.

**Woolworths, Kingsway** - \$95,000 fine for breaches, including failing to ensure that people handling food were skilled in safety and hygiene matters

**Belmont Tavern** - \$40,000 fine for not maintaining standard of cleanliness where there was no accumulation of food waste, dirt and grease.

**Little Dragon Chinese Restaurant, Warwick** - \$20,000 fine for offences including failing to meet hand-washing obligations and cleanliness issues.

**T&T Bakery, Morley** - \$13,500 in fines relating to cleanliness, maintenance of food premises and handling of food.

**IGA Willetton** - \$15,000 fine for selling food after use by date (store has changed ownership since this breach).

**Maya Masala, Innaloo** - \$105,000 for food storage, cleanliness and maintenance breaches

**Urban Turban, Cannington** - \$54,000 for not protecting food from contamination and handwashing breaches.

**Kwinana-Leda Supa IGA** - \$11,000 for cleanliness non-compliance and selling food past use by date

**Nando's, Spearwood** - \$25,000 for inadequate temperature control, unclean premises, unclean equipment and failure to maintain premises in good state of repair

**Farmer Jacks, Subiaco** - \$12,000 fine for non-compliant labelling of food, non-compliant date-marking on packaging and selling food after use by date

**Subidoo, Subiaco** - \$40,000 fine for falsely prescribed food which it ought to have known might cause physical harm to a consumer relying on the description.

Nando's Australia was fined \$20,000 plus \$1745.50 costs in February 2017.

Nando's outlets at Spearwood and Nedlands have previously been convicted of health breaches.

A Nando's spokeswoman said the food chain was "obviously very disappointed with these convictions" and said the food safety issues were "immediately rectified".

"In the last 16 months we have implemented and maintained a number of measures to ensure ongoing compliance. This has included the retraining of management and staff so they fully understand our food safety practices and follow the approved Nando's cleaning and maintenance guidelines and requirements," she said. "We have also increased this focus across our other restaurants to remove likelihood of re-occurrence."

The spokeswoman said the Northbridge and Belmont Forum restaurants "have had a number of subsequent inspections from relevant local council authorities which have all been compliant".



# Court considers the meaning of a ‘bedroom’ in a rooming house case

By Ian Pridgeon, Marcus Heath, Daniel Silfo, Elizabeth Flanagan, Angelina Bell

## Magistrates’ Court affirms Improvement Notice issued under the Public Health and Wellbeing Act

### Background

The applicant, being an operator of a rooming house in the City of Casey lodged an appeal to the Dandenong Magistrates’ Court against an Improvement Notice issued pursuant to section 194 of the Public Health and Wellbeing Act 2008 (“PHWA”).

The operator had divided a 21m<sup>2</sup> room into four separate bedrooms with fixed partitions. The operator referred to the rooms as Pods (“Pod”). Each Pod measured approximately 3.7m<sup>2</sup> and contained a bed, bedding, a wardrobe, a television and were separated by walls which were nearly to the ceiling. A lockable entry door was provided to each Pod.

### The Improvement Notice

Regulation 17(2) of the Public Health and Wellbeing Regulations 2009 (“PHWR”) provides that a ‘proprietor of prescribed accommodation must not permit a room in the prescribed accommodation to be used as a bedroom if it has a floor area of less than 7.5 square metres’. Council officers formed the view that each Pod was a bedroom and as each Pod was 3.7m<sup>2</sup>, each did not meet the requirements of regulation 17 of the PHWR. An Improvement Notice was issued which required the operator to:

cease using the Pods as bedrooms;  
ensure all bedrooms used within the rooming house have a minimum floor area of 7.5 meters squared or greater; and  
notify Council upon completion to arrange an inspection.

### Grounds of Appeal

The operator lodged an appeal against the issue of the Improvement Notice with the Dandenong Magistrates’ Court and sought an order for the Improvement Notice to be revoked on the following grounds:

- that the demountable partitions are not walls;
- that the demountable partitions do not go from the floor to the ceiling to make a wall;
- the demountable partitions and doors are free standing under its own weight;
- the partitions are not affixed to the walls of the room to any extent with screws, nails, bolts or plaster; and
- the demountable partition system can be easily removed without causing damage to the property/room walls.

### Magistrates’ Court Decision

The matter proceeded before His Honour Magistrate Shultz who had to decide to affirm or revoke the Improvement Notice. Council was represented by Russell Kennedy Lawyers and the operator represented herself. The Court heard submissions from each party and a Council officer gave evidence.

The terms “room” and “bedroom” are not defined in the PHWA and PHWR. The ordinary meaning of each word was put to the Court from the definitions contained in the Macquarie Dictionary. In the Macquarie Dictionary, a “room” is defined in the appropriate context as “a portion of space within a building or other structure, separated by walls or partitions from other parts”. A “bedroom” is defined in the Macquarie Dictionary as “a room set aside to sleep in”.

After hearing evidence and submissions, the Court applied these definitions and determined that each Pod was a bedroom. In making the decision, the Magistrate applied the “duck test” in that if it looks like a duck, swims like a duck, and quacks like a duck, then it is a duck and applied this to a bedroom.

His Honour Magistrate Shultz said that in his views the Pods were occupied as a bedroom, they

consisted of a confined space, contained a bed and had all the usual equipment contained in a bedroom. As each Pod was found to be a bedroom they were also found not to be compliant with the PHWR in that they were each approximately half the size they should be. The operator was ordered to comply with the Improvement Notice within 60 days.

Please contact our Enforcement team should you require any further advice: Ian Pridgeon, Marcus Heath, Daniel Silfo, Elizabeth Flanagan and Angelina Bell.

**This article was first published rk.com.au  
PUBLISHED: 12 December 2017**

# Kilojoule Labelling Scheme

**The introduction of a kilojoule labelling scheme in Victoria will provide Victorians with information about the energy content of the food they buy and help them take steps to reduce their energy consumption and improve their health and wellbeing.**

Businesses captured by the legislation will need to display kilojoule information for standard food items and the statement 'the average adult daily kilojoule intake is 8,700 kJ'.

The *Food Act 1984* will be amended to incorporate the Kilojoule Labelling Scheme and the new provisions will come in to effect on 1 May 2018.

## Who is required to display kJ?

Large chain food businesses (and supermarkets) with:

- 20 or more premises in Victoria, or
- 50 or more premises in Australia

and where at least two of these premises sell:

- the same 'standard food item'

and:

- operate under franchise agreements, or
- operate under the same trading name or brand or trade mark, or
- are under common ownership or control.

The Department of Health and Human Services' Food Safety Unit will maintain a list of chain

businesses which are included in the scheme.

A Kilojoule Labelling Scheme guide for local government will be released soon and will provide further explanation regarding which foods are standard food items, which foods are exempt and some specific business types that are exempt from the legislation.

Until the guide is released, local government can find further general information about the scheme on the department's website at [Kilojoule Labelling Scheme](#), or by calling the Food Safety Unit on 1300 364 352.

A link to the legislation is also available from the website and councils are encouraged to read the legislation prior to the commencement of the scheme on 1 May 2018.





# Loddon Mallee Regional Group

By Bernadet Ferraro

On the 9<sup>th</sup> February, 2018 I had the great pleasure to attend the Loddon Mallee Regional Group Meeting in Mildura, and I can only say what a great group of very committed EHO's they are.

The Group Secretary, George Bendigo (Greater Bendigo), had organised a great program and we had a range of guest speakers. These speakers included OPLE Michael Lindeman who spoke to the group about the duties and responsibilities that OPLE's would handle, Dale Hutchinson who spoke on Mosquito Management, and Phillip Mazzarella and Stefan Pittari (OMIC) who had driven up from Melbourne to address the Group.

We really have to say a big thank you to the guys at OMIC for their willingness to travel across Victoria to address our Regional Groups, they certainly seem to get around and it is much appreciated.

It was at this meeting that we came up with ideas for the Advanced Rural Environmental Health School to be held in Mildura next month (10 & 11

May). After a robust and at times hilarious discussion we came up with a number of issues that are important to Rural EHO's and from there we formed a committee, fleshed out what was possible to do and came up with a program.

Of course, in the beautiful surrounds of the mighty Murray River, there could only be one end to the day and that was a dinner cruise on the paddle steamer Rothbury. As the sun set over the river (no mosquitos so whatever they are doing is working) it was time to wind down and enjoy the company.

A big thank you to George Baker and the team at Mildura for organising this meeting.



**Group Secretary George Baker**



