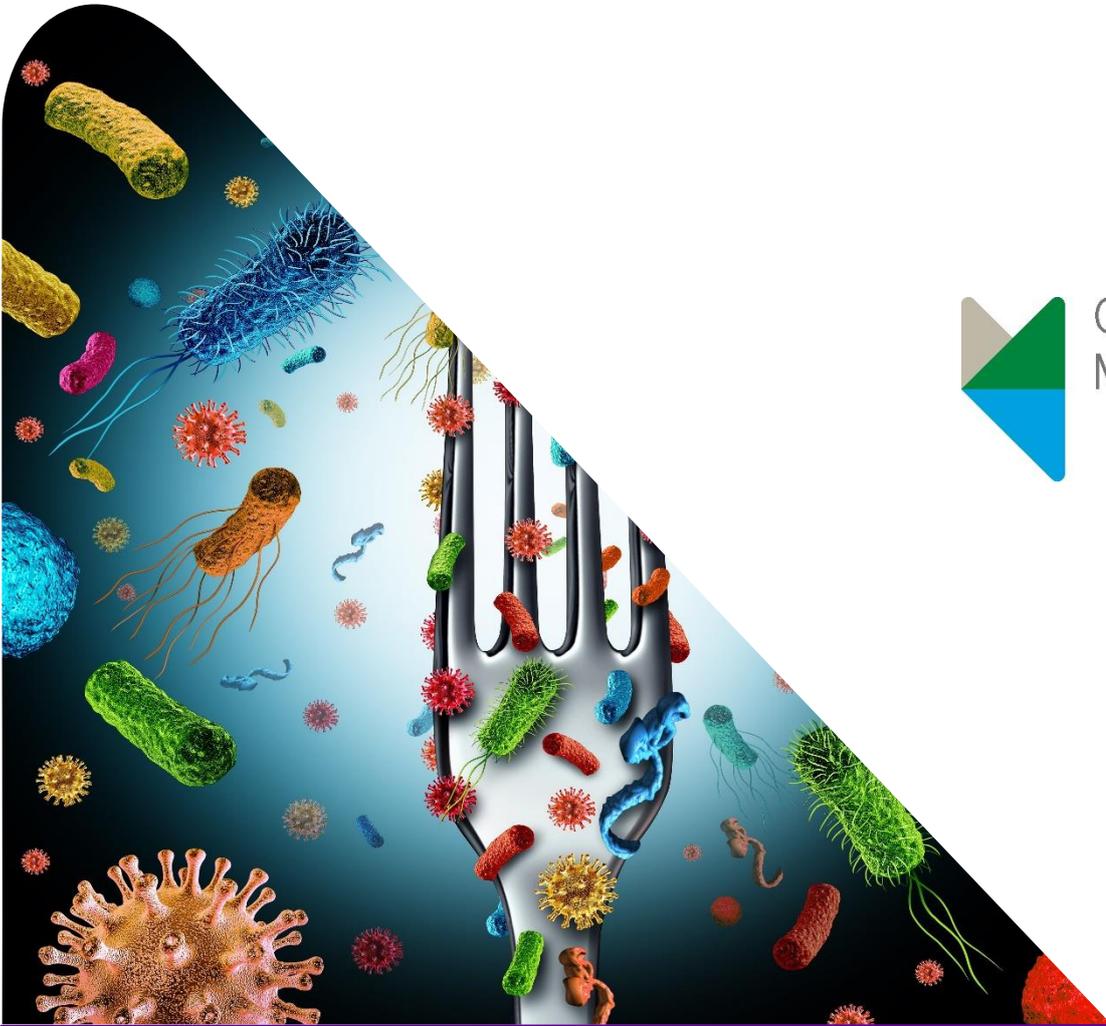




City of
Mount Gambier



Food Safety Complaint Kit

Environmental Health

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1. **ENVIRONMENTAL HEALTH**

1.1 **Introduction**

Environmental Health – The interaction between the environment and the health of populations of people. The balance between people and the environment.

This includes the safety and prevention of communicable disease, injury and harm to the community. Food safety, suitable food and steps to reduce the incidences of preventable illness, injury and disability are the aim of related Acts and Regulations administered by Council's Authorised Officers. Council is limited by the powers it can exercise within the legislation in which it is the relevant authority. Other agencies maybe the relevant authority and your referral to them may be required. This includes, but not limited to raw meat products / egg production to Biosecurity – PIRSA, tobacco and labelling issues to SA Health.

The introduction of the *SA Local Nuisance and Litter Control Act 2016* clears confusion for reporting such issues as noise, odour and dust. If the nuisance is from an EPA licenced activity the report is to be made to the EPA. Other complaints relevant to *SA Local Nuisance and Litter Control Act 2016* are not captured under this document.

Our community is made up of people who are at different stages in their lives and who have different life experiences, beliefs and expectations. Therefore, your neighbour or service provider may have a different way of living or operating than you would live or provide a service. When the issue is related to the domestic environment issues may only be addressed by Council if they trigger a breach in the relevant legislation (see 1.2).

Service providers who are captured by the legislation are required to comply and Council conducts regular inspections to check on compliance or receives independent audit reports from the relevant sectors.

1.2 **Aim of the kit**

This tool kit is aimed to assist with complaints that are of an Environmental Health nature and are captured under the ***Food Act 2001*** and the associated Regulations, Standards, Codes and Guidelines such as:

- Unsafe and unsuitable food
- Unhygienic food
- Unsafe and sanitised/unsterilised equipment in the food industry

1.3 **Complaints not relevant to this document**

Due to different legislation, delegation and authority requirements the following complaint types are regulated by Council's:

General Inspectors

- Animal keeping (*eg chickens, dogs*) - See barking dog complaint kit at Council if relevant
- Bees / wasps
- Long grass / vegetation – see long grass assessment scale on Council's website
- Abandoned vehicles
- Please note there are no laws on cat numbers

Planning Officers - Nuisance (unsightly) properties

If your complaint falls within the scope of the General Inspectorate or Planning categories this document is not applicable and the relevant Council Officers should be contacted.

2. HOW TO GET RESULTS – WHAT CAN YOU DO?

2.1 Your complaint check list

- Is the complaint your experience?
Cannot be “here say” from another person or a social media post (eg Facebook).
- Is the issue or source within the City of Mount Gambier Council area?
Officers can only investigate complaints within City of Mount Gambier Council area.
- Is it regarding Food Safety as prescribed in section 1?
If yes, read on. If no, refer to relevant department or agency.
- Is it regarding Public Health as prescribed in section 1.2?
If yes, refer to the Public Health complaint kit.
- Is the issue or source in a domestic or business environment?
Refer to relevant sections.
- Is it a new complaint?
If no, what has changed to trigger another investigation? If nothing has changed no further action will be taken.

2.2 Food safety in food businesses

If it is a food safety complaint please refer to the Food Complaint form in this kit and lodge with Council. If the complaint is alleging food poisoning, confirmation from a medical practitioner is recommended as the type of bacteria can assist the investigation with identifying likely food type. Food poisoning symptoms can take anything from minutes and/or up to 3 months to exhibit depending on the bacteria type. Food in the home is also a known source of food poisoning and must be considered before completing the form.

Inspections are conducted by authorised officers to check on compliance. Extensive information on food safety is available from various websites and Council. See the resources list in this kit for details.

3. LODGE A COMPLAINT WITH COUNCIL

If after reading all relevant sections of this kit you wish to proceed then forward your completed Complaint form (see below) and attachments (eg diary if required, assessment scale, photos) to:

Environmental Health
City of Mount Gambier
P O Box 56
MOUNT GAMBIER SA 5290

Email: city@mountgambier.sa.gov.au
Phone: (08) 8721 2555
Fax: (08) 8724 9791
Or in person at 10 Watson Terrace, Mount Gambier

3.1 FOOD COMPLAINT

Food that is for sale or prepared for sale, whether it be an exchange for money, services, fundraising or a one time event (*see Food Act 2001 for complete definition*) must be safe and suitable. If you have experienced a breach please complete the food complaint form which must be signed and dated. Consumers are encouraged to speak with the food business in the first instance. An authorised officer will initiate assessment of the complaint within 3 working days unless extenuating circumstances occur. Please indicate on the form if you wish for the investigating officer to contact you with the outcome of the investigation. Details of the investigation will not be discussed with the complainant.

4. **WHAT WILL COUNCIL DO?**

Council's will:

- a. Initiate assessment of the complaint form and attached evidence eg photos, assessment scales within 3 working days unless extenuating circumstances occur.
- b. Contact the complainant and acknowledging the complaint has been received by Council and advise the assigned customer request number (CRM).
- c. Check history of implicated property/business/service provider.
- d. If applicable, confirm that other residents are being affected and possibly ask them to fill out a complaint kit.
- e. If not a service provider complaint, advise the implicated person of the formal complaint and discuss possible solutions and strategies they can implement. Inform the owner of their responsibilities.
- f. Inspections may be undertaken on domestic property if deemed necessary as part of the assessment. This may include access to the complainant's property and photos / videos maybe taken and interviews conducted.
- g. If a service provider is implicated and potential breach to legislation / guidelines is identified Council may conduct an unannounced compliance inspection and advise the responsible person of the alleged nature of the complaint.
- h. Council may request further information to be provided.
- i. Council may have powers to expiate (*fine*) or serve a Notice or Order (*a legal document*) to take reasonable steps to mitigate the Environmental Health issue, depending on the complaint type.

If Council believes that there is a genuine problem and the implicated person / service provider is cooperative, the authorised officer will work with them to help resolve the issue. This may mean referring to other agencies.

5. **WHAT HAPPENS IF THE RESPONSIBLE PERSON DOESN'T COOPERATE?**

If the responsible person refuses to cooperate the process becomes more formal.

Depending on the complaint type, Council may have power to expiate (*issue fines*) or to serve Notices or an Order (*a legal document*) served on the owner / occupier / service provider to take all reasonable steps to abate the nuisance / issue or comply with legislation / guidelines.

This is in accordance with the provisions of the SA Food Act 2001. The person(s) who the legal document has been served have a right to appeal an expiation fine, Notice or Order.

If the Order is implemented and subsequently contravened, the City of Mount Gambier Council can take steps to give effect to the Order.

6. **LEGAL ACTION**

Legal Action is only considered if all other avenues have failed to resolve the issue.

Council may commence legal action if;

- a. The alleged offender is not complying with legislation and Council's requests and;
- b. The complainant (you) is prepared to support their evidence in Court.

If, at any time, Council believes that you are not taking an interest in the complaint and have not undertaken what Council has reasonably requested of you, the complaint review process may be terminated and you may have to take civil action to seek a remedy (at your cost).

Legal action is not automatic and is dependent on a legal assessment of each case with the level of evidence provided. Should Court action proceed you may be required to appear as a witness. At this time, if you do not wish to proceed, Council may terminate its investigation and all actions in this complaint.

It may also take time to obtain a hearing date at Court, during this time it is important, if applicable, to keep an up to date record of the issue and the affect it has on you. The relevant complaint form must be completed in full, signed and dated and then returned to the Council so an assessment can be undertaken.

7. **PRIVACY**

The City of Mount Gambier is collecting personal information on the form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to any other party except as required or allowed by Law (see *relevant section in the aforementioned Acts*). If the information is not provided action may not be taken by Council.

8. **RESOURCE LIST**

The comprehensive list below is not exhaustive of related sources of information and does not replace independent research. Please refer to the following resources relevant to your complaint type before completing a complaint form.

Food Safety

- SA Food Act 2001 & SA Food Regulations 2002
- Australia New Zealand Food Standards (Code)
- Food Safe Guidelines to the Food Standards
- Food Safety Bulletins, Fact Sheets and City of Mount Gambier Food Safety Newsletters
- SA Health – You’ve got what? A list of communicable diseases, symptoms & prevention advice
- I’m Alert - Online Food Safety Training tool - available on Council’s website or by borrowing a CD rom from the Mount Gambier Library

The above information and more can be found at the following websites

- www.foodstandards.gov.au
- www.legislation.sa.gov.au
- www.lsc.sa.gov.au
- www.mountgambier.sa.gov.au – Under Services/Regulatory tabs see Food Safety
- www.sahealth.sa.gov.au



FOOD COMPLAINT FORM

Council operates under the South Australian Food Act 2001 and is responsible for investigating food business and food poisoning complaints that arise within the City of Mount Gambier council area and may follow these up with implicated premises.

If you wish to report an alleged breach or suspected case of food poisoning by a food business please read the **Environmental Health - Food & Public Health Complaint Kit**. If you then want to submit a complaint completes this form and return to Council (details below).

COMPLAINANT DETAILS	
<i>*Required fields for lodging a complaint</i>	

Name*:	
Address:	
Contact Number*:	
Email Address:	

FOOD BUSINESS DETAILS	
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Trading Name:	
Address:	

COMPLAINT TYPE	
<i>Please tick which category best describes your complaint.</i>	

<input type="checkbox"/> Foreign matter in food	<input type="checkbox"/> Unclean premises
<input type="checkbox"/> Poor personal hygiene/food handling practices	<input type="checkbox"/> Insects/pests observed in premises
<input type="checkbox"/> Storage or rubbish/ recycling	<input type="checkbox"/> Labelling issues
<input type="checkbox"/> Microbial contamination (i.e. mould, fungus, rot)	<input type="checkbox"/> Presence of chemicals
<input type="checkbox"/> Alleged food poisoning (go to next page and complete)	<input type="checkbox"/> Presence of allergens
<input type="checkbox"/> Other (please state): _____	

COMPLAINT	
<i>Not alleged food poisoning - please go to next page and complete</i>	

Date of alleged incident:	
Description of complaint:	<hr/> <hr/> <hr/> <hr/>
Did you raise complaint with Management?	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No
Evidence (i.e. photo, receipt, remaining food sample, food packaging, labelling)	Please supply evidence to Council with your completed complaint form. Evidence supplied: <input type="checkbox"/> Yes <input type="checkbox"/> No Description: _____ <i>Note if evidence is provided (i.e. packaging) this will not be returned.</i>

Please sign and date declaration on the back of this form to complete your complaint and submit to Council.

ALLEGED FOOD POISONING	
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Common food poisoning bacteria such as Salmonella and Campylobacter have an incubation period of 2-5 days from the time food is consumed until onset of symptoms. It is not always the last meal that you

ate which has made you feel unwell. You must consider all meals you have consumed in the last 5 days (including meals at home) as a potential source of the alleged food poisoning. After careful consideration, if you believe there is potential for a food business to be linked with your case of alleged food poisoning, please complete this form and submit to Council.

It is also strongly advised that you visit a doctor to gather a clinical diagnosis as to the cause of your illness, which can be determined by providing a stool sample for analysis. Different food poisoning bacteria display different symptoms and incubation periods, and are often associated with different foods. A confirmed diagnosis will assist officers with their investigation.

Details of suspected meal: <i>i.e. chicken burger: made to order or held hot in bain marie</i>	_____		
Is there remaining food from the suspected meal?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No	
	<i>*please keep refrigerated until contacted by Council</i>		
Meal purchased:	Date: _____	Time: _____	
Meal consumed:	Date: _____	Time: _____	
When did you become ill?	Date: _____	Time: _____	
Symptoms suffered: <i>Please tick relevant symptoms</i>	<input type="checkbox"/> Diarrhoea	<input type="checkbox"/> Bloody diarrhoea	<input type="checkbox"/> Vomiting
	<input type="checkbox"/> Stomach cramps	<input type="checkbox"/> Nausea	<input type="checkbox"/> Allergic reactions
	<input type="checkbox"/> Fever / chills	<input type="checkbox"/> Other: _____	
	Duration of symptoms: _____		
Was a Doctor consulted?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Diagnosis: _____		
Was a stool sample taken?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Have results been received?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, please state confirmed bacteria.	Food poisoning bacteria: _____		
Have you recently consumed untreated rainwater?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Did any other persons consume suspected meal?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure

<i>I hereby declare that the above information I have provided is true and correct.</i>			
Name:	_____		
Signature:	_____	Date:	_____

Please return to Council:

Email or	city@mountgambier.sa.gov.au
Postal or	PO Box 56, Mount Gambier SA 5290
In Person	Civic Centre, 10 Watson Terrace, Mount Gambier

For further information please see Council's website (www.mountgambier.sa.gov.au) or contact Council's Environmental Health staff on 08 8721 2555.