

The Future of Food Safety Regulation in Victoria MAV Submission

October 2025



The voice for
local government

No one understands the challenges and opportunities facing Victoria in the 21st century better than local councils. From rapidly evolving technology to social changes, shifting economies to environmental pressures, our local communities and the governments that represent them—are at the forefront of multiple transformations happening simultaneously.

As the peak body for the Victorian local government sector, the Municipal Association of Victoria (MAV) offers councils a one-stop shop of services and support to help them serve their communities.



ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional custodians of the land on which we live. We recognise their continuing connection to land, waters and culture and pay our respects to their Elders past, present and emerging.

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1 Executive Summary

The MAV welcomes the Victorian Government's commitment to modernising Victoria's food safety regulatory framework so that it adequately protects public health and at the same time supports local businesses in producing and serving food which is safe to eat, not only locally but is also suitable for export to the rest of the world.

Bringing food safety functions together in the new regulator Safe Food Victoria is welcome in principle, as there are considerable benefits which can flow from consolidating technical and research insights to the conditions and treatments required for food to be safe alongside oversight across regulators. The opportunities for greater efficiencies for the benefit of local businesses is recognised and supported.

The MAV also notes the important value regulation plays in providing assurance to consumers that food they purchase is safe to eat, and its role in reducing significant health-care and loss of productivity from food-borne illnesses. Food Standards Australia New Zealand (FSANZ) has identified that foodborne disease costs Australia \$2.81 billion each year¹. Calculated as a percentage of population, the costs to Victoria are in the realms of \$0.7 billion annually.

Detailed planning and design ahead of implementation is imperative, given the span of agricultural, manufacturing, processing and retail activities being regulated across a very diverse range of food businesses from tiny home-based businesses to large industrial scale operations. Phasing the reforms relating to changes to councils makes sense, given their broad regulatory remit across more than 100,000 fixed, mobile and temporary food premises, the majority of which are small to medium sized businesses.

Detailed consideration also needs to be given to the regulation of premises preparing food for vulnerable groups in the community, such as hospitals and aged care facilities.

The MAV and the local government sector recognise the benefits for business, the community and for the councils themselves of harmonisation and process improvement. However it is important to recognise that councils vary significantly in size and scale across the state. The implications of this inherent diversity must be understood and acknowledged when considering options for streamlining and harmonising local government regulatory activity. The fact that local approaches are by design there to address local, community level needs means that some level of inconsistency is both inevitable and desirable.

Technology opportunities are immense, and it makes sense for a joined-up project across all regulators to commence immediately, to maximise opportunities for the design and operation of the new single regulator Safe Food Victoria. The local government sector is keen to explore opportunities arising from emerging technologies, and working with world-class industries such as Victoria's meat, dairy and seafood industries.

Key to implementation is that there is up-front agreement about principles, protocols and processes, with the benefits and outcomes clearly understood. Safe Food Victoria's governance model also should have a mandated obligation to consult and involve local government in its decision-making processes, including Board representation. Clarity is also sought about the role of the Department of Health and the Chief Health Officer and their continued connections to local government in communicable disease investigations and other public health regulatory activities and priorities delivered by councils.

¹ FSANZ report [The annual cost of foodborne illness in Australia by food commodities and pathogens](#), September 2024

A summary of MAV's recommendations is set out below.

Summary of recommendations

Regulatory approach:

1. The following principles must underlie changes to food safety regulatory requirements:
 - That the benefits to community from a well-regulated food sector are articulated, including the positives of good reputation and trust that food produced and sold in Victoria is safe.
 - The differences in scale, capacity and financial sustainability between councils need to be acknowledged and factored into the development, implementation and review of any reform program.
 - Any changes which councils are expected to deliver must be practicable to implement and without an additional cost burden to councils. Driving regulatory costs downwards must not be at the expense of councils having to subsidise the regulation of food businesses.
2. Regulatory design would benefit from a dedicated local government position being commenced immediately so that a local government perspective can inform developmental work as the functions of PrimeSafe, Dairy Food Safety Victoria and Agriculture Victoria are amalgamated within the new regulator.

Governance

3. Support the remit for the new Board of Safe Food Victoria to focus on administration and governance.
4. Develop mechanisms for an appropriate monitoring and reporting framework that has regard for council requirements and their implementation capacity.
5. Include a designated local government position on the Safe Food Victoria board.
6. Establish an implementation local government consultative committee to bring an operational place-based perspective to regulatory activities across the state.
7. Provide clarity about the role of the Department of Health and the Chief Health Officer in supporting and working with councils directly on communicable disease investigations, not all of which are known to be food-borne in the first instance.

Role of councils:

8. Develop a protocol setting out the consultative processes which will be utilised in the development of Food Safe Victoria requirements which materially impact councils.
9. Have one line of reporting to a state agency, with future requirements also satisfying the needs of the Local Government Performance Reporting Framework.
10. Safe Food Victoria to provide reports back to council to inform local responses and areas where targeted effort may be required.
11. Establishing a single application process for all food businesses would be a worthwhile early investment to reduce duplication, improve data quality and enable real-time surveillance while also being user-friendly and accessible to food businesses.

Funding:

12. That opportunities for better use of technology are explored to identify improved ease for business compliance with regulatory requirements and cost-saving efficiencies.
13. Councils retain their ability to set their own fee levels if they are to continue to be a registering authority.

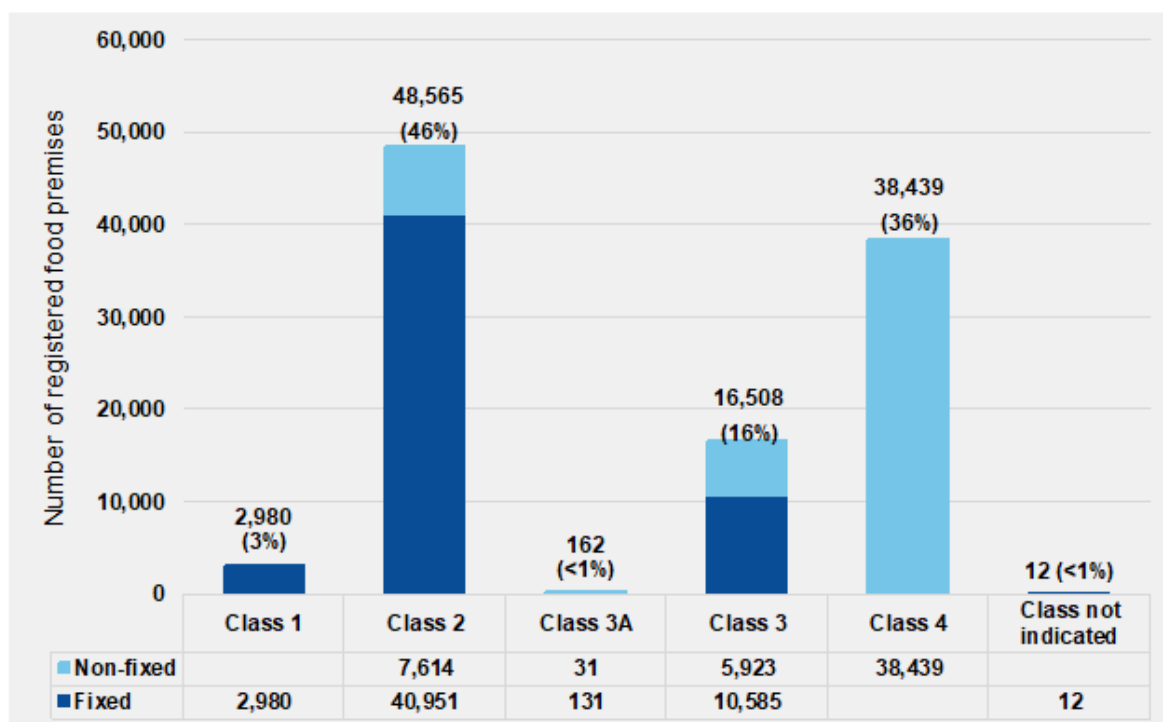
2 Background/context

Under the *Food Act 1984*, councils are the regulator responsible for the registration of food premises not covered by meat, seafood and dairy regulators PrimeSafe and Dairy Food Safety Victoria and Agriculture Victoria, and other enforcement actions, such as education, food sampling, surveillance and complaint follow up. In 2023 councils registered 106,666 food premises, comprising 54,659 fixed food premises and 52,007 temporary and mobile premises².

Councils are the front line for retail and food-service regulation under the Food Act, and they also underpin communicable-disease control, sampling and recalls in partnership with the Department of Health. This integrated role, spanning the *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Tobacco Act 1987* and other statutes, delivers cost-effective community protection by combining inspections with education and rapid local response.

Reducing red tape and streamlining regulation is most effective when delivered in partnership with local government, which has connections with local businesses and can provide a single, accessible point of contact for a range of regulatory functions, including local laws.

Figure 1: Number and proportion of food premises by class defined in the Food Act 1984



Note: Class 1 is the highest classification based on risk, including hospitals, aged care services and other food premises preparing or serving food to vulnerable people. Class 2 is the majority of fixed premises where there are risks needing careful management. Class 3 covers lower risk foods, Data does not include lower risk Class 4 fixed premises.

² Food Act Report 2023, Victorian Department of Health, p6

There are two major strategies used by councils to manage legislative compliance by business:

- Registration management strategies – these consist of a range of business services relating to the establishment of new food premises, the transfer of registration when businesses are bought and sold, and the annual renewal of registrations for food businesses.
- Food safety monitoring strategies – consisting of a range of business and community services aimed at ensuring that businesses are operating in compliance with the legislation and that the community is protected from the sale of unsafe food.

Business services include inspections of premises, community services include food sampling and analysis, investigation of food safety and food borne illness complaints, and facilitation of food recalls required by the Department of Health.

Councils' place-based knowledge supports a risk managed approach to regulation, and enables effort to be prioritised to activities presenting the highest risk of food-borne illness. Councils will often practice an education-first approach which helps business owner compliance through on-the-ground education, particularly with non-English speaking proprietors and those with different cultural approaches to food preparation, ahead of more strenuous regulation via imposition of fines and prosecutions.

Councils are required to report quarterly to the Department of Health, and annually to Local Government Victoria for the Local Government Performance Reporting Framework.

Each municipality in Victoria is different. They vary in terms of their geographic size (8 to 22,000 square kilometres), population (3,000 to over 230,000 people), population growth (from small declines to annual growth of 12 per cent), socio-economic profile, budget (approximately \$6 million to approximately \$312 million), resources, skills and capacity, as well as the range of issues their communities expect councils to prioritise. The number of food premises also varies across the state.

Under the *Public Health and Wellbeing Act 2008* councils also have other public health regulatory responsibilities relating to public health registrations, including registering prescribed premises such as rooming houses, accommodation, beauty and other premises undertaking activities which can impact public health and spread of infectious disease. They also respond to public health nuisances, including management of waste and noise, and directions from the Chief Health Officer and/or Secretary of the Department of Health. Councils environmental health officers are also authorised under other legislation, including the *Tobacco Act 1987*, *Environment Protection Act 2017* and *Residential Tenancies Act 1997*.

In the past there has been an MOU between PrimeSafe, Dairy Food Safety Victoria, MAV and the Department of Health setting out the roles of the parties to streamline interactions with premises impacted by multiple regulators. Jurisdictional issues will no doubt continue to require clarification where council activity is involved. For example, council's enforcement of the nuisance provisions under the *Public Health and Wellbeing Act* will continue to intersect with premises regulated by Safe Food Victoria, such as meat and seafood retailers. Councils will also continue to enforce relevant local laws, such as footpath trading and other matters depending on the location and issues being addressed.

Councils' insurances are not covered by the Victorian Government's insurer the Victorian Managed Insurance Authority. Instead, councils rely on the general insurance market for their insurance cover. Currently MAV Insurance is the main Public Liability and Professional Indemnity insurer of Victorian councils.

3 Local government-specific issues requiring consideration

This section responds to the following fact sheets provided as part of the Victorian Government’s fact sheets, in particular:

1. Regulatory approach
2. Governance
3. Role of local government
4. Funding.

3.1 Regulatory approach

Councils are uniquely positioned to deliver food safety regulation that is both robust and business-friendly. As the level of government most attuned to local food businesses, shopping strips and precincts, councils combine their statutory role with a strong economic development perspective. This enables councils to provide tailored, place-based support to businesses navigating compliance, integrate food safety with broader economic development initiatives and reduce regulatory burden

As the tier of government closest to the community, one of the great strengths of local government is its ability to tailor the development, administration and enforcement of regulation to meet the needs and contexts of local communities. In providing local government with the power to create local laws and the responsibility to administer and enforce numerous State Regulations, the State has recognised that some matters cannot or should not simply be managed in a one-size-fits-all type approach.

There are also significant benefits to business associated with access to local advice. The differences between councils in terms of their priorities and their geographic size, population density, social demographics, resources and capacity means that some level of inconsistency between councils is both desirable and inevitable.

Councils’ economic development teams work hand-in-hand with environmental health officers to ensure that food safety regulation is not a barrier to business, but a platform for local economic vitality and community wellbeing. Victorian Government economic development policy and red tape reduction initiatives highlight the importance of local government as a partner in delivering streamlined, business-friendly regulation that supports growth in local shopping strips and precincts.

Situation	Complexity to work through:
<p>Councils are autonomous organisations with their accountabilities set out in the <i>Local Government Act 2020</i>. They prioritise their activities according to the Council Plan developed in consultation with their communities. Regulating food premises under the <i>Food Act</i> is just one of many statutory responsibilities councils have under a number of federal and state legislation.</p>	<p>Council responsibilities focus on the local area and their priorities will vary according to local need and risk. Although councils work to achieve consistency in approach, local priorities do necessitate local adjustments. Some councils have higher risks to manage than others, such as a very large metropolitan council with high numbers of premises and consumers of food will require a different approach to a small shire operating across multiple small townships.</p>
<p>The Department of Health currently supports councils to discharge their</p>	<p>Achieving consistency in approach across council boundaries requires state-led effort.</p>

Situation	Complexity to work through:
statutory obligations as consistently as possible, and provides advice and research about food safety issues and ways they can be managed	Clarification will be required regarding the role of the Department of Health and how councils will work with Safe Food Victoria.
The Department of Health relies on council authorised officers to support it in public health incident investigations and response across a range of legislative instruments in tobacco control, emergency management, vector control and water quality sampling.	Reduction in the direct links between the Department of Health and councils may reduce the level of understanding between the agencies over time regarding other health-related incidents, particularly if Safe Food Victoria leads the connection with the Department of Health in respect of food-borne illness investigations and national food standards policy and implementation.
<p><u>Resolution/recommendations:</u></p> <ol style="list-style-type: none"> The following principles must underlie changes to food safety regulatory requirements: <ul style="list-style-type: none"> That the benefits to community from a well-regulated food sector are articulated, including the positives of good reputation and trust that food produced and sold in Victoria is safe. The differences in scale, capacity and financial sustainability between councils need to be acknowledged and factored into the development, implementation and review of any reform program. Any changes which councils are expected to deliver must be practicable to implement and without an additional cost burden to councils. Driving regulatory costs downwards must not be at the expense of councils having to subsidise the regulation of food businesses. Regulatory design would benefit from a dedicated local government position commencing immediately so that a local government perspective can inform developmental work as the functions of PrimeSafe and Dairy Food Safety Victoria and Agriculture Victoria are amalgamated within the new regulator. 	

3.2 Governance

Given that councils are statutory organisations in their own right, it is appropriate that a local government representative is appointed to the Board of Safe Food Victoria.

We propose a designated local government director on the Safe Food Victoria Board and a standing Local Government Advisory Committee (EHO managers and metropolitan/regional/rural reps). This preserves the day-to-day interface with councils while centralising standards, science and systems at state level.

Situation	Complexity to work through:
There is a long-standing connection between councils and the Department of	The role of the Department of Health in providing advice and support to councils

Situation	Complexity to work through:
Health's food safety policy and communicable diseases units.	is unclear if this statutory requirement is removed from the <i>Food Act 1984</i> .
As the peak organisation for Victoria's 79 councils the MAV has in the past participated on the Victorian Food Regulators Forum when food safety regulatory issues have required attention.	MAV does not have regulatory responsibilities in food safety regulation nor direct funding sources to deliver this role. Its priorities vary according to its Strategic Plan developed in consultation with councils.
<p><u>Resolution/recommendations:</u></p> <ol style="list-style-type: none"> 3. Support the remit for the new Board of Safe Food Victoria to focus on administration and governance. 4. Develop mechanisms for an appropriate monitoring and reporting framework that has regard for council requirements and their implementation capacity. 5. Include a designated local government position on the Safe Food Victoria board. 6. Establish an implementation local government consultative committee to bring an operational place-based perspective to regulatory activities across the state. 7. Provide clarity about the role of the Department of Health and the Chief Health Officer in supporting and working with councils directly on communicable disease investigations, not all of which are known to be food-borne in the first instance. 	

3.3 Role of local government

Councils' role in supporting communicable disease investigations in cooperation with the Department of Health has been long-standing and is a strength of Victoria's public health regulation and response. The Department's Food Safety Unit has also been a prime source of information relied on by councils for advice and understanding about issues of concern and coming together to share good practices and identify ways to achieve greater consistency. Operational questions will need to be resolved regarding the involvement of Safe Food Victoria, including when it is the lead agency councils are liaising with and when they need to be dealing directly with the Department of Health.

State regulators are covered for insurance and public liabilities by the Victorian Government's insurer, the Victorian Insurance Association (VMIA). In contrast, council insurances are obtained from the general insurance market, with the MAV Insurance currently the Public liability and Professional Indemnity insurer of most Victorian councils.

There will need to be some ministerial line of sight to decisions Safe Food Victoria might determine needs to be delivered by councils which materially impacts their operational capacity and risk exposure. Otherwise, there is a risk of significant shifting of liabilities from a statutory authority to the local government sector without councils having capacity or the tools to manage these. A significant shift in risk of liability where councils do not have the tools to manage risks, will also increase the risk to the community.

Data collection and reporting is an important part of a statewide framework to enable evidence-based regulatory responses to areas of highest need. Current requirements on councils are very detailed and onerous, with minimal feedback loops currently provided back to councils. Much more could be achieved if there were better transfers of information and analysis to pinpoint issues or sectors requiring more attention.

There is a balance to be achieved from having some level of risk classification system which is broad enough to minimise administration of a regulator in determining boundaries. Clarity is very important. The current classification system maintained by the Department of Health is well understood by councils and food premises. If there are proposals to change this system, changes will need to be achievable and easily understood by food premises and implemented by councils. Attention is also going to be required for the treatment of priority vulnerable groups for premises currently classified as Class 1, such as hospitals and aged care institutions.

Situation:	Complexity to work through:
Food-borne illness investigations are often complex to investigate and require close collaboration between the Department of Health which is responsible for receiving notifiable illnesses from the health sector.	Reduced direct day-to-day connections between the Department of Health and councils has potential to reduce the effectiveness and timeliness of food-borne illness investigations
The Department of Health relies on councils employing environmental health officers for a range of functions in addition to the <i>Food Act</i> .	There will need to be protocols developed to guide when quick investigative action is required to maintain seamless and timely responses.
Councils are experiencing considerable level of issues with the current reporting repository FoodTrader system maintained by the Department of Health.	Detailed investigation needs to be undertaken regarding centralised systems being suitable to receive council data and enabling central and council agencies access information of businesses operating across multiple municipalities.
Councils currently have onerous obligations to report data to the Department of Health and Local Government Victoria.	Streamlining of council reporting requirements so there is one agency receiving reports to minimise avoidable regulatory costs to councils. Efficiencies gained within the system will benefit food businesses through less need for higher fees.
There is lack of clarity about how the data reported by councils is informing policy development and improved food safety regulation across the state.	Reporting takes time and needs investment in systems. Complexity adds to costs, which in turn can impact higher registration fees needing to be borne by food businesses.
Councils need adequate lead-times to budget and implement database system changes with their software providers.	Difficulties with the current system provided by the Department of Health has resulted in extra costs to councils which in turn adds pressure to raise registration fees on food premises.

Situation:**Complexity to work through:****Resolution/recommendations:**

8. Develop a protocol setting out the consultative processes which will be utilised in the development of Food Safe Victoria requirements which materially impact councils.
9. Have one line of reporting to a state agency, with future requirements also satisfying the needs of the Local Government Performance Reporting Framework.
10. Safe Food Victoria to provide reports back to council to inform local responses and areas where targeted effort may be required.
11. Establishing a single application process for all food businesses would be a worthwhile early investment to reduce duplication, improve data quality and enable real-time surveillance while also being user-friendly and accessible to food businesses.

3.4 Funding

If councils are to continue to be involved as regulators, then it is important that they set their fees without prescribed caps. This reflects the reality of different cost structures across the state, and economies of scale and extent to which councils subsidise regulatory activity.

The discussion papers acknowledge the need for regulatory costs to be least burdensome on food businesses as possible. However, driving regulatory costs downwards must not be at the expense of councils having to subsidise the regulation of food businesses, as it is appropriate for the regulatory burden to be borne by those with the responsibility to provide safe food. The MAV notes that Safe Food Victoria will be funded from regulatory fees. The same should apply to councils, with effort aligned to the resources available.

Full accountability for regulatory fees collected by Safe Food Victoria is essential in order for it to fully deliver on its regulatory responsibilities and continual improvement. Technology offers considerable opportunities to derive efficiencies – councils would welcome further discussion regarding collaborative approaches with the other regulators.

Safe Food Victoria will also need to have regard for the implementation practicalities councils have in setting annual registration fees and their renewal timelines and processes. Where councils continue as the registering authority, they must retain fee-setting autonomy to reflect local caseloads, travel time and compliance complexity. If the state collects any component, those funds should be hypothecated to food safety and transparently reported.

Situation**Complexity to work through:**

Each council is a regulator in its own right, and makes its decisions informed by local settings and priorities. Registration fees charged by councils relate to their own situation.

There are different economies of scale when it comes to resourcing and staffing of regulatory activity depending on council size and the number of food premises operating in the municipality.

Benefits accrue to the state and businesses operating across municipalities from coordination and similar practices being delivered by councils, however the state

Councils being the revenue collector through locally collected registration fees is complex if state regulatory costs also need to be incorporated into local fees.

does not currently have authority to charge specific fees directly to food businesses.	
Councils set their fees for registrations under the <i>Food Act</i> to support the level of activity they have determined necessary to deliver on their statutory obligations.	The discussion paper indicates that greater levels of consistency will be strived for, however unless the role of councils changes, they bear all the liabilities and need flexibility to meet local needs and priorities.
Transitioning to new systems, digital platforms, and standardised processes will bring both transitional and ongoing costs.	Some councils may need to operate multiple registration or compliance systems in parallel, adding complexity and workload. Smaller or rural councils, in particular, will require additional resources, technical support, and phased capacity-building to manage the transition effectively.
<p><u>Resolution/recommendations:</u></p> <p>12. That opportunities for better use of technology are explored to identify improved ease for business compliance with regulatory requirements and cost-saving efficiencies.</p> <p>13. Councils retain their ability to set their own fee levels if they are to continue to be a registering authority.</p>	

4 Conclusion

The MAV looks forward to working with Agriculture Victoria and Safe Food Victoria about this important area of reform. In particular, MAV would welcome receiving a briefing about the reform timetable and how local government's perspective and experience can be incorporated early on into the design of the new regulator.

MAV would be pleased to provide clarification on any information in this submission. For further information, please contact inquiries@mav.asn.au

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