

# Food (Amendment) Bill

## EXPLANATORY MEMORANDUM

### Outline

The aim of the Bill is to make miscellaneous amendments to the **Food Act 1984**.

### Clause Notes

*Clause 1* sets out the purpose of the Bill.

*Clause 2* is the commencement provision.

*Clause 3* names the Principal Act.

*Clause 4* removes references to the National Association of Testing Authorities. These provisions have either never been proclaimed or have never been utilised.

*Clause 5* amends the definition of Chief General Manager to accord with the name of the relevant Government Department.

*Clause 6* makes clear that section 18 of the **Food Act 1984** creates an offence where a proprietor of food premises or a food vehicle fails to maintain the premises or vehicle in a clean or sanitary condition. Penalty: 50 penalty units.

*Clause 7* amends section 19 of the Principal Act to make references to food vehicles as well as food premises consistent within the section. It also removes any possible inconsistency between the wording of section 8 and this section in relation to ensuring that food is not adulterated.

*Clause 8* inserts a new Part IIIA into the Principal Act to impose obligations on proprietors to ensure cleanliness of food handlers. The new sections, 19A and 19B direct proprietors to remedy a situation which comes to the attention of an authorised officer or to prosecute the proprietors of food premises or vehicles where the proprietors engage food handlers whose lack of cleanliness is liable to render unpackaged food unfit for human consumption or adulterated.

*Clause 9* contains amendments to make clear that the Chief General Manager is responsible for the registration of food premises and food vehicles that are located on land that is not part of a municipal district.

*Clause 10* removes the requirement for a prescribed fee to be paid for a copy of a certificate of the result of an analysis by a person who submitted the article for analysis.

*Clause 11* removes the reference to food vending machines in the heading to Part VI of the Principal Act as such machines are no longer registered.

*Clause 12* changes section 35A (1) of the Principal Act in several ways. It removes the reference to food vending machines; it spells out that contravention of the sub-section constitutes an offence and it removes the power to prescribe regulations for this sub-section.

*Clause 13* recasts section 36 (3) of the Principal Act to avoid possible duplication of the general offence provision contained in section 53 of that Act.

*Clause 14* inserts a new sub-section, sub-section (1A), into section 40 of the Principal Act to permit local councils in relation to a food premises to incorporate more than one registration under the Principal Act or under Part XII or Part XIX of the **Health Act 1958** on one certificate of registration.

*Clause 15* removes the exemption contained in section 40 (3) of the Principal Act from registration of food premises for a person with a current licence or permit within the meaning of the **Liquor Control Act 1987**. The Liquor Control Board presently requires premises with a licence or permit under the Liquor Control Act also to be registered as food premises where they fall within the definition of food premises.

*Clause 16* amends section 43 of the Principal Act by repealing sub-section (2) and, in sub-section (5), removing the requirement for a prescribed fee to be paid for a certified copy of an entry in the register book.

*Clause 17* amends section 56 of the Principal Act so that it refers to the Chief General Manager (among others) in its description of who is protected from liability under that section.

*Clause 18* expands the regulation-making power in section 63 (1) (h) (vi) of the Principal Act to prescribe courses of instruction in the handling of food to cover persons employed or engaged by a proprietor of food premises or a food vehicle.

*Clause 19* prohibits councils from making local laws for or in respect to any matter in which regulations made under the **Food Act 1984** are in force or could be made or where a prescribed food standard has effect. Existing local laws on such matters are to have no effect. It is not intended by this clause to hinder the operation or making by local councils of local laws which restrict the consumption of alcohol in open public areas or which concern the issuing of permits to itinerant vendors to sell food within a municipality.

*Clause 20* repeals Part XII of the Principal Act which is spent.