

DA	<b>FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESS</b>	OLPD31
----	--	--------

<b>DELEGATED AUTHORITY CODE:</b>	OLPD31
<b>DIRECTORATE:</b>	Planning & Development
<b>BUSINESS UNIT:</b>	Health Services
<b>SERVICE UNIT:</b>	Health Services
<b>RESPONSIBLE OFFICER:</b>	Manager, Environmental Health Services
<b>FILE NO.:</b>	086/003
<b>DATE FIRST ADOPTED:</b>	12 December 2013
<b>DATE LAST REVIEWED:</b>	14 June 2018
<b>ATTACHMENTS:</b>	N/A
<b>VERSION NO.</b>	5

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	28 November 2013	26 May 2016
	22 May 2014	18 May 2017
	2 June 2015	24 May 2018
OCM:	12 June 2014	9 June 2017
	11 June 2015	8 June 2017

**FUNCTION DELEGATED:**

- (1) Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration [s110(1)].
- (2) After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5)].
- (3) Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the *Food Act 2008* [s112(1)].

**CONDITIONS/GUIDELINES:**

- (1) Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers.
- (2) All transactions utilising this delegation are to be recorded in the Recording of Delegations Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer

**AUTONOMY OF DISCRETION:**

Power from the Food Act 2008 is originally assigned to the Enforcement Agency (Local Government)

DA	FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESS	OLPD31
----	---	--------

**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

- *Food Act 2008*, s110(1) and (5) Registration of food business, and
- s112 Variation of conditions or cancellation of registration of food businesses.
- Statutory Power of Delegation Food Act 2008, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it
- s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
- s118(4) Sub-delegation only permissible if expressly provided in regulations

**DELEGATE:**

Chief Executive Officer  
Director, Planning & Development  
Manager, Environmental Health Services

**SUB-DELEGATE/S:**

Nil (The Food Regulations 2009 does not provide for sub-delegations).