

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

<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>	10 September 2020
<b>ATTACHMENTS:</b>	N/A
<b>VERSION NO.</b>	7

<b>Dates of Amendments / Reviews:</b>		
DAPPS Meeting:	28 November 2013	18 May 2017
	22 May 2014	24 May 2018
	2 June 2015	23 May 2019
	26 May 2016	27 August 2020
OCM:	12 June 2014	8 June 2017
	11 June 2015	14 June 2018
	9 June 2017	13 June 2019

**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 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)

**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

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

- *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).