

<b>DA</b>	<b>FOOD ACT 2008 – PROHIBITION ORDERS</b>
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<b>DIVISION:</b>	Built and Natural Environment
<b>BUSINESS UNIT:</b>	Development Assessment and Compliance
<b>SERVICE UNIT:</b>	Environmental Health
<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 22 May 2014 2 June 2015 26 May 2016	18 May 2017 24 May 2018 23 May 2019 27 August 2020
OCM:	12 June 2014 11 June 2015 9 June 2016	8 June 2017 14 June 2018 13 June 2019

**FUNCTION DELEGATED:**

- (1) Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the *Food Act 2008* [s65].
- (2) Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66].
- (3) Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [s67(4)].

**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 City's Record Keeping system (ECM) by the delegated officer or by another officer directed by the delegated officer.

**AUTONOMY OF DISCRETION:**

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

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**LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:**

- Food Act 2008 s65(1) Prohibition Order, s66 Certificate of Clearance, and s67(4) Request for Re-Inspection
- 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  
Chief of Built and Natural Environment  
Manager Environmental Health

**SUB-DELEGATE/S:**

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