

1994

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

FOOD ACT 1992

FOOD REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of Mr Wayne Berry, Deputy Chief Minister

# FOOD REGULATIONS

## OUTLINE

These regulations exempt persons engaged in certain classes of business from licensing under the Food Act 1992.

Section 19D of the Food Act 1992 requires a person to hold a licence to carry on a food business unless the person is one of the classes of persons that is exempt. Exemption of a specified class of persons is by regulation made under Section 22 of the Act.

By requiring a person to obtain a licence to carry on a food business the intention is to ensure competency in food safety to minimise the risk of causing illness from certain types of food or from storage and handling practices associated with illness from "high risk" foods. In some situations it is neither practicable nor useful to engage in licensing procedures.

For example, if a person only sells foods that do not present a food safety issue there is no public benefit in requiring the person to hold a licence. Therefore an exemption is granted to classes of persons that only sell, by retail, non-perishable, packaged foods such as factory-wrapped confectionary, bottled drinks eg from bottle shops, newsagents.

It is impractical to licence interstate mobile food van operators. The operators travel from show to show and vans are transported from interstate specifically for a particular ACT show or festival.

Licensed milk vendors within the meaning of the Milk Authority Act 1971 will not require a licence. Finally, some business operators would be subject to licensing requirements because their business comprises solely the pick-up, transport and delivery of food. There is no practical value in licensing them.

All persons engaged in a food business and their premises, whatever the nature of food sold, stored or manufactured there, are not exempt from food safety or hygiene provisions of the Act or regulations

## CLAUSE NOTES

### Clause 1 Citation

The regulations will be called the Food Regulations.

### Clause 2 Commencement

The regulations will come into effect to coincide with the commencement of licensing provisions in the Food Act 1992.

### Clause 3 Interpretation

Reference to the Act is to the Food Act 1992.

### Clause 4 Exemptions from licensing requirements

Persons whose food operations consists of one of the four listed in the clause are exempt from the requirement that they hold a licence to carry on their business.

4 (a) Persons who have a retail business selling non-perishable, pre-packaged food. Such operations require a small proportion of resources. Problems that do arise are rarely in an area that can be addressed by premises inspections, licensing approvals or conditions attached to licences but are usually addressed at manufacturing level.

Persons who only transport food. The vehicles are food premises under the Food Act. Licensing such transport companies would not provide any public benefit. Similarly such exemption would exclude persons delivering ready to eat foods eg pizza. It would not exempt the person operating the businesses supplying the food.

Milk vendors authorised to deliver milk to residential premises under the Milk Authority Act 1971. It is not considered beneficial to licence any food vendor twice. A code of practice is being prepared in consultation with the Milk Authority on van construction and food handling standards which will be applicable to milk vendors.

4 (b) Persons who once or twice a year bring their food vans from interstate to sell food at shows such as the Royal Canberra Show. The proprietors are subject to interstate food legislation.

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