

# Food (Amendment) Bill (No.3) 1998

## Explanatory Memorandum

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### Summary

This Bill inserts a new Division in the *Food Act 1992* which requires that eating houses eg cafes and restaurants only provide re-useable or recyclable eating accessories, such as packaging, plates, cups and cutlery, for food sold for consumption within the eating house. Food sold for take-away purposes is not affected by the Bill.

### Details of the Bill

**Clause 1** - provides for the short title of the Act

**Clause 2** - provides for the Act to come into effect 12 months after gazettal to allow time for non-complying eating houses to modify their practices and acquire new equipment and stock.

**Clause 3** - specifies the principal Act as the *Food Act 1992*

**Clause 4** - Inserts a new Division 1A in the *Food Act* relating to accessory items supplied at eating houses. Details of the new sections are as follows:

**new subsection 21A(1)** - provides definitions for terms used in the new Division. Of note is the definition of accessory item, which only refers to plates, cups, saucers, bowls, dishes, cutlery or packaging applied to the food within the eating house. Pre-packaged food is not covered by the Bill, eg drink cans and bottles, and sugar packets.

**new subsection 21A(2)** - ensures that areas outside the eating house, eg an outdoor eating area or a private area shared with other premises, are covered by this Division.

**new section 21B** - this is the key provision of the Bill. It requires that a proprietor of an eating house or a person working for them shall take all reasonable steps to re-use or recycle accessory items left in the premises.

**Clause 5** - amends section 33 of the *Food Act* such that a licence to operate an eating house could be refused if there are grounds for believing that the applicant would contravene the new section 21B.

**Clause 6** - amends section 42 of the *Food Act* to allow a conviction of a licensee for an offence against new section 21B to be grounds for suspending or cancelling the licence.