

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

PUBLIC HEALTH ACT 1928

PUBLIC HEALTH (EATING HOUSES) REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of Mr Terry Connolly, Minister for Health

Public Health (Eating Houses) Regulations (Amendment)

Outline

The Public Health (Eating Houses) Regulations are made under Section 12 of the Public Health Act 1928. They require a proprietor of an eating house to register the eating house and maintain the premises clean and in good condition.

The purpose of the amendment is to repeal the requirement that the eating house be registered. Any persons wishing to carry on the business of operating any establishment where food is sold requires a licence under the Food Act 1992 unless exempted by regulation.

The amendment also repeals regulations duplicated in other legislation.

Financial Considerations

Notifying persons who had previously registered an eating house of changes to the system will be met from existing resources.

Clause Notes

Clause 1 Principal Regulations

Principal Regulations refers to the Public Health (Eating Houses) Regulations.

Clause 2 Commencement

The regulations will come into effect on the day on which they are notified in the Gazette.

Clause 3 Repeal

Regulations 3-6, which provides that a proprietor must register an eating house, method of application and power to grant or refuse registration, are repealed. Any person (unless exempted) wishing to operate a restaurant, cafe or similar premises serving meals must obtain a licence granted under Part IIB of the Food Act 1992.

Clause 4 Repeal

Regulation 15, relating to unsound food, is repealed. 15(a) and 15(b) duplicate requirements in Part II of the Food Act 1992 and 15 (c) duplicates Regulation 41 of the Public Health (Sale of Food and Drugs) Regulations.

Clause 5 Prohibition on dogs

The clause updates wording in Regulation 18.

Clause 6 Repeal

Regulation 20, compliance with directions given by an inspector, and 21, entry powers for inspectors, are covered by more comprehensive provisions of the Food Act 1992 so are repealed.

Clause 7 Schedule

The schedule to the Regulations gives the form of applications for registration and certificates of registration. These are repealed.
