

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

PUBLIC HEALTH ACT 1928

PUBLIC HEALTH (SALE OF FOOD AND DRUGS) REGULATIONS
(AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of Mr Terry Connolly, Minister for Health

Public Health (Sale of Food and Drugs) Regulations (Amendment)

Outline

The amendments to the regulations are a consequence of amendments to the Food Act 1992. The opportunity is also taken to amend out-dated wording in several regulations.

Sampling procedures are now contained in Part IICA of the Food Act. Provisions requiring licensing of ice cream vendors are repealed and the requirement that permission is needed before selling food in an open place. References to food in certain regulations are removed leaving those regulations applicable to drugs only.

The amendments come into force on the day they are notified in the Gazette.

Financial Considerations

Any costs arising from the amendments will be met from existing resources.

Clause Notes

Clause 1 Principal Regulations

The Principal Regulations are the Public Health (Sale of Food and Drugs) Regulations.

Clause 2 Commencement

The amendments come into force on the day they are notified in the Gazette.

Clause 3 Adulteration

Subregulation 4(1), which defines circumstances in which food is deemed to be adulterated, is repealed. The provision is now contained in Division 2, Part II of the Food Act 1992.

Clause 4 Sale of drugs contrary to regulations

The clause amends Regulation 9 by removing the reference to food. Sale of adulterated or falsely described food is provided for in the Food Act 1992.

Clause 5 Contents of mixture must be pure.

The wording of Regulation 12 is modernised.

Clause 6 Standard for drugs

References to food are removed from Regulation 18. The provision that an inspector is deemed to have asked for a food complying with a standard (if one exists) is contained in Part II of the Food Act 1992.

Clause 7 Powers of inspection and sampling

The powers to sample food and the procedures used by the sampling officer are provided in Regulation 19 for both food and drugs. The clause removes the reference to food as the provisions are now contained in the Food Act.

- 7(a) omits the reference to food from 1(a) - power of entry to food premises, 1(b) inspection of articles and 1(e) inspection and testing of appliances
- 7(b) omits "food or" from 19(3) - notification of intention to analyse a sample
- 7(c) omits "food or" from 19 (8) - seizure otherwise in accordance with an applicable standard
- and 7(d) omits subregulation 9, removing the reference to the Food Act.

Clause 8 Examination of persons handling food or drugs

The wording of Regulation 21 is modernised

Clause 9 Repeal

Regulations 30 and 65 are repealed.

Regulation 30 requires a person to have permission to sell food in open places within the City Area. The control of stalls is better achieved through licensing provisions of the Food Act and hawkers legislation.

Regulation 65 removes the requirement for a person wishing to sell ice cream from a vehicle to have a licence. Such businesses are controlled by the Food Act.

Clause 10 Handling of ice for sale.

"Sexually transmitted" is substituted for "venereal" in Regulation 77.

Clause 11 Filters

The wording of regulation 91 is modernised.
