



DELEGATION OF AUTHORITY

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| DELEGATION NO: | 2009-31 (V2.0) |
| DELEGATION TITLE: | Regulation of food businesses |
| Delegation from Council to: Chief Executive Officer | |
| Date and Resolution No. | |
| Delegation from the Chief Executive Officer to: Refer attached schedule | Date |
| Source of Authority: <i>Local Government Act 2009</i> <i>Food Act 2006</i> | |

Delegated Power:

1. To exercise powers of the Local Government under the *Food Act 2006 (the Act)* to administer, assess, review, audit, inspect, enforce, notify, monitor compliance, form a belief and make decisions including, without limitation the following:
 - (a) deal with all matters relative to the handling and/or sale of food and monitor compliance with the food standards code;
 - (b) consult and agree with the chief executive;
 - (c) give directions to a person;
 - (d) deal with a seized thing and forfeited thing;
 - (e) process applications, renewals, restorations, amendments and compliance actions for all licensable and non-licensable food businesses;
 - (f) decide the term of a licence or provisional licence;
 - (g) give, consider representations, take no action and end a show cause notice;

- (h) as the second local government, to take the same action as the first local government (except the power to cancel, suspend, impose conditions or other similar action in relation to the licence);
 - (i) as the second local government, to advise the first local government of the thing done or omitted to be done by a licensee of a mobile food business;
 - (j) as the first local government, to take action in relation to a thing done or omitted to be done by the licensee in the second local government area;
 - (k) sign a certificate;
 - (l) consider, grant, extend, further extend, refuse, impose conditions, renew, refuse to renew, restore, refuse to restore, amend, refuse to amend, suspend or cancel all types of licences ¹for all licensable food businesses;
 - (m) give an information notice;
 - (n) obtain and consider the written advice of an auditor;
 - (o) make decisions about the suitability of premises for carrying on a licensable food business;
 - (p) make enquiries;
 - (q) request further information or documents;
 - (r) extend time;
 - (s) agree with an applicant;
 - (t) allow a review of the original decision and extend the time to apply for a review;
 - (u) make a further decision:
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision.
 - (v) give a review notice;
 - (w) consider an application to accredit or refuse to accredit a food safety program;
 - (x) decide and change the number and frequency of compliance audits;
 - (y) approve improvement notices;
 - (z) approve particular improvement notices;
 - (aa) approve forms; and
 - (bb) consider, approve, refuse to approve, amend, cancel or suspend applications for accredited food safety programs, and permit auditing, monitoring and reporting compliance actions on accredited food safety programs.
2. To permit authorised persons to monitor, enforce and where required initiate legal proceedings for breach of the Act under Chapter 7, and Chapter 10, of the Act including, without limitation the following:
- (a) apply to the district court.

¹ Licences include but are not limited to – licence, provisional licence and replacement licences.

3. Authority to appoint a person as an authorised person under the Act including, without limitation the following:
 - (a) sign a notice that states the conditions on which an authorised person holds office; and
 - (b) issue an identity card.
- 4.
5. Authority to approve the appointment of an employee of council as an authorised officer by Safe Food Production (QLD).
6. To exercise the powers of the local government under the *Local Government Act 2009*, including, without limitation the following:
 - (a) act for the local government in legal proceedings including the authority to:
 - (i) give instructions and act as the authorised agent for the local government;
 - (ii) effect substituted service; and
 - (iii) sign all documents for the local government.

Delegation Criteria:

7. The delegated officer may only exercise the powers of the local government as delegated under this delegation in accordance with the relevant provisions as outlined in the Act and the *Local Government Act 2009*.

Delegation Administrative Procedures:

8. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act under section 5).
9. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the *Local Government Act 2009*.
10. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
11. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.