

CLAUSE NOTES

Food Amendment Bill 2021

- Clause 1** **Short Title**
Provides that the title of the Bill is the Food Amendment Bill 2021.
- Clause 2** **Commencement**
Provides that the Bill will commence on Royal Assent.
- Clause 3** **Principal Act**
Provides that the *Food Act 2003* is referred to as the Principal Act.
- Clause 4** **Section 4 amended (Interpretation)**

This clause corrects an outdated legislative reference in the meaning of “Food Standards Code” contained in the Principal Act by omitting “*Australia New Zealand Food Authority Act 1991* of the Commonwealth” from the definition of “Food Standards Code” and substituting “*Food Standards Australia New Zealand Act 1991*”.
- The continued inclusion of the Food Standards Code in Tasmanian legislation is essential as it is incorporated in food safety legislation in all Australian jurisdictions and is nationally recognised for food standards matters.
- Clause 5** **Section 5 amended (Meaning of “food”)**

This clause corrects an outdated legislative reference in the meaning of “food” contained in the Principal Act, by omitting “*Australia New Zealand Food Authority Act 1991* of the Commonwealth” from the definition of “food” and substituting it with “*Food Standards Australia New Zealand Act 1991*”.
- Clause 6** **Section 133 substituted**

This clause repeals section 133 of the Principal Act and substitutes two new sections to enable the Director of Public Health to establish a shared food business database and to clarify when information obtained under the Principal Act can be disclosed.
- The Principal Act does not contemplate the requirement for regulatory bodies to use a commonly accessible database to enter, access and use or disclose information obtained under the Principal Act.
- Accordingly, the existing provision is considered too restrictive as it does not easily enable local councils to share food safety data with each other to assist enforcement, nor does it clearly provide for the sharing of food data with other jurisdictions.
- Under the new section 133(3), the Director of Public Health may authorise a council, State Service Agency, authorised officer, person or class of persons to enter information to the database, and to access, use or disclose information contained in the database in certain circumstances.
- New subsection 133(4) makes it an offence for a council, State Service Agency, authorised officer, person or class of persons to enter information in the database, or

to access, use or disclose any information contained in the database other than in accordance with the authorisation given under new subsection 133(3).

A penalty of up to 50 penalty units (8 700) applies for the unlawful disclosure of information obtained in connection with the Principal Act.

The new section 133A identifies when food safety data may be shared and clarifies the ability for food safety data to be exchanged with Food Standards Australia New Zealand or a person enforcing a law of another jurisdiction that corresponds to the Principal Act or other prescribed law.

This will ensure the distribution and sharing of information between agencies administering and enforcing food legislation across Australia and, where necessary internationally, where food safety issues are not confined within the borders of Tasmania.

Clause 7

Repeal of Act

This clause repeals the Act on the three hundred and sixty fifth day from the day on which all of the provisions commence.