

FACT SHEET

Food Amendment Bill 2021

The *Food Act 2003* is an Act to ensure the provision of food that is safe and fit for human consumption and to promote good nutrition.

The purpose of the Food Amendment Bill 2021 is to clarify and enhance the data exchange provisions in the Food Act and correct references to out-of-date Australian Government legislation. The amendments will allow regulators to more effectively exchange food safety information as well as enhance compliance to prevent food safety incidents occurring.

The Food Amendment Bill replaces the existing information exchange provisions in the Food Act with two new provisions: an enhanced information exchange provision; and a new provision that gives authority to the Director of Public Health to establish and maintain a food business database.

The new information exchange provisions clarify the circumstances under which food safety information collected under the Food Act may be exchanged between food safety regulators. The existing information exchange provisions in the Food Act are currently limited and do not easily facilitate local councils sharing food safety data with each other or with other jurisdictions. The new provisions are needed to provide clarity on when food safety information may be exchanged and to ensure that this may occur when appropriate.

The new provisions provide that the Director of Public Health may establish a database and maintain a database containing any information obtained under the Food Act in relation to a food business that the Director of Public Health considers necessary for the purpose of ensuring compliance with, and the enforcement of, the Food Act.

The new provision will also enable the Director to authorise a council, State Service Agency, authorised officer, person or class of persons to enter, access, use or disclose the information contained in the database if the Director is satisfied that the access, use or disclosure would assist in achieving or implementing the Food Act.

These provisions will enable the efficient and effective management of mobile food business data amongst local council regulators. It will also allow Environmental Health Officers state-wide access to information relating to non-compliance and allow them to prioritise food business inspections in a risk-based manner.

The Food Amendment Bill further provides that information contained in the database may only be accessed, used or disclosed if authorised by the Director of Public Health for the purposes of achieving or implementing the purposes of the Food Act.

The Food Amendment Bill also amends the Food Act to remove out of date references to the *Australia New Zealand Food Authority Act 1991* of the Australian Government and to replace it with the updated legislative reference, being the *Food Standards Australia New Zealand Act 1991* of the Australian Government.

The new provisions will come into effect on the date the Food Amendment Bill receives Royal Assent.