

**HEALTH****HE301****HEALTH ACT 1911****HEALTH (FOOD HYGIENE) AMENDMENT REGULATIONS 1996**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 247 of the Act with the advice of the Food Advisory Committee and under section 343 (5) of the Act.

**Citation**

1. These regulations may be cited as the *Health (Food Hygiene) Amendment Regulations 1996*.

**Commencement**

2. These regulations come into operation on 1 February 1996.

**Principal regulations**

3. In these regulations the *Health (Food Hygiene) Regulations 1993\** are referred to as the principal regulations.

[\* *Published in Gazette of 15 October 1993 at pp. 5681-745.*  
*For amendments to 29 December 1995 see 1994 Index to*  
*Legislation of Western Australia, Table 4, p. 129.*]

**Regulation 3 amended**

4. Regulation 3 of the principal regulations is amended by inserting in their respective alphabetical positions the new definitions following —

“

**“certificate of registration”** means a certificate of registration, or a certificate of renewal of registration, issued under regulation 9B and in force at the material time;

**“manufactured smallgoods”** means uncooked meat or meat products which are —

- (a) minced, chopped or comminuted;
- (b) subjected to fermentation; and
- (c) when processed, intended for consumption without cooking;

**“registration”** means a registration, or a renewal of a registration, granted under regulation 9B and in force at the material time;

**“smallgoods manufacturer’s licence”** or **“licence”** means a licence, or a renewal of a licence, issued under regulation 9A and in force at the material time.

”

**Part 2 amended**

5. Part 2 of the principal regulations is amended by adding, after regulation 9, the new Divisions following —

“

***Division 4 — Licensing of persons producing  
manufactured smallgoods***

**Persons producing manufactured smallgoods to be licensed**

**9A.** (1) A person who, after 2 months have elapsed since the coming into operation of the *Health (Food Hygiene) Amendment Regulations 1996*, conducts a business which produces manufactured smallgoods and who does not hold a smallgoods manufacturer’s licence issued in accordance with this regulation commits an offence.

(2) An application for a licence under this regulation shall be made to the Local Authority in the form of Form 3 of Schedule 2, accompanied by the fee set out in item 1 of Schedule 5.

(3) The Local Authority shall consider each application made under subregulation (2) and may grant or refuse the application, having regard to the suitability of the applicant to hold the licence, to whether the applicant has had relevant experience or training, and to the interests of public health, and may take into

account criteria considered appropriate by the Executive Director, Public Health, including the applicant's record of compliance with public health requirements and an approved food safety plan.

(4) The Local Authority shall —

- (a) where an application for a licence is granted, issue to the applicant a licence in the form of Form 4 of Schedule 2;
- (b) where an application for a licence is refused, notify the applicant in writing of the reasons for the refusal and refund the fee.

(5) A licence under this regulation shall —

- (a) take effect on and from the day it is granted and, unless sooner surrendered, cancelled, revoked or suspended, continue in force until the following 30 June;
- (b) be subject to these regulations and to any terms or conditions endorsed on the licence by the Local Authority; and
- (c) authorize the holder to carry out any act necessary or in connection with the conduct (in any premises registered under regulation 9B) of the business in respect of which the licence is granted.

(6) The renewal of a licence —

- (a) may be granted by the local authority, without application;
- (b) if not renewed by the local authority without application, may be applied for in the same manner, and be accompanied by the same fee, as an initial application; and
- (c) shall remain in force, unless sooner surrendered, cancelled, revoked or suspended, for the period 1 July to 30 June.

***Division 5 — Registration of premises used for producing manufactured smallgoods***

**Registration of premises**

**9B.** (1) A person who, after 2 months have elapsed since the coming into operation of the *Health (Food Hygiene) Amendment Regulations 1996*, conducts a business producing manufactured smallgoods in premises which are not registered in accordance with this regulation commits an offence.

(2) Where a person is the holder of a current smallgoods manufacturer's licence, the Local Authority may grant registration of the premises in which that person conducts, or proposes to conduct, a business producing manufactured smallgoods.

(3) An application for registration shall be made to the Local Authority in the form of Form 5 of Schedule 2, accompanied by the fee set out in item 2 of Schedule 5.

(4) Where the Local Authority is satisfied that the premises comply with these regulations the Local Authority shall register the premises and grant the proprietor a certificate of registration in the form of Form 6 of Schedule 2.

(5) A certificate of registration shall —

- (a) take effect on and from the day it is granted and, unless sooner surrendered, cancelled, revoked or

suspended, continue in force until the following 30 June;

- (b) be subject to these regulations and to any terms or conditions endorsed on the certificate of registration by the Local Authority; and
  - (c) authorize the holder to conduct in the registered premises the business for which the smallgoods manufacturer's licence held by that person was granted.
- (6) The renewal of a registration —
- (a) may be granted by the local authority, without application;
  - (b) if not renewed by the local authority without application, may be applied for in the same manner, and be accompanied by the same fee, as an initial application; and
  - (c) shall remain in force, unless sooner surrendered, cancelled, revoked or suspended, for the period 1 July to 30 June.

#### **Regulation 44 amended**

6. Regulation 44 (1) of the principal regulations is amended by adding, in the Table to that subregulation, the following pathogen —

“ verotoxigenic *E. coli* ”.

#### **Schedule 2 amended**

7. Schedule 2 to the principal regulations is amended by adding the new forms following —

“

#### **HEALTH ACT 1911**

#### **HEALTH (FOOD HYGIENE) REGULATIONS 1993**

#### **FORM 3**

[Regulation 9A (2)]

#### **APPLICATION FOR LICENCE, OR RENEWAL OF LICENCE, TO CONDUCT A BUSINESS PRODUCING MANUFACTURED SMALLGOODS**

To: .....  
(insert name and address of Local Authority)

I/We<sup>1</sup> .....  
hereby make application for a licence to conduct a business producing manufactured smallgoods of the kind described in the Schedule.

#### **SCHEDULE**

Dated

19 .

Applicant(s)

This application must be accompanied by the prescribed fee.

<sup>1</sup> Insert full name, trading name, and business address of applicant(s).

## HEALTH ACT 1911

## HEALTH (FOOD HYGIENE) REGULATIONS 1993

## FORM 4

[Regulation 9A (5)]

**LICENCE TO CONDUCT A BUSINESS PRODUCING  
MANUFACTURED SMALLGOODS**

THIS IS TO CERTIFY that on \_\_\_\_\_, 19\_\_\_\_  
*(here insert the name of the*  
*Local Authority)* granted to<sup>1</sup>

a licence to conduct a business producing manufactured  
 smallgoods of the kind described in the Schedule.

This licence is subject to the following terms and conditions: —

Unless sooner surrendered, cancelled, revoked or suspended this  
 licence remains in force until 30 June 19\_\_\_\_.

## SCHEDULE

Dated \_\_\_\_\_ 19\_\_\_\_.

Clerk,  
 Local Authority  
 of \_\_\_\_\_

<sup>1</sup> Insert full name, trading name, and business address of  
 licensee.

## HEALTH ACT 1911

## HEALTH (FOOD HYGIENE) REGULATIONS 1993

## FORM 5

[Regulation 9B (3)]

**APPLICATION FOR REGISTRATION, OR RENEWAL  
OF REGISTRATION, OF PREMISES USED FOR  
PRODUCING MANUFACTURED SMALLGOODS**

To: .....  
*(name and address of Local Authority)*

I/We<sup>1</sup> ..... hereby make  
 application for the registration of the premises<sup>2</sup>, .....  
 for and in connection with the business of producing  
 manufactured smallgoods of the kind described in the Schedule.

Number of Smallgoods manufacturer's licence held by the  
 applicant(s):

Dated \_\_\_\_\_ 19\_\_\_\_.

Applicant(s)

## SCHEDULE

This application must be accompanied by the prescribed fee, and  
 any specifications and drawings prescribed by the regulations.

<sup>1</sup> Insert full name, trading name, and business address of  
 applicant(s).

<sup>2</sup> Insert situation and description of premises.

## HEALTH ACT 1911

## HEALTH (FOOD HYGIENE) REGULATIONS 1993

## FORM 6

[Regulation 9B (4)]

CERTIFICATE OF REGISTRATION OF PREMISES  
PRODUCING MANUFACTURED SMALLGOODS

THIS IS TO CERTIFY that on \_\_\_\_\_, 19\_\_\_\_  
 the premises<sup>1</sup> .....  
 were registered with ..... (here insert  
 the name of the Local Authority) in the name of <sup>2</sup> .....  
 for and in connection with the conduct of a business producing  
 manufactured smallgoods of the kind described in the Schedule.

This registration is subject to the following terms and  
 conditions —

Unless sooner surrendered, cancelled, revoked or suspended this  
 registration remains in force until 19\_\_\_\_.

Number of Smallgoods manufacturer's licence held by the  
 licensee:

Dated 19\_\_\_\_.

Clerk,  
 Local Authority  
 of

## SCHEDULE

- <sup>1</sup> Insert situation and description of premises.  
<sup>2</sup> Insert full name, trading name and business address of  
 licensee.

## Schedule 5 added

8. The principal regulations are amended by adding the new Schedule  
 following —

“

## SCHEDULE 5

[Regulations 9A and 9B]

## FEES

ITEM	REGULATION	DESCRIPTION OF SERVICE	FEES
			\$
1.	9A (2)	Application for licence, or renewal of licence, as proprietor of a business producing manufactured smallgoods	25
2.	9B (3)	Application for registration or renewal of registration of premises to be used for producing manufactured smallgoods	25

”

By Command of the Lieutenant-Governor and deputy of the Governor,  
 Dated 16th January 1996.

J. PRITCHARD, Clerk of the Council.