

# Food Act 1984

## Instrument of delegation

### Interpretation

In this instrument:

**Act** means the *Food Act 1984*.

**duties, functions and powers** means the duties, functions and powers of the Secretary to the Department of Health and Human Services under the provisions of the Act specified in column 1 of the Schedule.

**Officers** means the person(s) occupying or acting in the positions in the Department of Health and Human Services that are specified in column 3 of the Schedule.

**Schedule** means the Schedule attached to this instrument.

### Description

The descriptions in column 2 of the attached Schedule are for ease of reference only. They do not affect the interpretation nor limit the duties, functions and powers contained in each of the provisions identified in column 1 of the Schedule.

### Delegation

I, **Kym Peake**, Secretary to the Department of Health and Human Services, acting under section 19 of the *Public Health and Wellbeing Act 2008*:

- (a) **DELEGATE** my duties, functions and powers to the Officers specified in column 3 of the Schedule; and
- (b) **REVOKE** the previous instrument of delegation made by the Secretary to the Department of Health and Human Services under the Act dated 1 January 2015.

### Commencement

This instrument commences on the date it is signed.

Signed at Melbourne in the State of Victoria

This 6<sup>th</sup> day of May 2017.

**Kym Peake**

Secretary

Department of Health and Human Services

# Schedule

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 4H	Power in Food Standards Code as appropriate enforcement agency	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Director, Health Protection Operations &amp; Strategy</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 5(5)	Power to exempt a person or specified class of persons from complying with a requirement of the Food Standards Code	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> </ul>
Section 7BA	Power to enter into arrangements with the Secretary to the Department of Primary of Industries	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> </ul>
Section 7D(1)	Power to declare information required to be provided by councils	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)Senior Manager, Food Safety</li> </ul>
Section 7D(2)	Duty to consult with body that represents local government before making or amending a declaration under section 7D(1)	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Sections 19(1) and (2)	Power to direct that premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the premises or food	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 19(3)	Power to direct the closure of food premises or restrictions on purposes for which premises can be used, etc	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 19(4)(a)	Power to direct that a copy of order made under section 19(3)(a) or (3)(b) be affixed to premises, and/or publish a notice in a newspaper or other means, informing the public about the order	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 19(4)(c)	Duty to notify other registration authority of an order made under section 19(3)(a) or (b)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19(6)	Duty to revoke order when defects remedied by proprietor	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 19AA(2)	Power to direct premises on which primary food production and related activities are carried out	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 19AA(4)	Power to direct a relevant person	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 19AA(7)	Duty to revoke order	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease )</li> </ul>
Section 19BB(1)	Power to accept a written undertaking	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19BB(3)	Power to consent to withdrawal or variation of undertaking	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> Statutory/Administrative provisions	<b>COLUMN 2</b> Description	<b>COLUMN 3</b> Delegates
Section 19BB(5)	Power to authorise Director of Consumer Affairs to accept an undertaking	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Sections 19BB(6) and (7)	Power to authorise a council to accept an undertaking including with conditions and limitations	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19BC(1)	Power to apply for a consent order directing compliance with an undertaking	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 19BC(3)	Power to apply for an order where undertaking is considered to have been breached	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19C	Power to declare classes of food premises and what is required of food premises in each class	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Sections 19CB(1) and (3)	Power to declare minimum record-keeping requirements	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19CB(4)(b)	Power to require proprietor to provide copy of minimum records within the time specified	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>

<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Section 19DB	Powers regarding registration of food safety program template	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19DD	Power to declare specified QA system or code may be used to develop a food safety program	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19E(1)(d)	Power to require copy of food safety program for the premises within the time specified	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>
Section 19EA(3)	Registration authority to be provided with a copy of significant revisions made to food safety program	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19G(2)	Power to approve a food safety competency standard	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 19GB	Power to make written request for details of the name and qualifications of the current food safety supervisor for the premises within 7 days of being asked in writing to do so	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>
Sections 19H(4)(b) and (5)	Power to specify the range of frequencies and intervals for assessments or audits that may be applied to a specific premises, instead of the default requirements	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>
Section 19H(5)(b)	Power to issue guidelines about when to apply audit or assessment requirements other than default requirements	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19I	Power to conduct of food safety assessment	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• An authorized officer who is authorised by the Secretary under section 20(1) of the Act</li> </ul>



COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Sections 19IA(1) and (2)	Power to take certain actions where deficiencies are identified in food safety assessment by registration authority	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• An authorized officer who is authorised by the Secretary under section 20(1) of the Act</li> </ul>
Sections 19N(3) and (4)	Receipt of notification from food safety auditor of deficiencies identified in audit	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19NA	Power to request copies of reports prepared by food safety auditor from proprietor of a food premises	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>
Section 19P	Certify a natural person competent to conduct a food safety audit, and impose conditions	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> Statutory/Administrative provisions	<b>COLUMN 2</b> Description	<b>COLUMN 3</b> Delegates
Section 19T	Revoke a person's certification as an approved food safety auditor	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19V	Exempt a proprietor of a food premises from certain requirements relating to food safety	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19W(1)	Direct the proprietor of a food premises to comply with food safety requirements under the Act	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 19W(3)	Direct the proprietor of a food premises to have staff undertake training and have details incorporated into minimum records	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Sections 20(1), (1A) and (2)	Authorise a person to be an authorized officer, limit or particularise the authority or impose conditions	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> </ul>
Sections 20(3) and (3A)	Issue an identity card for an authorised officer and sign the card	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> </ul>

<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Section 21(2)	Certify that sale or handling of any food is likely to be in contravention of, or fail to comply with, the Act	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Chief Health Officer</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 21(3)	Requirement to produce any relevant books to the Secretary for inspection etc	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Chief Health Officer</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 26(5)	Direct disposal of seized articles that have become the property of the Secretary under this section	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 29(d)	Offences with respect to authorised officers and articles: failure to produce any book, etc when required by the Secretary	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 30	Powers in relation to analysts	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Chief Health Officer</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 32(3)	Receive report from an analyst about food samples submitted by councils	<ul style="list-style-type: none"> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 32(5)	Exempt a council from compliance with requirement to submit food samples for analysis	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 32A	Make a declaration specifying sampling and reporting requirements	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 35A(3)	Permit proprietor of temporary food premises, mobile food premises or food vending machine to register or notify under Divisions 2 or 3	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Section 35A(4)	Permit each proprietor of temporary food premises, mobile food premises or food vending machine belonging to a specified class to register or notify under Divisions 2 or 3	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 36	Declare the information and documents required to be given to the registration authority by the proprietor of a food business	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38(1)	Exempt a food premises or class thereof from registration requirement	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38(3)	Secretary to be consulted by council about proposed exemption	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Sections 38AA(4) and (5)	Determination of a notification	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Sections 38AB(1) - (3)	Declare maximum fee that may be charged by registration authority for receipt of notification under section 38AA	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38AB(4)	Fix a fee for the receipt of a notification under section 38AA	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> </ul>
Section 38A(4)	Request completed food safety template from proprietor	<ul style="list-style-type: none"> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 38A(5)	If a QA food safety program is intended to be used for the premises, proprietor must provide registration authority a certificate from a food safety auditor if a QA food safety program is intended to be used	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38A(6)	Proprietor of food premises must provide certain information to registration authority if a non-standard food safety program other than a QA food safety program is intended to be used for the premises	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38B (other than paragraph (c) of subsection (1))	Decide whether to register or transfer registration, and things that must be done before making this decision (other than inspection)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38B(1)(c)	Inspection of premises prior to registration or transfer of registration	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Manager, Regulation and Incident Management</li> <li>• An authorized officer who is authorised by the Secretary under section 20(1) of the Act</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 38D (other than paragraph (b) of subsection (1))	Decide whether to renew registration, and things that must be done before making this decision (other than inspection)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38D(1)(b)	Carry out an annual inspection of a food premises before the registration of the premises is renewed	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Manager, Regulation and Incident Management</li> <li>• An authorized officer who is authorized by the Secretary under section 20(1) of the Act</li> </ul>
Sections 38E(1)-(4)	Conditional registration powers	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 38E(5)	Declare a longer time period for the purposes of s.38E (conditional registration)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>



<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Section 38F(3)	Matters relating to change of operations that may affect the classification of a premises	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 39(2)	Carry out an inspection of a food premises within 12 months before the registration of the premises renewed	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Manager, Regulation and Incident Management</li> <li>• An authorized officer who is authorised by the Secretary under section 20(1) of the Act</li> </ul>
Section 39(3)(d)	Issue guidelines in relation to inspections	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Sections 39A(1), (2) and (3)	Register, renew or transfer registration despite minor defects	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> Statutory/Administrative provisions	<b>COLUMN 2</b> Description	<b>COLUMN 3</b> Delegates
Section 39A(4)	Direct a council not to exercise power	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 40(1)	Provide a certificate of registration	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 40C(2)	Grant or renew the registration of a food premises for a period of less than 1 year at the request of the proprietor	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 40D	Revoke or suspend the registration of a food premises	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 40E	Direct a council to revoke or suspend a registration	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 43(3)	Provide access to registration information about a particular premises to a person on request	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 43E	Declare requirements for notification or registration under Division 4	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 43F(6)	Registration authority to be satisfied requirements met before registering, transferring or renewing component of a food business	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 43F(7)	Registration authority may register those components of a food business that meet requirements	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 43H	Declare requirements for statement of trade	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Secretary, Regulation, Health Protection and Emergency Management</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 44	Make order to prevent or reduce serious danger to public health	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 44A(1)(a)	Approve form of publication of warnings	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 44A(2)	Vary or revoke order made under s.44	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 44B(4)	Sign certificate stating costs incurred in any proceedings for recovery of a debt.	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 44C(2)	Publish details of order made under Part VII	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 44D	Compensation	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Director, Health Protection Operations &amp; Strategy</li> </ul>
Section 44G	Apply to Supreme Court for an enforcement order	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 45AC	Bring proceedings for an offence (prosecutions)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 46(5)	Institution of certain proceedings	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 48(4)	Direct destruction or disposal of forfeited articles	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 50AA	Evidentiary certificates about decisions made under the Act signed by Secretary	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 50AC	Evidence of signature of Secretary	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> </ul>
Section 53D(2)	Consider the appropriate form in which the register of convictions may be kept	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 53F(1)(b)	Information must not be included on the register of convictions if the Secretary is satisfied that to do so would be contrary to the purpose of an order under the Family Violence Protection Act 2008 or other similar order under any other law	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 53F(3)	Consult with Victorian Privacy Commissioner if Secretary considers inclusion of an address in the register may raise privacy issues	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 53G	Receive information relevant to register of convictions	<ul style="list-style-type: none"> <li>• Director, Health Protection Operations &amp; Strategy</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 53H	Correct any error or omission in information in the register of convictions	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> </ul>
Section 53I	Remove information from register relating to a conviction	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> </ul>
Section 53J(1)	Add information to the register of convictions	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> </ul>



<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 54A	Receive confidential information about food	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Deputy Chief Health Officer (Environment) Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 58(1)	Notify Liquor Licensing Commission about an order made under s.19	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 58(2)	Notify Liquor Licensing Commission of result of certain proceedings if holder of licence or permit is found or pleads guilty and a conviction is not recorded	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>

COLUMN 1 Statutory/Administrative provisions	COLUMN 2 Description	COLUMN 3 Delegates
Section 58B	Take action in relation to things done or not done at a temporary or mobile food premises or food vending machine, and take into account inspections or other action taken by another registration authority	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> <li>• An authorized officer who is authorised by the Secretary under section 20(1) of the Act</li> </ul>
Section 59	Offence of giving false or misleading information to the Secretary	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> <li>• Manager, Regulation and Incident Management</li> <li>• Manager, Systems and Program Development</li> </ul>
Section 59C(2)	Take, or authorise a person to take, actions necessary to ensure compliance with a direction referred to in subsection (1)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>

<b>COLUMN 1 Statutory/Administrative provisions</b>	<b>COLUMN 2 Description</b>	<b>COLUMN 3 Delegates</b>
Section 59C(3)	Take, or authorise a person to take, actions necessary to ensure compliance with an order referred to in sub-section (1)	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 59C(8)	Incur other costs or expenses which are reasonable costs for the purposes of section 59C	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> </ul>
Section 60A(b)	Functions of Food Safety Council	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 63(5)	Publish codes of practice in relation to matters which may become the subject of regulations	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 63(6)	Matters regarding whether requirement to provide copies of proposed regulations to municipal councils applies	<ul style="list-style-type: none"> <li>• Director, Health Protection Operations &amp; Strategy</li> <li>• Senior Manager, Food Safety</li> </ul>

<b>COLUMN 1</b> <b>Statutory/Administrative provisions</b>	<b>COLUMN 2</b> <b>Description</b>	<b>COLUMN 3</b> <b>Delegates</b>
Section 71(a)	Revoke or suspend registration of food premises under Part IIIB or section 40D, if, immediately before commencement date, a ground for the revocation or suspension of the premises exists under Part IIIB or section 40D of the unamended Act and the matter giving rise to that ground has not been dealt with under the unamended Act	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 71(b)	Give a direction under section 40E if, immediately before the commencement date, a ground for the revocation or suspension of the premises exists under Part IIIB or section 40D of the unamended Act and the matter giving rise to that ground has not been dealt with under the unamended Act	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>
Section 73	Include in the register of convictions under section 53D a conviction for an offence committed before 1 July 2010 if the conviction for the offence is recorded after that date	<ul style="list-style-type: none"> <li>• Chief Health Officer</li> <li>• Deputy Chief Health Officer (Environment)</li> <li>• Deputy Chief Health Officer (Communicable Disease)</li> <li>• Senior Manager, Food Safety</li> </ul>