



# **PLANNING AND REGULATORY COMMITTEE MEETING**

## **AGENDA**

**26 FEBRUARY 2019**

*Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 26 February 2019 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. P.", is written over a faint, light blue circular watermark or seal.

**CHIEF EXECUTIVE OFFICER**  
20 February 2019

Next Meeting Date: 12.03.19

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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**1 OPENING**

**2 PRESENT**

Members Present:

Councillor C R Rutherford  
Councillor N K Fisher  
Councillor M D Wickerson

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)  
Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Margaret Strelow has tendered her apology and will not be in attendance.  
Councillor Ellen Smith has tendered her apology and will not be in attendance.

**4 CONFIRMATION OF MINUTES**

Minutes of the Planning and Regulatory Committee held 12 February 2019

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 OFFICERS' REPORTS

### 8.1 DECISIONS UNDER DELEGATION - DECEMBER 2018 AND JANUARY 2019

**File No:** 7028  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning and Regulatory Services  
 Colleen Worthy - General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

#### SUMMARY

*This report outlines the properly made development applications received in December 2018 and January 2019 and whether they will be decided under delegation or decided by Council.*

#### OFFICER'S RECOMMENDATION

THAT this report into the applications lodged in December 2018 and January 2019 be received.

#### BACKGROUND

Matters are referred to Committee for decision where:

- Refusals;
- The development is inconsistent with the intent of the zone;
- Submissions are received during the notification period.

The following properly made applications were received in December 2018 and January 2019. They will be decided in the following manner:

Application type	Address	Decision
<b>December 2018</b>		
D/132-2018 – MCU for Multiple Dwelling (6 units)	99 Wandal Road, Wandal	Impact Assessable so it may go to Committee if submissions are received
D/133-2018 – Operational Works for Roadworks, Stormwater, Earthworks and Minor Concrete Works (footpath and stairs). The primary approval is for an Education Establishment (Extension) – Heights College.	276 Carlton Street, Kawana	Delegation
D/134-2018 – Operational Works for Roadworks and Access and Parking Works. The primary approval is for a Vehicle Depot.	296 Dalma-Ridgeland Road, Ridgeland	Delegation
D/135-2018 – ROL (1 lot into 39 lots) – Forest Park Estate Stage 16	Lot 818 Farm Street, Norman Gardens	Delegation



D/136-2018 – Operational Works for Advertising Devices (Aurizon Signs)	366 Meteor Park Road, Kabra	Delegation
D/137-2018 – Operational Works for Tidal Works. (Department of Transport and Main Roads is applicant).	717 Capricorn Highway, Gracemere	Delegation
<b>January 2019</b>		
D/1-2019 – Operational Works for Advertising Device	40 Alma Street and 23 Albert Street, Rockhampton City	Already decided under delegation
D/2-2019 – Operational Works for Road Work. The primary approval is for Indoor Sport and Recreation (Crazy Joker)	100 Bolsover Street, Rockhampton City	Delegation
D/3-2019 – Operational Works for Advertising Device (Pylon Sign)	199 Boundary Road, Parkhurst	Delegation
D/4-2019 – Operational Works for Landscape Works. The primary approval is for a Service Station.	40 Alma Street and 23 Albert Street, Rockhampton City	Delegation
D/5-2019 – Operational Works for Earthworks (Retaining Wall). There is no primary approval for this application, however there is historical approvals for a Dwelling House.	348 Diplock Street, Frenchville	Delegation
D/6-2019 – MCU for Dwelling House	259 Archer Street, The Range	Delegation
D/7-2019 – Operational Works for Advertising Device (Billboard Sign)	26 Knight Street, Park Avenue	Committee

For some matters it is not possible to determine if they will go to Committee until the notification period ends. If there have been submissions the application will go to Committee to be decided.

### CONCLUSION

This report outlines the applications received in December 2018 and January 2019 and the manner in which they will be decided.

**8.2 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - JANUARY 2019**

**File No:** 1464

**Attachments:** 1. Monthly Operations Report for Planning & Regulatory Services - January 2019 [↓](#)

**Authorising Officer:** Colleen Worthy - General Manager Community Services

**Author:** Steven Gatt - Manager Planning and Regulatory Services

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**SUMMARY**

*The Monthly Operations Report for the Planning & Regulatory Services Section for January 2019 is presented for Councillor's information.*

**OFFICER'S RECOMMENDATION**

THAT the Planning & Regulatory Services Monthly Operations Report for January 2019 be 'received'.

**COMMENTARY**

The monthly operations report for Planning & Regulatory Services is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2019/2020 Operational Plan Key Performance Indicators.

# **MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - JANUARY 2019**

## **Monthly Operations Report for Planning & Regulatory Services - January 2019**

**Meeting Date: 26 February 2019**

**Attachment No: 1**

# MONTHLY OPERATIONS REPORT

## PLANNING & REGULATORY SERVICES

### PERIOD ENDED JANUARY 2019



## 1. Operational Summary

### Local Laws

#### Microchipping and Vaccination Clinics

**Vaccinations** – the vaccination program was available to eligible Rockhampton Regional Council area residents (concession/pension card holder etc.) and was specifically aimed at puppies. Eligible residents received vaccinations at a discounted rate.

**Microchipping** – microchipping was available at these clinics to all Rockhampton Regional Council residents for a reduced rate.

Over 250 dogs were microchipped and 376 vaccinations were administered across the four clinics that took place between October and February. This is a very positive outcome and a great step towards minimising the spread of life-threatening viruses including parvovirus, distemper and infectious hepatitis. It also means we now have a further 257 dogs in the community which, if necessary, we can return home through identification via microchip.

Vaccination and Microchipping Clinic Statistics		
Date of Clinic	Vaccinations	Microchips
7th October 2018	80	65
4th November 2018	75	50
6th January 2019	75	46
3rd February 2019	146	96
TOTALS	376	257

These clinics were a joint initiative of Rockhampton Regional Council, Paws for a Purpose, Torenbeek Vet Clinic and the Alma Street Veterinary Hospital.

**Development Engineering**

Officers will be attending a Water by Design workshop in February with the Department of Environment and Science. The workshop will cover water quality management, changes to State planning policies and guidelines etc. Further in February, the Institute of Engineers Australia have their central regional forum in Rockhampton which officers will attend. A number of topics will be covered including the RNAU Project, Shoalwater Bay Army Upgrade, Carmichael Coal Mine and Rail Project.

**Development Assessment**

There have been no highlights for the Development Assessment Unit in January 2019 and it has been business as usual for the start of the year. The team are looking forward to the Planning Institute of Australia webinars commencing for the year in February.

**Environmental Health**

Environmental Health Officers have attended a webinar and provided consultation feedback to Queensland Health on proposed legislation changes to the *Food Act 2006* to bind State owned facilities to the Act.

**Building, Plumbing & Compliance**

Building officers have steered a course through the legal framework to complete the demolition of dangerous premises (Archer Hotel). Officers recorded the process so to complete a Work Instruction so that next time the process will flow better.

## 2. Customer Service Requests

The Planning and Regulatory Services section has received in the vicinity of 1,221 customer requests from January 2019 to date. Of these, 839 have been completed giving an average completion rate of 68% across the spectrum of operations.

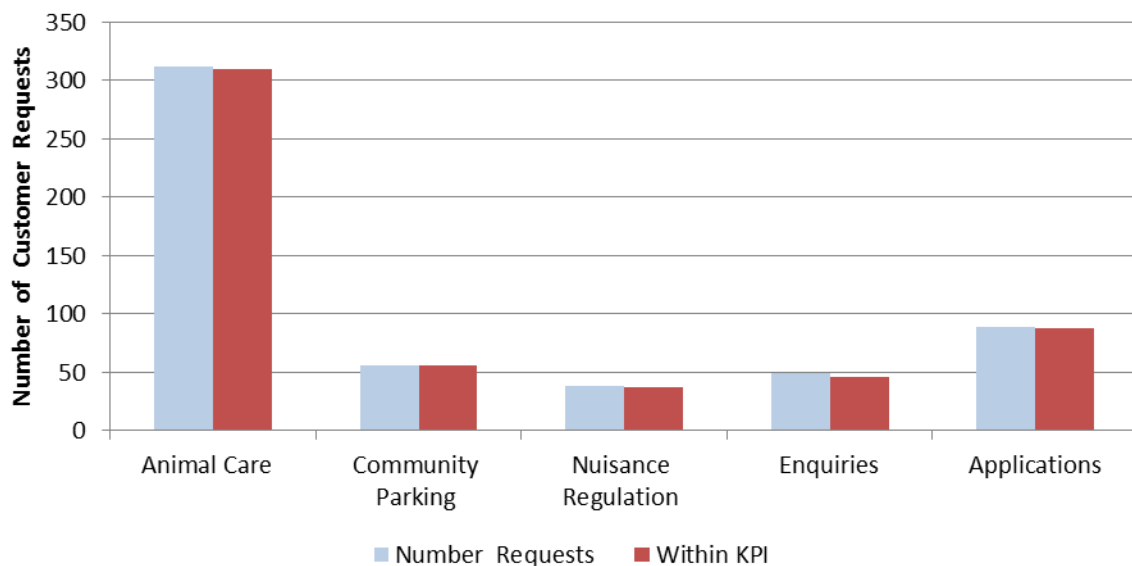
### Local Laws

The Local Laws unit received 777 requests in January resolving 465 requests in the January period. Of these 229 were in relation to overgrown allotments with 108 resolved in the same period. This spike can be attributed to the rain during December.

Response times for completing customer requests in this reporting period for January 2019 are within the set timeframes for our KPIs.

Graph 2.1

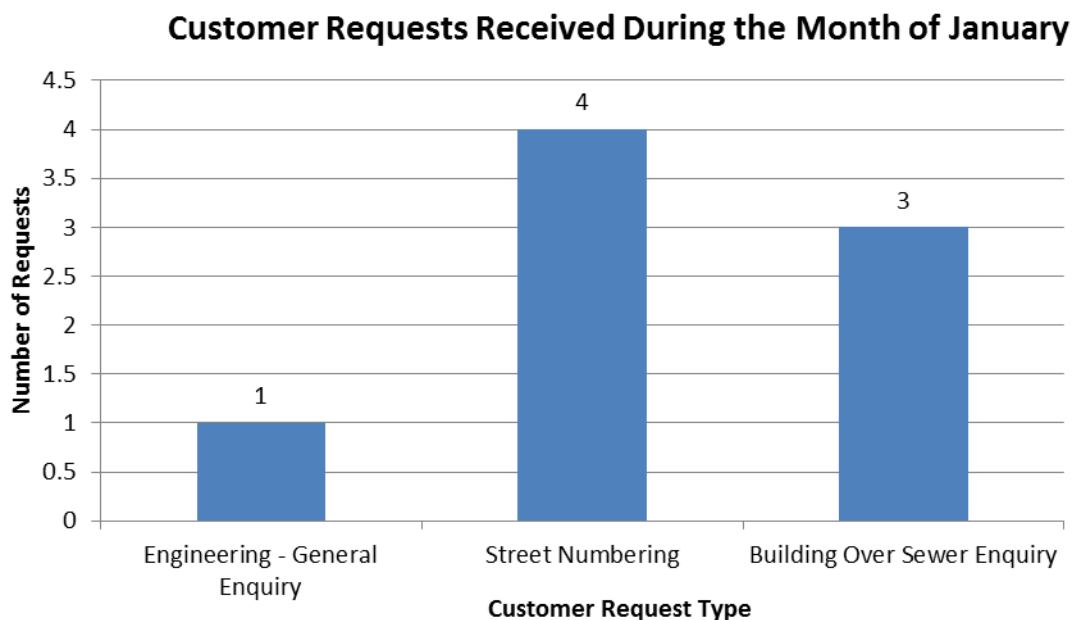
### Initial Customer Request KPI Performance January 2019



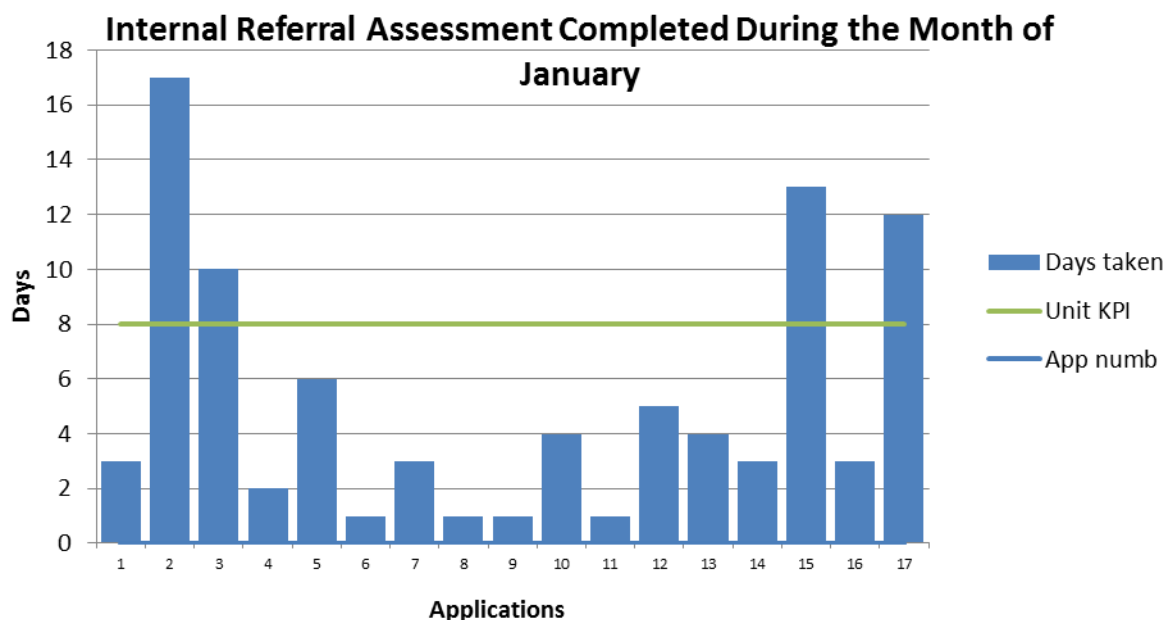
**Development Engineering (DEU)**

Response times for completing customer requests in this reporting period for January 2019 are within the set timeframes.

Graph  
2.2



Graph 2.3



The development applications referred to DEU for the period of January was 17. The units KPI for completing the assessment of applications is 90% within 8 business days of receiving the application. Four applications were not completed within the units established KPI achieving an overall of 77%. The assessing officers were not provided with sufficient information to decide the application for the majority of the four applications. Therefore, DEU officers requested additional time from the assessment manager so that further information could be provided.

It is noted that all applications were decided within the statutory timeframes, which exceeds DEU's current KPIs.

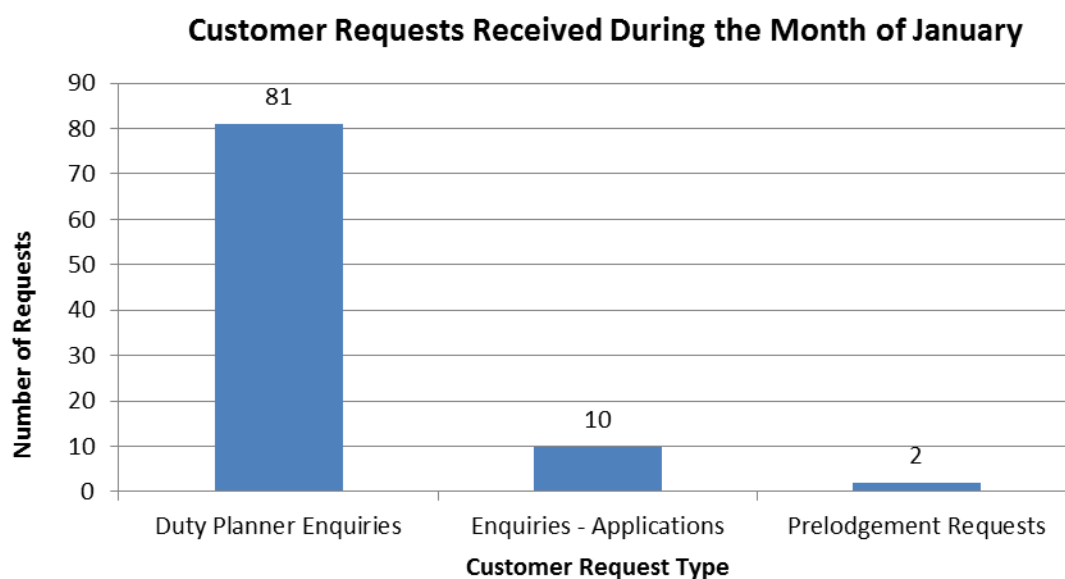
**Development Assessment**

Response times for completing customer requests in this reporting period for January 2019 are generally within the set timeframes. The team responded to 91 duty planner requests in January 2019. There were only three incomplete customer requests as at 1 February 2019.

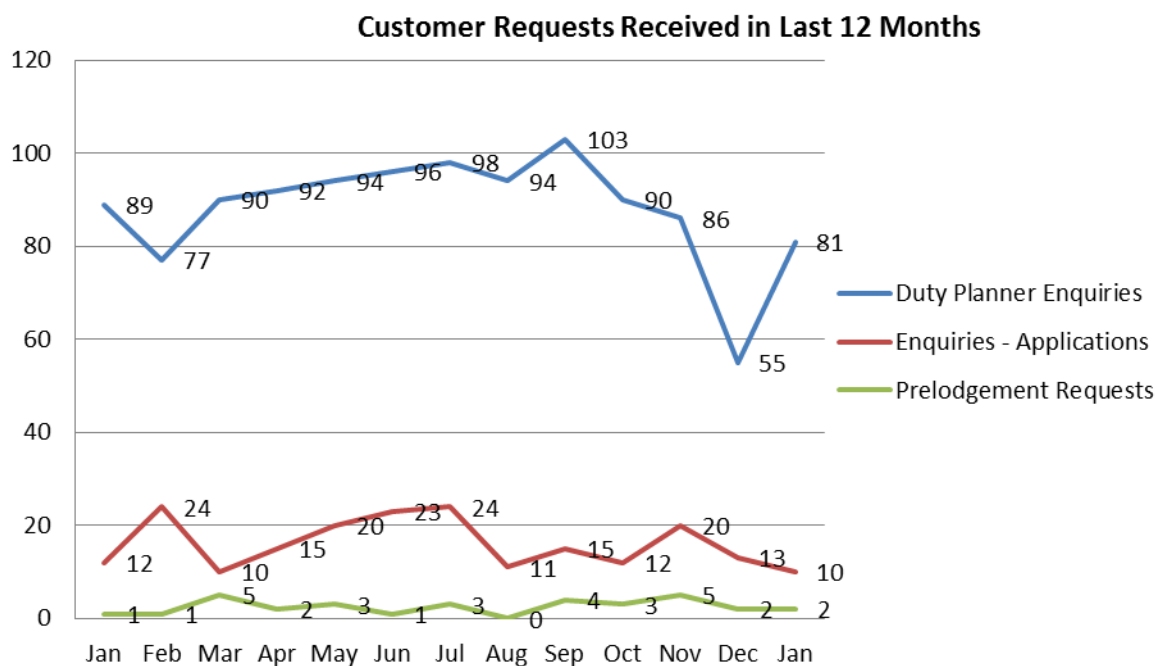
There was one confirmation notice that was sent out three days late; this is due to not identifying referral agencies during initial assessment.

There were two applications which were not decided within the 35 business day statutory timeframe however, extensions were agreed between the parties for longer decision periods of 37 days and 58 days.

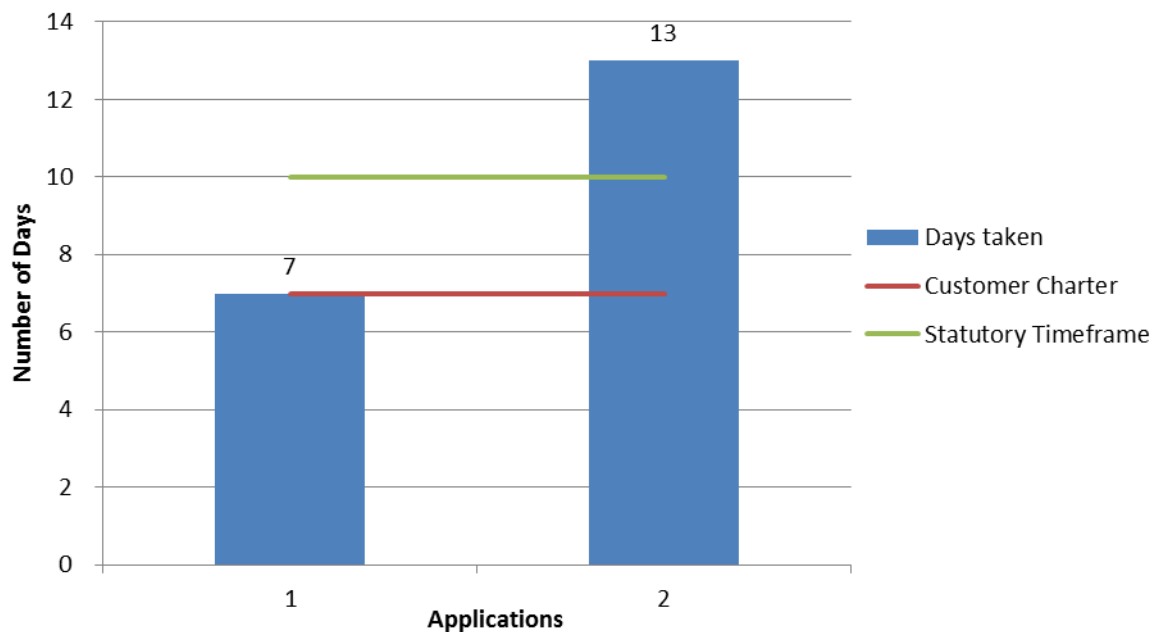
Graph 2.4



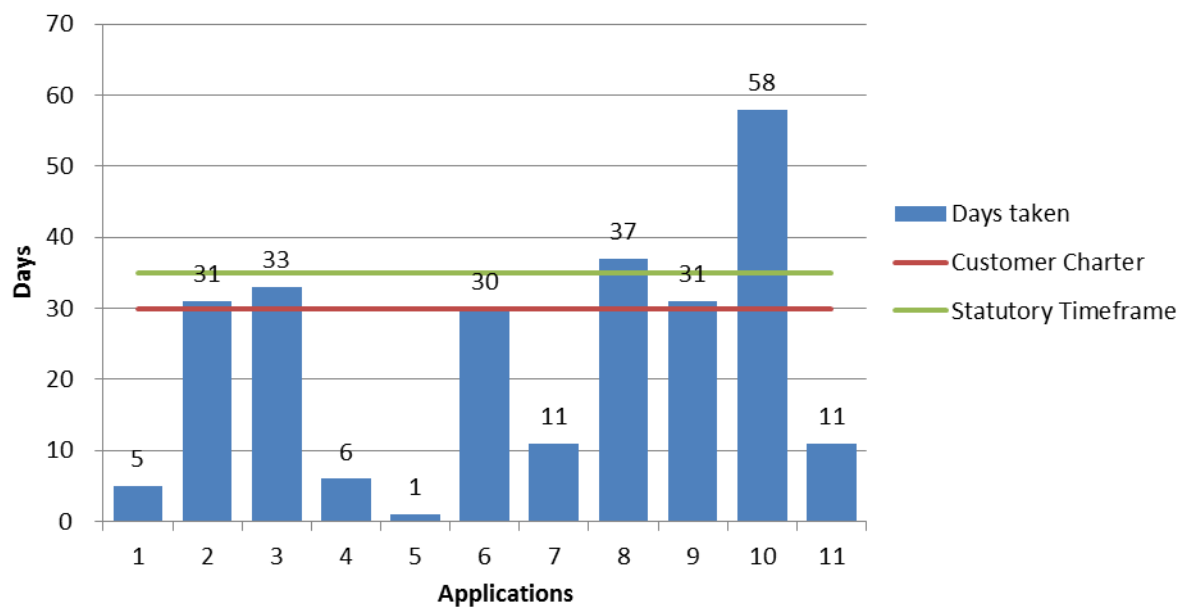
Graph 2.5





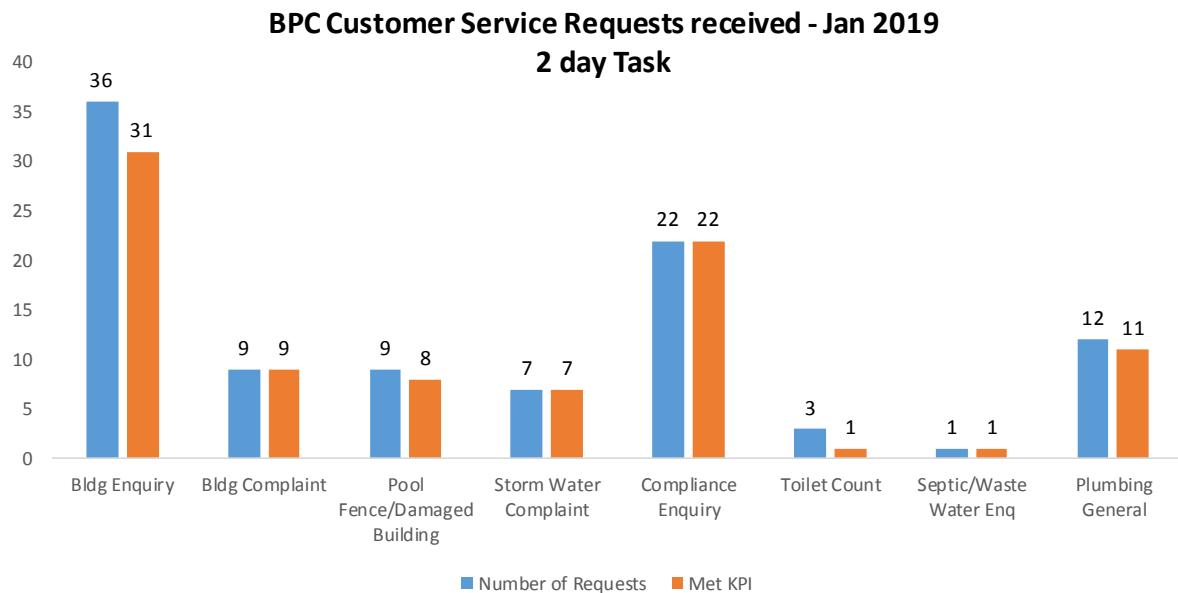
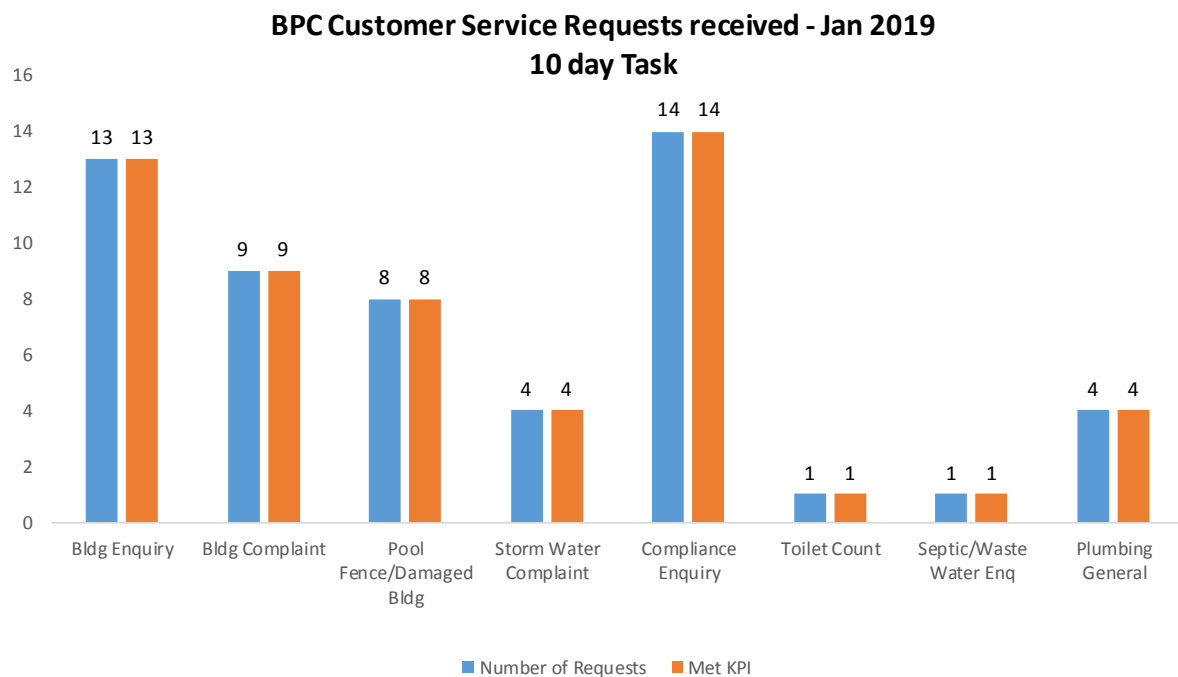
Graph  
2.6**Confirmation Notices Issued During the Month of January**

Graph 2.7

**Decisions Made During the Month of January**

**Building, Plumbing & Compliance**

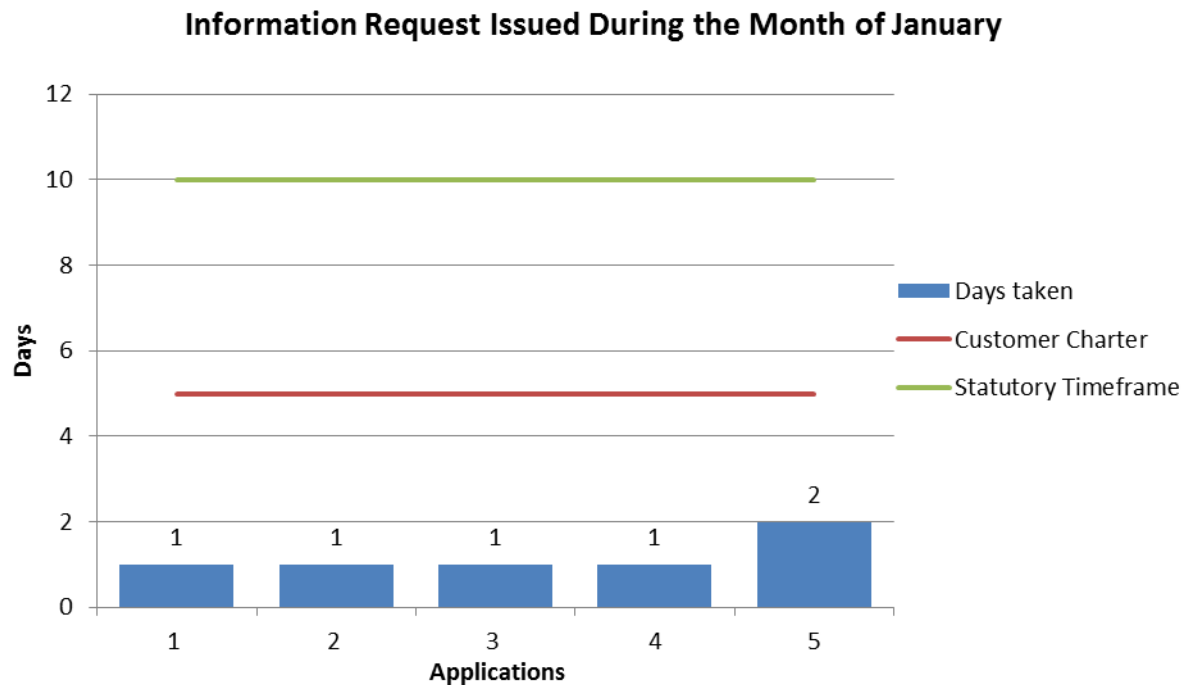
The team received 112 requests in January 2019 with 84 completed; a completion rate of 75%. The unit currently carries a total of 115 outstanding requests.

**Graph 2.8****Graph 2.9**

## Applications

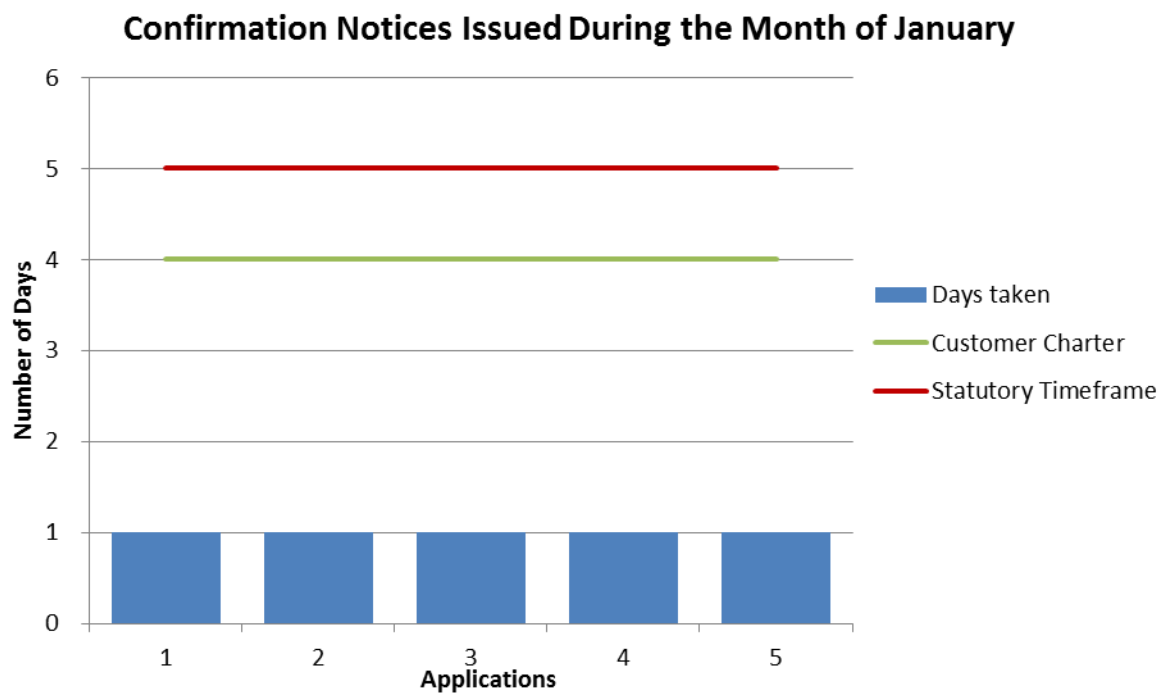
### Building Applications

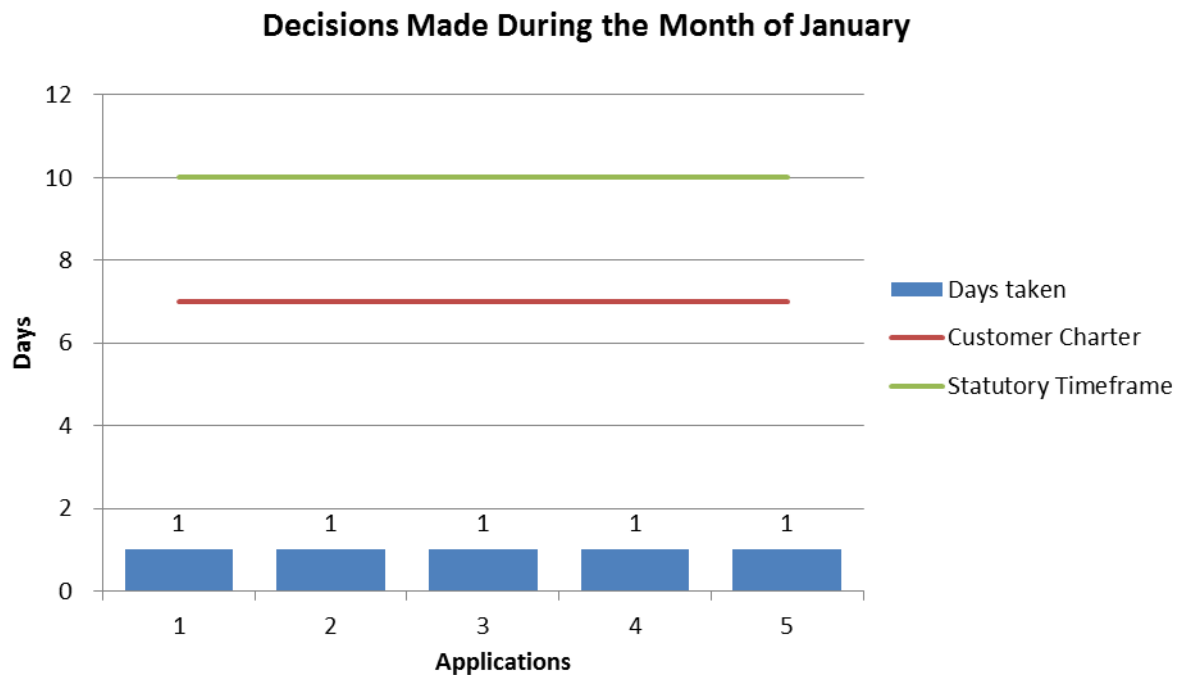
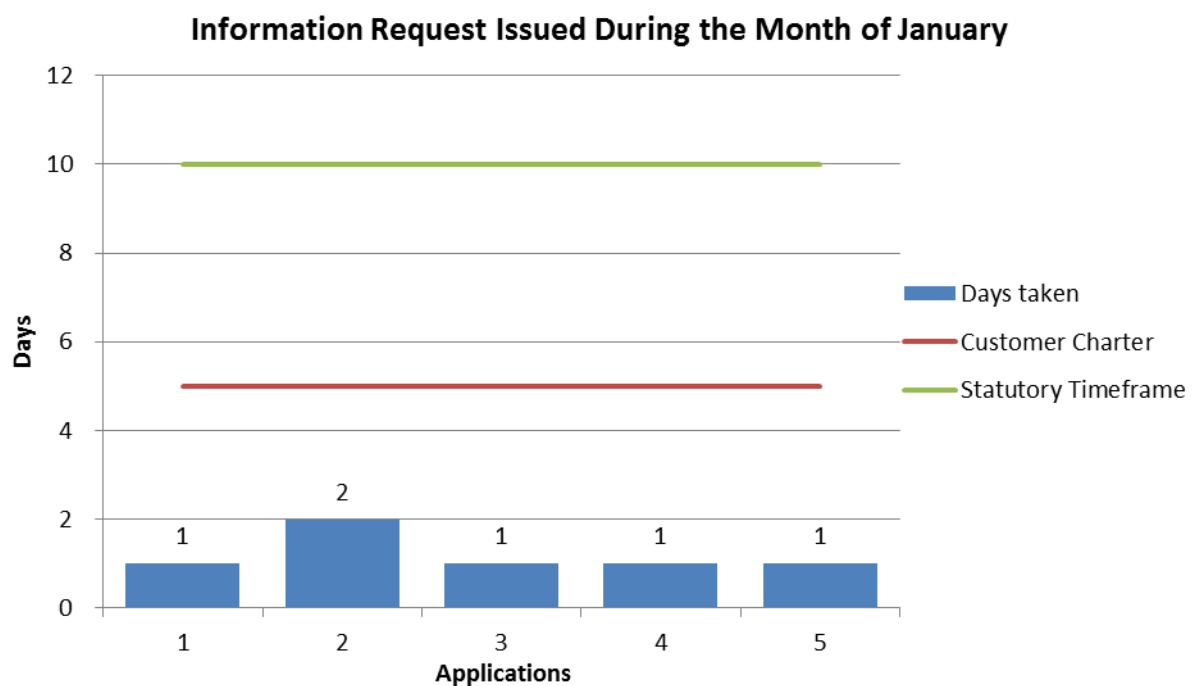
Graph  
2.10



### Referral Agency Applications

Graph  
2.11

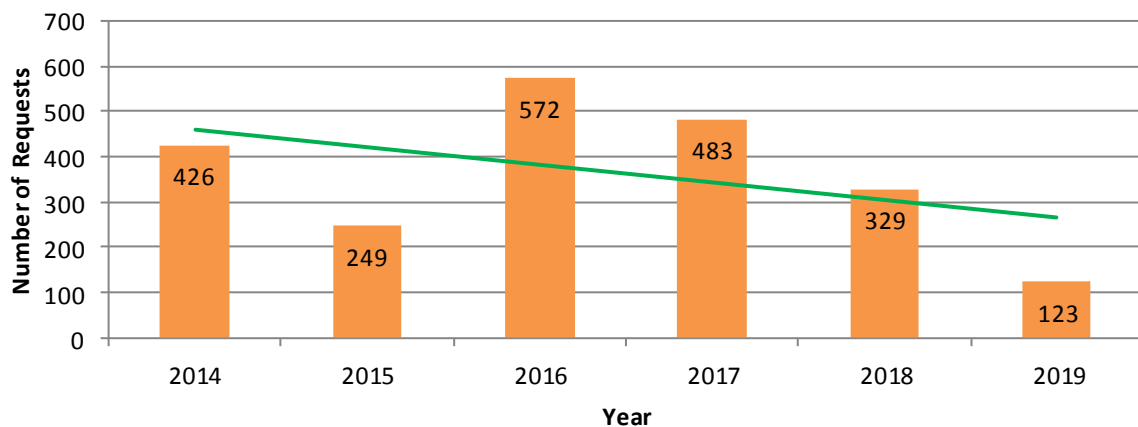


Graph  
2.12Plumbing ApplicationsGraph  
2.13

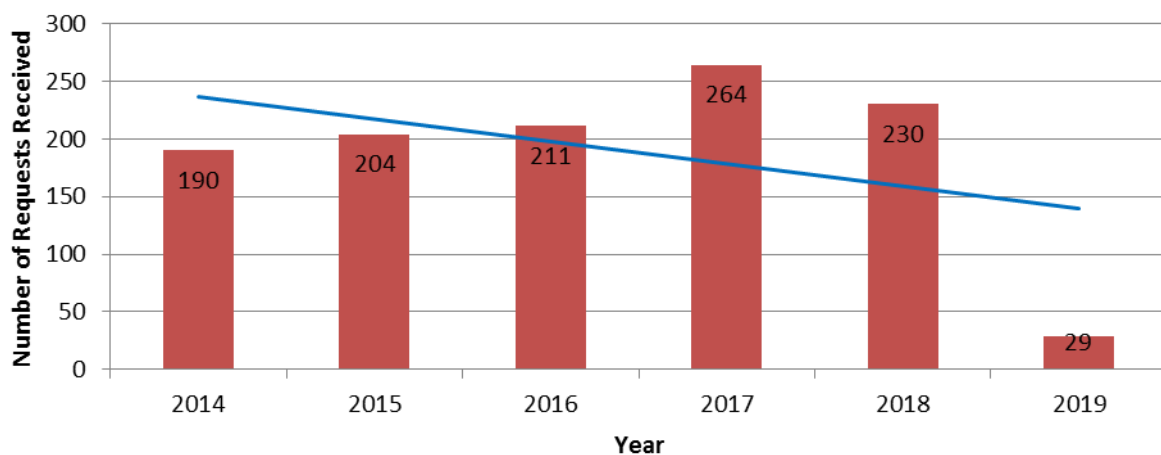
**Environmental Health**

Response times for contacting the customer and completing customer requests have been generally within set timeframes. Due to an increase in some request types and low staff numbers at the beginning of January some delays were experienced. A total of 184 requests were responded to with 82 of those being mosquito misting requests and 23 pest plant requests.

Graph 2.14

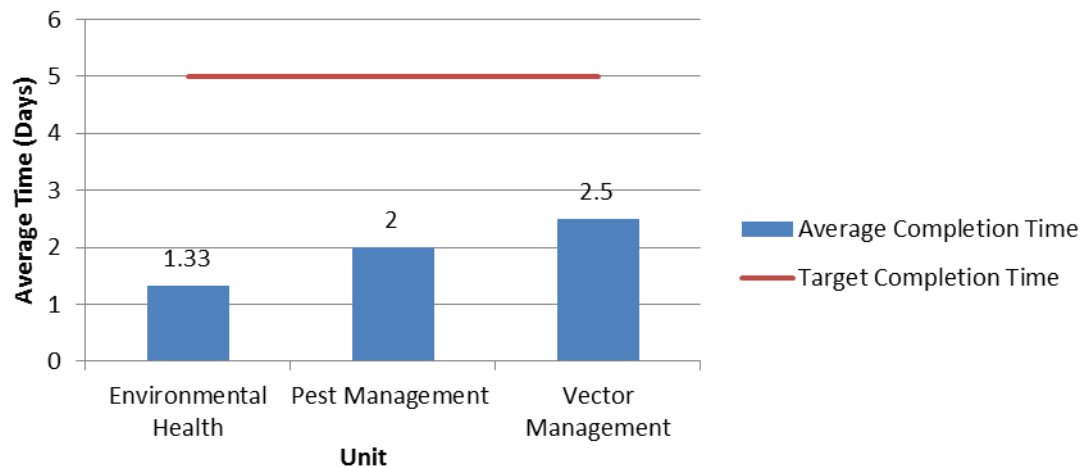
**Vector Management Total Requests Received YTD**

Graph 2.15

**Pest Management Total Requests Received YTD**

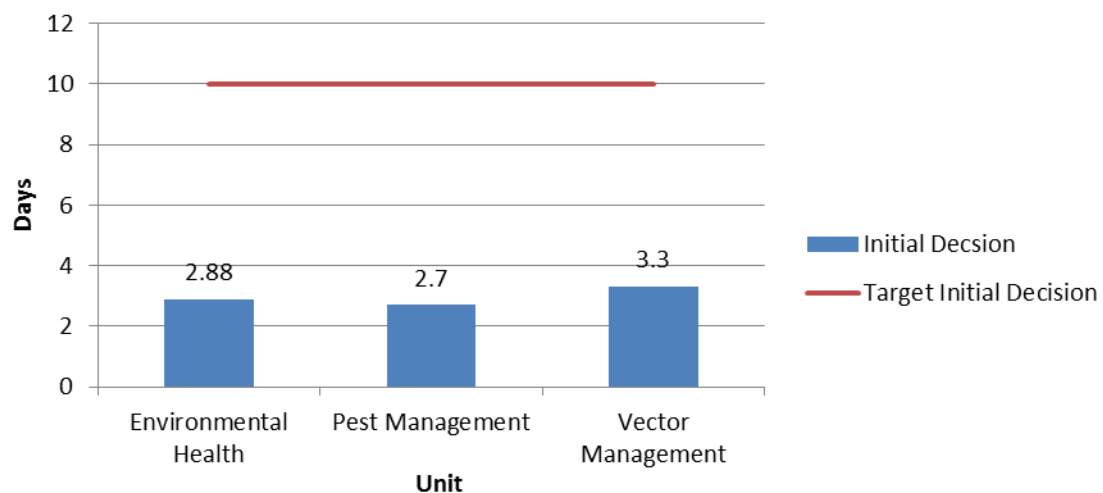
Graph 2.16

### Average Time to complete General Enquiries (January 2019)










Graph 2.17

### Average Time to Make Initial Complaint Decision (January 2019)



### 3. Operational Projects

As at period ended January 2019 – 58% of year elapsed.

Project	Planned Start Date	Planned End Date	On Track	Comment	Budget Estimate	YTD actual (incl committals)
<b>Local Laws</b>						
<i>Issuing of Dog Registration Renewals</i>	<i>Jun 18</i>	<i>Sept 19</i>			<i>\$20,000</i>	<i>\$16,341.99</i>
<i>Puppy/Dog Microchipping &amp; Vaccination Drive</i>	<i>Oct 18</i>	<i>Feb 19</i>			<i>Operational</i>	<i>\$2,999.00</i>
<i>Approved Inspection Program</i>	<i>May 19</i>	<i>Jun 19</i>			<i>Operational</i>	
<b>Development Assessment</b>						
<i>Outstanding Infrastructure Charges</i>	<i>Jun 17</i>	<i>Dec 18</i>		<i>Project nearing completion.</i>	<i>Operational</i>	<i>Within Budget</i>
<b>Development Engineering</b>						
Capricorn Municipal Development Guideline - Governance Strategy Document	Commenced	Jun 19		In progress.	Operational	Within Budget
Adopted Infrastructure Charges Resolution No.6	Commenced	To be determined		Given other priorities work has not progressed.	Operational	Within Budget
<b>Building, Plumbing &amp; Compliance</b>						
Mobile Inspections	Commenced	To be determined		In progress.	Operational	Within Budget

## 4. Budget

## End of Month General Ledger - (Operating Only) - COMMUNITY SERVICES



As At End Of January

Report Run: 11-Feb-2019 08:38:12 ; Excluding 2914, 2918, 2919, 2814, 2917, 2924, 1801, 1806, 1807, 1901, 1906

	Adopted Budget FULL	Revised Budget	YTD Actual	EOM Commitments	Commit - Actual	Variance %	On target 58.3% of Year Gone
	\$	\$	\$	\$	\$		
<b>COMMUNITY SERVICES</b>							
<b>PLANNING AND REGULATORY SERVICES</b>							
<u>Development Engineering</u>							
Revenues	(2,624)	(2,624)	(520)	0	(520)	20%	*
Expenses	1,108,422	1,108,422	618,574	26,700	645,274	58%	✓
Transfer / Overhead Allocation	(448,589)	(448,589)	(255,215)	0	(255,215)	57%	✓
<b>Total Unit: Development Engineering</b>	<b>657,263</b>	<b>657,263</b>	<b>362,839</b>	<b>26,700</b>	<b>383,538</b>	<b>59%</b>	<b>✓</b>
<u>Development Assessment</u>							
Revenues	(861,928)	(730,061)	(276,558)	0	(276,558)	38%	*
Expenses	1,533,026	1,613,026	960,752	53,325	1,014,077	63%	*
Transfer / Overhead Allocation	31,212	31,212	(33,006)	0	(33,006)	-106%	*
<b>Total Unit: Development Assessment</b>	<b>762,316</b>	<b>514,177</b>	<b>651,187</b>	<b>53,325</b>	<b>764,512</b>	<b>77%</b>	<b>*</b>
<u>Building, Plumbing and Compliance</u>							
Revenues	(747,266)	(747,266)	(304,693)	0	(304,693)	41%	*
Expenses	1,359,712	1,359,712	686,267	3,151	689,418	51%	*
Transfer / Overhead Allocation	(106,419)	(106,419)	(61,795)	0	(61,795)	58%	✓
<b>Total Unit: Building, Plumbing and Compliance</b>	<b>566,627</b>	<b>566,627</b>	<b>315,778</b>	<b>3,151</b>	<b>322,538</b>	<b>64%</b>	<b>*</b>
<u>Health &amp; Environment</u>							
Revenues	(192,052)	(192,052)	(77,544)	0	(77,544)	40%	*
Expenses	2,611,869	2,611,869	1,176,641	94,162	1,270,803	49%	*
Transfer / Overhead Allocation	360,558	360,558	163,274	0	163,274	45%	*
<b>Total Unit: Health &amp; Environment</b>	<b>2,780,374</b>	<b>2,780,374</b>	<b>1,262,372</b>	<b>94,162</b>	<b>1,356,534</b>	<b>49%</b>	<b>*</b>
<u>Local Laws</u>							
Revenues	(1,466,385)	(1,237,950)	(659,907)	0	(659,907)	53%	*
Expenses	2,784,876	2,784,876	1,588,318	144,775	1,733,093	62%	*
Transfer / Overhead Allocation	260,367	260,367	153,680	0	153,680	59%	✓
<b>Total Unit: Local Laws</b>	<b>1,568,658</b>	<b>1,667,293</b>	<b>1,662,656</b>	<b>144,775</b>	<b>1,226,665</b>	<b>68%</b>	<b>*</b>
<u>Planning and Regulatory Services Management</u>							
Expenses	530,958	530,958	298,000	44,283	342,283	64%	*
<b>Total Unit: Planning and Regulatory Services Management</b>	<b>530,958</b>	<b>530,958</b>	<b>298,000</b>	<b>44,283</b>	<b>342,283</b>	<b>64%</b>	<b>*</b>
<b>Total Section: PLANNING AND REGULATORY SERVICES</b>	<b>6,765,736</b>	<b>7,196,038</b>	<b>3,976,266</b>	<b>366,397</b>	<b>4,342,663</b>	<b>60%</b>	<b>✓</b>
<b>Total Department: COMMUNITY SERVICES</b>	<b>6,765,736</b>	<b>7,196,038</b>	<b>3,976,266</b>	<b>366,397</b>	<b>4,342,663</b>	<b>60%</b>	<b>✓</b>
<b>Grand Total:</b>	<b>6,765,736</b>	<b>7,196,038</b>	<b>3,976,266</b>	<b>366,397</b>	<b>4,342,663</b>	<b>60%</b>	<b>✓</b>

## Comments

**Development Assessment** - The Development Assessment legal budget has been exceeded by having two matters (including Kershaw Gardens) going to hearing. One of these matters has been appealed to the Court of Appeal and an originating application filed in the Planning and Environment Court for the same matter. Both of these proceedings are likely to go to hearing.

**Development Engineering** – The Development Engineering Budget is tracking well and on target.

**Building, Plumbing & Compliance** – The unit is showing a variance in *Contractors Other* due to the demolition of the Archer Hotel with a figure of \$50,000. This is a new venture for the unit and was not budgeted for. However, on current tracking it should not impact on our overall budget. Applications continue to be lower than previous year resulting in a drop in revenue.

**Local Laws** –. Despite ‘Contractors & Consultants’ being within budget ‘Contractors Veterinary’ is showing a 192% budget variation. This is due to the Snip and Chip spending coming from this natural account and is offset against the contractors account.

**Environmental Health** – The Health and Environment budget has seen no significant changes in the past month other than routine spending.

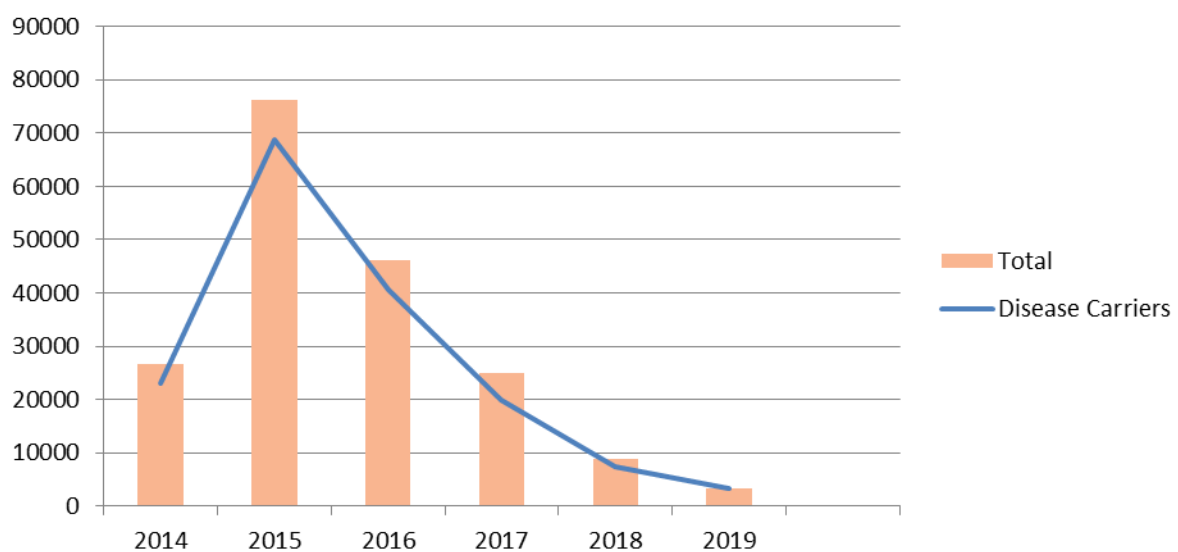


## 5. Section Statistics

<b>Program Activity</b>	<b>Dates/s Held</b>	<b>Visitor/Participant Numbers</b>	<b>Comments</b>
<b>Local Laws</b>			
Vaccination & Microchipping Clinic	6 Jan 2019	- 75 Vaccinated - 46 Microchipped	
Vaccination & Microchipping Clinic	3 Feb 2019	- 146 Vaccinated - 96 Microchipped	
<b>Health and Environment</b>			
<b>Applications/Inspections</b>		<b>Jan 19</b>	<b>Comments</b>
Number of Food Business Licence Applications		2	One application still under assessment
Number of Short Term Food Business Licence Applications		1	Application was subsequently withdrawn
Number of Mobile Food Business Licence Applications		1	Still under assessment
Total Number of Approved Food Business Licences		487	
Number of Annual Inspections for Food Business Licences financial YTD		237	

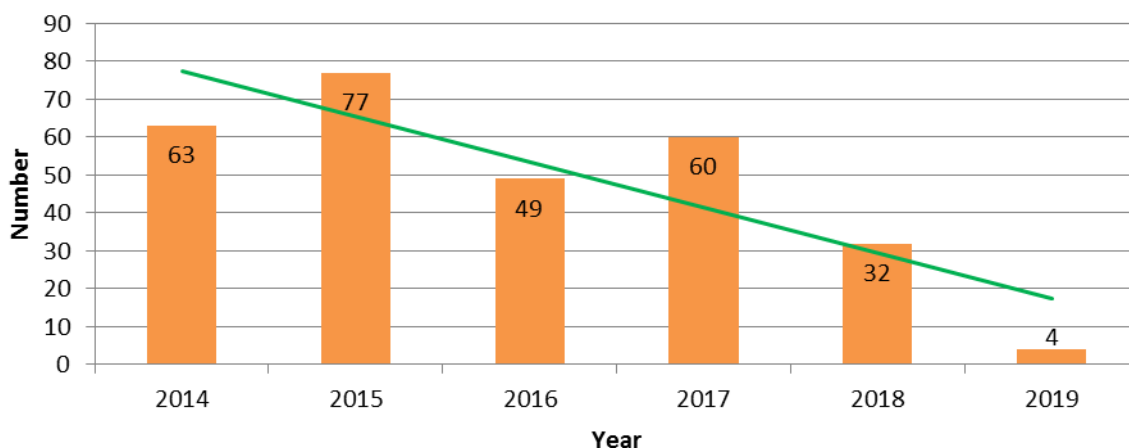
Graph  
5.1

### Mosquito Light Trap Numbers - 5 Year Trend



Graph  
5.2

## Vector Management Ross River Notifications YTD



Service Level	Target	Current Performance	Service Level Type (Operational or Adopted)
<b>Health and Environment</b>			
Annual inspection of licensed food businesses undertaken	474 premises	49% completed	Operational
Annual inspection of licensed businesses that provide higher risk personal appearance services undertaken	11 premises	44% completed	Operational
Annual inspection of devolved licensed environmentally relevant activities undertaken	16 premises	25% completed	Operational
<b>Development Assessment</b>			
Confirmation Notices (where required) sent out within 10 business days of applications lodged	100%	50%	Operational
Information Requests (where required) sent out within timeframes required under SPA and PA	100%	100%	Operational
Decisions are made within timeframes required under SPA and PA	100%	100%	Operational
Decision notices are issued within 5 business days of the decision being made	100%	100%	Operational

Service Level	Target	Current Performance	Service Level Type (Operational or Adopted)
<b><i>Building</i></b>			
Action notices and confirmation notices (where required) sent out within 10 business days of applications being lodged	100%	100%	Operational
Information requests (where required) sent out within timeframes under <i>Planning Act 2016</i>	100%	100%	Operational
Building approvals – decisions are made within a 35 business day timeframe	100%	100%	Operational
<b><i>Plumbing</i></b>			
Plumbing and Drainage Approvals – decisions are made within 20 business day timeframes	100%	100%	Operational
<b><i>Development Engineering</i></b>			
Development MCU, ROL Completed in 8 days	90%	100%	Operational
Development Operational Works Completed in 8 days	90%	67%	Operational

**Development Engineering**

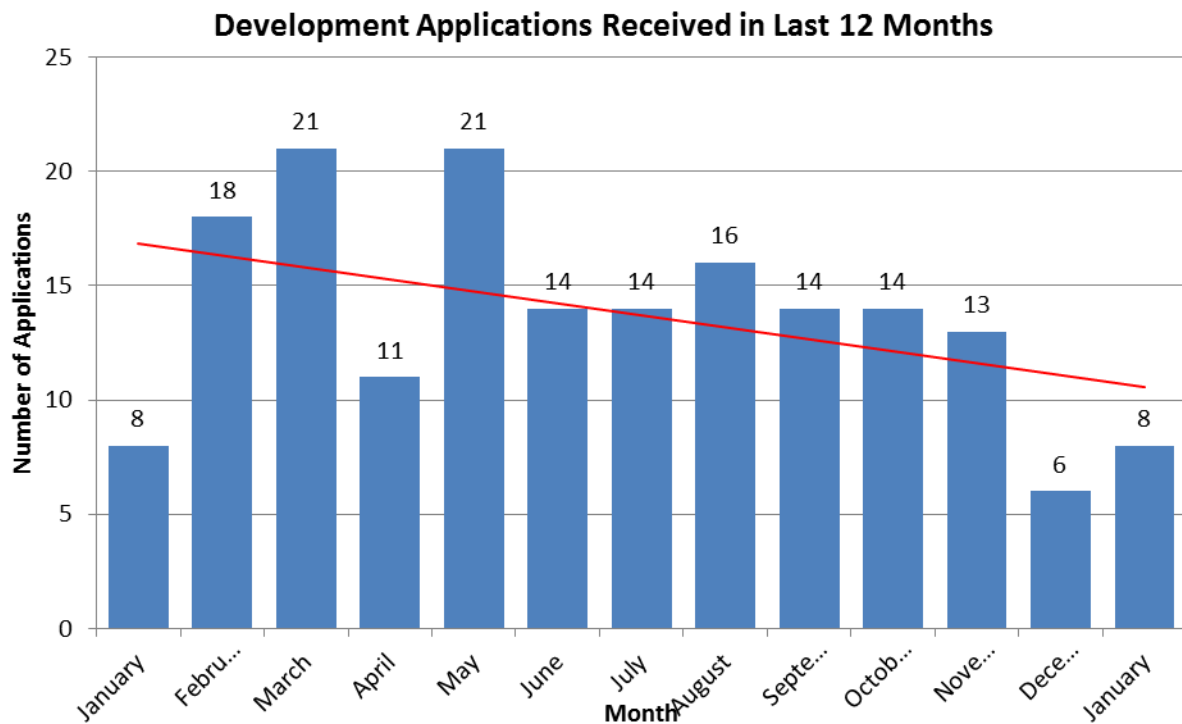
Description	Oct 18	Nov 18	Dec 18	Jan 19	Financial YTD
MCU & ROL referrals completed	21	12	9	5	105
Op Works referral completed	12	24	13	12	130
<b>Total Completed</b>	<b>33</b>	<b>36</b>	<b>22</b>	<b>17</b>	<b>235</b>

This total includes referrals for all Operational Works, MCU/ROLs and As-constructed Plans but also responses to information requests made for applications previously submitted.

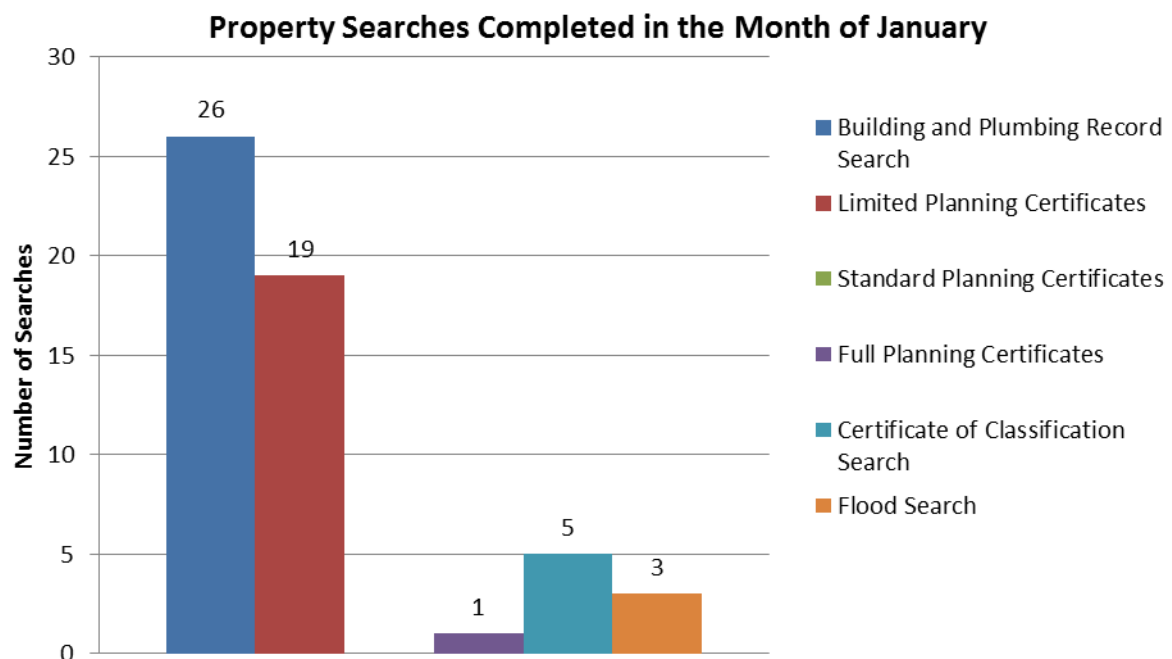
**Development Assessment**

Description	Oct 18	Nov 18	Dec 18	Jan 19	Financial YTD
New Applications	12	12	6	7	69
Request to Change Applications	2	1	0	1	13
Development Incentives Applications	0	0	0	0	3
<b>Total Received</b>	<b>14</b>	<b>13</b>	<b>6</b>	<b>8</b>	<b>85</b>
<b>Total Decided</b>	<b>15</b>	<b>8</b>	<b>15</b>	<b>11</b>	<b>100</b>

Graph 5.3

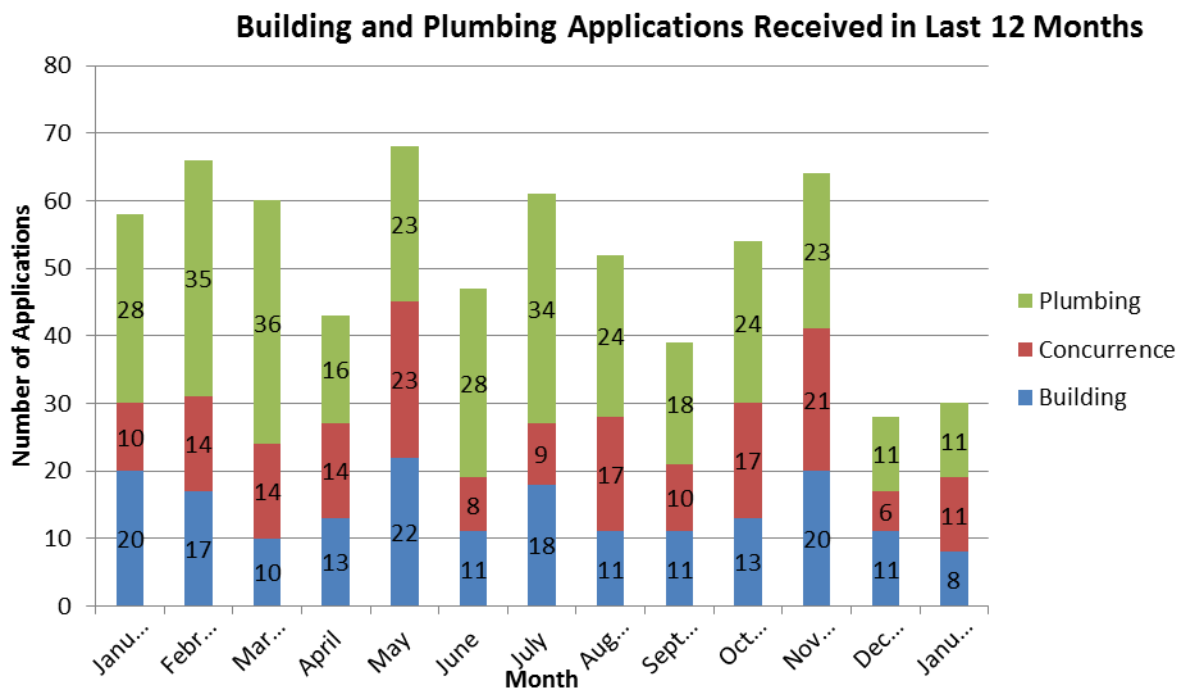


Graph 5.4



**Building, Plumbing & Compliance****Building**

Description	Oct 18	Nov 18	Dec 18	Jan 19	Financial YTD
Concurrence Applications	17	21	6	11	96
Building Works	13	20	11	8	99
<b>Total Received</b>	<b>30</b>	<b>41</b>	<b>17</b>	<b>19</b>	<b>183</b>
<b>Total Decided</b>	<b>22</b>	<b>34</b>	<b>22</b>	<b>13</b>	<b>174</b>

Graph  
5.5**Plumbing**

Description	Oct 18	Nov 18	Dec 18	Jan 19	Financial YTD
New Applications	24	23	11	11	147
<b>Total Decided</b>	<b>27</b>	<b>18</b>	<b>12</b>	<b>11</b>	<b>140</b>

**Local Laws*****Registered Dogs***

<b>Description</b>	<b>Oct 18</b>	<b>Nov 18</b>	<b>Dec 18</b>	<b>Jan 19</b>	<b>Financial YTD</b>
New Dogs Registered	199	202	175	206	<b>1,379</b>
Dog Registration Renewals	1205	289	99	57	<b>12,676</b>
<b>Total</b>	<b>1,404</b>	<b>491</b>	<b>274</b>	<b>263</b>	<b>14,364</b>

***Declared Dogs***

<b>Description</b>	<b>Oct 18</b>	<b>Nov 18</b>	<b>Dec 18</b>	<b>Jan 19</b>	<b>Financial YTD</b>
Dangerous Dogs	1	3	0	0	<b>15</b>
Menacing Dogs	1	0	0	2	<b>4</b>
Restricted Dogs	0	0	0	0	<b>0</b>

***Infringements Issued***

<b>Description</b>	<b>Oct 18</b>	<b>Nov 18</b>	<b>Dec 18</b>	<b>Jan 19</b>	<b>Financial YTD</b>
Parking Infringements	304	199	18	106	1,479
Animal Infringements	17	17	15	24	117
Local Law Infringements	1	3	0	16	26
<b>Total</b>	<b>322</b>	<b>219</b>	<b>33</b>	<b>146</b>	<b>1,622</b>

**8.3 PROPOSED CHANGES TO THE FOOD ACT 2006**

<b>File No:</b>	<b>4894</b>
<b>Attachments:</b>	<b>1. Equal Application of National Food Safety Requirements Consultation Discussion Paper</b> <a href="#">↓</a> <b>2. CEO Signed Response to Consultation Paper</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Steven Gatt - Manager Planning and Regulatory Services</b> <b>Colleen Worthy - General Manager Community Services</b>
<b>Author:</b>	<b>Karen Moody - Coordinator Health and Environment</b>

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**SUMMARY**

*This report presents to Council a consultation paper from Queensland Health on the Equal application of the national food safety requirements and the prepared, signed response from Rockhampton Regional Council to Queensland Health.*

**OFFICER'S RECOMMENDATION**

THAT the consultation document and response provided be 'received'.

**COMMENTARY**

The *Food Act 2006* (the Act) is the primary piece of food safety legislation in Queensland, designed to ensure food for sale is safe and suitable for human consumption, to prevent misleading conduct in relation to the sale of food and to apply the Food Standards Code.

The Act currently does not bind the state, which includes food premises such as public hospitals and nursing homes, state schools (including tuckshops) and Queensland Rail.

This has resulted in the obligations on private facilities and public facilities being vastly different.

The discussion paper provided 5 options for Council to consider as the best manner to deal with discrepancy. The options provided were:

1. Amend the Act to bind the crown, with state food businesses being regulated by LG in line with current licensing practices.
2. Amend the Act to bind the crown with state food businesses being regulated by Queensland Health.
3. Amend the Act to only bind the crown to the extent of prisons and hospitals.
4. Introduce an equivalent administrative system equivalent of the requirements of the Act with a cost recovery system.
5. Maintain the status quo and continue to allow the State to operate without any regulatory oversight.

A staged approach to implementation was also suggested, in line with a risk based framework.

**BACKGROUND**

Rockhampton Regional Council currently is responsible for the licensing and inspections of private facilities. A key KPI of the Environment and Public Health Unit is that each licensed premise is inspected at least annually, resulting in all private facilities being inspected at least every 12 months.

The Health and Environment Staff considered all the options provided and decided that option 1 was the preferred option, to bind the state and have local government regulate the premises. This decision was made for the following reasons:

1. It is appropriate for private and public food businesses to be treated equally under the Act; and
2. Local Government has the infrastructure eg licensing system, fee and charge system already in place to be able to licence the additional premises; and
3. Local Government Environmental Health Officers have extensive experience in inspecting food premises, including high risk food premises with food safety programs; and
4. All premises will be treated equally and consistently within the Local Government area if one organisation is responsible for food licensing and inspections; and
5. Local Governments usually, in regional areas, have a better capacity to respond to emergent and urgent issues within the premises; and
6. If one organisation is responsible for inspections and licensing of all food premises, it is less confusing to the public who they need to contact.

Council Officers supported the staged implementation, the implementation process to allow the public facilities to budget in for potential upgrades to meet the requirements of the Act. This decision also allows local government time to adjust to the additional workload as the most pressure on local government would be during assessment of applications, if a large number were received at once.

### **BUDGET IMPLICATIONS**

It is anticipated that up to an extra 30 premises would become licensable if the proposed changes to bind that crown are implemented with LG to enforce the requirements. This would result in some additional income through initial application and licensing fees.

### **LEGISLATIVE CONTEXT**

The *Food Act 2006* is the key food safety regulation in Queensland, which currently does not bind the crown. Changes to the Act will be endorsed by parliament before being implemented. Council will be responsible for ensuring any devolved activities are undertaken in accordance with the Act.

### **STAFFING IMPLICATIONS**

The additional workload can be incorporated into the current staff work, resulting in approximately up to 5 additional inspections per officer per year.

### **CORPORATE/OPERATIONAL PLAN**

Councils 2018-2019 Operational Plan in a customer focused organisation, section 4.2.1.1 provides an operational action to provide effective development management programs in line with legislative requirements for environment, health, food, safety, noise, odour and dust protection.

### **CONCLUSION**

The Act is an important piece of legislation to ensure that the food provided to Queenslanders is safe and suitable to consume. It has been a longstanding issue where the crown was not bound to the requirements of the Act. It is appropriate for the crown to be bound to the Act and Local Government is in the best place to implement the changes in an effective manner.



# **PROPOSED CHANGES TO THE FOOD ACT 2006**

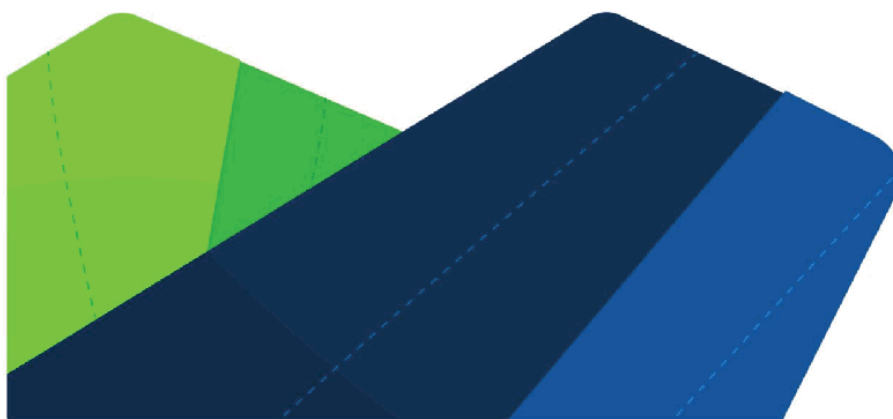
## **Equal Application of National Food Safety Requirements Consultation Discussion Paper**

**Meeting Date: 26 February 2019**

**Attachment No: 1**

# Equal application of national food safety requirements

Consultation discussion paper



Health Protection Branch



**Queensland**  
Government

## Introduction

The *Food Act 2006* (the Food Act) is the primary piece of food safety legislation in Queensland. It gives effect to the nationally agreed Model Food Provisions and the *Australia New Zealand Food Standards Code* (the Food Standards Code). It is designed to ensure food for sale is safe and suitable for human consumption, to prevent misleading conduct in relation to the sale of food and to apply the Food Standards Code.

The Food Act does not currently apply food safety requirements to food preparation in public hospitals and aged care facilities, State schools including State school tuckshops operated by Parent and Citizen Associations, correctional centres, Queensland Rail food services and Parliamentary catering services (collectively referred to in this proposal as 'State food businesses'). This means that the obligations on private sector food businesses are vastly different to the obligations on State food businesses.

The result is that Queensland is not applying national food safety risk mitigation measures equally across the public and private sector, putting Queensland's most vulnerable people (people in hospitals, aged care facilities and schools) at risk by not applying food safety requirements equally to State facilities.

This discussion paper is designed to promote discussion on whether the *Food Act 2006* should be amended to apply food safety requirements to State food businesses in Queensland and if so, how it should be applied and who should regulate this space.

## Background

Since the commencement of the Act, the Department of Health via the Health Protection Branch (Prevention Division) has fielded enquiries from local government, other Queensland Government Departments, industry and the general public regarding the application of the Food Act to State food businesses. The unequal application of the requirements of the Act to State food businesses compared with the private sector has been continually raised with the Department.

Previously, State food businesses operated under an endorsed administrative system which applied equivalent requirements that applied to the private sector. However, this system is no longer in effect and was fraught with many challenges and subsequently not effective.

Given there is no equivalent scheme and no legislative requirement for State food businesses to comply with national food safety provisions, our most vulnerable community

members (the aged, very young and ill) are not afforded the same protections as those in the private sector.

The Explanatory Notes which accompanied the *Food Bill 2005* when it was introduced into Parliament do not explain why the Food Act does not apply to State food businesses, particularly when noting exemptions are included in the Food Act for not for profit organisations, acknowledging the valuable service these groups provide to the community.

Queensland is the only jurisdiction with food legislation that does not apply the requirements of its food safety legislation equally across the public and private sector.

The different application of the Food Act to State food businesses results in a number of anomalies including:

- public hospital services provide services to private and intermediate patients and some public hospital services are provided by charitable organisations (eg. Mater Services) yet food services to similar patients treated in private hospitals are required to be regulated
- school tuckshops operated by P&Cs in private schools are required to comply with the requirements of the Food Act and obtain a licence, however, state school tuckshops operated by P&Cs are exempt from the requirements of the Act
- numerous other community and charitable services involving the sale of food, including Home and Community Care (HACC) Services and delivered meals organisations, are substantially supported by government grants or subsidies. These community services are required to comply with legislative and regulatory requirements however, other similar State food businesses are not required to comply.
- many regional hospitals also supply food to local Meals on Wheels organisations. The Meals on Wheels organisation is required to comply with the requirements of the Act, yet the hospital producing the food is not.
- legislation administered and enforced by the Department of Health's regulatory counterpart, Safe Food Production Queensland binds the Crown (the *Food Production (Safety) Act 2000*)
- other Queensland Health administered legislation, including the *Public Health Act 2005*, the *Tobacco and Other Smoking Products Act 1998* and the *Radiation Safety Act 1999* along with other Queensland legislation including the *Environmental*

*Protection Act 1995, Electrical Safety Act 2002, and the Work Health and Safety Act 2011* all apply to the Crown.

### Potentially impacted businesses

There are approximately 1675 State food businesses in Queensland. Of these, 160 are considered high risk (129 hospitals, 6 aged care facilities, 13 prisons and other catering operations). Approximately 415 are medium risk food businesses (TAFE restaurants open to the public, Queensland Rail food service), and the remaining 1400 are low risk food businesses (most school tuckshops). Therefore, there are approximately 575 State food businesses (consisting of medium and high risk food businesses) which would require licensing if the Food Act was applied equally to both the public and private sector.

While the 1100 low risk food businesses will not require a licence or routine regulatory oversight, they will be required to comply with the requirements of the Food Standards Code to ensure the production of safe and suitable food by complying with food safety and hygiene requirements, provisions relating to structural requirements for the safe preparation of food and labelling requirements where relevant.

### Jurisdictional comparison

Every other jurisdiction's food legislation explicitly binds the Crown and their definition of sell includes the supply of food in the course of providing services to patients or inmates in 'public institutions'. Therefore, all State food businesses (with the exception for Victoria's Parliament House who is exempt from legislation) is required to comply with the requirements of their respective food legislation and the Food Standards Code.

In jurisdictions with a licensing system, State food businesses are required to be licensed and have an accredited food safety program equivalent to their private sector counterparts.

The only jurisdictional difference relates to whether local government or the state are responsible for regulation of these businesses.

## Options to address policy issue

In considering whether the Food Act should be amended to apply food safety requirements to State food businesses in Queensland, the following options are presented:

1. Amend the Food Act to bind the Crown, with State food businesses regulated by local government in line with current licensing provisions of the Food Act

2. Amend the Food Act to bind the Crown, with State food businesses regulated by Queensland Health
3. Amend the Food Act to only bind the Crown to the extent of prisons and hospitals with regulation agreed by Cabinet
4. Introduce an equivalent administrative system equivalent to the requirements of the Food Act with a cost recovery system
5. Maintain status quo and continue to allow the State to operate without any regulatory oversight.

### Option 1 – bind the Crown with local government as the regulator

Option 1 would align the Food Act with all other jurisdictions and ensure Queensland meets its commitments under the Intergovernmental Agreement (IGA) to ensure consistent food legislation. Option 1 will also align the Food Act with other safety legislation in Queensland that applies to the Crown.

Binding the Crown would require medium and high risk State food businesses to obtain a licence with their relevant local government and high risk food businesses to also implement an accredited food safety program which is audited by an approved auditor at a frequency specified by the local government.

In relation to the 135 high risk Queensland Health facilities', apart from paying licence fees, binding of the Crown will not pose a substantial impost as it will simply require them to report to a different regulatory head as facilities currently are subject to periodic inspections, have recognised food safety programs and are subject to scheduled audits equivalent to the requirements of the Food Act.

It is considered that in the current environment of reducing regulatory burden that the increase in work load for local government would be far outweighed by the benefits including contestability and ensuring public health and safety is monitored by an independent body.

This minor legislative amendment will also bring the Food Act into line with other Queensland legislation which explicable binds all persons.

As the Food Act devolves licensing provisions to local government and currently only makes provision for local government to charge fees, option 1 will require the least amount of legislative amendment.

### Benefits

- the Food Act will align with all other jurisdictions legislation
- Queensland will meet commitments under the IGA ensuring consistent food regulation
- the Food Act will align with other Queensland legislation which binds the Crown
- significantly lower cost per annum to the Government than option 2 or 4
- State food businesses will meet legislative requirements the same as their private sector counterparts, demonstrating contestability
- administration and enforcement of the Food Act in State food businesses will be equivalent with their private sector counterparts
- local government will provide an element of partiality to monitoring and enforcement
- local government are geographically positioned to respond in a timely manner to complaints and enquiries without the need to make special transport arrangements, especially in relation to rural and remote facilities
- State food businesses will be legislatively required to meet the requirements of the Food Act
- State food businesses will be legislatively required to have their premises inspected and audited to monitor compliance with the Food Act
- requires least amount of legislative amendments
- of the 135 high risk Queensland Health facilities' (129 hospitals and 6 aged care), option 1 will not pose a substantial impost as facilities are subject to internal provisions equivalent to the Act.

### Risks

- design and fit-out assessments will not be retrospective and may require additional funds and upgrades to facilities initially
- local government will be required to develop local relationships with State food businesses

### Costs

As local government set their own fees, it is difficult to identify the cost of an annual licence fee. However, an average cost was estimated using a variety of metropolitan, regional and

rural local governments' fees to result in an estimated annual licence fee of \$730 per food business.

High risk food businesses will also need to have their food safety program accredited with local government and facilities audited at estimated total cost of approximately \$1300 per audit. The cost associated with accreditation of programs is estimated to be \$685 based on a variety of fees currently charged.

Using this estimate, the cost to be borne by Government departments would be approximately **\$630,000** per annum in addition to some minor preliminary costs associated with high risk food businesses developing and implementing a food safety program and one-off accreditation fees of approximately **\$110,000**. It is acknowledged that local government introduce a fee category for State food businesses which may be higher than other food businesses noting payment of the fee will not impact on business.

It should be noted, that design and structural fit-out requirements of State food businesses would not be considered retrospective under this option and transitional provisions may need to be considered to allow Departments adequate time to ensure facilities meet structural requirements of the Code. There may be capital costs associated with structural work to premises to ensure the premise complies with the national requirements.

## Option 2 – Bind the Crown with Queensland Health as the regulator

Option 2 also aligns the Food Act with all other jurisdictions, other Queensland legislation and ensures Queensland meets its commitments under the IGA. The difference between option 1 and 2 is who the regulator should be. Many of the benefits and risks are therefore the same as option 1.

### Benefits

- the Food Act will align with all other jurisdictions legislation
- Queensland will meet commitments under the IGA ensuring consistent food regulation
- the Food Act will align with other Queensland legislation which binds the Crown
- State food businesses will meet legislative requirements the same as their private sector counterparts



- an understanding that design and fit-out assessments are retrospective, meaning no capital expenditure by the Government
- consistent with the Food Act where local government undertake inspections of licensed food businesses within their local government area, State food businesses will be inspected by their relevant Health and Hospital Service Public Health Unit (PHU)
- as State government employees, Queensland Health staff may have greater ease obtaining access to State food businesses

### Risks

- as design and fit-out assessments are retrospective, facilities may not meet national structural requirements posing a food safety risk
- additional staff will be required for Queensland Health to receive, assess and process inspection, audit and annual reports. These positions will be funded from fees levied
- additional funds will be required to develop and implement a licensing system
- special travel arrangements will be required to attend rural and remote businesses removing the ability to conduct unannounced inspections ensuring a true representation of day to day activities are observed
- inspections and audits of Health and Hospital Service (HHS) facilities will not be considered independent as PHUs and HHS facilities are under the same employment structure
- higher cost per annum to the Government than option 1

### Costs

Additional resources will be required for Queensland Health to receive, assess and process inspection, audit and annual reports and to accredited food safety programs. This function would require a minimum of:

- two HP4 or equivalent FTE positions for the Department of Health
- 4 x HP3 or equivalent FTE, across 11 Public Health Units

It is estimated that at a minimum, this system will cost the Government around **\$700,000** per annum including the estimated staff, on costs and travel. This cost will be required to be funded by Queensland Health.

The difficulty to distribute and employ partial FTE across the PHUs is acknowledged noting the regionalisation of HHS.

This cost does not include the development and implementation of a licensing system.

### Option 3 - Amend the Act to only bind the Crown to the extent of prisons and hospitals with regulatory oversight agreed by Cabinet

Option 3 would at a minimum address food safety risks in prisons, public hospitals and aged care, but would not address concerns at school tuckshops, school camps, Queensland Rail or Parliamentary Catering Services.

Noting the costs identified in option 2 associated with Queensland Health developing a regulatory framework for enforcement of these facilities, if option 3 were the preferred option, it would be financially beneficial to the State for local government to be the regulator. This will reduce the cost to the State and also introduce impartiality into the system.

#### Benefits

- Queensland will meet its minimum commitments under the IGA ensuring prisons and public hospitals are captured
- prisons and public hospitals will be legislatively required to meet the requirements of the Act
- other benefits will align with option 1 and 2 depending on the relevant enforcement agency

#### Risks

- the Act will not align with all other jurisdictions legislation
- only some State food businesses will meet legislative requirements the same as their private sector counterparts
- noting concern raised by the community and other stakeholders such as P&Cs, not extending requirements to State schools may reflect negatively on the Government that there is a perception of not protecting Queensland children
- other risks will align with option 1 and 2 depending on the relevant enforcement agency

### Costs

Depending on Cabinets determination of who the relevant enforcement agency should be will vary costs.

Using costs described in option 1, cost with local government as the regulator are estimated to be around **\$200,000** per annum plus the preliminary one-off food safety program accreditation costs of approximately **\$110,000**.

Should Queensland Health be the regulator, additional resources will be required. This function would require a minimum of:

- one HP4 or equivalent FTE position for the Department of Health
- 2 x HP3 or equivalent FTE, across 11 Public Health Units

In addition to on-costs and travel, it is estimated that for Queensland Health to be the regulator, it would cost Government departments approximately **\$390,000** per annum.

A licensing system would still need to be developed and implemented.

### Option 4 - State food businesses to operate under an equivalent non-regulatory arrangement

State food businesses had under a previous Government operated under an endorsed Equivalent Administrative Arrangement (EAA) since the commencement of the Food Act in 2006.

EAA was a mechanism whereby all State food businesses within Queensland Government Departments that manufactured or handled food were required to meet similar standards and to display a level of rigor in protecting public health comparable to that required of private food businesses.

However due to the lack of legislative backing and partnership between Departments, there was minimal uptake from Departments outside of Queensland Health and it was not implemented successfully.

When previously operating under EAA, it was evident that a significant portion of State food business facilities did not meet the structural requirements of the Food Standards Code. While this raises concerns that State food businesses are not operating safely or equivalently to their private sector counterparts, a benefit to this system was that there was an understanding that State food businesses did not have to be upgraded to meet the

current national requirements before operating resulting in reduced capital costs to the Government.

For the system to be equivalent to the requirements of the Food Act, the Department of Health would be considered the regulator, similar to local government.

Should an equivalent non-regulatory arrangement be implemented, it will require:

- State food businesses to be responsible for the day to day operational food safety requirements
- Departments to be responsible to implement, manage and provide direction to their food businesses, including reviewing performance and taking appropriate actions as necessary to ensure compliance
- The Department of Health would be responsible for approving and accrediting matters such as design and construction plans, food safety supervisor notifications, food safety programs and when required, provide assistance to other Departments regarding implementing the arrangement
- HHS, Public Health Units (PHU) would be responsible for providing general advice to their respective regional State food businesses and undertaking inspections and audits on behalf of the Department

### Benefits

- an understanding that design and fit-out assessments are not retrospective, meaning no capital expenditure by the Government
- consistent with the Food Act where local government undertake inspections of licensed food businesses within their local government area, State food businesses will be inspected by their relevant PHU
- as State government employees, Queensland Health staff may have greater ease of obtaining access to State food businesses

### Risks

- the Food Act would not align with other jurisdictions
- State food businesses are not legislatively required to consent to the inspection or auditing of their food business and activities resulting in an equity of burden

- there is no legislative requirement for State food businesses to comply with enforcement action which may be undertaken
- additional resources will be required for Queensland Health to receive, assess and process inspection, audit and annual reports
- State government departments with food businesses will be required to fund at a minimum one FTE to oversee equivalent arrangements within their department
- some PHUs will need to make special travel arrangements to attend rural and remote businesses removing the ability to conduct unannounced inspections ensuring a true representation of day to day activities are observed
- State government departments with food businesses will be required to fund at a minimum one FTE to oversee equivalent arrangements within their department
- this option may reflect negatively on the Government if it becomes publicly known that State food businesses do not meet the same legislative requirements as their private sector counterparts
- as PHUs and HHS facilities are under the same employment structure, inspections of HHS facilities will not be considered independent
- arrangement will be void with any future change in Government, requiring the process of endorsement to be recommenced resulting in uncertainty for State food businesses

### Costs

As functions associated with this option are not currently undertaken, additional resources would be required including:

- the Department of Health (a minimum of two HP4 or equivalent FTE positions)
- Public Health Units (4 x HP3 or equivalent FTE per Public Health Unit)
- each Government department with food businesses (1 AO6 per department)

It is therefore estimated that at a minimum, this system will cost the Government around **\$1.85 million** per annum including the estimated staff, on costs and travel.

### Option 5 – maintain status quo, continue to exempt the State from the *Food Act 2006*

As the level of risk presented to the community is the same for both private and State food businesses, it is difficult to argue that State food businesses should not be subject to the same requirements imposed on all other food businesses operating both in Queensland and nationally.

Not requiring State food businesses to comply with any food safety requirements exposes the community to an extremely high public health risk and increases the burden on our health system.

There is a strong community expectation that a government agency (i.e. either local government or Queensland Health) should be able to investigate and take action in relation to complaints against State food businesses. The inability of the Government to monitor and enforce the requirements of the Food Act against State food businesses holds State food businesses to a different standard to food businesses in the private sector, despite the risks to the community being the same.

Continuing to exempt State food businesses from the legislation can also be argued to be anti-competitive which may result in economic advantages for the activities conducted by the Government.

This option does not align the Food Act with all other jurisdictions, meaning Queensland is not meeting its commitments under the IGA, nor does it align the Food Act with all other Queensland safety legislation which binds the Crown.

As the rationale for food safety legislation is the protection of public health, it is difficult to successfully argue that food services provided by public institutions involve risks to public health which are of a lesser magnitude than those incurred by identical services provided by other organisations.

Option 5 would not impose any financial or regulatory burden on the State, however, it could be said that public health risk associated with no regulatory oversight would not outweigh any associated costs with a regulatory framework.

#### Benefits:

- no resource implications for Queensland Health as no regulatory oversight will be required
- no financial implications for State food businesses

- no capital outlay for structural upgrades

### Risks

- no regulatory oversight may result in a serious public health and safety incident
- State food businesses are not legislatively required to consent the inspection of their food business and activities
- Queensland is not meeting its commitments under the IGA to ensure consistent food regulation
- may reflect negatively on the Government if it becomes publicly known that State food businesses do not meet the same legislative requirements as their private sector counterparts
- considered to be anti-competitive to equivalent private and non-profit businesses

### Costs

There are no costs associated with this option.

## Implementation

Should the review identify that Food Act be amended to apply national food safety requirements equally to public and private sector food businesses, a staged rollout approach could be considered.

Using a risk based approach, it is considered that State food businesses engaged in catering activities or food service to vulnerable people should be required to comply with the requirements initially followed by a staged roll-out to other activities.

A proposed staged implementation plan is articulated below in the table and articulates timeframes for State food businesses to obtain regulatory permits where necessary (food business licence and/or accreditation of a food safety program) along with transitional periods to ensure premises comply with structural requirements of the Food Standards Code.



**Table 1: Proposed staged implementation**

Department	Time frame to obtain regulatory licences	Time frame for structural upgrades
Queensland Health	6 months	2 years
Queensland Rail	6 months	2 years
Department of Justice and Attorney-General (Qld Corrections)	1 year	2 years
Legislative Assembly	1 year	2 years
Department of Communities Child Safety and Disability Services	1 year	2 years
Department of Education	1 year	3 years
Maritime Safety	2 years	3 years
Department of Agriculture and Fisheries	2 years	3 years

## Consultation questions

The Department of Health is seeking stakeholder feedback on the following:

1. Should the *Food Act 2006* be amended to apply national food safety requirements equally to public and private sector food businesses?
2. If the *Food Act 2006* were to apply to State food businesses, please nominate a preferred option including reasons for your preference.
3. If the *Food Act 2006* were to apply to State food businesses, who is best placed to regulate State food businesses (ie. local government or Queensland Health)? Please detail reasons for your response.
4. Should a staged approach be used to apply national food safety requirements to State food businesses?
5. Do you agree with the proposed implementation process articulated in Table 1 of the discussion paper? Please explain your response.



# **PROPOSED CHANGES TO THE FOOD ACT 2006**

## **CEO Signed Response to Consultation Paper**

**Meeting Date: 26 February 2019**

**Attachment No: 2**



**Rockhampton Office**  
232 Bolsover St, Rockhampton  
**Gracemere Office**  
1 Ranger St, Gracemere  
**Mount Morgan Office**  
32 Hall St, Mount Morgan

6 February 2019

Food Safety Standards & Regulation  
15 Butterfield Street  
HERSTON QLD 4006

Dear Sir/Madam

#### **EQUAL APPLICATION OF NATIONAL FOOD SAFETY REQUIREMENTS SUBMISSION**

Rockhampton Regional Council thanks you for the opportunity to provide comments on the Equal Application of National Food Safety Requirements Discussion Paper. The discussion paper includes several options for the application of national food safety requirements to state owned/operated food businesses. Two of these options would directly impact Rockhampton Regional Council's current regulation of food businesses under the *Food Act 2006*. Please find our responses to the stakeholder questions from the discussion paper below.

##### **1. Should the *Food Act 2006* be amended to apply national food safety requirements equally to public and private sector food businesses?**

The *Food Act 2006* should be amended to apply the national food safety requirements equally to the public and private sector. This would ensure that food, no matter whether it is produced in the public or private sector is prepared and handled to the same requirements.

Following the endorsed administration system cessation, Council agrees that food safety requirements are required to be placed on the public sector food businesses, especially given a large number of public facilities provide food to vulnerable populations. This will also potentially reduce confusion for food handlers that go between the public and the private sector.

##### **2. If the *Food Act 2006* were to apply to State food businesses, nominate a preferred options including reasons.**

Option 1 – Bind the crown with Local Government as the regulator is the preferred option. This will allow the both public food businesses and the private food business within a local government area to be assessed consistently and with the same interpretation of the Act and Food Safety Standards. Local Government has existing licensing systems and experience to begin the licensing process with relative ease compared to Queensland Health and other state regulatory bodies that may be involved. The extra cost associated with the regulating public food businesses can be recouped by Local Government through the licensing fees.

Rockhampton Regional Council believes that we have the current resources to respond to this proposed change.

**Rockhampton Regional Council** PO Box 1860, Rockhampton Q 4700  
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**Mount Morgan Office**  
32 Hall St, Mount Morgan

**3. If the *Food Act 2006* were to apply to state businesses, who is best placed to regulate food businesses (i.e Local Government or Queensland Health)?**

Local Government is best placed to regulate food businesses, in addition to the reasons provided above, local governments in regional areas have more capacity to respond to emergent and urgent situations, as they are more likely to have locally based staff.

**4. Should a staged approach be used to apply national food safety requirements to State Food Businesses.**

A staged approach should be used to apply the national food safety requirements to State food businesses. This will allow not only Local Government (if Option 1 is chosen) to adjust to the additional workload over time. It will allow state food businesses time to gain the necessary funding to apply for licences, make any structural changes and for the high risk public food businesses develop and implement food safety programs and audits. In most cases, particularly structural changes, may not have been considered by the public food businesses before and significant financial investment may be required to ensure they meet the requirements of the Act and Food Safety Standards.

**5. Do you agree with the proposed implementation process articulated in Table 1 of the discussion paper.**

Rockhampton Regional Council agrees with the proposed implementation process. It allows the appropriate time for the public food businesses to gain the appropriate funding etc however acknowledges that there are high risk food businesses that must be addressed sooner to ensure that the food safety risks posed are being addressed without significant delay.

If you have any questions regarding this submission, please contact Council's Supervisor Environmental Health Stacey Joyner, on 49368970

Yours sincerely

A handwritten signature in black ink, appearing to be "EP", written over a horizontal line.

**Evan Pardon**  
Chief Executive Officer

## **9 NOTICES OF MOTION**

Nil

## **10 URGENT BUSINESS/QUESTIONS**

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.*

## **11 CLOSURE OF MEETING**