



Australian Capital Territory

# Food Regulations 2002

## Subordinate Law 2002 No 10

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The Australian Capital Territory Executive makes the following regulations under the *Food Act 2001*.

Dated 7 May 2002.

JON STANHOPE  
Minister

BILL WOOD  
Minister

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made under the

*Food Act 2001*

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## **Part 1**                      **Preliminary**

### **1**      **Name of regulations**

These regulations are the *Food Regulations 2002*.

### **2**      **Commencement**

These regulations commence on the day after their notification day.

## Part 2 General

### 3 Excluded reticulated water systems—Act, s 7 (3), def of *relevant reticulated water system*, par (c)

A place to which a reticulated water system provides less than 365ML of water a year is prescribed.

#### Examples

Systems that provide water to Tharwa township and the forestry settlements at Uriarra and Pierce's Creek.

### 4 Excluded primary food production activities—Act, s 11 (2) (c)

The following primary food production activities are prescribed:

- (a) dairy farming and milk processing;
- (b) producing hen eggs commercially;
- (c) producing wine;
- (d) slaughtering livestock.

### 5 Food businesses exempt from registration—Act, s 89

(1) The following food businesses are prescribed:

- (a) a food business that handles or sells food if—
  - (i) all the food is either—
    - (A) non-potentially hazardous and not contained in a closed package; or
    - (B) sold, straight after thorough cooking, for immediate consumption; and
  - (ii) the food business handles or sells food during no more than 5 periods a year, and each period during which it sells food is no longer than 3 days;

- (b) the food business handles or sells food in or from a food transport vehicle that is registered under a State law that corresponds to the Act;
  - (c) a food business that transports food but does not otherwise handle or sell food;
  - (d) a food business that sells only food that is—
    - (i) contained in a closed package intended for sale; and
    - (ii) non-potentially hazardous.
- (2) In this regulation:
- non-potentially hazardous*—food is *non-potentially hazardous* if it does not need to be kept at certain temperatures to—
- (a) minimise the growth of any pathogenic micro-organisms that may be present in the food; or
  - (b) prevent the formation of toxins in the food.

## **6 Food standards code—incorporation**

The food standards code, as in force from time to time, is incorporated in these regulations.

## **7 Food standards code—meaning of appropriate enforcement agency**

The administrative unit to which the chief health officer belongs is the appropriate enforcement agency for the food standards code.

## Part 3 Infringement notices

### 8 **Infringement notice offences—Act, s 107, def of *infringement notice offence***

An offence against a provision of the Act mentioned in schedule 1, column 2, is an offence to which the Act, part 9, applies.

### 9 **Infringement notice penalties—Act, s 107, def of *infringement notice penalty, par (a)***

The penalty payable by a person under an infringement notice for an infringement notice offence is the amount mentioned in schedule 1, column 4 of the item applying to the offence.

### 10 **Cost of serving reminder notice—Act, s 107, def of *infringement notice penalty, par (b)***

The cost of serving a reminder notice for an infringement notice offence is \$34.

### 11 **Identifying particulars for person served with infringement notice—Act, s 111 (1) (c) (ii)**

The identifying particulars for a person served with an infringement notice are—

- (a) if the person has given notice under the Act, section 90 (1) (Notification of conduct of exempt food businesses)—the name given by the person; or
- (b) if the person is a proprietor of a food business registered under the Act, section 96 (1) (Certificate of registration)—
  - (i) the name of the proprietor of the food business shown on the certificate of registration; or
  - (ii) the registration number shown on the certificate of registration; or

- (c) if the offence to which the infringement notice relates involves a food transport vehicle—the registration number of the vehicle.

**12 Identifying particulars for authorised officer for infringement notice—Act, s 111 (1) (g)**

A infringement notice must identify the authorised person who serves it by name.

**13 Other information—Act, s 111 (1) (h)**

If an infringement notice is served on a person for an offence against the Act, section 27 (1), (2), (3) or (4), the notice must mention each provision of the food standards code that the person has contravened.

**14 Identifying particulars for authorised officer for reminder notice—Act, s120 (f)**

A reminder notice must identify the authorised person who serves it by name.

**15 Costs if liability disputed—Act, s 124 (3) (b)**

The cost of beginning a proceeding is \$200.

## Schedule 1      Infringement notice offences and penalties

(see reg 8 and reg 9)

column 1 item	column 2 provision	column 3 offence penalty (pu)	column 4 infringement penalty (\$)
1	22 (1)	500	500
2	22 (2)	500	500
3	23 (1)	400	400
4	23 (2)	400	400
5	24 (1) (a)	500	500
6	24 (1) (b)	500	500
7	24 (2)	500	500
8	24 (3)	500	500
9	25 (1)	500	500
10	26 (1) (a)	500	500
11	26 (1) (b)	500	500
12	26 (2)	500	500
13	27 (1) (a)	500	500
14	27 (1) (b)	500	500
15	27 (1) (c)	500	500
16	27 (2)	500	500
17	27 (3)	500	500
18	27 (4)	500	500

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## Endnotes

### Penalty units

- 1 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### Notification

- 2 Notified under the *Legislation Act 2001* on 7 May 2002.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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