



Australian Capital Territory

Food Regulation 2002

SL2002-10

made under the

Food Act 2001

Republication No 5

Effective: 3 November 2004 – 11 November 2005

Republication date: 3 November 2004

Last amendment made by SL2003-19
(republication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Food Regulation 2002*, made under the *Food Act 2001* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 3 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Food Regulation 2002

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Food Act 2001

Part 1 Preliminary

Section 1

Part 1 Preliminary

1 Name of regulation

This regulation is the *Food Regulation 2002*.

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

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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) commercial slaughtering of livestock for human consumption.

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 when 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;
 - (e) a food business that only sells, through a vending machine, food that is non-potentially hazardous.
- (2) In this section:
- 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 this regulation.

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 s 8 and s 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

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This regulation was originally the *Food Regulations 2002*. It was renamed under the *Legislation Act 2001*.

Food Regulation 2002 SL No 10

notified LR 7 May 2002

s 1, s 2 commenced 7 May 2002 (LA s 75 (1))

remainder commenced 8 May 2002 (s 2)

as amended by

Food Amendment Regulations 2002 SL No 14

notified LR 11 June 2002

commenced 11 June 2002 (s 2)

Food Amendment Regulations 2003 (No 1) SL2003-19

notified LR 1 July 2003

s 1, s 2 commenced 1 July 2003 (LA s 75 (1))

remainder commenced 2 July 2003 (s 2)

4 Amendment history

Name of regulation

s 1 am R5 LA

Commencement

s 2 om LA s 89 (4)

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

s 4 am SL2003-19 s 4

Food businesses exempt from registration—Act, s 89

s 5 am SL2003-19 s 5

Modifications of Act

pt 4 hdg ins 2002 No 14 s 4
exp 10 March 2003 (s 17)

Modification of Act, pt 12

s 16 ins 2002 No 14 s 4
exp 10 March 2003 (s 17)

Expiry of pt 4 and sch 2

s 17 ins 2002 No 14 s 4
exp 10 March 2003 (s 17)

Modification of Act, part 12

sch 2 ins 2002 No 14 s 5
exp 10 March 2003 (s 17)

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	8 May 2002
2	SL 2002 No 14	12 June 2002
3	SL2002-14	11 March 2003
4	SL2003-19	2 July 2003

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