



Australian Capital Territory

Food Regulations 2002 No 10

made under the

Food Act 2001

Republication No 1

Republication date: 8 May 2002

Regulations not amended up to this date

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Food Regulations 2002*, made under the *Food Act 2001* as in force on 8 May 2002. It includes any commencement, repeal or expiry affecting the republished law and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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 amendments

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 does not include 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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made under the

Food Act 2001

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Australian Capital Territory

Food Regulations 2002

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Part 1 Preliminary

Regulation 1

Part 1 Preliminary

1 Name of regulations

These regulations are the *Food Regulations 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.

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 |

Endnotes

1 About the endnotes

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

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| om = omitted/repealed | 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

3 Legislation history

Food Regulations 2002 SL No 10

notified LR 7 May 2002

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

remainder commenced 8 May 2002 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

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