



Australian Capital Territory

# **Food Regulations 2002      No 10**

made under the

**Food Act 2001**

## **Republication No 2**

Republication date: 12 June 2002

Last amendment made by SL 2002 No 14

Amendments incorporated to 11 June 2002

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 12 June 2002. It includes any amendment, repeal or expiry affecting the republished law to 11 June 2002 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](http://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 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.

Amendments incorporated to  
11 June 2002



Australian Capital Territory

# Food Regulations 2002

made under the

**Food Act 2001**

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Amendments incorporated to  
11 June 2002



Australian Capital Territory

## Food Regulations 2002

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**Food Act 2001**

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Part 1 Preliminary

Regulation 1

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## **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.

## **Part 4                      Modifications of Act**

### **16      Modification of Act, pt 12**

Schedule 2 modifies the Act, part 12 (Transitional provisions).

### **17      Expiry of pt 4 and sch 2**

This part and schedule 2 expire on 10 March 2003.

## 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

## Schedule 2      Modification of Act, part 12

(see reg 16)

### 2.1    New section 157

*insert*

#### **157    Food businesses licensed under former Food Act not registered on 11 June 2002**

- (1) This section applies to a food business if—
  - (a) immediately before the commencement of this Act the proprietor of the food business held a licence under the former Food Act, part 5; and
  - (b) the licence would not have expired before 11 June 2002; and
  - (c) the business, apart from this section, is not registered on 11 June 2002.
- (2) The food business is taken to be registered until the day when the licence would have expired.
- (3) The registration is subject to—
  - (a) any conditions of the licence that were, immediately before the commencement of this Act, in force under the former Food Act; and
  - (b) this Act.
- (4) To remove doubt, this section does not apply to a licence that was, immediately before the commencement of this Act, suspended under the former Food Act, section 42 (3) (c) or section 43 (2) (b).

*Note*      A licence suspended under the former Food Act, s 42 or s 43 is taken not to be in force while it is suspended, see the former Food Act, s 37 (2).

## Endnotes

1 About the endnotes

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## 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
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

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### 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)

as amended by

**Food Amendment Regulations 2002 SL No 14**

notified LR 11 June 2002

commenced 11 June 2002 (reg 2)

### 4 Amendment history

**Commencement**

reg 2 om LA s 89 (4)

**Modifications of Act**

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

**Modification of Act, pt 12**

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

**Expiry of pt 4 and sch 2**

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

**Modification of Act, part 12**

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

## Endnotes

4 Earlier republications

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### 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



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