



Australian Capital Territory

# **Food Regulation 2002**

**SL2002-10**

made under the

**Food Act 2001**

**Republication No 6**

**Effective: 12 November 2005 – 31 May 2007**

Republication date: 12 November 2005

Last amendment made by A2005-20

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 12 November 2005. It also includes any amendment, repeal or expiry affecting the republished law to 12 November 2005.

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.



Australian Capital Territory

# Food Regulation 2002

made under the

**Food Act 2001**

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R6  
12/11/05

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Australian Capital Territory

# Food Regulation 2002

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made under the

**Food Act 2001**

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**Part 1** Preliminary

Section 1

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## **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.

## 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.

### 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

### 3 Legislation history

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

#### **Food Regulation 2002 SL2002-10**

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 SL2002-14**

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)

#### **Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.24**

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.24 commenced 12 November 2005 (s 2 (2) and LA s 79)

### 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

#### **Infringement notices**

pt 3 hdg om A2005-20 amdt 3.160

## Endnotes

4 Amendment history

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**Infringement notice offences—Act, s 107, def of *infringement notice offence***  
s 8 om A2005-20 amdt 3.160

**Infringement notice penalties—Act, s 107, def of *infringement notice penalty*,  
par (a)**  
s 9 om A2005-20 amdt 3.160

**Cost of serving reminder notice—Act, s 107, def of *infringement notice  
penalty*, par (b)**  
s 10 om A2005-20 amdt 3.160

**Identifying particulars for person served with infringement notice—Act,  
s 111 (1) (c) (ii)**  
s 11 om A2005-20 amdt 3.160

**Identifying particulars for authorised officer for infringement notice—Act,  
s 111 (1) (g)**  
s 12 om A2005-20 amdt 3.160

**Other information—Act, s 111 (1) (h)**  
s 13 om A2005-20 amdt 3.160

**Identifying particulars for authorised officer for reminder notice—Act,  
s 120 (f)**  
s 14 om A2005-20 amdt 3.160

**Costs if liability disputed—Act, s 124 (3) (b)**  
s 15 om A2005-20 amdt 3.160

**Modifications of Act**  
pt 4 hdg ins SL2002-14 s 4  
exp 10 March 2003 (s 17)

**Modification of Act, pt 12**  
s 16 ins SL2002-14 s 4  
exp 10 March 2003 (s 17)

**Expiry of pt 4 and sch 2**  
s 17 ins SL2002-14 s 4  
exp 10 March 2003 (s 17)

**Infringement notice offences and penalties**  
sch 1 om A2005-20 amdt 3.161

**Modification of Act, part 12**  
sch 2 ins SL2002-14 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. 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
5	SL2003-19	3 November 2004

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