



Australian Capital Territory

# Food (Safety Programs) Amendment Regulation 2007 (No 1)

**Subordinate Law SL2007-14**

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

Dated 30 May 2007.

KATY GALLAGHER  
Minister

SIMON CORBELL  
Minister

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# Food (Safety Programs) Amendment Regulation 2007 (No 1)

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made under the

**Food Act 2001**

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## 1 Name of regulation

This regulation is the *Food (Safety Programs) Amendment Regulation 2007 (No 1)*.

## 2 Commencement

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## 3 Legislation amended

This regulation amends the *Food Regulation 2002*.

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J2007-21

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**4 New sections 2 and 2A**

*in part 1, insert*

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**2A Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**5 Sections 2A to 7**

*renumber as sections 3 to 8*

**6 New part 3**

*insert*

**Part 3 Food safety programs**

**9 Food safety auditors**

- (1) The chief health officer may, in writing, authorise a public health officer to be a food safety auditor.

- (2) In this section:

*public health officer* means a public health officer under the *Public Health Act 1997*, section 12.

## 10 Functions of food safety auditors

A food safety auditor has the following functions:

- (a) to carry out audits of food safety programs when required under section 12;
- (b) if an audit identifies deficiencies in a food safety program—to carry out any necessary follow-up action (including additional audits) to check the deficiencies are remedied;
- (c) to report to the chief health officer the results of investigations or audits carried out under this part.

## 11 Reporting requirements

A food safety auditor who carries out a food safety program audit of a registered food business must give a copy of the audit report to the food business.

## 12 Audit frequency

- (1) The chief health officer may determine how often a food safety program audit for a registered food business must be carried out.

*Note* Power to make a statutory instrument includes power to make different provision for different categories (see Legislation Act, s 48).

- (2) In determining the audit frequency for a registered food business, the chief health officer—
- (a) must consider the interest of public health and safety; and
  - (b) may consider the business' compliance with food safety programs.

- (3) A determination under this section is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

### **13 Food safety program to be given to chief health officer and made available to employees**

- (1) This section applies to a registered food business that is required to have a food safety program.

*Note* For requirements about food safety programs, see the food standards code, standard 3.2.1.

- (2) The proprietor of the registered food business must—
- (a) give a copy of the food safety program (including any changes made to it) to the chief health officer; and
  - (b) keep a copy of the program (including any changes made to it) at each of the business' premises for inspection by any employee of the business.

## **7 New dictionary**

*insert*

## **Dictionary**

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- Act
- chief health officer.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Food Act 2001* (see Legislation Act, s 148). For example, the following terms are defined in the *Food Act 2001*, dict:

- food business

- food safety standard
- food standards code
- registered.

*food safety auditor* means a person authorised to be a food safety auditor under section 9.

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## Endnotes

### 1 Notification

Notified under the Legislation Act on 31 May 2007.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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