



New South Wales

Food Amendment (Food Standards Code) Regulation 2014

under the

Food Act 2003

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Food Regulation 2010* to make it clear that requirements under the *Food Standards Code* to provide for the marking and tracing of eggs and tracing of egg pulp are not applicable to certain producers, namely those who:

- (a) produce fewer than 240 eggs per week, and
- (b) sell or supply those eggs directly to consumers at the place of production or sell or supply those eggs for charitable fund-raising purposes.

This Regulation is made under the *Food Act 2003*, including sections 139 (the general regulation-making power) and 141.

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1 Name of Regulation

This Regulation is the *Food Amendment (Food Standards Code) Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Food Regulation 2010

[1] Clause 154 Modification of Food Standards Code

Omit clause 154 (1). Insert instead:

- (1) Standard 2.2.2 of the *Food Standards Code* is modified by inserting after clause 3:

4 Compliance with clause 3

- (1) A person is not required to comply with clause 3 until 26 November 2014.
- (2) On or after 26 November 2014, a person is not required to comply with clause 3 if:
- (a) the number of eggs produced by the person per week does not exceed 240, and
- (b) the person sells or supplies those eggs:
- (i) directly to consumers at the place at which the eggs are produced, or
- (ii) for charitable fund-raising purposes where it is intended that all such eggs are to be cooked thoroughly and consumed immediately.

Note. The sale or supply of eggs referred to in paragraph (b) (i) does not include any sale or supply taking place at wholesale, at a marketplace, or any sale or supply to an egg business (within the meaning of Standard 4.2.5) or to the proprietor of a food business (within the meaning of section 6 of the *Food Act 2003* of New South Wales).

[2] Clause 154 (5) (e)

Omit the paragraph. Insert instead:

- (e) by inserting after clause 10:

10A Compliance with clause 10

- (1) An egg producer is not required to comply with clause 10 (1), (2) and (4) until 26 November 2014.
- (2) On or after 26 November 2014, an egg producer is not required to comply with clause 10 (1), (2) and (4) if:
- (a) the number of eggs produced by the producer per week does not exceed 240, and
- (b) the egg producer sells or supplies those eggs:
- (i) directly to consumers at the place at which the eggs are produced, or
- (ii) for charitable fund-raising purposes where it is intended that all such eggs are to be cooked thoroughly and consumed immediately.

Note. The sale or supply of eggs referred to in paragraph (b) (i) does not include any sale or supply taking place at wholesale, at a marketplace, or any sale or supply to an egg business (within the meaning of Standard 4.2.5) or to the proprietor of a food business (within the meaning of section 6 of the *Food Act 2003* of New South Wales).