

1995—No. 481

FOOD ACT 1989—REGULATION

(Food Standards Code (Incorporation) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Food Act 1989, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE,
Deputy Premier and Minister for Health.

Citation

1. This Regulation may be cited as the Food Standards Code (Incorporation) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“**Food Standards Code**” means the code known by that name published in the Commonwealth of Australia Gazette on 27 August 1987 together with any amendments of the standards contained in that Code:

- (a) that were approved by the National Food Standards Council before the commencement of the National Food Authority Act 1991 of the Commonwealth and that were published in the Commonwealth of Australia Gazette as forming part of that code; or
- (b) that were or are made under the National Food Authority Act 1991 of the Commonwealth.

(2) For the purposes of the Food Standards Code:

- (a) the “**relevant authority**” means the Director-General of the Department of Health of New South Wales; and
- (b) “**the Act**” means the Food Act 1989.

Incorporation of Food Standards Code

4. (1) The Food Standards Code, as in force from time to time, is incorporated in this Regulation and applies as a law of New South Wales.

(2) The standards set out in the Food Standards Code are prescribed for the purposes of the Act.

Repeal

5. (1) The Food (Standards) Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Food (Standards) Regulation 1989, had effect under that Regulation is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the Food (Standards) Regulation 1989.

The Food (Standards) Regulation 1989 adopted, with certain variations, the Food Standards Code of the National Health and Medical Research Council (NHMRC) of the Commonwealth. The Code was defined in that Regulation as “the Code set out in Schedule 1” (to the Regulation).

By agreement with the Commonwealth and other States, New South Wales in 1991 agreed to incorporate or adopt, by reference and without amendments, food standards adopted by the National Food Standards Council (NFSC). (The agreement provided for the National Food Authority, rather than the NHMRC, to be the body responsible for

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preparing and recommending food standards to the NFSC.) An amendment to the Food (Standards) Regulation 1989 gazetted on 16 April 1992 gave effect to the agreement. All subsequent amendments to the Code were adopted by reference (and the Code set out in the Schedule was not changed to reflect those amendments).

The main difference between the repealed Regulation and this Regulation is that the Code is now (in accordance with the agreement) fully incorporated by reference. It is no longer necessary for any part of the Code to be set out in the Regulation.

This Regulation is made under section 90 (section 90 (3) in particular) of the Food Act 1989.

This Regulation is also made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
