



New South Wales

Food Production (Dairy Food Safety Scheme) Amendment (Fees) Regulation 2000

under the

Food Production (Safety) Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Production (Safety) Act 1998*.

RICHARD AMERY, M.P.,

Minister for Agriculture

Explanatory note

The object of this Regulation is to amend the *Food Production (Dairy Food Safety Scheme) Regulation 1999*:

- (a) to make it clear that a building used solely for the stalling, grazing, feeding or milking of cattle for the purpose of producing milk is not a dairy produce factory, and
- (b) to include a definition of *dairy product*, and
- (c) to omit a provision of that Regulation that does not relate to the safety of dairy products, and
- (d) to clarify the functions of Safe Food in relation to the determination of licence fees under that Regulation, and
- (e) to enable Safe Food to determine the fees (if any) to be charged under that Regulation for travelling time in relation to inspections and audits, so long as the fees do not exceed a specified maximum limit, and
- (f) to enable Safe Food to waive the fees for such inspections and audits in relation to a class of persons as well as in individual cases, and

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(g) to make consequential transitional arrangements in relation to the above amendments, and

(h) to make minor changes to ensure consistency with current drafting styles.

This Regulation is made under the *Food Production (Safety) Act 1998*, including sections 19 and 70 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Food Production (Dairy Food Safety Scheme) Amendment (Fees) Regulation 2000*.

2 Amendment of Food Production (Dairy Food Safety) Regulation 1999

The *Food Production (Dairy Food Safety) Regulation 1999* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 5 Dairy food safety scheme

Omit “the Appendix”. Insert instead “Schedule 1”.

[2] Appendix, Dairy Food Safety Scheme, heading

Omit “Appendix”. Insert instead “Schedule 1”.

[3] Appendix, clause 3 Definitions

Omit the definition of *dairy produce factory*. Insert instead:

dairy produce factory means any building or place at or in which:

- (a) any milk or dairy product is produced, or
- (b) any milk is treated or processed after its production if the treatment or processing results in a product that is milk or a dairy product, or
- (c) any dairy product is treated or processed after its production if the treatment or processing results in a product that is a dairy product,

but does not include a building or place used solely for, or in connection with, the grazing, feeding or milking of cattle for the purpose of producing milk.

[4] Appendix, clause 3

Insert in alphabetical order:

dairy product means any food, not being milk, that contains at least 50 per cent (measured by weight) of either or both of the following:

- (a) milk,
- (b) any substance produced from milk (but disregarding any weight of the substance not attributable to milk).

[5] Appendix, clause 7 Milk and cream must be pasteurised

Omit clause 7 (1) (b).

[6] Appendix, clause 16 Sampling and testing

Omit clause 16 (f). Insert instead:

- (f) milk must not be processed for human consumption and must not be used in the manufacture of dairy products unless it complies with the requirements of the following standards of the *Food Standards Code* with respect to metals, chemical residues, drug residues and contaminants:
 - (i) *Standard A12—Metals and Contaminants in Food,*
 - (ii) *Standard A14—Residues in Food,*
 - (iii) *Standard H1—Milk and Liquid Milk Products*

[7] Appendix, clause 17 Milk collection

Omit “*Code of Practice for Collection of Bulk Refrigerated Milk*” from clause 17 (d).

Insert instead “*Code of Practice for Collection of Milk from Dairy Farms*”.

[8] Appendix, clause 45I Appeals

Omit clause 45I (a). Insert instead:

- (a) a decision in relation to the issue of a licence to the person or the renewal of the person’s licence, including a decision as to the assessment of the applicable licence fee,
 - (a1) a decision to issue a licence to the person, or renew the person’s licence, subject to conditions,

[9] Appendix, clause 45K Licence fees

Omit clause 45K (2). Insert instead:

- (2) The amount of the licence fee is the fee determined by Safe Food or the fee calculated on the basis determined by Safe Food.

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- (2A) Safe Food may determine a fee, or a basis for calculating a fee, for the purposes of subclause (2) that:
- (a) applies generally or is limited in its application by reference to specified exceptions or factors, or
 - (b) applies differently according to different factors of a specified kind.

[10] Appendix, clause 45L Transitional provisions relating to licences

Omit clause 45L (3) and (4). Insert instead:

- (3) Despite clause 45K (3), the licence fee payable by:
- (a) a person referred to in subclause (2), or
 - (b) a person who applied for the licence before the first determination was made by Safe Food under clause 45K (2),

is to be paid at such time as Safe Food determines and may, if approved by Safe Food, be paid by instalments during the term of the licence.

[11] Appendix, clause 45L (6)

Insert after clause 45L (5):

- (6) Until 1 February 2001, the holder of a dairy farmer's licence who, at the commencement of this subclause, is using the dairy farm to which the licence relates as a dairy produce factory does not contravene clause 20 (1) or 45A (1) (c) by so using the dairy farm.

[12] Appendix, clause 47 Inspection, analysis and audit charges

Omit clause 47 (1). Insert instead:

- (1) The charge payable for the carrying out by Safe Food of any inspection for the purposes of the Act or any audit of a program relating to food safety is to be calculated as follows:
- (a) \$120 per hour, with a minimum charge of half an hour, except in relation to any travelling time,

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Schedule 1

- (b) in relation to any travelling time, the fee (if any) determined by Safe Food in relation to each hour or part of an hour, being a fee of not more than \$120 for each hour.

[13] Appendix, clause 47 (4)

Insert “or any class of cases” after “case”.