



Food Amendment (Goat Milk) Regulation 2003

under the

Food Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 1989*.

CRAIG KNOWLES, M.P.,

Minister for Health

Explanatory note

The object of this Regulation is to provide that a person is exempt from the requirement of the Food Standards Code of the Commonwealth that goat milk for sale by the person must be pasteurised if the person holds an exemption from the Director-General of the Department of Health. Failure to comply with the conditions of an exemption is an offence. Standard 1.6.2 of the Food Standards Code requires milk to be pasteurised unless an applicable law of a State or Territory otherwise expressly provides.

This Regulation is made under the *Food Act 1989*, including section 90 (the general regulation-making power).

2003 No 30

Clause 1 Food Amendment (Goat Milk) Regulation 2003

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1 Name of Regulation

This Regulation is the *Food Amendment (Goat Milk) Regulation 2003*.

2 Amendment of Food Regulation 2001

The *Food Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 4A

Insert after clause 4:

4A Exemptions relating to goat milk

- (1) A person who is the holder of an exemption issued under this clause is not required to comply with clause 1 (1) of Standard 1.6.2 of the Food Standards Code in relation to goat milk.
- (2) A person may apply to the Director-General for an exemption from the requirements of clause 1 (1) of Standard 1.6.2 of the Food Standards Code in relation to goat milk.
- (3) The Director-General may grant the exemption unconditionally or subject to conditions.
- (4) The Director-General must notify an applicant under this clause in writing of the decision of the Director-General in relation to the application and, if the application is granted, must include in the notification any conditions to which the exemption is subject.
- (5) The holder of an exemption under this clause must not contravene or fail to comply with any conditions to which the exemption is subject.
Maximum penalty: 25 penalty units.
- (6) A permit issued by the Director-General for the purposes of Standard H5 (3) (a) of the Food Standards Code and in force immediately before 20 December 2002 is taken to be an exemption under this clause subject to the same conditions to which the permit was subject.