



Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

under the

Food Production (Safety) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, and with the concurrence of the Minister administering the *Administrative Decisions Tribunal Act 1997* and the Minister administering the *Food Act 1989*, has made the following Regulation under the *Food Production (Safety) Act 1998*.

IAN MACDONALD, M.L.C.,
Minister for Agriculture and Fisheries

Explanatory note

The objects of this Regulation are as follows:

- (a) to replace the existing right of appeal to the Minister under the *Food Production (Meat Food Safety Scheme) Regulation 2000* with a right to have certain decisions reviewed by the Administrative Decisions Tribunal, and
- (b) to provide that Safe Food Production NSW may reduce or waive certain licence and audit fees.

The Regulation also contains an amendment to maintain consistency with the *Food Production (Dairy Food Safety Scheme) Regulation 1999*.

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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Clause 1 Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

Food Production (Meat Food Safety Scheme) Amendment Regulation 2003

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1 Name of Regulation

This Regulation is the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003*.

2 Amendment of Food Production (Meat Food Safety Scheme) Regulation 2000

The *Food Production (Meat Food Safety Scheme) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 2A

Insert after clause 2:

2A Meat food safety scheme

The provisions of this Regulation are prescribed as a food safety scheme for the purposes of section 19 of the Act.

[2] Clauses 8 (4), 9 (6), 12 (4) and 13 (5)

Omit “appeal” wherever occurring. Insert instead “review”.

[3] Clause 15 Licence fees

Insert after clause 15 (2):

- (3) Safe Food may, at any time, waive the whole or part of a fee payable in respect of the issue or renewal of a licence.

[4] Part 5

Omit the Part. Insert instead:

Part 5 Review of certain decisions

81 Reviews

- (1) A person may apply to the Administrative Decisions Tribunal for a review of the following decisions of Safe Food:
- (a) a decision to refuse to issue a licence to the person or to refuse to renew the person’s licence,
 - (b) a decision to issue a licence to the person subject to conditions imposed by Safe Food,
 - (c) a decision to vary the conditions of the person’s licence or to impose a condition on the person’s licence,
 - (d) a decision to suspend or cancel the person’s licence,
 - (e) a decision as to the assessment of the applicable licence fee for a licence held by the person,
 - (f) a decision to revoke an approval as a meat safety officer.

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Schedule 1 Amendments

- (2) Subclause (1) applies only to decisions made after the commencement of this clause.

Note. For decisions made before the commencement of the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003* see clause 7 of Schedule 10.

[5] Clause 83 Audits of licensed premises

Insert after clause 83 (5):

- (6) Safe Food may reduce, or waive payment of, a fee under this clause in a particular case or any class of cases.

[6] Schedule 10 Savings and transitional provisions

Insert after clause 6:

7 Appeals to the Minister

An appeal against a decision of Safe Food, being a decision:

- (a) referred to in clause 81, as in force immediately before the commencement of the *Food Production (Meat Food Safety Scheme) Amendment Regulation 2003*, and
(b) made before that commencement,

is to be dealt with by the Minister in accordance with Part 5 as in force immediately before that commencement.

BY AUTHORITY
