



Food Amendment Regulation 2004

under the

Food Act 2003

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

IAN MICHAEL MACDONALD, M.L.C.,

Minister for Agriculture and Fisheries

Explanatory note

The object of this Regulation is to amend the *Food Regulation 2004*, the *Food Production (Dairy Food Safety Scheme) Regulation 1999*, the *Food Production (Meat Food Safety Scheme) Regulation 2000* and the *Food Production (Seafood Safety Scheme) Regulation 2001* as a consequence of the enactment of the *Food Legislation Amendment Act 2004*. That Act repeals the *Food Production (Safety) Act 1998*, transfers provisions relating to food safety schemes into the *Food Act 2003*, establishes the NSW Food Authority (which is a continuation of Safe Food) and provides that the existing regulations under the *Food Production (Safety) Act 1998* are to be taken to be made under the *Food Act 2003*.

This Regulation updates references in (including references to various publications and standards), and removes obsolete provisions from, those Regulations.

This Regulation also amends the *Food Production (Dairy Food Safety Scheme) Regulation 1999* and the *Food Production (Meat Food Safety Scheme) Regulation 2000*:

- (a) to change the current fees for applications for licences under those Regulations so as to set a fee of \$50 for all such applications, and
- (b) to change the charges payable for the conduct of audits and inspections under those Regulations.

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Explanatory note

This Regulation also amends the *Food Production (Seafood Safety Scheme) Regulation 2001* as follows:

- (a) to reduce the current fee for applications for licences under that Regulation from \$100 to \$50,
- (b) to change the charges payable for the conduct of audits and inspections under that Regulation,
- (c) to change the method of determining the general seafood levy payable under that Regulation.

This Regulation is made under the *Food Act 2003*, including sections 102 and 139 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Food Amendment Regulation 2004*.

2 Commencement

This Regulation commences on 5 April 2004.

3 Amendment of Food Regulation 2004

The *Food Regulation 2004* is amended as set out in Schedule 1.

4 Amendment of Food Production (Dairy Food Safety Scheme) Regulation 1999

The *Food Production (Dairy Food Safety Scheme) Regulation 1999* is amended as set out in Schedule 2.

5 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 3.

6 Amendment of Food Production (Seafood Safety Scheme) Regulation 2001

The *Food Production (Seafood Safety Scheme) Regulation 2001* is amended as set out in Schedule 4.

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Schedule 1 Amendment of Food Regulation 2004

Schedule 1 Amendment of Food Regulation 2004

(Clause 3)

[1] Clause 3 Definitions

Omit “Department of Health” from the definition of *Director-General*.

Insert instead “Food Authority”.

[2] Clause 6 Enforcement agencies

Omit clause 6 (1) (a).

[3] Clause 6 (2)

Omit “Director-General”. Insert instead “Food Authority”.

[4] Clause 7 Delegations

Omit “section 109 (1) (c)”. Insert instead “section 109E (1) (d)”.

[5] Clause 7 (a)

Omit the paragraph.

[6] Clause 9 Disclosure of certain confidential information

Omit the clause.

[7] Clause 10 Savings and transitional provisions

Omit clause 10 (2).

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

(Clause 4)

- [1] **The whole Regulation (except Schedule 1, clauses 3 (1) (definition of “NSW Dairy Manual”, 12 (2) (a), 13 (where firstly occurring), 17 (d) and 21 (1))**

Omit “Safe Food” wherever occurring.

Insert instead “The Food Authority” or “the Food Authority”, as appropriate.

- [2] **Clause 3 Definition**

Omit “*Food Production (Safety) Act 1998*” from the definition of *the Act* in clause 3.

Insert instead “*Food Act 2003*”.

- [3] **Schedule 1 Dairy Food Safety Scheme**

Omit the definition of *Food Standards Code* from clause 3 (1).

- [4] **Schedule 1, clause 3 (1), definition of “the Act”**

Omit “*Food Production (Safety) Act 1998*”.

Insert instead “*Food Act 2003*”.

- [5] **Schedule 1, clause 4 (1) and (3)**

Omit “*Food Regulation 2001*”.

Insert instead “*Food Regulation 2004*”.

- [6] **Schedule 1, clause 45B (2) (b)**

Omit “the approved application fee”.

Insert instead “an application fee of \$50”.

- [7] **Schedule 1, clause 45K (1)**

Omit “section 70”. Insert instead “section 139”.

- [8] **Schedule 1, clause 46**

Omit “section 22”. Insert instead “section 105”.

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

[9] Schedule 1, clause 47 (1)

Omit the subclause. Insert instead:

- (1) The charge payable for the carrying out by the Food Authority of:
 - (a) any inspection for the purposes of the Act in relation to a licence or application for a licence, or
 - (b) any audit of any food safety program or proposed food safety program required by this Regulation,is \$140 per hour with a minimum charge of half an hour (excluding time spent in travelling) plus \$35 for travelling expenses.
- (1A) The Food Authority may increase the amount of any charge payable under subclause (1) annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**Schedule 3 Amendment of Food Production (Meat
Food Safety Scheme) Regulation 2000**

(Clause 5)

[1] The whole Regulation (except Schedule 10)

Omit “Safe Food” wherever occurring.

Insert instead “The Food Authority” or “the Food Authority”, as appropriate.

[2] Clause 2A Meat food safety scheme

Omit “section 19”. Insert instead “section 102”.

[3] Clause 3 Definitions and explanatory note

Omit the definition of *Food Standards Code* from clause 3 (1).

[4] Clause 3 (1), definition of “the Act”

Omit “*Food Production (Safety) Act 1998*”.

Insert instead “*Food Act 2003*”.

[5] Clause 4 Licence required to operate certain meat premises and vehicles

Omit “Maximum penalty: 25 penalty units.” wherever occurring.

[6] Clause 7 Application for licence

Omit clause 7 (2) (b). Insert instead:

(b) be accompanied by an application fee of \$50, and

[7] Clause 18 Minimum standards for abattoirs

Omit “*Australian Standard for Construction of Premises Processing Animals for Human Consumption* published by ARMCANZ” from clause 18 (a).

Insert instead “AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia”.

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[8] Clauses 19 (a) (ii) and 23 (a) (ii)

Omit “*Australian Standard for Hygienic Production of Meat for Human Consumption* published by ARMCANZ” wherever occurring.

Insert instead “AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia”.

[9] Clauses 19 (a) (iv), 23 (a) (iv), 27 (a) (iii) and 54 (a) (iii)

Omit “Standard C1” wherever occurring.

Insert instead “clause 9 of Standard 1.6.2”.

[10] Clause 22 Minimum standards for meat processing plants

Omit “*Australian Standard for Construction of Premises Processing Meat for Human Consumption* published by ARMCANZ” from clause 22 (a).

Insert instead “AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia”.

[11] Clause 31 Minimum standards for meat vans

Omit “Parts 1–6 of the publication titled *Australian Standard for Transportation of Meat for Human Consumption*, published by ARMCANZ, as in force on the commencement of this Regulation” from clause 31 (a).

Insert instead “Part 8 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time”.

[12] Clause 32 Operational standards for meat vans

Omit “Parts 1–4, 7 and 8 of the publication titled *Australian Standard for Transportation of Meat for Human Consumption*, published by ARMCANZ, as in force on the commencement of this Regulation” from clause 32 (a).

Insert instead “Part 8 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time”.

[13] Clause 36 Minimum standards for game meat vans

Omit “*Australian Standard for Transportation of Meat for Human Consumption* published by ARMCANZ” from clause 36 (a).

Insert instead “AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia”.

[14] Clause 43 Minimum standards for rendering plants

Omit “*New South Wales Code of Practice for Hygienic Rendering of Animal Products* published by the Meat Industry Authority”.

Insert instead “AS 5008—2001, *Hygienic rendering of animal products* published by Standards Australia”.

[15] Part 4A

Insert after Part 4:

Part 4A Meat Industry Consultative Council**80A Establishment of Meat Industry Consultative Council**

- (1) The Minister is to establish a committee to be called the Meat Industry Consultative Council for the purposes of the consultation referred to in section 105 of the Act in relation to this Regulation.
- (2) The Council is to consist of the following members appointed by the Minister:
 - (a) one member appointed to be Chairperson,
 - (b) one member appointed to be Deputy Chairperson,
 - (c) one member who is the Director-General of the Department of Agriculture, or a nominee of the Director-General,
 - (d) one member who is the Director-General of the Food Authority, or a nominee of the Director-General,
 - (e) 3 members who are representatives of livestock producers,

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- (f) 2 members who are representatives of meat processors (other than poultry processors or game meat processors),
 - (g) one member who is a representative of poultry processors,
 - (h) one member who is a representative of game meat processors,
 - (i) one member who is a representative of smallgoods manufacturers,
 - (j) one member who is a representative of meat retailers,
 - (k) one member who is a representative of consumers of meat,
 - (l) one member who is a representative of meat industry employees,
 - (m) such other members as the Minister considers have appropriate expertise, qualifications or experience as will enable them to make a valuable contribution to the Council.
- (3) When appointing the members of the Council, the Minister is to call for nominations as follows and is to specify a time within which the nominations must be received:
- (a) from the NSW Farmers' Association in relation to the members referred to in subclause (2) (e),
 - (b) from the Australian Meat Industry Council in relation to the members referred to in subclause (2) (f), (i) and (j),
 - (c) from the Australian Game Meat Producers Association in relation to the member referred to in subclause (2) (h),
 - (d) from the NSW Chicken Meat Council in relation to the member referred to in subclause (2) (g).
- (4) The Minister is to consider any nomination made in accordance with subclause (3), but need not appoint a person so nominated.
- (5) Schedule 9A has effect with respect to the constitution and procedure of the Meat Industry Consultative Council.

80B Functions of Council

The Meat Industry Consultative Council has the function of consulting with the Food Authority on food safety schemes under the Act relating to the meat industry.

[16] Clause 83 Audits of licensed premises

Omit clause 83 (4) and (5). Insert instead:

- (4) The Food Authority may impose a charge for carrying out an audit referred to in this clause.
- (5) The charge payable for the carrying out by the Food Authority of any such audit is \$140 per hour with a minimum charge of half an hour (excluding time spent in travelling) plus \$35 for travelling expenses.
- (5A) The Food Authority may increase the amount of any charge payable under subclause (5) annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

[17] Clause 83 (6)

Omit “fee”. Insert instead “charge”.

[18] Clause 84 Offences

Omit “section 21” from clause 84 (2). Insert instead “section 104”.

[19] Clause 84 (2)

Omit the note. Insert instead:

- Note.** Section 104 of the Act makes it an offence (among other things):
- (a) for a person to handle food in a manner that contravenes a provision of a food safety scheme, and
 - (b) for a person who carries on a food business or activity for which a licence is required by the regulations to carry on that food business or activity without such a licence, and
 - (c) for the holder of a licence granted under the regulations to contravene or fail to comply with a condition of a licence.

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Schedule 3 Amendment of Food Production (Meat Food Safety Scheme) Regulation 2000

[20] Schedule 4, clauses 9, 10 (1), 11 and 12 and Schedule 6, clauses 3, 4 (1), 5, 6 and 7

Omit “Section 5 of the *Australian Standard for Hygienic Production of Meat for Human Consumption* published by ARMCANZ” wherever occurring.

Insert instead “section 5 of AS:4696–2002 *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia”.

[21] Schedule 9A

Insert after Schedule 9:

Schedule 9A Constitution and procedure of Meat Industry Consultative Council

(Clause 80A)

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Council.

Council means the Meat Industry Consultative Council established under clause 80A.

Deputy Chairperson means the Deputy Chairperson of the Council.

member means any member of the Council.

Part 2 Constitution

2 Terms of office of members

Subject to this Schedule, a member holds office for such period (not exceeding 2 years) as is specified in the member’s instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

3 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

4 Deputies

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a member, a person:
 - (a) has all the functions of the member and is taken to be a member, and
 - (b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

5 Vacancy in office of member

- (1) The office of a member becomes vacant if the member:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause, or
 - (e) is absent from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

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- (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may at any time remove a member from office.

6 Filling of vacancy in office of member

If the office of any member becomes vacant, a person is, subject to this Regulation, to be appointed to fill the vacancy.

7 Chairperson and Deputy Chairperson

- (1) In the absence of the Chairperson, the Deputy Chairperson may, if available, act in the place of the Chairperson.
- (2) While acting in the place of the Chairperson, the Deputy Chairperson has all the functions of the Chairperson and is taken to be the Chairperson.
- (3) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person:
 - (a) is removed from office by the Minister under this clause, or
 - (b) ceases to be a member.

8 Disclosure of pecuniary interests

- (1) If:
 - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Council, and
 - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council.

- (2) A disclosure by a member at a meeting of the Council that the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

- (3) Particulars of any disclosure made under this clause must be recorded by the Council in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Council.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Council otherwise determines:
 - (a) be present during any deliberation of the Council with respect to the matter, or
 - (b) take part in any decision of the Council with respect to the matter.
- (5) For the purposes of the making of a determination by the Council under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the Council for the purpose of making the determination, or
 - (b) take part in the making by the Council of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Council.

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Schedule 3 Amendment of Food Production (Meat Food Safety Scheme) Regulation 2000

Part 3 Procedure

9 General procedure

The procedure for the calling of meetings of the Council and for the conduct of business at those meetings is, subject to this Schedule, to be as determined by the Council.

10 Quorum

The quorum for a meeting of the Council is a majority of its members, of whom one must be the Chairperson or Deputy Chairperson.

11 Presiding member

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson) is to preside at a meeting of the Council.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

12 Voting

A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council.

13 Transaction of business outside meetings or by telephone

- (1) The Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Council.
- (2) The Council may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Council.

- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Council.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

14 First meeting

The Minister may call the first meeting of the Council in such manner as the Minister thinks fit.

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Schedule 4 Amendments relating to Food Production (Seafood Safety Scheme)
Regulation 2001

Schedule 4 Amendments relating to Food Production (Seafood Safety Scheme) Regulation 2001

(Clause 6)

- [1] **The whole Regulation (except clauses 4 (1) (definitions of “Code of Practice for Oyster Depuration in NSW” and “Operations Manual for NSW Shellfish Program” and 26 (2) (d))**

Omit “Safe Food” wherever occurring.

Insert instead “The Food Authority” or “the Food Authority”, as appropriate.

- [2] **Clause 4 Interpretation**

Omit the definition of *Food Standards Code* from clause 4 (1).

- [3] **Clause 4 (1), definition of “Operations Manual for NSW Shellfish Program”**

Omit “30 November 2001”. Insert instead “31 December 2001”.

- [4] **Clause 4 (1), definition of “Seafood Safety Manual”**

Omit the definition.

- [5] **Clause 4 (1), definition of “the Act”**

Omit “*Food Production (Safety) Act 1998*”.

Insert instead “*Food Act 2003*”.

- [6] **Clause 4 (2)**

Omit “and Schedule 3”.

- [7] **Clause 7 Seafood business to be licensed to carry out activities**

Omit “Maximum penalty: 25 penalty units”.

- [8] **Clause 8 Temperature at which certain seafood to be kept**

Omit “paragraphs (b) and (c)” from clause 8 (a).

Insert instead “paragraph (c)”.

- [9] **Clause 8 (b)**

Omit the paragraph.

[10] Clause 9 Application for licence

Omit "\$100" from clause 9 (2) (b). Insert instead "\$50".

[11] Clause 20 Seafood businesses to undertake analyses of seafood

Omit "*Seafood Safety Manual*" from clause 20 (1) (a) (ii).

Insert instead "Food Standards Code".

[12] Clause 23 Inspections and audits in relation to seafood businesses

Omit "Part 5" from clause 23 (2). Insert instead "Part 4 or 5".

[13] Clause 24 Charges for inspections and audits

Omit clause 24 (1) and (2). Insert instead:

- (1) The charge payable for the carrying out by the Food Authority of:
 - (a) any inspection for the purposes of the Act in relation to a licence or application for a licence, or
 - (b) any audit of any food safety program or proposed food safety program required by this Regulation,

is \$140 per hour with a minimum charge of half an hour (excluding time spent in travelling) plus \$35 for travelling expenses.

- (1A) The Food Authority may increase the amounts referred to in subclause (1) annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
- (2) The charges payable under this clause are payable to the Food Authority.

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Regulation 2001

[14] **Clause 26 Appointment of New South Wales Shellfish Committee**

Omit “the Chief Executive Officer, or a nominee of the Chief Executive Officer who is an officer of Safe Food” from clause 26 (2) (d).

Insert instead “the Director-General of the Food Authority, or a nominee of the Director-General who is a member of staff of the Food Authority”.

[15] **Clause 26 (3) (a)**

Omit “the Chief Executive Officer”.

Insert instead “the Director-General of the Food Authority”.

[16] **Clause 33 Calculation of annual general seafood levy**

Omit clause 33 (2)–(5). Insert instead:

- (2) If a category specified in Column 2 of the Table in Schedule 3 applies to a seafood business (that is, because the business carries on the activity specified in Column 1 of that Table in respect of that category and employs the number of persons, if any, indicated in Column 3 of that Table in respect of that category), the levy specified in Column 4 of that Table in respect of that category is payable by the holder of the licence for the seafood business.
- (3) If more than one category specified in Column 2 of the Table in Schedule 3 applies to a seafood business, the amount of the levy payable by the holder of the licence is the total amount of each of the levies payable by the holder under subclause (2) in respect of each of those categories.
- (4) A reference in subclause (2) to an employee of a seafood business is a reference to an employee of the business involved in the handling of seafood.

[17] **Clauses 38 (1) and 39**

Omit “section 22” wherever occurring. Insert instead “section 105”.

[18] **Clause 40 Offences**

Omit “section 21” from clause 40 (2). Insert instead “section 104”.

[19] Clause 40 (2)

Omit the note. Insert instead:

Note. Section 104 of the Act makes it an offence (among other things):

- (a) for a person to handle food in a manner that contravenes a provision of a food safety scheme, and
- (b) for a person who carries on a food business or activity for which a licence is required by the regulations to carry on that food business or activity without such a licence, and
- (c) for the holder of a licence granted under the regulations to contravene or fail to comply with a condition of a licence.

[20] Clause 41 Penalty notices

Omit “section 62”. Insert instead “section 120”.

[21] Clause 41 (1) (b)

Omit “Column 4”. Insert instead “Column 2”.

[22] Clause 41 (2)–(6)

Omit the subsections.

[23] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 General seafood levy

(Clause 33)

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|-----------------|----------------------------|----------------------------|
| Activity of seafood business | Category | Number of employees | Amount payable (\$) |
| Fishers with or without a vessel who do any of the following activities: | 1 | | 310 |
| (a) capture or collect any wild seafood, | | | |
| (b) store, gill, gut or cook only wild seafood that they have captured or collected themselves. | | | |

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Schedule 4 Amendments relating to Food Production (Seafood Safety Scheme) Regulation 2001

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|----------|---------------------|---------------------|
| Activity of seafood business | Category | Number of employees | Amount payable (\$) |
| Finfish or crustacea aquaculture. | 2 | 1 to 10 | 250 |
| | 3 | 11 to 50 | 500 |
| | 4 | More than 50 | 2,000 |
| Transportation of seafood by vehicle on land (except by fishers referred to in Category 1 if transporting their own catch of wild seafood to a store or processor). | 3 | | 160 per vehicle |
| Businesses that process seafood (including freezing, thawing and preparing sushi) or store seafood (other than as referred to in Category 1) or that do both. | 5 | 1 to 10 | 250 |
| | 6 | 11 to 50 | 500 |
| | 7 | More than 50 | 2,000 |

[24] Schedule 4 Penalty notices

Omit Columns 2 and 3 of the Table.

[25] Schedule 4, Table

Re-number Column 4 as Column 2.

[26] Schedule 4, Table

Omit "Section 21 (1)". Insert instead "Section 104 (1)".

[27] Schedule 4, Table

Insert in appropriate order of section reference in Columns 1 and 2 (as renumbered by item [25]):

Section 104 (2) of the Act (in relation to a 5
contravention of clause 7 of this
Regulation)

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Regulation 2001

Schedule 4

[28] Schedule 4, Table

Omit “Section 21 (2)”. Insert instead “Section 104 (3)”.

[29] Schedule 5 Savings and transitional provisions

Insert after clause 5:

6 Industry consultation

The New South Wales Seafood Industry Conference and NSW Shellfish Committee as in existence at the commencement of the *Food Amendment Regulation 2004* are taken to have been established under Part 9 as amended by that Regulation.