



# Food Amendment (Egg Food Safety Scheme) Regulation 2012

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, and the approval of the Premier, has made the following Regulation under the *Food Act 2003*.

KATRINA HODGKINSON, MP  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to amend the *Food Regulation 2010*:

- (a) to modify the operation of certain standards of the *Australia New Zealand Food Standards Code* of the Commonwealth that relate to the production and processing of eggs and that have a commencement date of 26 November 2012, and
- (b) to provide that certain provisions of those standards need not be complied with until 26 November 2014, being provisions relating to the marking by egg producers and egg processors of eggs and packages containing egg products to ensure their traceability, and
- (c) to provide that the egg food safety scheme in that Regulation does not cover ratite eggs which is in keeping with the provisions of that Code, and
- (d) to remove provisions dealing specifically with specialty eggs.

This Regulation is made under the *Food Act 2003*, including sections 21 (5), 102, 139 (the general regulation-making power) and 141.

## **2012 No 653**

Clause 1            Food Amendment (Egg Food Safety Scheme) Regulation 2012

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# **Food Amendment (Egg Food Safety Scheme) Regulation 2012**

under the

Food Act 2003

### **1 Name of Regulation**

This Regulation is the *Food Amendment (Egg Food Safety Scheme) Regulation 2012*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1 Amendment of Food Regulation 2010

**[1] Clause 149 Definitions**

Insert “(other than the egg of a ratite)” after “avian species” in the definition of *egg*.

**[2] Clause 149, definition of “specialty egg”**

Omit the definition.

**[3] Clause 152 Meaning of “egg business”, “egg product” and “blended egg product mixture”**

Omit clause 152 (1) (e).

**[4] Clause 152 (1) (h)**

Omit “, cracked eggs or specialty eggs”. Insert instead “or cracked eggs”.

**[5] Clause 152 (1) (i)**

Omit “, cracked eggs, or specialty eggs”. Insert instead “or cracked eggs”.

**[6] Clause 152 (1) (i) (i)**

Omit “, blended egg product mixtures or specialty eggs”.

Insert instead “or blended egg product mixtures”.

**[7] Clause 152 (4)**

Omit the subclause.

**[8] Clause 153 Application of Food Standards Code to primary production of eggs**

Omit clause 153 (c). Insert instead:

- (c) Division 1 and Subdivision 2 of Division 4 of Standard 3.2.2,

**[9] Clause 153 (f) and (g)**

Insert after clause 153 (e):

- (f) Standard 4.1.1,
- (g) Divisions 1 and 2 of Standard 4.2.5.

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### [10] Clause 154 Modification of Food Standards Code

Omit clause 154 (1) and (2). Insert instead:

- (1) Standard 2.2.2 of the *Food Standards Code* is modified by inserting after clause 3:

#### 4 Compliance with clause 3

A person is not required to comply with clause 3 until 26 November 2014.

### [11] Clause 154 (3)

Omit “Division 1, clauses 6, 9, 10 and 12 of Division 3, Subdivision 2 of Division 4 and Division 5”.

Insert instead “Division 1 and Subdivision 2 of Division 4”.

### [12] Clause 154 (5)

Insert after clause 154 (4):

- (5) Standard 4.2.5 is modified as follows:
  - (a) by inserting in alphabetical order in clause 2 (2):

***broken egg*** means an egg with a cracked shell and a broken shell membrane.
  - (b) by omitting “, and includes a broken egg” from the definition of ***cracked egg*** in clause 2 (2) and by inserting instead “, and has an unbroken shell membrane”,
  - (c) by inserting “, a broken egg” after “cracked egg” in paragraph (a) of the definition of ***unacceptable egg*** in clause 2 (2),
  - (d) by inserting after clause 3 (3):
    - (4) An egg producer is not required to comply with this clause unless the egg producer produces, washes, grades, dry cleans or assesses for cracks more than 20 dozen eggs in any week.
  - (e) by inserting after clause 10 (4):
    - (5) An egg producer is not required to comply with subclauses (1) and (2) until 26 November 2014.
  - (f) by inserting “that are not broken eggs” after “unacceptable eggs” in clause 11 (2),

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- (g) by inserting “**that are not broken eggs**” after “**eggs**” in the heading to clause 14,
  - (h) by inserting “that are not broken eggs” after “unacceptable eggs” in clause 14,
  - (i) by inserting after clause 14:

**14A Receiving broken eggs**

An egg processor must not receive broken eggs for human consumption.

- (j) by inserting after clause 20 (3):
  - (4) An egg processor is not required to comply with subclauses (1) and (2) until 26 November 2014.

**[13] Clause 163 Method of pasteurisation of egg product**

Omit “Standard 1.6.2” from clause 163 (a). Insert instead “Standard 4.2.5”.

**[14] Clause 164 Method of pasteurisation of blended egg product mixture**

Omit “Standard 1.6.2” from clause 164 (a). Insert instead “Standard 4.2.5”.

**[15] Clause 165 Egg businesses to undertake analyses of eggs, egg products, blended egg product mixtures and water**

Omit clause 165 (1) (d).

**[16] Clause 165 (1) (e)**

Omit “, blended egg product mixtures and specialty eggs”.

Insert instead “and blended egg product mixtures”.

**[17] Clause 165 (3) (b)**

Omit “, specialty eggs”.

**[18] Clause 167 Records to be kept in relation to sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures**

Omit “specialty eggs,” wherever occurring in clause 167 (1)–(4).

## 2012 No 653

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### [19] Schedule 3 Savings and transitional provisions

Insert at the end of Schedule 3 with appropriate Part and clause numbering:

#### **Part Provisions consequent on making of Food Amendment (Egg Food Safety Scheme) Regulation 2012**

##### **Activities no longer required to be licensed**

- (1) A licence in force immediately before the commencement of the *Food Amendment (Egg Food Safety Scheme) Regulation 2012* (an *existing licence*) is cancelled if the only activities that it authorises are not required to be licensed under this Regulation.
- (2) The Food Authority may refund to the holder of an existing licence the whole or any part of the fee paid for the licence if the licence:
  - (a) is cancelled by operation of subclause (1), or
  - (b) authorises any activity that is not required to be licensed under this Regulation.

### [20] Schedule 4 Licence fees

Omit “or manufacturing or processing of specialty eggs” from item 1 of Part 6.

### [21] Schedule 4, Part 6

Omit “, cracked eggs or specialty eggs” from item 2.

Insert instead “or cracked eggs”.

### [22] Schedule 4, Part 6

Omit “, blended egg product mixtures or specialty eggs” from item 2.

Insert instead “or blended egg product mixtures”.

### [23] Schedule 4, Part 6

Omit “, cracked eggs or specialty eggs” from item 3.

Insert instead “or cracked eggs”.