



New South Wales

Food Amendment (Poultry Meat 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 objects of this Regulation are:

- (a) to include a poultry farm business (a business involving the growing of more than 100 birds, being poultry for human consumption, at any time) within the meaning of a *meat business* for the purposes of the meat food safety scheme (therefore requiring a person who carries on such a business to hold a licence under the *Food Regulation 2010* in relation to that business), and
- (b) to provide for a 2 month time period within which a person who, on the commencement of the amendment described in paragraph (a) on 1 January 2013, is carrying on a poultry farm business may apply for a licence, and
- (c) to require compliance with section 100 of the Act, Standard 4.1.1 and certain provisions of Standard 4.2.2 (as modified by this Regulation) and Standard 3.2.2 of the *Food Standards Code* in relation to certain primary production of poultry, and
- (d) to make minor amendments to correct incorrect references.

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

2012 No 654

Clause 1 Food Amendment (Poultry Meat Safety Scheme) Regulation 2012

Food Amendment (Poultry Meat Safety Scheme) Regulation 2012

under the

Food Act 2003

1 Name of Regulation

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

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website (except as provided by subclause (2)).
- (2) Schedule 1 [3]–[10] commence on 1 January 2013.

Schedule 1 Amendment of Food Regulation 2010

[1] Clause 16U Locations for display of nutritional information

Omit “clauses 16S (1) (a) and 16T (a)” from clause 16U (1).

Insert instead “clauses 16S (1) (a) and (b) and 16T (1)”.

[2] Clauses 16U (3) and 16V (2)

Omit “clause 16S (1) (b)” wherever occurring.

Insert instead “clause 16S (1) (c)”.

[3] Clause 58 Definitions

Insert in alphabetical order in clause 58 (1):

poultry means chickens, turkeys, ducks, squab (pigeons), geese, pheasants, quails, guinea fowls, muttonbirds or any other avian species (except ratites).

poultry farm means any land or premises where birds (being poultry for human consumption) are grown but only if more than 100 such birds are being grown at any time.

[4] Clause 61 Meaning of “meat business”

Insert after clause 61 (m):

(n) a poultry farm.

[5] Clause 61A

Insert after clause 61:

61A Application of Food Standards Code to primary production of poultry

For the purposes of section 21 (5) of the Act, the following provisions of the *Food Standards Code* apply to a food business (within the meaning of section 6 of the Act) that involves the handling of food (being poultry) for human consumption and is primary food production:

- (a) clause 4 of Standard 3.2.2 unless the food business is referred to in section 101 of the Act,
- (b) Standard 4.1.1,
- (c) clauses 1–10 of Standard 4.2.2 (as modified by this Part).

2012 No 654

Food Amendment (Poultry Meat Safety Scheme) Regulation 2012

Schedule 1 Amendment of Food Regulation 2010

[6] Clause 62 Modification of Food Standards Code

Insert at the end of the clause:

- (2) Standard 3.1.1 of the *Food Standards Code* is modified by inserting after subclause 4 (5) (as inserted by clause 154 (3) of this Regulation):
 - (6) The proprietor of a food business (within the meaning of section 6 of the *Food Act 2003* of New South Wales) that involves the handling of food (being poultry) and is primary food production must ensure that the food business complies with clause 4 of Standard 3.2.2—Food Safety Practices and General Requirements unless the food business is the subject of a licence or some other form of authorisation under that Act.
- (3) Standard 4.2.2 of the *Food Standards Code* is modified by inserting the following after subclause 3 (3):
 - (4) A poultry producer is not required to comply with any requirement of this clause until 1 July 2013 or such later date as is notified in writing to the poultry producer by the NSW Food Authority before 1 July 2013.
 - (5) In this clause, **poultry producer** means a poultry producer that engages in either of the following:
 - (a) the growing of more than 100 birds (being poultry for human consumption) at any time,
 - (b) the live transporting of more than 100 birds (being poultry for human consumption) in any week.
- (4) Standard 4.2.2 of the *Food Standards Code* is modified by inserting the following after subclause 12 (4):
 - (5) A poultry processor is not required to comply with any requirement of this clause in relation to the transporting of poultry product for human consumption until 1 July 2013 or such later date as is notified in writing to the poultry processor by the NSW Food Authority before 1 July 2013.

[7] Clause 169 Application of notification provisions of Act to certain food businesses that are primary production

Insert at the end of the clause (but before the note):

- (2) Section 100 (1) of the Act applies to a food business that is primary production and involves the growing and live transportation of poultry intended for sale for human consumption unless the food business is a food business referred to in section 101 (a) or (b) of the Act.

[8] Schedule 3 Savings and transitional provisions

Omit “**enactment**” from the heading to Part 1. Insert instead “**making**”.

[9] Schedule 3, Part 2

Insert after Part 1:

Part 2 Provision consequent on making of Food Amendment (Poultry Meat Safety Scheme) Regulation 2012

12 Application of amendments

- (1) This clause applies in relation to a person who is carrying on a business involving the operation of a poultry farm (within the meaning of clause 58) (a *poultry farm business*) on 1 January 2013.
- (2) If a person to whom this clause applies makes an application to the Food Authority in accordance with this Regulation, and before 1 March 2013, for a licence that authorises the carrying on of a poultry farm business or for the variation of an existing licence to include the authorisation of the carrying on of a poultry farm business, the person is taken to be the holder of a licence authorising the carrying on of a poultry farm business until the Food Authority determines the application.

[10] Schedule 4 Licence fees

Insert after item 6 of the Table in Part 2:

7. Operation of poultry farm	For each premises where the activities are carried out	308
------------------------------	--	-----