



# Food Amendment (Industry Consultative Committees) Regulation 2013

under the

Food Act 2003

Her Excellency the Governor, with the advice of the Executive Council, 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 change the membership arrangements for industry consultative committees established for the food safety schemes relating to meat, seafood, vulnerable persons and eggs.

The Regulation also makes a minor amendment relating to the waiver of fees.

This Regulation is made under the *Food Act 2003*, including sections 102 (2) (z) (relating to the establishment of consultative committees) and 139 (the general regulation-making power).

## **2013 No 49**

Clause 1            Food Amendment (Industry Consultative Committees) Regulation 2013

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# **Food Amendment (Industry Consultative Committees) Regulation 2013**

under the

Food Act 2003

### **1 Name of Regulation**

This Regulation is the *Food Amendment (Industry Consultative Committees) Regulation 2013*.

### **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 21 Application for licence

Insert “(unless the Food Authority waives the application fee)” after “\$50” in clause 21 (2) (b).

### [2] Clause 21 (4)

Insert after clause 21 (3):

- (4) The Food Authority may waive payment of the application fee for a licence in a particular case or class of cases.

### [3] Clause 59 Meat food safety scheme

Omit “Schedules 5–8”. Insert instead “Schedules 5–7”.

### [4] Clause 99

Omit the clause. Insert instead:

#### 99 Establishment of Meat Industry Consultative Council

- (1) The Food Authority is to establish a committee to be called the Meat Industry Consultative Council which has the following functions:
  - (a) undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the food safety scheme prescribed under this Part (the *meat food safety scheme*),
  - (b) the ongoing review of the operation of the meat food safety scheme.
- (2) The Council is a continuation of the Council established under this clause before its substitution by the amending Regulation.
- (3) The Council is to consist principally of persons from the meat industry appointed by the Food Authority.
- (4) The Food Authority may also appoint as members of the Council:
  - (a) such officers of the Food Authority as the Food Authority determines, and
  - (b) such officers of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and
  - (c) such representatives of other bodies or organisations as the Food Authority determines.

## 2013 No 49

Food Amendment (Industry Consultative Committees) Regulation 2013

Schedule 1 Amendment of Food Regulation 2010

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- (5) The Food Authority is to appoint a Chairperson of the Council from the members of the Council.
- (6) The procedure for the calling and holding of meetings of the Council is to be determined by the Food Authority.
- (7) A person who held office as a member of the Meat Industry Consultative Council immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term.
- (8) Despite subclause (5), the person who held office as the Chairperson or Deputy Chairperson of the Meat Industry Consultative Council immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term.
- (9) In this clause, *amending Regulation* means the *Food Amendment (Industry Consultative Committees) Regulation 2013*.

### [5] Clause 100 Industry consultation

Omit the clause.

### [6] Clause 127

Omit the clause. Insert instead:

#### **127 Establishment of NSW Shellfish Committee**

- (1) The Food Authority is to establish a committee to be called the NSW Shellfish Committee which has the following functions:
  - (a) undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the food safety scheme prescribed under this Part (the *seafood safety scheme*) in its application to shellfish,
  - (b) the ongoing review of the operation of the seafood safety scheme in its application to shellfish.
- (2) The NSW Shellfish Committee is a continuation of the Committee established under this clause before its substitution by the amending Regulation.
- (3) The Committee is to consist principally of persons from the shellfish industry appointed by the Food Authority.

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- (4) The Food Authority may also appoint as members of the Committee:
    - (a) such officers of the Food Authority as the Food Authority determines, and
    - (b) such officers of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and
    - (c) such representatives of other bodies or organisations as the Food Authority determines.
  - (5) In appointing persons from the shellfish industry to be members of the Committee, the Food Authority is to consider the following matters, but may also have regard to other relevant matters:
    - (a) whether or not the person holds a licence to harvest, collect or deurate the shellfish,
    - (b) whether or not the person is commercially reliant on the harvesting, collection or depuration of shellfish,
    - (c) whether or not the person has demonstrated previous compliance with the Program,
    - (d) whether or not the person has experience as a member at a local committee level in the Program.
  - (6) The Food Authority is to appoint a Chairperson of the Committee from the members of the Committee.
  - (7) The procedure for the calling and holding of meetings of the Committee is to be as determined by the Food Authority.
  - (8) A person who held office as a member of the NSW Shellfish Committee immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term as a member of the Committee.
  - (9) Despite subclause (6), the person who held office as the Chairperson of the NSW Shellfish Committee immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term as a member.
  - (10) In this clause, *amending Regulation* means the *Food Amendment (Industry Consultative Committees) Regulation 2013*.

**[7] Clause 128 Responsibilities of NSW Shellfish Committee**

Omit clause 128 (d).

## 2013 No 49

Food Amendment (Industry Consultative Committees) Regulation 2013

Schedule 1 Amendment of Food Regulation 2010

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### [8] Clause 128

Insert at the end of the clause:

**Note.** The NSW Shellfish Committee also has functions under clause 127.

### [9] Clause 131 Provisions relating to members and procedure of committee

Omit “the NSW Shellfish Committee and to”.

### [10] Clause 139

Omit the clause. Insert instead:

#### 139 Establishment of New South Wales Seafood Industry Forum

- (1) The Food Authority is to establish a committee to be called the New South Wales Seafood Industry Forum which has the following functions:
  - (a) undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the food safety scheme prescribed under this Part (the *seafood safety scheme*), other than in its application to shellfish,
  - (b) the ongoing review of the operation of the seafood safety scheme, other than in its application to shellfish.
- (2) The Forum is a continuation of the New South Wales Seafood Industry Conference established under this clause before its substitution by the amending Regulation.
- (3) The Forum is to consist principally of persons from the seafood industry appointed by the Food Authority.
- (4) The Food Authority may also appoint as members of the Forum:
  - (a) such officers of the Food Authority as the Food Authority determines, and
  - (b) such officers of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and
  - (c) such persons who are representatives of other bodies or organisations as the Food Authority determines.
- (5) The Food Authority is to appoint a Chairperson of the Forum from the members of the Forum.
- (6) The procedure for the calling and holding of meetings of the Forum is to be as determined by the Food Authority.

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- (7) A person who held office as a member of the New South Wales Seafood Industry Conference immediately before the substitution of this clause by the amending Regulation is taken to hold office as a member of the New South Wales Seafood Industry Forum under this clause after that substitution for the remainder of the person's term of office as a member of that Conference.
  - (8) Despite subclause (5), the person who held office as the Chairperson of the New South Wales Seafood Industry Conference immediately before the substitution of this clause by the amending Regulation is taken to hold the office of Chairperson of the New South Wales Seafood Industry Forum under this clause after that substitution for the remainder of the person's term of office as a member of that Conference.
  - (9) In this clause, *amending Regulation* means the *Food Amendment (Industry Consultative Committees) Regulation 2013*.

**[11] Clause 140 Industry consultation on shellfish**

Omit the clause.

**[12] Clause 141 Definitions**

Omit the definition of *Consultative Committee*.

**[13] Clause 147**

Omit the clause. Insert instead:

**147 Establishment of New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee**

- (1) The Food Authority is to establish a committee to be called the New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee which has the following functions:
  - (a) undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the food safety scheme prescribed under this Part (the *vulnerable persons food safety scheme*),
  - (b) the ongoing review of the operation of the vulnerable persons food safety scheme.
- (2) The Committee is a continuation of the Committee established under this clause before its substitution by the amending Regulation.

## 2013 No 49

### Food Amendment (Industry Consultative Committees) Regulation 2013

#### Schedule 1 Amendment of Food Regulation 2010

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- (3) The Committee is to consist principally of persons from the vulnerable persons food industry appointed by the Food Authority.
- (4) The Food Authority may also appoint as members of the Committee:
  - (a) such officers of the Food Authority as the Food Authority determines, and
  - (b) such officers of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and
  - (c) such officers of the Ministry of Health as the Food Authority determines, and
  - (d) such representatives of other bodies or organisations as the Food Authority determines.
- (5) The Food Authority is to appoint a Chairperson of the Committee from the members of the Committee.
- (6) The procedure for the calling and holding of meetings of the Committee is to be as determined by the Food Authority.
- (7) A person who held office as a member of the New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term.
- (8) Despite subclause (5), the person who held office as the Chairperson of the New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term as a member of the Committee.
- (9) In this clause, **amending Regulation** means the *Food Amendment (Industry Consultative Committees) Regulation 2013*.



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**[14] Clause 168**

Omit the clause. Insert instead:

**168 Establishment of New South Wales Egg Industry Consultative Committee**

- (1) The Food Authority is to establish a committee to be called the New South Wales Egg Industry Consultative Committee which has the following functions:
  - (a) undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the food safety scheme prescribed under this Part (the *egg food safety scheme*),
  - (b) the ongoing review of the operation of the egg food safety scheme.
- (2) The Committee is a continuation of the former Committee.
- (3) The Committee is to consist principally of persons from the egg industry appointed by the Food Authority.
- (4) The Food Authority may also appoint as members of the Committee:
  - (a) such officers of the Food Authority as the Food Authority determines, and
  - (b) such officers of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and
  - (c) such representatives of other bodies or organisations as the Food Authority determines.
- (5) The Food Authority is to appoint a Chairperson of the Committee from the members of the Committee.
- (6) The procedure for the calling and holding of meetings of the Committee is to be as determined by the Food Authority.
- (7) A person who held office as a member of the former Committee immediately before the substitution of this clause by the amending Regulation is taken to continue to hold that office under this clause after that substitution for the remainder of the person's term.

## 2013 No 49

Food Amendment (Industry Consultative Committees) Regulation 2013

Schedule 1 Amendment of Food Regulation 2010

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(8) In this clause:

*amending Regulation* means the *Food Amendment (Industry Consultative Committees) Regulation 2013*.

*former Committee* means the committee referred to in this clause before its substitution by the amending Regulation and with which the Food Authority consulted before that substitution.

[15] **Schedule 8 Constitution and procedure of Meat Industry Consultative Council**

Omit the Schedule.

[16] **Schedule 9, heading**

Insert “**local**” before “**shellfish**”.

[17] **Schedule 9, clause 1**

Omit the definition of *committee*. Insert instead:

*committee* means a local shellfish committee appointed under clause 129.

[18] **Schedule 9, clause 3**

Omit the clause.

[19] **Schedule 9, clause 4 (3)**

Omit the subclause.