



New South Wales

# Food Amendment (Food Standards Code) Regulation 2014

under the  
Food Act 2003

His 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 amend the *Food Regulation 2010* to make it clear that requirements under the *Food Standards Code* to provide for the marking and tracing of eggs and tracing of egg pulp are not applicable to certain producers, namely those who:

- (a) produce fewer than 240 eggs per week, and
- (b) sell or supply those eggs directly to consumers at the place of production or sell or supply those eggs for charitable fund-raising purposes.

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

## **Food Amendment (Food Standards Code) Regulation 2014**

under the

Food Act 2003

### **1 Name of Regulation**

This Regulation is the *Food Amendment (Food Standards Code) Regulation 2014*.

### **2 Commencement**

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

## Schedule 1 Amendment of Food Regulation 2010

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

Omit clause 154 (1). Insert instead:

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

#### 4 Compliance with clause 3

- (1) A person is not required to comply with clause 3 until 26 November 2014.
- (2) On or after 26 November 2014, a person is not required to comply with clause 3 if:
  - (a) the number of eggs produced by the person per week does not exceed 240, and
  - (b) the person sells or supplies those eggs:
    - (i) directly to consumers at the place at which the eggs are produced, or
    - (ii) for charitable fund-raising purposes where it is intended that all such eggs are to be cooked thoroughly and consumed immediately.

**Note.** The sale or supply of eggs referred to in paragraph (b) (i) does not include any sale or supply taking place at wholesale, at a marketplace, or any sale or supply to an egg business (within the meaning of Standard 4.2.5) or to the proprietor of a food business (within the meaning of section 6 of the *Food Act 2003* of New South Wales).

### [2] Clause 154 (5) (e)

Omit the paragraph. Insert instead:

- (e) by inserting after clause 10:

#### 10A Compliance with clause 10

- (1) An egg producer is not required to comply with clause 10 (1), (2) and (4) until 26 November 2014.
- (2) On or after 26 November 2014, an egg producer is not required to comply with clause 10 (1), (2) and (4) if:
  - (a) the number of eggs produced by the producer per week does not exceed 240, and
  - (b) the egg producer sells or supplies those eggs:
    - (i) directly to consumers at the place at which the eggs are produced, or
    - (ii) for charitable fund-raising purposes where it is intended that all such eggs are to be cooked thoroughly and consumed immediately.

**Note.** The sale or supply of eggs referred to in paragraph (b) (i) does not include any sale or supply taking place at wholesale, at a marketplace, or any sale or supply to an egg business (within the meaning of Standard 4.2.5) or to the proprietor of a food business (within the meaning of section 6 of the *Food Act 2003* of New South Wales).