



New South Wales

Food Amendment (National Standard) Regulation 2023

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*.

TARA MORIARTY, MLC
Minister for Agriculture

Explanatory note

The object of this regulation is to amend the *Food Regulation 2015* as follows—

- (a) with respect to requirements in the *Food Act 2003* (***the Act***) relating to food safety supervisors—
 - (i) amend the exemptions for certain food businesses, premises and activities from the operation of the Act, Part 8, Division 3, and
 - (ii) clarify that the existing exemption in relation to the sale of food for the purposes of raising funds solely for community or charitable causes extends to the handling of food for that purpose,
- (b) modify the *Australia New Zealand Food Standards Code*, Standard 3.2.2A, as applied in NSW to—
 - (i) retain the requirements in the Act relating to food safety supervisors, and
 - (ii) reflect the amended exemptions outlined in paragraph (a).

The proposed commencement of the amendments provides businesses affected by the changes with a 12-month transitional period.

This regulation is made under the *Food Act 2003*, including sections 106J(1) and 141(1).

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1 Name of regulation

This regulation is the *Food Amendment (National Standard) Regulation 2023*.

2 Commencement

This regulation commences as follows—

- (a) for Schedule 1[1] and [3]—on 8 December 2024,
- (b) otherwise—on 8 December 2023.

Schedule 1 Amendment of Food Regulation 2015

[1] Clause 29 Exemptions from Division 3 of Part 8 of the Act

Omit clause 29(1). Insert instead—

- (1) For the Act, section 106J(1), food businesses that are licensed under the Act are exempt from the operation of the Act, Part 8, Division 3.

[2] Clause 29(2)

Omit the subclause. Insert instead—

- (2) The handling or sale of food for the purposes of raising funds solely for community or charitable causes is exempt from the operation of the Act, Part 8, Division 3.

[3] Clause 29(3)

Omit the subclause.

[4] Clause 38 Modification of Food Standards Code

Insert after clause 38(2)—

- (3) The *Food Standards Code*, Standard 3.2.2A is modified as follows—
 - (a) by omitting the definitions of **food safety supervisor** and **food safety supervisor certificate** from section 3.2.2A—2,
 - (b) by omitting “, 3.2.2A—11” from section 3.2.2A—8,
 - (c) by omitting “sections 3.2.2A—10 and 3.2.2A—11” from section 3.2.2A—9 and inserting instead “section 3.2.2A—10”,
 - (d) by omitting section 3.2.2A—11.
- (4) The *Food Standards Code*, Standard 3.2.2A is modified by omitting section 3.2.2A—3(2) and inserting instead—
 - (2) This Standard does not apply to the following—
 - (a) food businesses licensed under the Act,
 - (b) the handling or sale of food for the purposes of raising funds solely for community or charitable causes.
- (5) The *Food Standards Code*, Standard 3.2.2A is modified by inserting the following at the end of section 3.2.2A—3—
 - (3) Sections 3.2.2A—10 and 3.2.2A—12 do not apply to the following—
 - (a) coffee vendors if the only processing of potentially hazardous food for sale is the heating of milk,
 - (b) premises that are exempt from the operation of the Act, Part 8, Division 3 under the *Food Regulation 2015*, clause 29(3).
- (6) Subclause (5) and this subclause are repealed on 8 December 2024.