

Food Regulation 2004

[2004-59]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Food Regulation 2004



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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Food Regulation 2004*.

2 Commencement

This Regulation commences on 23 February 2004.

3 Definitions

In this Regulation:

Director-General means the Director-General of the Food Authority.

the Act means the *Food Act 2003*.

Part 2 Provisions relating to Food Standards Code

4 Modification of Food Standards Code

(1) A reference in the Food Standards Code:

- (a) to the relevant authority is to be read as a reference to the Director-General, and
- (b) to the Act is to be read as a reference to the *Food Act 2003*, and
- (c) to the appropriate enforcement agency is to be read as a reference to the Director-General, and
- (d) to demonstrate is to be read as a reference to demonstrate to the satisfaction of the Director-General.

(2) Standard 3.2.2 of the Food Standards Code is modified by inserting after clause 4 (4) the following subclause:

- (5) Subclause (1) does not apply to a food business in relation to food handling

operations for fundraising events, that is, events:

- (a) that raise funds solely for community or charitable causes and not for personal financial gain, and
- (b) at which all the food sold is not potentially hazardous or is to be consumed immediately after thorough cooking.

5 Notifications of food handling operations

- (1) Expressions used in this clause have the same meaning as in Standard 3.1.1 of the Food Standards Code.
- (2) The Director-General may make an arrangement with a local council for the council to accept notifications under clause 4 of Standard 3.2.2 of the Food Standards Code on behalf of the Director-General and forward those notifications to the Director-General.
- (3) A local council that performs the service of accepting and forwarding a notification under subclause (2) may charge a fee for that service not exceeding the following:
 - (a) if the notification relates to 5 food premises or less—\$50,
 - (b) if the notification relates to more than 5 food premises—\$10 per premises.
- (4) A notification under clause 4 of Standard 3.2.2 of the Food Standards Code may be made:
 - (a) in a written form—directly to the Director-General or to the Director-General through a local council (under an arrangement made in accordance with subclause (2)), or
 - (b) in an electronic form by way of the Internet—directly to the Director-General.
- (5) A notification that is made in a written form directly to the Director-General must be accompanied by a processing fee of:
 - (a) if the notification relates to 5 food premises or less—\$50, and
 - (b) if the notification relates to more than 5 food premises—\$10 per premises.
- (6) A notification under clause 4 of Standard 3.2.2 of the Food Standards Code is not duly made unless it is accompanied by any fee that is required under this clause.

Part 3 Administration

6 Enforcement agencies

- (1) For the purposes of the definition of **enforcement agency** in section 4 (1) of the Act, the following are prescribed:

- (a) (Repealed)
- (b) each local council,
- (c) in respect of the Kosciuszko National Park, the Director-General of the Department of Environment and Conservation,
- (d) in respect of Lord Howe Island, the Lord Howe Island Board constituted by the *Lord Howe Island Act 1953*.

(2) The Food Authority is prescribed as the appropriate enforcement agency for the purposes of sections 93, 95 and 100 of the Act.

7 Delegations

For the purposes of section 109E (1) (d) of the Act, the following offices are prescribed:

- (a) (Repealed)
- (b) the general manager of a local council.

Part 4 Miscellaneous

8 Payment for samples

For the purposes of section 68 of the Act, if the current market value of a sample of food exceeds \$10, the amount payable for the sample concerned is \$10.

9 (Repealed)

10 Savings and transitional provisions

- (1) A notification relating to a food business that was duly made for the purposes of Standard 3.2.2 of the Food Standards Code before the commencement of section 100 of the Act is taken to be a written notice in the approved form for the purposes of that section.
- (2) (Repealed)