

Food Regulations 2003

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Food Act 2003*.

29 September 2003

G. S. M. GREEN

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Health and Human Services

1. Short title

These regulations may be cited as the *Food Regulations 2003*.

2. Commencement

These regulations take effect on the day on which the *Food Act 2003* commences.

3. Interpretation

In these regulations,

"Act" means the *Food Act 2003*;

"Seafood Standard" means the Primary Production and Processing Standard for Seafood contained in chapter 4.2.1 of the Food Standards Code.

4. Incorporation of Food Standards Code

The Food Standards Code, as in force from time to time, is incorporated in these regulations.

5. Meaning of appropriate enforcement agency in Food Standards Code

The Director of Public Health or a council is the appropriate enforcement agency for the purposes of the Food Standards Code.

5A. Application fee for approval of food safety auditors

For section 83A(3)(b) of the Act, the prescribed fee is 116 fee units.

6. Infringement notice offences

(1) The offences that are created by the sections of the Act specified in Column 2 of the table in Schedule 1 are prescribed offences for the purposes of section 118 of the Act.

(2) For the purposes of the Act, the prescribed penalty for each of those prescribed offences is the penalty specified opposite that offence in Column 4 of the table in Schedule 1.

6A. Primary food production

For the purposes of section 7(2) of the Act, the definition of "primary food production" in the Act does not include the following food production activities:

- (a) primary production of seafood, as defined in clause 2 of the Seafood Standard;
- (b) processing of seafood, as defined in clause 2 of the Seafood Standard.

7. Statutory Rules rescinded

The Statutory Rules specified in Schedule 2 are rescinded.

SCHEDULE 1 - Infringement Notice Offences

Regulation 6

Column 1	Column 2	Column 3	Column 4	
Item	Section	Offence	Penalty (Penalty units)	
		General description of offence	Natural person	Body corporate
1.	<u>Section 13(1)</u>	Knowingly handling food intended for sale in manner that renders it unsafe	3	10
2.	<u>Section 13(2)</u>	Handling food intended for sale in manner that a person ought reasonably know might render it unsafe	2	6
3.	<u>Section 14(1)</u>	Knowingly selling unsafe food	3	10
4.	<u>Section 14(2)</u>	Selling food that a person ought reasonably know is unsafe	2	6
5.	<u>Section 15(3)</u>	Knowingly selling falsely described food harmful to consumers who rely on the description	3	10
6.	<u>Section 15(4)</u>	Selling food that a person ought reasonably know is falsely described and might be harmful to consumers who rely on the description	2	6
7.	<u>Section 16(1)</u>	Handling food intended for sale in manner that renders it unsafe	2	6
8.	<u>Section 16(2)</u>	Selling unsafe food	2	6
9.	<u>Section 17(1)</u>	Handling food intended for sale in manner that renders it unsuitable	2	6
10.	<u>Section 17(2)</u>	Selling food that is unsuitable	2	6
11.	<u>Section</u>	Engaging, in the course of food business, in misleading or	2	6

	<u>18(1)</u>	deceptive conduct relating to food intended for sale		
12.	<u>Section 18(2)</u>	Causing, in the course of food business, food to be advertised, packaged or labelled with false description	2	6
13.	<u>Section 18(3)</u>	Selling, in the course of food business, food that is packaged or labelled falsely	2	6
14.	<u>Section 19(1)</u>	Selling food, in the course of food business, that does not comply with purchaser's demand	1	3
15.	<u>Section 20(1)(a)</u>	Selling equipment that renders food unsafe	1	3
16.	<u>Section 20(1)(b)</u>	Selling equipment that puts other equipment in a condition that renders food unsafe	1	3
17.	<u>Section 20(2)</u>	Selling packaging or labelling material that renders food unsafe	1	3
18.	<u>Section 21(1)</u>	Failing to comply with Food Standards Code	2	6
19.	<u>Section 21(2)</u>	Selling food that does not comply with Food Standards Code	2	6
20.	<u>Section 21(3)</u>	Selling or advertising food that is packaged or labelled in manner that contravenes Food Standards Code	2	6
21.	<u>Section 21(4)</u>	Selling or advertising food in manner that contravenes Food Standards Code	2	6
22.	<u>Section 38</u>	Failing to comply with order under Part 3	2	6
23.	<u>Section 42</u>	Failing to comply with requirement of authorised officer	2	6
24.	<u>Section 43</u>	Providing false or misleading information	2	6
25.	<u>Section 44</u>	Interfering, without permission, with seized items	2	6
26.	<u>Section 45(1)</u>	Resisting, obstructing or attempting to obstruct authorised officer	2	2
27.	<u>Section 45(2)</u>	Impersonating authorised officer	2	2
28.	<u>Section 66</u>	Failing to comply with improvement notice or prohibition order	2	6
29.	<u>Section 80</u>	Failing to notify connection between approved laboratory and food business	1	1
29A.	<u>Section 83C(1)</u>	Failing to notify interest in food business	2	6
29B.	<u>Section 83G(1)</u>	Failing to ensure compliance with requirement imposed in respect of food safety program	2	6
29C.	<u>Section 83G(2)</u>	Failing to ensure audit of food safety program	2	6
29D.	<u>Section 83N(1)</u>	Resisting, obstructing or attempting to obstruct food safety auditor	2	2
29E.	<u>Section 83N(2)</u>	Impersonating food safety auditor	2	2
30.	<u>Section 84</u>	Conducting food business without giving prior, specified notice to council	1	3
31.	<u>Section 86</u>	Failing to comply with Director's requirement to register food business	2	6
32.	<u>Section</u>	Bribery	2	2

SCHEDULE 2 - Statutory Rules rescindedRegulation 7Food (Infringement Notices) Regulations 1998 (No. 128 of 1998)Food Regulations 2001 (No. 95 of 2001)

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 8 October 2003.

These regulations are administered in the Department of Health and Human Services.

Table Of Amendments

Citation	Serial Number	Date of commencement
Food Regulations 2003	S.R. 2003, No. 121	15.10.2003
Food Amendment Regulations 2007	S.R. 2007, No. 62	1.8.2007
Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007	No. 72 of 2007	28.4.2008
Food Amendment Regulations 2008	S.R. 2008, No. 118	1.10.2008
Food Amendment Regulations 2009	S.R. 2009, No. 134	2.12.2009