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Food Regulations 2012

Version current from 2 November 2016 to date (accessed 18 October 2018 at 11:33)



Food Regulations 2012

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 .

15 October 2012

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

MICHELLE O'BYRNE

Minister for Health

1. Short title

These regulations may be cited as the Food Regulations 2012 .

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the Food Act 2003 ;

child care centre means a child care centre required to comply with Standard 3.3.1;

relevant child care centre means a food business that is a child care centre and that sells potentially hazardous food for human consumption at the child care centre on the same day on which the food is prepared;

[Regulation 3 Amended by S.R. 2012, No. 101, Applied:21 Nov 2012] **Standard 2.2.2** means the Food Product Standard for Egg and Egg Products contained in chapter 2.2.2 of the Food Standards Code;

[Regulation 3 Amended by S.R. 2012, No. 101, Applied:21 Nov 2012] **Standard 3.3.1** means the Food Safety Programs for Food Service to Vulnerable Persons Standard contained in chapter 3.3.1 of the Food Standards Code;

[Regulation 3 Amended by S.R. 2012, No. 101, Applied:21 Nov 2012] **Standard 4.2.5** means the Primary Production and Processing Standard for Eggs and Egg Products contained in chapter 4.2.5 of the Food Standards Code.

4. Incorporation of Food Standards Code

[Regulation 4 Substituted by S.R. 2012, No. 101, Applied:21 Nov 2012]

(1) Subject to subregulations (2) and (3) , the Food Standards Code, as amended from time to time, is incorporated in these regulations.

(2) [Regulation 4 Subregulation (2) substituted by S.R. 2013, No. 113, Applied:25 Dec 2013] [Regulation 4 Subregulation (2) substituted by S.R. 2016, No. 88, Applied:02 Nov 2016] Clause 4 of Standard 2.2.2, and Standard 4.2.5, of the Food Standards Code do not apply to –

(a) home egg production, as defined in the Primary Produce Safety (Egg) Regulations 2014 ; or

(b) the sale of eggs, produced as part of home egg production, by the person responsible for the home egg production.

(3) Standard 3.3.1 does not apply to a relevant child care centre.

5. Food safety obligations of relevant child care centres

(1) In this regulation –

corrective action means an action taken by a relevant child care centre to remedy a failure to comply with a provision of the Act or these regulations (including the Food Standards Code);

Standard 3.2.2 means the Food Safety Practices and General Requirements Standard contained in chapter 3.2.2 of the Food Standards Code.

(2) The proprietor of a relevant child care centre must ensure that the following plans are prepared before food is handled by any person at the relevant child care centre:

(a) a cleaning plan that sets out the steps the relevant child care centre will take to comply with clause 19 of Standard 3.2.2;

(b) an equipment-sanitising plan that sets out the steps the relevant child care centre will take to comply with clause 20 of Standard 3.2.2.

Penalty: Fine not exceeding 30 penalty units.

(3) The proprietor of a relevant child care centre must ensure that, at least once each day, the temperature of food that is stored at the relevant child care centre in accordance with clause 6(2)(a) of Standard 3.2.2 is measured and recorded.

Penalty: Fine not exceeding 20 penalty units.

(4) The proprietor of a relevant child care centre must ensure that, at least once each day, the temperature of food that is processed at the relevant child care centre in accordance with clause 7(1)(b)(ii) of Standard 3.2.2 is measured and recorded.

Penalty: Fine not exceeding 20 penalty units.

(5) The proprietor of a relevant child care centre must ensure that a record is made of –

- (a) the name and contact details of each supplier of food sold by the relevant child care centre; and
- (b) each corrective action taken by the relevant child care centre.

Penalty: Fine not exceeding 20 penalty units.

(6) The proprietor of a relevant child care centre must ensure that each record made under subregulation (3), (4) or (5) is kept at the relevant child care centre for a period of 2 years from the day the record is made.

Penalty: Fine not exceeding 20 penalty units.

6. Appropriate enforcement agency for Food Standards Code

Each of the following is an appropriate enforcement agency for the purposes of the Food Standards Code:

- (a) the Director of Public Health;
- (b) a council.

7. Application fee for approval of food safety auditors

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

8. Infringement notice offences

- (1) The offences that are created by the sections of the Act specified in Column 2 of the table in Part 1 of Schedule 1 are prescribed offences for the purposes of section 118 of the Act.
- (2) The offences that are created by the provisions of these regulations specified in Column 2 of the table in Part 2 of Schedule 1 are prescribed offences for the purposes of section 118 of the Act.
- (3) The prescribed penalty for each of the prescribed offences is the penalty specified opposite that offence in Column 3 of the tables in Parts 1 and 2 of Schedule 1 .

9.

[Regulation 9 Rescinded by S.R. 2014, No. 33, Applied:01 Apr 2014]

10. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

SCHEDULE 1 - Infringement Notice Offences

Regulation 8

PART 1 - *Food Act 2003*

Column 1 Item	Column 2 Section	Column 3 Penalty (Penalty units)	
		Natural person	Body corporate
1.	13(1)	3	10
2.	13(2)	2	6
3.	14(1)	3	10
4.	14(2)	2	6
5.	15(3)	3	10
6.	15(4)	2	6
7.	16(1)	2	6
8.	16(2)	2	6
9.	17(1)	2	6
10.	17(2)	2	6
11.	18(1)	2	6
12.	18(2)	2	6
13.	18(3)	2	6
14.	19(1)	1	3
15.	20(1)(a)	1	3
16.	20(1)(b)	1	3
17.	20(2)	1	3
18.	21(1)	2	6
19.	21(2)	2	6
20.	21(3)	2	6
21.	21(4)	2	6
22.	38	2	6
23.	42	2	6
24.	43	2	6
25.	44	2	6
26.	45(1)	2	2
27.	45(2)	2	2
28.	66	2	6
29.	80	1	1
30.	83C(1)	2	6
31.	83G(1)	2	6
32.	83G(2)	2	6
33.	83N(1)	2	2
34.	83N(2)	2	2
35.	84	1	3
36.	86	2	6
37.	132	2	2

PART 2 - *Food Regulations 2012*

Column 1	Column 2	Column 3
Item	Regulation	Penalty (Penalty units)
1.	5(2)(a)	2
2.	5(2)(b)	2
3.	5(3)	1
4.	5(4)	1
5.	5(5)(a)	1
6.	5(5)(b)	1
7.	5(6)	1

SCHEDULE 2 - Legislation rescinded

Regulation 10

Food Regulations 2003 (No. 121 of 2003)
Food Amendment Regulations 2007 (No. 62 of 2007)
Food Amendment Regulations 2008 (No. 118 of 2008)
Food Amendment Regulations 2009 (No. 134 of 2009)

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 24 October 2012

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