

**Authorised Version No. 001**  
**Food (Forms and Registration) Regulations**  
**2015**

**S.R. No. 132/2015**

Authorised Version as at  
21 November 2015

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**S.R. No. 132/2015**

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**1 Objective**

The objective of these Regulations is to prescribe forms and the details to be kept of premises registered under the **Food Act 1984**.

**2 Authorising provision**

These Regulations are made under section 63 of the **Food Act 1984**.

**3 Commencement**

These Regulations come into operation on 21 November 2015.

**4 Revocation**

The Food (Forms and Registration) Regulations 2005<sup>1</sup> are **revoked**.

**5 Definition**

In these Regulations—

*the Act* means the **Food Act 1984**.

**6 Notice of seizure and detention of an article**

For the purposes of section 24 of the Act, the prescribed form for a notice is set out in Schedule 1.

**7 Application for an order directing the release of a detained article**

For the purposes of section 26(1) of the Act, the prescribed form for an application is set out in Schedule 2.

**8 Certificate of analysis**

For the purposes of sections 31(c) and 31A(3)(a) of the Act, the prescribed form for a certificate is set out in Schedule 3.

**9 Certificate of registration of food premises**

For the purposes of section 40 of the Act, the required form for a certificate of registration is set out in Schedule 4.

**10 Records of registration of food premises**

For the purposes of section 43(1) of the Act, the prescribed particulars are set out in Schedule 5.

## Schedule 1—Notice of seizure and detention of an article

Regulation 6

### Food Act 1984

Food (Forms and Registration) Regulations 2015

#### NOTICE OF SEIZURE AND DETENTION OF AN ARTICLE

To [*name*]

of [*address*]

I, [*name of authorized officer*] of [*address of authorized officer*],

being an authorized officer under the **Food Act 1984**, give notice that I have at [*time a.m./p.m.*] this day seized and detained the article(s) described below.

Description of article(s):

Grounds for seizure:

#### IMPORTANT NOTICE

Unless you, or a person claiming the article(s), apply to the Magistrates' Court **within 7 days** after this seizure for an order directing the release of the detained article(s) in the form of Schedule 2 to the Food (Forms and Registration) Regulations 2015, the seized and detained article(s) will be destroyed or otherwise disposed of.

Signature of authorized officer:

Date:

## Schedule 2—Application for an order directing the release of a detained article

Regulation 7

### Food Act 1984

Food (Forms and Registration) Regulations 2015

#### APPLICATION FOR AN ORDER DIRECTING THE RELEASE OF A DETAINED ARTICLE

In the Magistrates' Court of Victoria at [venue]  
I, [name]  
of [address]

apply for an order directing the release from detention of the article(s)  
described below and seized on [date] at [address] and detained  
by an authorized officer under section 21 of the **Food Act 1984**.

Description of article(s):

Name of authorized officer who seized and detained the article(s):

Grounds(s) for the application:

Signature:

Date:

#### Note:

1. Any application for an order directing the release of any detained article(s) must be made **within 7 days** after the seizure of that article.
2. You must immediately give a copy of this application to the authorized officer responsible for the seizure and detention of the article(s).
3. The Magistrates' Court shall disallow the seizure and direct the release of the article(s) if the Court is satisfied that:
  - (a) the authorized officer did not have reasonable grounds for believing that the article(s) was in contravention of a provision of the **Food Act 1984**; or
  - (b) the article(s) was not in contravention of any provision of the **Food Act 1984**.

## Schedule 3—Certificate of analysis

Regulation 8

### Food Act 1984

Food (Forms and Registration) Regulations 2015

#### CERTIFICATE OF ANALYSIS

I, [full name]  
of [address],

a person authorized under the **Food Act 1984** to undertake this type of analysis, certify the matters set out below.

- (1) On [date of receipt of sample], I received  
from [name and address of person submitting sample]

a sample—

\*sealed and with seal intact

\*with seal broken

\*unsealed

and marked [insert marking].

- (2) I have \*analysed the sample/supervised the analysis of the sample.

- (3) The result of the analysis is as follows:

[insert analytical results].

- \*(4) I am of the opinion that no change has taken place in the constitution of the sample which would affect the proportion of any constituent set out above.

[If there is a prescribed apparatus to be used or method to be observed, insert the following:]

\*I declare that I have used the prescribed apparatus or observed the prescribed method. [Insert details of prescribed apparatus or method.]

Signature of analyst:

Laboratory:

Date:

\*Strike out words not applicable.

## Schedule 4—Certificate of registration of food premises

Regulation 9

### Food Act 1984

Food (Forms and Registration) Regulations 2015

#### CERTIFICATE OF REGISTRATION OF FOOD PREMISES

Registration Authority: [insert name]

This certificate of registration is granted to *[insert name and address of person(s) in whose name the premises are registered under section 40(1) of the Food Act 1984]*.

The registration continues in force until *[insert date of expiry of registration]*.

Name of business (if any):

Description of business:

Address of food premises:

Class of food premises:

Registration Authority: *[signature]*

Date:

## **Schedule 5—Records of registration of food premises**

Regulation 10

Number of registration

Date of application for registration, renewal or transfer

Name and address of proprietor(s)

Name of business (if any)

Address of food premises

Description of business

Date of registration

Date(s) of renewal of registration (if applicable)

Date(s) of transfer of registration with name and address of person(s) to whom registration transferred (if applicable)

Conditions (if any) of registration, renewal or transfer

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Food (Forms and Registration) Regulations 2015, S.R. No. 132/2015 were made on 18 November 2015 by the Governor in Council under section 63 of the **Food Act 1984**, No. 10082/1984 and came into operation on 21 November 2015: regulation 3.

The Food (Forms and Registration) Regulations 2015 will sunset 10 years after the day of making on 18 November 2025 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

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1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

## **2 Table of Amendments**

There are no amendments made to the Food (Forms and Registration) Regulations 2015 by statutory rules, subordinate instruments and Acts.

### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

<sup>1</sup> Reg. 4: S.R. No. 143/2005.