

Queensland



Food Act 1981

FOOD STANDARDS REGULATION 1994

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 SL No. 130)**

Reprint No. 3B

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Information about this reprint

This regulation is reprinted as at 1 July 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



FOOD STANDARDS REGULATION 1994

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FOOD STANDARDS REGULATION 1994

[as amended by all amendments that commenced on or before 1 July 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Food Standards Regulation 1994*.

2 Commencement

This regulation commences on 1 July 1994.

3 Definitions

In this regulation—

“**British Standard**” means a standard made by the British Standards Institution.

“**prescribed pathogen**” means a pathogen specified in schedule 2.

“**prohibited material**” means a material specified in schedule 1.

4 Forms

The chief executive may approve forms for use under the Act.

PART 2—SAMPLING AND ANALYSIS REQUIREMENTS

9 Obtaining and dealing with food samples

For the purposes of section 29(2)¹ of the Act, an authorised officer must comply with the food standards code in relation to—

- (a) the number of samples of food to be taken for analysis; and
- (b) the method of obtaining or dealing with the samples.

10 Method of analysis

For section 36(8)² of the Act, the prescribed method of analysis of an article is the method stated in the food standards code.

PART 3—MISCELLANEOUS

11 Fee payable for analysis

If a person is liable for the cost of analysis of an article under the Act, the fee payable is \$247.

12 Appeal to a Magistrates Court

(1) This section sets out the requirements for an appeal by a proprietor to a Magistrates Court, under section 21(6)³ of the Act, against the refusal of an authorised officer to give to the proprietor a certificate under section 21(2) of the Act.

(2) The appeal may only be started by filing a notice of appeal, in the approved form, in a Magistrates Court in the district in which the relevant inspection was performed.

1 Section 29 (Procedure on taking samples) of the Act

2 Section 36 (Authorisation and duties of analysts) of the Act

3 Section 21 (Powers with respect to unclean food store, food vehicle or equipment) of the Act

(3) Immediately after filing the notice, the appellant must serve a copy of the notice—

- (a) if the authorised officer is an officer of a local government—on the chief executive officer of the local government; or
- (c) if the authorised officer is an officer of the department—on the chief executive.

(4) The Magistrates Court must then—

- (a) appoint a place, day and time for hearing the appeal; and
- (b) give written notice of the appointed place, day and time to the appellant and the person served under subsection (3).

(5) In this section—

“**district**” means a district appointed for a Magistrates Court under the *Justices Act 1886*.

“**relevant inspection**”, for an appeal, means the inspection by an authorised officer to which the appeal relates.

14 Certain articles not to come into contact with food

(1) A person must not allow a thing to come into contact with food for sale, or supply a thing with food for sale that is intended to come into contact with the food, if the thing is made from—

- (a) a prohibited material; or
- (b) tin plate that is lead soldered, unless the part that is lead soldered is completely covered with a lacquer that will remain intact for the durable life of the food.

(2) For example, subsection (1) applies to a person who—

- (a) uses equipment to handle food for sale; or
- (b) packs food for sale in a package; or
- (c) supplies eating utensils with food for sale.

(3) A person must ensure the person’s employees do not contravene subsection (1).

Maximum penalty—50 penalty units.

PART 4—PRESCRIBED PATHOGENS ISOLATED IN FOOD

15 Notice of isolation of prescribed pathogen

(1) In this section—

“food dealer” means a person who handles, imports or sells food for sale.

(2) This section applies to—

(a) a food dealer who—

- (i) tests food and isolates a prescribed pathogen in the food; or
- (ii) sends food to a place outside the State for testing and is notified that a prescribed pathogen has been isolated in the food; or

(b) a person who tests food for a food dealer and isolates a prescribed pathogen in the food.

(3) The food dealer or other person must, after isolating the pathogen or being notified that the pathogen has been isolated—

- (a) orally notify the chief executive immediately; and
- (b) give a written notice in the approved form to the chief executive within 24 hours after isolating the pathogen or being notified that the pathogen has been isolated.⁴

Maximum penalty for subsection (3)—50 penalty units.

16 Chief executive may give directions

(1) After being notified that a prescribed pathogen has been isolated in food (the **“infected food”**), the chief executive may give directions to a person for the purpose of identifying the source of, and controlling the danger caused by, the pathogen.

(2) The directions may be given orally or by written notice.

4 The chief executive may be contacted as follows—

Telephone—(07) 3234 0938 and Facsimile—(07) 3234 1480

Address—The Chief Executive

c/- Level 10, 147–163 Charlotte Street, Brisbane QLD 4000
or GPO Box 48, Brisbane QLD 4001.

(3) However, if the directions are given orally, the chief executive must, as soon as practicable, confirm the directions by written notice.

(4) Without limiting subsection (1), a direction may be given about—

(a) the handling of—

(i) the infected food; or

(ii) food that may have been handled with or near the infected food, or at a place or using equipment that may have come into contact with the infected food; or

(b) the isolation or disposal of food mentioned in paragraph (a); or

(c) procedures to be performed to complete identification of the pathogen.

(5) A person who is given a direction must comply with the direction unless the person has a reasonable excuse for not complying with the direction.

Maximum penalty—50 penalty units.

(6) This section does not apply to raw meat other than uncooked fermented manufactured meat.

SCHEDULE 1**PROHIBITED MATERIALS**

section 3, definition “prohibited material”

1. Plastic of a type described in Australian Standard 2070–1992 that does not comply with the standard.

2. Metal foil made of—

- (a) a metal other than aluminium or tin; or
- (b) aluminium or tin that contains lead in a proportion of more than 10 mg/kg.

3. A substance that, when tested by the method specified in British Standard 6748, reacts to cause the test solution to contain concentrations exceeding the following—

metal	concentration
antimony	0.15 mg/L
cadmium	0.05 mg/L
copper	5.0 mg/L
lead	0.2 mg/L
zinc	5.0 mg/L.

SCHEDULE 2**PRESCRIBED PATHOGENS**

section 3, definition “prescribed pathogen”

Campylobacter jejuni

Clostridium botulinum

Listeria monocytogenes

Yersinia enterocolitica

Salmonella (any species)

Shigella (any species)

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Food Standards Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 1994	14 November 1994
1A	to 1996 SL No. 413	20 December 1996	30 April 1997
2	to 1996 SL No. 413	20 December 1996	7 November 1997
2A	to 1998 SL No. 343	21 December 1998	11 January 1999
2B	to 1999 SL No. 174	30 July 1999	4 August 1999
2C	to 2000 SL No. 148	1 July 2000	24 July 2000
2D	to 2001 SL No. 245	1 January 2002	2 January 2002
2E	to 2002 SL No. 20	15 February 2002	22 February 2002
3	to 2002 SL No. 20	15 February 2002	5 April 2002 (Column discontinued) Notes
3A	to 2002 SL No. 156	1 July 2002	
3B	to 2003 SL No. 130	1 July 2003	

5 List of legislation

Food Standards Regulation 1994 SL No. 212

made by the Governor in Council on 23 June 1994
notfd gaz 24 June 1994 pp 1058–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1994 (see s 2)
exp 1 September 2004 (see SIA s 54)

amending legislation—

Regional Health Authorities (Consequential Amendments) Regulation 1996 SL No. 413 pts 1, 4

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1998 SL No. 343 pts 1, 4

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 21 December 1998 (see s 2)

Health Legislation Amendment Regulation (No. 1) 1999 SL No. 174 pts 1–2

notfd gaz 30 July 1999 pp 1905–6
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 2000 SL No. 148 pts 1–2

notfd gaz 30 June 2000 pp 736–48

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2000 (see s 2)

Health Legislation Amendment Regulation (No. 1) 2001 SL No. 245 pts 1, 3

notfd gaz 7 December 2001 pp 1270–1

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2002 (see s 2)

Health Legislation Amendment Regulation (No. 1) 2002 SL No. 20 pts 1–2

notfd gaz 15 February 2002 pp 618–19

commenced on date of notification

Health Legislation Amendment Regulation (No. 2) 2002 SL No. 156 pts 1–2

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2002 (see s 2)

Health Legislation Amendment Regulation (No. 1) 2003 SL No. 130 pts 1–2

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

6 List of annotations

Definitionss 3 def “**Australian Standard**” om 2001 SL No. 245 s 10def “**code**” amd 1999 SL No. 174 s 3

om 2001 SL No. 245 s 10

Forms

s 4 amd 1998 SL No. 343 s 8

PART 2—SAMPLING AND ANALYSIS REQUIREMENTS**pt hdg** sub 2001 SL No. 245 s 11**Food standards**

s 5 om 2001 SL No. 245 s 12

Food names

s 6 om 2001 SL No. 245 s 12

Packing and labelling

s 7 om 2001 SL No. 245 s 12

Advertising

s 8 om 2001 SL No. 245 s 12

Obtaining and dealing with food samples

s 9 amd 2001 SL No. 245 s 13

Method of analysis

s 10 sub 2001 SL No. 245 s 14

Fee payable for analysis

s 11 amd 2000 SL No. 148 s 4; 2002 SL No. 20 s 3; 2002 SL No. 156 s 4; 2003 SL No. 130 s 4

Appeal to a Magistrates Court

s 12 amd 1996 SL No. 413 s 8; 1998 SL No. 343 s 8; 2001 SL No. 245 s 15

Recall and disposal of dangerous food

s 13 amd 1998 SL No. 343 s 8
om 2001 SL No. 245 s 16

Certain articles not to come into contact with food

s 14 amd 2001 SL No. 245 s 17

Notice of isolation of prescribed pathogen

s 15 amd 1998 SL No. 343 s 9; 2001 SL No. 245 s 18

Chief executive may give directions

prov hdg sub 1998 SL No. 343 s 10

s 16 amd 1998 SL No. 343 s 8; 2001 SL No. 245 s 19

PART 5—REPEALS

pt 5 (s 17) om R1 (see RA s 40)