

TASMANIA

FOOD REGULATIONS 2022
STATUTORY RULES 2022, No. 77

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FOOD REGULATIONS 2022

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*.

Dated 24 October 2022.

B. BAKER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Health

1. Short title

These regulations may be cited as the *Food Regulations 2022*.

2. Commencement

These regulations take effect on
24 October 2022.

3. Interpretation

In these regulations –

Act means the *Food Act 2003*;

child care centre means a facility, at which child care is provided, that is a facility in relation to which a food business is required to comply with Standard 3.3.1;

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

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;

Standard 3.2.1 means the Food Safety Programs Standard contained in chapter 3.2.1 of 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;

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;

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

- (1) Subject to subregulations (2) and (3), the Food Standards Code, as amended from time to time, is incorporated in these regulations.
- (2) Clause 4 of Standard 2.2.2 and Standard 4.2.5 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 food business

- (1) The proprietor of a relevant food business in relation to a child care centre must ensure that –
 - (a) the following plans are prepared before food is handled by any person at the child care centre:
 - (i) a cleaning plan that sets out the steps to comply with clause 19 of Standard 3.2.2 that will be taken at the child care centre;
 - (ii) an equipment-sanitising plan that sets out the steps to comply with clause 20 of Standard 3.2.2 that

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will be taken at the child care centre; and

- (b) the current version of each plan, referred to in paragraph (a)(i) and (ii), is kept on site at the child care centre.

Penalty: Fine not exceeding 30 penalty units.

- (2) The proprietor of a relevant food business in relation to a child care centre must ensure that, at least once each day, the temperature of food that is stored at the 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.

- (3) The proprietor of a relevant food business in relation to a child care centre must ensure that, at least once each day, the temperature of food that is processed at the 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.

- (4) The proprietor of a relevant food business in relation to a child care centre must ensure that a record is made of –
 - (a) the name and contact details of each supplier of food that is sold by the food business at the child care centre; and
 - (b) each action taken at the child care centre to remedy a failure to comply with a

provision of the Act or the Food Standards Code.

Penalty: Fine not exceeding 20 penalty units.

- (5) The proprietor of a relevant food business in relation to a child care centre must ensure that each record made under subregulation (2), (3) or (4) in relation to the child care centre is kept at the child care centre for a period of 2 years from the day on which 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. Food safety program requirements

For the purposes of the definition of *food safety program* in section 4(1) of the Act, the prescribed requirements for such a program are that –

- (a) the program complies with –
 - (i) Standard 3.2.1; or

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- (ii) the food safety principles known as Hazard Analysis and Critical Control Point (HACCP) established by the Codex Alimentarius Commission; and
- (b) the program is documented in writing.

8. Application fee for approval of food safety auditors

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

9. Infringement notices

- (1) For the purposes of section 118 of the Act –
 - (a) an offence against a section of the Act that is specified in column 2 of the table in Part 1 of Schedule 1 is prescribed to be an infringement offence for which an infringement notice may be served; and
 - (b) the penalty specified in –
 - (i) column 3 of that table for that infringement offence is the penalty that is payable by a natural person under an infringement notice in respect of that offence; and
 - (ii) column 4 of that table for that infringement offence is the penalty that is payable by a body

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corporate under an infringement notice in respect of that offence.

- (2) For the purposes of section 118 of the Act –
- (a) an offence against a provision of these regulations that is specified in column 2 of the table in Part 2 of Schedule 1 is prescribed to be an infringement offence for which an infringement notice may be served; and
 - (b) the penalty specified in column 3 of that table for that infringement offence is the penalty that is payable in respect of that offence.

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

PART 1 – FOOD ACT 2003

Item	Section	Penalty (penalty units) – Natural person	Penalty (penalty units) – Body corporate
1.	Section 13(1)	3	10
2.	Section 13(2)	2	6
3.	Section 14(1)	3	10
4.	Section 14(2)	2	6
5.	Section 15(3)	3	10
6.	Section 15(4)	2	6
7.	Section 16(1)	2	6
8.	Section 16(2)	2	6
9.	Section 17(1)	2	6
10.	Section 17(2)	2	6
11.	Section 18(1)	2	6
12.	Section 18(2)	2	6
13.	Section 18(3)	2	6
14.	Section 19(1)	2.5	8.5
15.	Section 20(1)(a)	1	3

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Item	Section	Penalty (penalty units) – Natural person	Penalty (penalty units) – Body corporate
16.	Section 20(1)(b)	1	3
17.	Section 20(2)	1	3
18.	Section 21(1)	2	6
19.	Section 21(2)	2	6
20.	Section 21(3)	2	6
21.	Section 21(4)	2	6
22.	Section 38	2	6
23.	Section 42	2	6
24.	Section 43	2	6
25.	Section 44	2	6
26.	Section 45(1)	2	2
27.	Section 45(2)	2	2
28.	Section 66	2	6
29.	Section 83C(1)	2	6
30.	Section 83G(1)	2	6
31.	Section 83G(2)	2	6
32.	Section 83N(1)	2	2

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Item	Section	Penalty (penalty units) – Natural person	Penalty (penalty units) – Body corporate
33.	Section 83N(2)	2	2
34.	Section 84(1)	1	3
35.	Section 86(2)	2	6
36.	Section 132	2	2

PART 2 – FOOD REGULATIONS 2022

Item	Regulation	Penalty (penalty units)
1.	Regulation 5(1)	2
2.	Regulation 5(2)	1
3.	Regulation 5(3)	1
4.	Regulation 5(4)	1
5.	Regulation 5(5)	1

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

Notified in the *Gazette* on 24 October 2022.

These regulations are administered in the Department of Health.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) incorporate the Food Standards Code for the purposes of the *Food Act 2003*; and
- (b) specify the appropriate enforcement agencies for the purposes of the Food Standards Code; and
- (c) specify the requirements for a food safety program for the purposes of the *Food Act 2003*; and
- (d) provide for the food safety obligations for certain child care centres; and
- (e) prescribe the –
 - (i) offences for which an infringement notice may be served under the Act; and
 - (ii) relevant penalties for those offences; and

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- (f) are made consequentially on the repeal of the *Food Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.