

Queensland



Food Act 1981

FOOD HYGIENE REGULATION 1989

**Reprinted as in force on 6 July 2001
(includes amendments up to SL No. 58 of 2001)**

Reprint No. 3

**This reprint is prepared by
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Information about this reprint

This regulation is reprinted as at 6 July 2001. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37)
- number and renumber provisions and references (s 43).

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

Also see endnotes for information about—

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

Queensland



FOOD HYGIENE REGULATION 1989

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FOOD HYGIENE REGULATION 1989

[as amended by all amendments that commenced on or before 6 July 2001]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Food Hygiene Regulation 1989*.

2 Interpretation

(1) In this regulation—

“**certificate of registration**” means a certificate of registration or a certificate of renewal of registration issued under these regulations and in force at the material time.

“**current**” means in force at the material time.

“**food safety standards**” means—

- (a) from 1 July 2001 to 30 June 2002—standards 3.1.1, 3.2.2 (other than clauses 3 and 4) and 3.2.3 of the Food Standards Code, published under the *Australia New Zealand Food Authority Act 1991* (Cwlth), section 32, as in force on 1 July 2001 and as modified by schedule 2 (the “**initial standards**”); or
- (b) from 1 July 2002—the initial standards, and clauses 3 and 4 of standard 3.2.2 of the Food Standards Code in the form in which the clauses were included in the Code at 1 July 2001.

“**Food Standards Code**” means the code published by the National Health and Medical Research Council in Commonwealth of Australia Gazette No. P27 on 27 August 1987.

“**licence**” means a licence or a renewal of a licence issued under section 7 and in force at the material time.

“proprietor”, of a food business, see clause 1 of standard 3.1.1 of the food safety standards.¹

“registration” means a registration, including a renewal of a registration, granted under section 9 and in force at the material time.

(2) A reference in this regulation to a local government, in relation to a food store, food vehicle or activity relating to food, is a reference to the local government for the local government area in which the food store or food vehicle is situated, or in which the activity relating to food happens.

3 Superintendence by local governments

Each local government shall superintend and see to the execution of this regulation within its area and shall do and provide all such acts, matters and things as may be necessary for superintending or aiding in the execution thereof.

PART 2—FOOD SAFETY STANDARDS

4 Adoption of food safety standards

The food safety standards are adopted for the purposes of this regulation.

5 Compliance with food safety standards

(1) A person must comply with the food safety standards.

Maximum penalty—50 penalty units.

(2) However, a person is not required to comply with clause 4 of standard 3.2.2 of the food safety standards in relation to a food business if there is a licence and a registration for the business.

1 Clause 1 of standard 3.1.1 provides—
proprietor of a food business means:

- (a) the person carrying on the food business; or
- (b) if that person cannot be identified—the person in charge of the food business.

6 Defence available to proprietor of food business

(1) This section applies if the proprietor of a food business is prosecuted for an offence against section 5(1) in relation to the non-compliance by the business with the food safety standards.

(2) It is a defence for the proprietor to prove—

- (a) if the proprietor was in a position to influence the carrying on of the business in relation to the offence, the proprietor exercised reasonable diligence to ensure the business was carried on in compliance with the standards; or
- (b) the proprietor was not in a position to influence the carrying on of the business in relation to the offence.

PART 3—LICENCES AND REGISTRATIONS WITH RESPECT TO FOOD STORES, OTHER PLACES AND FOOD VEHICLES

7 Licensing provisions

(1) This part does not apply to a person conducting a business at a place if—

- (a) the only unpackaged food dealt with at the place is dairy produce and the business is conducted under any of the following licences under the *Dairy Industry Regulation 1993*—
 - (i) a producer's licence;
 - (ii) a processor's licence;
 - (iii) a carrier's licence;
 - (iv) a vendor's licence; or
- (b) the only unpackaged food dealt with at the place is fish and the business is conducted under a commercial fisher licence under the *Fisheries Regulation 1995*; or
- (c) the only unpackaged food dealt with at the place is meat and the business is conducted under an accreditation under the *Meat Industry Act 1993*.

(2) The exemptions provided by this part do not apply to any part of premises used as a canteen where food is prepared, served, or sold to the public or the employees of the holder of any such licence or registration.

(3) Subject to the provisions of the Act and this regulation, the local government may grant and issue licences to conduct the business of 1 or more of the several classes or descriptions specified in schedule 1.

(4) A person who desires to apply for a licence shall make application in the approved form to the local government and accompany the person's application with the application fee and licence fee fixed by the local government.

(5) Upon receipt of the application, the local government shall cause to be made by an authorised officer such investigation, inquiry and inspection as the authorised officer considers necessary with respect thereto.

(6) Upon the investigation, inquiry and inspection, the authorised officer shall report thereon to the local government and may make in that report such recommendations with respect to the application as the authorised officer considers necessary, having regard to the fitness of the applicant to hold the licence and the public health.

(7) The local government shall consider each application made under subsection (4) and the report made under subsection (6) and may grant or refuse the application, having regard to the fitness of the applicant to hold the licence and the public health.

(8) The local government—

- (a) shall, where an application for a licence is granted, issue to the applicant a licence; or
- (b) shall, where an application for a licence is refused, notify the applicant in writing of the refusal and the reasons therefor and shall refund to the applicant the licence fee paid by the applicant.

(9) A licence under this section shall—

- (a) be in the approved form; and
- (b) be in force for the prescribed period; and
- (c) be subject to—
 - (i) such terms and conditions as are prescribed generally or in a particular case or, so far as not prescribed, as the local government in a particular case thinks fit endorsed thereon or attached thereto; and

- (ii) the payment of such fees or other charges (if any) and to such conditions as to the payment thereof as the local government determines; and
- (d) authorise the holder thereof to do all such acts and things as are necessary in or in connection with the conduct in, at or on a food store or other place or a food vehicle registered under this regulation of the classes or descriptions of businesses in respect of which the licence is granted.

(10) A licence issued pursuant to this regulation shall take effect from the date of issue thereof and unless sooner surrendered, cancelled, revoked or suspended shall remain in force until—

- (a) 30 June next following the date of issue; or
- (b) 12 months less 1 day after the date of issue, as determined by the local government.

(11) A person who desires to renew a licence shall, not less than 42 days before the date of expiration of the licence, make application to the local government in the approved form for the renewal thereof and accompany the person's application with the application fee and renewal fee fixed by the local government.

(12) Upon receipt of the application, the local government shall cause to be made by an authorised officer such investigation, inquiry and inspection as the authorised officer considers necessary with respect thereto, having regard to the fitness of the applicant to continue to hold the licence and the public health.

(13) Upon the investigation, inquiry and inspection, the authorised officer shall report thereon to the local government and may make in that report such recommendations with respect to the application as the authorised officer considers necessary, having regard to the fitness of the applicant to continue to hold the licence and the public health.

(14) The local government shall consider each application made under subsection (11) and the report made under subsection (13) and may grant or refuse the renewal of the licence, having regard to the fitness of the applicant to continue to hold the licence and the public health.

(15) A renewal of a licence shall be subject to the same terms and conditions for the time being applicable to the licence and the local government may vary or amend those terms and conditions during the currency of the renewal of the licence.

(16) Where the local government grants a renewal of a licence, it shall cause to be issued a certificate of renewal of licence in the approved form.

(17) A renewal of a licence granted under this section unless sooner surrendered, cancelled, revoked or suspended shall remain in force for 1 year from and including the date of its grant.

(18) Where an application for renewal of a licence is refused, the local government shall notify the applicant in writing of the refusal and the reasons therefor and shall refund to the applicant the renewal fee paid by the applicant.

(19) In all other respects and subject to necessary adaptations, subsection (9) shall apply to a renewal of a licence.

(20) A person, at any time during the currency of a licence or any renewal thereof, may surrender his or her licence by forwarding the licence or renewal thereof to the local government together with a notice in writing to that effect.

(21) In this section—

“**at**” includes in or on.

“**dairy produce**” has the meaning given by the *Dairy Industry Act 1993*.

“**dealt with**” means prepared, handled, stored, served or sold.

“**fish**” has the meaning given by the *Fisheries Act 1994*.

“**meat**” has the meaning given by the *Meat Industry Act 1993*.

“**place**” includes premises, a vehicle and part of premises or a vehicle.

8 Cancellation, revocation or suspension of licence

(1) The local government, at any time during the currency of a licence or a renewal thereof, by notice in writing to the holder thereof—

(a) may cancel or revoke; or

(b) may suspend for such period as it thinks fit, not exceeding the balance of the term thereof;

that licence if—

(c) it was issued in error or granted in consequence of a false or fraudulent document, statement or representation; or

(d) the holder—

- (i) is convicted of not fewer than 2 offences against the Act or regulation made thereunder, including this regulation, within a period of 2 years prior to the date of such cancellation, revocation or suspension; or
- (ii) fails to comply with any term or condition thereof; or
- (e) there has been a substantial change of circumstances since the grant thereof; or
- (f) for any other reason the local government is of opinion that the holder is not a fit and proper person to hold it or that it is in the public interest to do so.

(2) Where a licence is suspended, it shall be of no force or effect during the period of suspension and thereafter shall remain in force only for the period during which it would have remained in force but for the suspension.

(3) Where a licence is cancelled or revoked, it shall be of no force or effect on and from the date of that cancellation or revocation, and the holder thereof shall within 7 days after demand duly made upon the holder in that behalf deliver that licence up to the local government.

(4) A cancellation, revocation or suspension of a licence under this section shall not confer upon the holder thereof a right to compensation.

9 Registration of premises, other places or vehicles

(1) The local government may grant to a person who is the holder of a current licence, registration with respect to any premises, other place or vehicle in, at or on which a business of 1 or more of the several classes or descriptions specified in schedule 1 is or is to be conducted.

(2) A person who desires to register any premises, other place or vehicle under this section shall make application in the approved form to the local government in whose area the premises are situated or the vehicle is or is to be used and accompany that application with the application and registration fee fixed by the local government.

(3) An applicant for the registration of premises or some other place under this section shall submit with the applicant's application a number of copies as required by the local government of specifications and drawings showing plans and elevations to a scale not smaller than 1:100 and, where necessary, further detailed drawings including sections that facilitate adequate assessment of the subject matter of the application.

(4) Where the application is made in respect of a vehicle the requirements set forth in subsection (3) shall, with all necessary adaptations, apply.

(5) A person shall not, except with the approval in writing of the local government first had and obtained or at the direction thereof, alter or modify in any manner a part of any premises, other place or vehicle the subject of an application for registration so as to render that part different in any respect from that part as described or indicated in the specifications and drawings submitted in accordance with subsection (3).

(6) Specifications and drawings submitted to the local government for the purposes of subsection (3) shall become and be the property of the local government.

(7) However, the local government shall, upon the determination of an application for the registration of premises, other place or vehicle, return to the applicant 1 copy of those specifications and drawings endorsed by the local government in accordance with the decision made by it thereon.

(8) Upon receipt of an application made for the purposes of subsection (2), the local government shall cause to be made by an authorised officer such investigation, inquiry and inspection as the authorised officer considers necessary with respect thereto.

(9) Upon the investigation, inquiry and inspection, the authorised officer shall report thereon to the local government and may make in that report such recommendations with respect to the application as the authorised officer considers necessary, having regard to the suitability of the premises, other place or vehicle for use as a food store or food vehicle and the public health.

(10) The local government shall consider each application made for the purposes of subsection (2) and the report made for the purposes of subsection (8) and may—

- (a) grant the application; or
- (b) in a case to which subsections (13) and (14) apply, grant provisional registration and defer further consideration of the application; or
- (c) where it considers that the premises, other place or vehicle is not suitable for use as a food store or food vehicle or that the public health may be endangered, refuse the application.

(11) The local government—

- (a) shall, where an application made for the purposes of subsection (2) is granted, issue in respect thereof a certificate of registration; or
- (b) shall, where it desires to grant provisional registration, do so in accordance with subsections (13) and (14); or
- (c) shall, where an application made for the purposes of subsection (2) is refused, notify the applicant in writing of the refusal and the reasons therefor and shall refund to the applicant the registration fee paid by the applicant.

(12) A certificate of registration shall—

- (a) be in the approved form; and
- (b) be in force for the prescribed period; and
- (c) be subject to—
 - (i) such terms and conditions as are prescribed generally or in a particular case or, so far as not prescribed, as the local government in a particular case thinks fit endorsed thereon or attached thereto; and
 - (ii) the payment of such fees or other charges (if any) and to such conditions as to the payment thereof as the local government determines; and
- (d) authorise the use of the premises, other place or vehicle in respect of which the registration is granted for such purposes as are specified therein.

(13) The local government, in a case where it is of the opinion that the premises, other place or vehicle the subject of an application for registration, is not suitable in all respects for use as a food store or food vehicle, may grant provisional registration with respect to the premises, other place or vehicle and issue in respect thereof a certificate of provisional registration.

(14) A certificate of provisional registration shall—

- (a) be in the approved form; and
- (b) be in force for such period as the local government determines but not exceeding in any case 6 months; and
- (c) be subject to such terms and conditions as the local government determines, endorsed on or attached to the certificate; and

- (d) authorise the use of the premises, other place or vehicle in respect of which the provisional registration is granted for such purposes as are specified therein and during the currency thereof.

(15) A registration, other than a provisional registration, shall take effect from the date the registration was granted and unless sooner surrendered, cancelled or revoked or suspended shall remain in force until—

- (a) 30 June next following the date of registration; or
(b) 12 months less 1 day after the date of registration;

as determined by the local government.

(16) A person who desires to renew a registration shall, not less than 42 days before the date of expiration of the registration, make application to the local government in the approved form for the renewal thereof and shall accompany the person's application with the application fee and renewal fee fixed by the local government.

(17) Upon receipt of the application, the local government shall cause to be made by an authorised officer such investigation, inquiry and inspection as the authorised officer considers necessary with respect thereto.

(18) Upon the investigation, inquiry and inspection, the authorised officer shall report thereon to the local government and may make in that report such recommendation with respect to the application as the authorised officer considers necessary.

(19) The local government shall consider each application made under subsection (16) and the report made under subsection (18) and may grant or refuse the renewal of the registration, having regard to the suitability of the premises, other place or vehicle as a food store or food vehicle and the public health.

(20) A renewal of a registration shall be subject to the terms and conditions for the time being applicable to the registration and the local government may vary or amend those terms and conditions during the currency of the renewal of the registration.

(21) In all other respects and subject to necessary adaptations, subsection (12) shall apply to a renewal of a registration.

(22) Where the local government grants a renewal of a registration, it shall cause to be issued a certificate of renewal of registration in the approved form.

(23) A renewal of a registration shall, unless sooner surrendered, cancelled, revoked or suspended, remain in force for 1 year from and including the date of its grant.

(24) Where an application for renewal of a registration is refused, the local government shall notify the applicant in writing of the refusal and the reasons therefor and shall refund to the applicant the renewal fee paid by the applicant.

(25) A person may, at any time during the currency of a registration, surrender that registration by forwarding it to the local government together with a notice to that effect.

10 Transfer of registration or renewal

(1) The holder of a certificate of registration or renewal thereof who desires to transfer to another person that registration during the currency thereof shall make application to the local government in the approved form and accompany the holder's application with the certificate of registration or renewal and the application fee fixed by the local government.

(2) The local government shall consider each application made under subsection (1) and shall, unless the proposed transferee is not the holder of a current licence, grant that application.

(3) Where an application under this section is granted, the local government shall cause an appropriate endorsement in respect of the transfer to be made on the certificate of registration or renewal in question and shall deliver the certificate so endorsed to the transferee.

(4) Where an application under this section is refused, the local government shall notify the applicant and the proposed transferee in writing of the refusal and the reasons therefor and shall refund to the applicant the transfer fee paid by the applicant and return to the applicant the certificate of registration or renewal.

11 Cancellation, revocation or suspension of registration

(1) The local government, at any time during the currency of a registration or a renewal thereof, by notice in writing to the holder thereof—

- (a) may cancel or revoke; or

- (b) may suspend for such period as it thinks fit, not exceeding the balance of the term thereof;

that registration if—

- (c) it was issued in error or granted in consequence of a false or fraudulent document, statement or representation; or
- (d) the local government is satisfied that the premises, other place or vehicle in respect of which the registration is in force have or has ceased to comply in every respect with the Act and regulations made thereunder, including this regulation; or
- (e) there has been a substantial change in circumstances since the grant thereof; or
- (f) for any other reason if the local government is of the opinion that the premises, other place or vehicle have or has ceased to be fit and proper for the purposes for which the registration was granted or that it is in the public interest to do so.

(2) A cancellation, revocation or suspension of a registration under this section shall not confer upon the holder thereof a right to compensation.

(3) Where a registration is suspended, the certificate with respect thereto shall be of no force or effect during the period of suspension and thereafter shall remain in force only for the period during which it would have remained in force but for the suspension.

(4) Where a registration is cancelled or revoked, the certificate with respect thereto shall be of no force or effect on and from the date of such cancellation or revocation and the holder thereof shall within 7 days after demand duly made upon the holder in that behalf deliver up to the local government that certificate.

12 Register and other records to be kept

The local government shall establish and at all times thereafter maintain a register and other records setting forth and containing particulars of—

- (a) applications for licences and registrations, renewals of licences, renewals and transfers of registrations; and
- (b) grants or refusals of licences and renewals thereof, of registrations and renewals and transfers thereof; and

- (c) the terms and conditions applicable to licences and registrations and renewals thereof and certificates issued with respect to licences and registrations; and
- (d) notices of surrender of licences and registrations; and
- (e) surrenders, cancellations, revocations and suspensions of licences and registrations; and
- (f) reports furnished to it with respect to applications, cancellations, revocations and suspensions; and
- (g) such other matters as it from time to time determines.

13 Duplicates

The local government may, upon application duly made in that behalf and upon payment of the appropriate fee fixed by the local government, issue to the holder of a licence or renewal thereof or of a certificate of registration or renewal thereof a duplicate of that licence or renewal or that certificate of registration or renewal in a case where the applicant has declared that the original thereof has been lost, destroyed, stolen or defaced.

14 Offences

A person, other than a person conducting a business under the authority and during the currency of a licence with respect to that business and a certificate of registration with respect to the premises, other place or vehicle in, at, or on which that business is conducted granted and issued by the local government prior to the commencement of this regulation, and not subsequently suspended or cancelled by it, shall not conduct a business of a class or description specified in schedule 1 unless—

- (a) the person is the holder of a licence to conduct that business; and
- (b) the premises, other place or vehicle in, at or on which that business is conducted are or is registered in accordance with this regulation for the conduct of that business and the person is the holder of a certificate of registration with respect thereto.

Maximum penalty—50 penalty units.

PART 4—GENERAL PROVISIONS

15 Service of notice

An authorised officer may give to a person who in the authorised officer's opinion has contravened or failed to comply with any provision of the Act or this regulation notice in writing requiring that person within a time specified in the notice to do such acts or things as the authorised officer considers necessary to rectify the act or omission constituting the contravention of or failure to comply with the Act or this regulation.

SCHEDULE 1**CLASSES AND DESCRIPTIONS OF BUSINESSES**

sections 7(3), 9(1) and 14

Class or description	Scope of businesses within the class or description
Baker and pastrycook	Preparation with or without packing of bread, biscuits, cake, pastry or other flour products.
Cafe or restaurant	Preparation, service, and consumption of meals or light refreshments. Includes a cafeteria, tea room or coffee lounge by whatever name called, furnished or fitted with tables, counters, chairs, benches or like facilities designed or adapted for use in the service and consumption of food.
Cannery	Preparation of food including processing by heat in an appropriate manner before or after hermetically sealing in a container so as to prevent spoiling.
Cordial and soft drink factory	Preparation or packing of cordials, soft drinks, fruit juices, fruit juice products, brewed soft drinks, mineral or carbonated waters.
Food manufacturer or packer	Preparation or packing of food of 1 or more than 1 specified class or description not included in another class or description of business set out in this schedule. Does not include the packing of food at the time of sale and in the presence of the purchaser.
Food shop	Preparation, storage, handling, serving or sale of unpackaged food. Does not include the classes or descriptions—

SCHEDULE 1 (continued)

Class or description	Scope of businesses within the class or description
	(a) baker and pastrycook; or
	(b) cafe or restaurant; or
	(c) cordial and soft drink factory; or
	(d) takeaway food bar.
Takeaway food bar	Preparation and sale of meals or light refreshments in a state ready for immediate consumption. Includes a snack bar or the like by whatever name called, not furnished or fitted with tables, counters, chairs, benches or like facilities, designed or adapted for use in the consumption of food.

SCHEDULE 2

MODIFICATIONS OF STANDARDS 3.1.1, 3.2.2 AND 3.2.3 OF FOOD STANDARDS CODE

section 4(1), definition “food safety standards”

1. A reference in the standards to ‘the Act’ is to be read as a reference to the *Food Act 1981*.
2. The editorial notes in the standards do not apply.
3. In the purpose clause of standard 3.1.1, the words ‘the other food safety standards set out in this Chapter of the Code’ are replaced with the words ‘this standard and standards 3.2.2 and 3.2.3’.
4. In clause 1 of standard 3.1.1, the words ‘this Chapter’ are replaced with the words ‘this standard and standards 3.2.2 and 3.2.3’.
5. The definition ‘**appropriate enforcement agency**’ in clause 1 of standard 3.1.1 is replaced with the following definition—
‘**appropriate enforcement agency** means—
 - (a) in relation to a food business—the local government in whose area the food premises of the business are situated; or
 - (b) in relation to food premises—the local government in whose area the premises are situated.’.
6. In the definition ‘**food premises**’ in clause 1 of standard 3.1.1, the words ‘, pontoons and any other place declared by the relevant authority to be premises under the Food Act’ are replaced with the words ‘and pontoons’.
7. The definition ‘**food safety standards**’ in clause 1 of standard 3.1.1 is replaced with the following definition—
‘**food safety standards** means standards 3.1.1, 3.2.2 and 3.2.3 of the Food Standards Code.’.
8. The definition ‘**sell**’ in clause 1 of standard 3.1.1 is omitted.

SCHEDULE 2 (continued)

9. The following definition is included in clause 1 of standard 3.1.1—
‘**relevant authority** means the chief executive.’.
10. The definition ‘**primary food production**’ in clause 1 of standard 3.1.1 is replaced with the following definition—
‘**primary food production** means production of primary produce within the meaning of the *Food Production (Safety) Act 2000*, section 11.’.
11. In clause 2(4)(c) of standard 3.1.1, the words ‘another Act’ are replaced with the words ‘an Act’.

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 6 July 2001. Future amendments of the Food Hygiene Regulation 1989 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	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 70 of 1996	8 October 1996
1A	to SL No. 73 of 1998	14 May 1998
2	to SL No. 73 of 1998	26 August 1998
2A	to SL No. 343 of 1998	4 January 1999

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
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6 List of legislation

Food Hygiene Regulation 1989

made by the Governor in Council on 30 March 1989
pubd gaz 1 April 1989 pp 1853–900
commenced on date of publication
exp 31 August 2001 (see SIA s 56A(2) and SIR s 12 sch 12)
as amended by—

Food Hygiene (Amendment) Regulation 1991

pubd gaz 9 March 1991 pp 1172–3
commenced on date of publication

Food Hygiene Amendment Regulation (No. 1) 1996 SL No. 70

notfd gaz 19 April 1996 pp 1681–2
commenced on date of notification

Food Hygiene Amendment Regulation (No. 1) 1998 SL No. 73

notfd gaz 9 April 1998 pp 1530–2
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1998 SL No. 343 pts 1, 3

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)

Food Hygiene Amendment Regulation (No. 1) 2001 SL No. 58

notfd gaz 1 June 2001 pp 416–17

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2001 (see s 2)

7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 8.

Interpretation

- s 2** prev s 2 om R1 (see RA s 40)
 pres s 2 amd 1996 SL No. 70 s 3; 2001 SL No. 58 s 4(3)
 def “**approved**” amd 1996 SL No. 70 s 3(2); 1998 SL No. 343 s 6
 om 2001 SL No. 58 s 4(1)
 def “**AS**” om 2001 SL No. 58 s 4(1)
 def “**bed and breakfast business**” ins 1998 SL No. 73 s 3
 om 2001 SL No. 58 s 4(1)
 def “**depth**” om 2001 SL No. 58 s 4(1)
 def “**food safety standards**” ins 2001 SL No. 58 s 4(2)
 def “**Food Standards Code**” ins 2001 SL No. 58 s 4(2)
 def “**food store exemption**” ins 1998 SL No. 73 s 3
 om 2001 SL No. 58 s 4(1)
 def “**food store requirements**” ins 1998 SL No. 73 s 3
 om 2001 SL No. 58 s 4(1)
 def “**frozen food**” om 2001 SL No. 58 s 4(1)
 def “**frozen food retail cabinet**” om 2001 SL No. 58 s 4(1)
 def “**have in possession**” om 2001 SL No. 58 s 4(1)
 def “**host farm business**” ins 1998 SL No. 73 s 3
 om 2001 SL No. 58 s 4(1)
 def “**medical officer of health**” om 2001 SL No. 58 s 4(1)
 def “**perishable food**” om 2001 SL No. 58 s 4(1)
 def “**potentially hazardous food**” om 2001 SL No. 58 s 4(1)
 def “**proprietor**” ins 2001 SL No. 58 s 4(2)
 def “**sealed**” om 2001 SL No. 58 s 4(1)
 def “**single service appliance**” om 2001 SL No. 58 s 4(1)
 def “**tableware**” om 2001 SL No. 58 s 4(1)
 def “**the Act**” om 1996 SL No. 70 s 3(1)
 def “**the Local Authority**” om 1996 SL No. 70 s 3(1)
 def “**vermin**” om 2001 SL No. 58 s 4(1)

Arrangement

- s 3** prev s 3 om R1 (see RA s 36)

PART 2—FOOD SAFETY STANDARDS

- pt hdg** sub 2001 SL No. 58 s 6

Adoption of food safety standards

- s 4** sub 2001 SL No. 58 s 6

Meaning of “bed and breakfast business”

s 4AA ins 1998 SL No. 73 s 4
om 2001 SL No. 58 s 5

Meaning of “host farm business”

s 4AB ins 1998 SL No. 73 s 4
om 2001 SL No. 58 s 5

Application of Australian Standards

s 4A ins 1996 SL No. 70 s 4
om 2001 SL No. 58 s 5

Compliance with food safety standards

s 5 prev s 5 om 1996 SL No. 70 s 5
pres s 5 sub 2001 SL No. 58 s 6

Defence available to proprietor of food business

s 6 sub 2001 SL No. 58 s 6

Licensing provisions

s 7 amd reg pubd gaz 9 March 1991 pp 1172–3; 1996 SL No. 70 s 11; 2001 SL No. 58 s 7

Cancellation, revocation or suspension of licence

s 8 amd 2001 SL No. 58 s 8

Registration of premises, other places or vehicles

s 9 amd 1996 SL No. 70 s 12; 2001 SL No. 58 s 9

Transfer of registration or renewal

s 10 prev s 10 om 2001 SL No. 58 s 6
pres s 10 amd 1996 SL No. 70 s 13

Specific requirements—ceilings

s 11 prev s 11 om 2001 SL No. 58 s 6

Water supply

s 12 prev s 12 om 2001 SL No. 58 s 6

Lighting

s 13 prev s 13 om 2001 SL No. 58 s 6

Offences

s 14 prev s 14 amd 1996 SL No. 70 s 6
om 2001 SL No. 58 s 6
pres s 14 amd 2001 SL No. 58 s 10

Exclusion of insects

s 15 prev s 15 om 2001 SL No. 58 s 6

Pipes, ducts, wirings and like fittings

s 16 om 2001 SL No. 58 s 6

Hand washing facilities

s 17 om 2001 SL No. 58 s 6

Fixtures, fittings and appliances

s 18 om 2001 SL No. 58 s 6

Cool rooms and freezer rooms

s 19 om 2001 SL No. 58 s 6

Waste storage

s 20 om 2001 SL No. 58 s 6

Grease traps

s 21 om 2001 SL No. 58 s 6

Change room accommodation

s 22 om 2001 SL No. 58 s 6

Sanitary conveniences

s 23 om 2001 SL No. 58 s 6

Transitional provisions

s 24 om 2001 SL No. 58 s 6

Offences

s 25 amd 1998 SL No. 73 s 5

om 2001 SL No. 58 s 6

PART 2A—FOOD STORE EXEMPTIONS

pt hdg ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Division 1—Applications

div hdg ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Application for exemption

s 25A ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Decision on application

s 25B ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Division 2—Suspension or cancellation of exemptions

div hdg ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Grounds for suspension or cancellation

s 25C ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Procedure for suspension or cancellation

s 25D ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Procedure for immediate suspension

s 25E ins 1998 SL No. 73 s 6

om 2001 SL No. 58 s 6

Division 3—Amendment of exemptions

div hdg ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Procedure for amendment

s 25F ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Division 4—Appeals

div hdg ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Decisions open to appeal

s 25G ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Starting an appeal

s 25H ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Time for starting an appeal

s 25I ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Stay of operation of decisions

s 25J ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Hearing procedures

s 25K ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Powers of court on appeal

s 25L ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

Appeal to District Court

s 25M ins 1998 SL No. 73 s 6
om 2001 SL No. 58 s 6

**PART 3—PROTECTION OF FOOD AND APPLIANCES FROM
CONTAMINATION**

pt hdg prev pt 3 hdg om 2001 SL No. 58 s 6

General provisions

s 26 om 2001 SL No. 58 s 6

Prevention of cross-contamination

s 27 om 2001 SL No. 58 s 6

Returned or recalled food

s 28 om 2001 SL No. 58 s 6

Re-service of certain food prohibited

s 29 om 2001 SL No. 58 s 6

Interference with food package

s 30 om 2001 SL No. 58 s 6

Use of unclean labels, notices and the like

s 31 om 2001 SL No. 58 s 6

**Restrictions as to exposure and the like of food outside a food store or a food vehicle
or in any doorway or other open place**

s 32 om 2001 SL No. 58 s 6

Restriction as to use of certain places in a food store or food vehicle

s 33 om 2001 SL No. 58 s 6

Cloths used to wipe appliances or food

s 34 sub 1996 SL No. 70 s 7

om 2001 SL No. 58 s 6

**PART 4—PERSONAL HYGIENE AND CONDUCT OF WORKERS AND OTHER
PERSONS IN FOOD STORES OR FOOD VEHICLES**

pt hdg om 2001 SL No. 58 s 6

Cleanliness of persons

s 35 om 2001 SL No. 58 s 6

Prohibition of certain acts

s 36 om 2001 SL No. 58 s 6

Prohibition of unnecessary contact with food

s 37 om 2001 SL No. 58 s 6

Prohibition as to affected persons

s 38 amd 1996 SL No. 70 s 8

om 2001 SL No. 58 s 6

Powers of chief executive or medical officer of health

prov hdg amd 1996 SL No. 70 s 9; 1998 SL No. 343 s 6

s 39 amd 1996 SL No. 70 s 9; 1998 SL No. 343 s 6

om 2001 SL No. 58 s 6

PART 5—CONSIGNMENT AND CONVEYANCE OF FOOD

pt 5 (ss 40–44) om 2001 SL No. 58 s 6

PART 6—PERISHABLE AND POTENTIALLY HAZARDOUS FOOD

pt 6 (ss 45–46) om 2001 SL No. 58 s 6

PART 7—APPLIANCES, UTENSILS AND TABLEWARE

pt hdg om 2001 SL No. 58 s 6

Restriction as to use of certain appliances

s 47 amd 1996 SL No. 70 s 10; 1998 SL No. 343 s 6

om 2001 SL No. 58 s 6

Provisions of cleaning equipment

s 48 om 2001 SL No. 58 s 6

Prohibition as to use of faulty or dirty tableware

s 49 om 2001 SL No. 58 s 6

Provision of food preparation sinks**s 50** om 2001 SL No. 58 s 6**PART 8—PACKING MATERIALS, METALS AND CONTAMINANTS IN PACKAGES AND APPLICANCES****pt 8 (ss 51–54)** om 2001 SL No. 58 s 6**PART 9—MAINTENANCE OF FOOD STORES, FOOD VEHICLES AND APPLIANCES****pt 9 (s 55)** om 2001 SL No. 58 s 6**Prohibition as to possession or use of unsound food****s 64** om 2001 SL No. 58 s 11**Prohibition as to use of certain premises in dealings with food****s 65** om 2001 SL No. 58 s 11**Restriction of domestic operations****s 66** om 2001 SL No. 58 s 11**Duty of proprietor in case of fire, flood or other emergency****s 67** om 2001 SL No. 58 s 11**Restriction on sale of certain ice cream and ice confections****s 68** om 2001 SL No. 58 s 11**Prohibition as to use or sale of certain ice****s 69** om 2001 SL No. 58 s 11**Prohibition of use of certain water****s 70** om 2001 SL No. 58 s 11**Numbering and renumbering of regulation****s 72** sub 2001 SL No. 58 s 12
om R3 (see RA s 37)**SCHEDULE 1—CLASSES AND DESCRIPTIONS OF BUSINESSES****sch title** sub 2001 SL No. 58 s 13(2)**sch** prev sch 1 amd reg pubd gaz 9 March 1991 pp 1172–3

om 1996 SL No. 70 s 14

pres sch 1 (prev sch (prev sch 2)) amd R1 (see RA s 5(d))

renum 2001 SL No. 58 s 13(1)

SCHEDULE 2—MODIFICATIONS OF STANDARDS 3.1.1, 3.2.2 AND 3.2.3 OF FOOD STANDARDS CODE

ins 2001 SL No. 58 s 14

8 Table of renumbered provisions

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56(3B)7(6)
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