



Food Act 2006

Food Regulation 2006

Reprinted as in force on 1 November 2010

Reprint No. 2

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 November 2010. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to correct spelling and use different spelling consistent with current drafting practice (s 26(2)).

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.**

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Food Regulation 2006

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Food Regulation 2006

[as amended by all amendments that commenced on or before 1 November 2010]

1 Short title

This regulation may be cited as the *Food Regulation 2006*.

2 Commencement

This regulation commences on 1 July 2006.

2A Definitions

The dictionary in schedule 2 defines words used in this regulation.

3 Sale of prescribed food—Act, s 48

For section 48(2)(l) of the Act, the sale of meals by a non-profit organisation is prescribed if—

- (a) the organisation is a surf lifesaving club; and
- (b) a member is involved in the preparation of the meal; and
- (c) the meal is sold to a member of the club for a nominal amount.

4 Display of licence details by mobile premises—Act, s 69

For section 69(1)(c)(ii) of the Act, the details of the licence to be displayed on mobile premises are the following—

- (a) the name and telephone number of the local government which issued the licence;
- (b) the number of the licence as issued by the local government;
- (c) the expiry date of the licence;

- (d) the licensee's full name;
- (e) if the mobile premises is a vehicle under the *Transport Operations (Road Use Management) Act 1995*, and is required to be registered under that Act—the registration number of the vehicle.

Editor's note—

See the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, section 11 (Vehicles used on roads must be registered).

4A Exemption from accredited food safety program—Act, s 99

For section 99(2) of the Act, a licensee is exempt if on-site catering is provided—

- (a) on not more than 11 occasions in any 12-month period; and
- (b) for not more than 199 persons on each occasion.

4B Prescribed food business—Act, s 99

- (1) For section 99(1)(e) of the Act, the following types of food businesses are prescribed—

- (a) a relevant facility that processes potentially hazardous food for at least 6 persons in the facility's care at a time;

Example—

a residential aged-care facility or childcare centre that prepares meals for persons in its care

- (b) a relevant facility that serves potentially hazardous food to at least 6 persons in the facility's care at a time;

Example—

a residential aged-care facility that serves meals, prepared by an offsite supplier, to persons in its care

- (c) a ready-to-eat food business processing ready-to-eat food that—
 - (i) includes potentially hazardous food; and

- (ii) is for service to at least 6 persons at a time;

Example—

a cook–chill facility that processes food for service to patients in a private hospital

- (d) a food business whose principal activity is processing ready-to-eat food for delivery by a delivered meals organisation if the food—
 - (i) includes potentially hazardous food; and
 - (ii) is for delivery to at least 6 persons at a time.

Example—

a Meals on Wheels branch that cooks meals for delivery to frail or aged persons

- (2) In this section—

delivered meals organisation means a community organisation delivering meals to the homes of frail or aged persons, or persons with a disability.

ready-to-eat food business means a food business whose principal activity is processing ready-to-eat food for service in another facility that is—

- (a) a relevant facility; or
- (b) a private hospital; or
- (c) a public sector hospital.

5 Prescribed contaminants—Act, s 269

For section 269 of the Act, the contaminants mentioned in schedule 1 are prescribed.

6 Prescribed food—Act, s 270

- (1) For section 270(6) of the Act, food, other than raw meat, is prescribed.
- (2) For subsection (1), raw meat does not include—

- (a) cured, dried or smoked meat; or
- (b) uncooked fermented meat.

7 Fees for applications

- (1) Subsection (2) applies to each of the following—
 - (a) an application, made under section 128 of the Act, for approval as an auditor;
 - (b) an application, made under section 138 of the Act, for renewal of an approval as an auditor.
- (2) For section 151(2)(c) of the Act, the fee is total of the following—
 - (a) the application fee of \$100;
 - (b) an approval fee of \$215 for each year of the approval.
- (3) Subsection (4) applies to an application, made under section 141 of the Act, to amend the conditions imposed on an auditor's approval.
- (4) For section 151(2)(c) of the Act, the fee is \$21.50.
- (5) For section 154(2)(c) of the Act, the fee is \$21.50.

Schedule 1 Prescribed contaminants

section 5

Campylobacter jejuni

Clostridium botulinum

Listeria monocytogenes

Salmonella (any species)

Shiga toxin-producing *Escherichia coli* (STEC)

Shigella (any species)

Yersinia enterocolitica (pathogenic strains only)

Schedule 2 Dictionary

section 2A

aged-care facility means—

- (a) a facility that provides residential care, or flexible care in a residential setting, by an approved provider, other than the State, under the *Aged Care Act 1997* (Cwlth); or
- (b) a day facility that provides respite care, or rehabilitative or therapeutic treatment, to aged persons.

delivered meals organisation see section 4B.

flexible care see the *Aged Care Act 1997* (Cwlth), schedule 1.

private hospital see the *Private Health Facilities Act 1999*, section 9.

process means undertaking an activity to prepare food for sale, including chopping, cooking, drying, fermenting, heating, pasteurising, thawing and washing.

public sector hospital means a hospital operated by the State.

ready-to-eat food means food that is ready for consumption, including food that may be reheated, portioned or garnished, or food that undergoes similar finishing prior to service.

ready-to-eat food business see section 4B.

relevant facility means any of the following—

- (a) an aged-care facility;
- (b) a facility that provides care, including palliative care, to persons with a terminal illness;
- (c) a day hospital licensed under the *Private Health Facilities Act 1999*, part 6, that provides haemodialysis or cytotoxic infusion health services;
- (d) a centre based service licensed under the *Child Care Act 2002*, part 2, other than a school age care service under that Act.

residential care see the *Aged Care Act 1997* (Cwlth), schedule 1.

respite care means care provided to a person to give the person or their carer a short-term break from their usual care arrangement.

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 November 2010. Future amendments of the Food Regulation 2006 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
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2006	
1A	2008 SL No. 22	15 February 2008	
1B	2008 SL No. 185	27 June 2008	
1C	2008 SL No. 326	3 October 2008	
1D	—	4 October 2009	prov exp 3 October 2009
1E	2010 SL No. 191	1 September 2010	
1F	2010 SL No. 276	1 November 2010	R1F withdrawn, see R2
2	—	1 November 2010	

5 List of legislation

Food Regulation 2006 SL No. 147

made by the Governor in Council on 22 June 2006

notfd gaz 23 June 2006 pp 898–902

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Food Amendment Regulation (No. 1) 2008 SL No. 22

notfd gaz 15 February 2008 pp 725–6

commenced on date of notification

Health Legislation Amendment Regulation (No. 3) 2008 SL No. 185 s 1, pt 2

notfd gaz 27 June 2008 pp 1268–78

commenced on date of notification

Food Amendment Regulation (No. 2) 2008 SL No. 326

notfd gaz 3 October 2008 pp 690–3

commenced on date of notification

Transport Operations (Road Use Management—Vehicle Registration) Regulation

2010 SL No. 191 ss 1–2, 133 sch 7

notfd gaz 23 July 2010 pp 1196–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2010 (see s 2)

Food Amendment Regulation (No. 1) 2010 SL No. 276

notfd gaz 8 October 2010 pp 378–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 2010 (see s 2)

6 List of annotations

Definitions

s 2A ins 2010 SL No. 276 s 4

Display of licence details by mobile premises—Act, s 69

s 4 amd 2010 SL No. 191 s 133 sch 7

Exemption from accredited food safety program—Act, s 99

s 4A ins 2008 SL No. 22 s 3

Prescribed food business—Act, s 99

s 4B ins 2010 SL No. 276 s 5

Prescribed contaminants—Act, s 269

s 5 amd 2010 SL No. 276 s 6

Prescribed changes to food standards code—Act, s 278(2)(a)

s 6A ins 2008 SL No. 326 s 3
exp 3 October 2009 (see s 6A)

Fees for applications

s 7 ins 2008 SL No. 185 s 4

SCHEDULE 1—PRESCRIBED CONTAMINANTS

sch 1 (prev sch) num 2010 SL No. 276 s 7(1)
amd 2010 SL No. 276 s 7(2)

SCHEDULE 2—DICTIONARY

sch 2 ins 2010 SL No. 276 s 8