



Food Act 2006

Food Regulation 2006

Current as at 1 October 2015



Queensland

Food Regulation 2006

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Food Regulation 2006

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)(k) 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 are a vehicle, under the *Transport Operations (Road Use Management) Act 1995*, that is

required to be registered under that Act—the registration number of the vehicle;

Note—

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

- (f) if the premises are a food vending machine—
 - (i) the serial number for the food vending machine; or
 - (ii) other unique identifying number or mark for the food vending machine.

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 the total of the following—
 - (a) the application fee of \$114.50;
 - (b) an approval fee of \$247.00 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 \$25.50.
- (5) For section 154(2)(c) of the Act, the fee is \$25.50.

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.

preparatory year means the year of schooling immediately before year 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 QEC approved service under the *Education and Care Services Act 2013*, other than a school age care service under that Act;
- (e) an approved education and care service under the Education and Care Services National Law (Queensland), other than—
 - (i) a family day care service under that Law; or
 - (ii) an education and care service under that Law providing education and care primarily to children who attend school in the preparatory year or a higher year.

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.

1 Index to endnotes

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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2006	
1A	2008 SL No. 22	15 February 2008	

Reprint No.	Amendments included	Effective	Notes
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	
2A	2011 SL No. 278	1 January 2012	
2B	2012 SL No. 152	1 October 2012	
2C	2012 SL No. 208	23 November 2012	

Current as at	Amendments included	Notes
1 October 2013	2013 SL No. 185	
1 January 2014	2013 SL No. 265	
1 October 2014	2014 SL No. 211	
1 October 2015	2015 SL No. 49	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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)

Education and Care Services National Law (Queensland) Regulation 2011 SL No. 278 pts 1, 5

notfd gaz 9 December 2011 pp 729–35
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2012 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 152 pts 1–2

notfd gaz 7 September 2012 pp 17–18
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2012 (see s 2)

Health Legislation Amendment Regulation (No. 2) 2012 SL No. 208 s 1, pt 2

notfd gaz 23 November 2012 pp 391–2
commenced on date of notification

Health Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 185 pts 1–2

notfd <www.legislation.qld.gov.au> 27 September 2013
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2013 (see s 2)

Education and Care Services Regulation 2013 SL No. 265 ss 1–2, 81 sch 5 pt 2

notfd <www.legislation.qld.gov.au> 6 December 2013
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2014 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 211 pts 1, 3

notfd <www.legislation.qld.gov.au> 26 September 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2014 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 49 ss 1, 2(2), pt 3

notfd <www.legislation.qld.gov.au> 26 June 2015
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2015 (see s 2(2))

5 List of annotations

Definitions

s 2A ins 2010 SL No. 276 s 4

Sale of prescribed food—Act, s 48

s 3 amd 2012 SL No. 208 s 4

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

s 4 amd 2010 SL No. 191 s 133 sch 7; 2012 SL No. 208 s 5

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
amd 2012 SL No. 152 s 4; 2013 SL No. 185 s 4; 2014 SL No. 211 s 6; 2015 SL No.
49 s 6

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
def *preparatory year* ins 2011 SL No. 278 s 10(1)
def *relevant facility* amd 2011 SL No. 278 s 10(2); 2013 SL No. 265 s 81 sch 5 pt 2

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