



Imported Food Control Order 2001

made under regulations 7 and 8 of the

Imported Food Control Regulations 1993

Compilation No. 10

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Includes amendments up to: F2016L01987

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Imported Food Control Order 2001* that shows the text of the law as amended and in force on 4 January 2017 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Order

This Order is the *Imported Food Control Order 2001*.

3 Definitions

(1) In this Order:

beef means the flesh, bone, offal or any other tissue of cattle.

beef products means food prepared from or containing beef, but does not include gelatine, collagen, rendered fats, tallow or di-calcium phosphate.

dried meat means meat that has been dried but does not include slow cured dried meat.

New Zealand product means food produced in or imported into New Zealand, being food to which the Trans-Tasman mutual recognition principle set out in Part 2 of the *Trans-Tasman Mutual Recognition Act 1997* applies

ready-to-eat: see suborder (2).

sausage means a food that:

- (a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and
- (b) does not include meat formed or joined into the semblance of cuts of meat.

(2) Food is ready-to-eat if it is ordinarily consumed in the same state as that in which it is sold.

4 Identification and classification of food

- (1) Food of a kind to which the Act applies that is mentioned in clause 1 of Schedule 1 is required to be inspected, or inspected and analysed, under the Scheme as risk food.
- (2) Suborder (1) does not apply to:
 - (a) food that is New Zealand product; or
 - (b) food that is classified under suborder (4).
- (3) New Zealand product of a kind to which the Act applies that is mentioned in clause 1 of Schedule 2 (other than food that is classified under suborder (4)) is required to be inspected, or inspected and analysed, under the Scheme as risk food.
- (4) Food to which a compliance agreement applies is classified as compliance agreement food.

Section 5

- (5) If food of a particular kind is required to be inspected, or inspected and analysed, under the Scheme as a particular class of food, the food is classified as included in that class.

5 Risk food that must be covered by recognised foreign government certificate

Risk food—general

- (1) Food of a kind to which the Act applies that is mentioned in any of items 1, 2, 4A and 10 of the table in clause 1 of Schedule 1 must be covered by a recognised foreign government certificate.

New Zealand product

- (2) New Zealand product of a kind to which the Act applies that is mentioned in item 1 or 2 of the table in clause 1 of Schedule 2 must be covered by a recognised foreign government certificate.

Schedule 1—Risk food

(suborder 4 (1))

1 Kinds of food

For suborder 4 (1), the kinds of food are each kind of food that is described in 1 or more items of the following table. Each item of the table is to be read separately and in addition to each other item.

Kinds of food that are required to be inspected, or inspected and analysed	
Item	Kinds of food
1	Beef
2	Beef products
3	Cassava chips that are ready-to-eat
4	Cheese in which growth of <i>Listeria monocytogenes</i> can occur
4A	Raw milk cheese
5	Cooked chicken meat that is ready-to-eat, but is not canned
6	Coconut that is dried
7	Crustaceans, including prawns, that are cooked (whether or not chilled or frozen), but are not canned
8	Fish of the following kinds: (a) all fish in the Family Carangidae; (b) all fish in the Family Clupeidae; (c) all fish in the Family Coryphaenidae; (d) all fish in the Family Engraulidae; (e) all fish in the Family Pomatomidae; (f) all fish in the Family Scomberesocidae; (g) all fish in the Family Scombridae
8A	Fish products that contain more than 300 grams per kilogram of all or any of the kinds of fish in the families mentioned in item 8
8B	Ready-to-eat finfish
9	Manufactured meat that is cooked, including meat pastes and pâté
10	Ready-to-eat meat of the following kinds: (a) uncooked dried meat; (b) uncooked sausages; (c) uncooked spreadable sausages
11	Marinara mix (whether or not chilled or frozen)
12	Molluscs Bivalve (whether cooked or uncooked)
13	Paprika that is dried
14	Peanuts and any food that contains peanuts
15	Peanut products and any food that contains peanut products

Schedule 1 Risk food

Clause 1

Kinds of food that are required to be inspected, or inspected and analysed

Item	Kinds of food
16	Pepper that is dried
17	Pistachios and any food that contains pistachios
18	Pistachio products and any food that contains pistachio products
20	Cooked poultry paté and poultry livers that are ready-to-eat, but are not canned
21	Seaweed—brown only
22	Sesame seeds and sesame seed products

Schedule 2—Risk food that is New Zealand product

(suborder 4 (3))

1 Kinds of food

For suborder 4 (3), the New Zealand product is each kind of food that is described in 1 or more items of the following table. Each item of the table is to be read separately and in addition to each other item.

Kinds of New Zealand product that are required to be inspected, or inspected and analysed

Item	Kinds of New Zealand product
1	Beef
2	Beef products
3	Cassava chips that are ready-to-eat
4	Seaweed—brown only

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Imported Food Control Order 2001	26 Sept 2001 (gaz 2001, No. GN38)	26 Sept 2001	
Imported Food Control Amendment Order 2003 (No. 1)	22 Oct 2003 (gaz 2003, No. GN42)	22 Oct 2003	—
Imported Food Control Amendment Order 2004 (No. 1)	18 Aug 2004 (gaz 2004, No. GN33)	18 Aug 2004	—
Imported Food Control Amendment Order 2005 (No. 1)	11 Dec 2005 (F2005L03878)	12 Dec 2005	—
Imported Food Control Amendment Order 2007 (No. 1)	10 Apr 2007 (F2007L00919)	11 Apr 2007	—
Imported Food Control Amendment Order 2007 (No. 2)	10 Sept 2007 (F2007L03525)	11 Sept 2007	—
Imported Food Control Amendment Order 2009 (No. 1)	24 Aug 2009 (F2009L03133)	25 Aug 2009	—
Imported Food Control Amendment Order 2010 (No. 1)	16 Feb 2010 (F2010L00386)	17 Feb 2010	—
Imported Food Control Amendment Order 2011 (No. 1)	14 Sept 2011 (F2011L01901)	15 Sept 2011	—
Imported Food Control Amendment (Recognised Foreign Government Certificates and Other Measures) Order 2015	28 Oct 2015 (F2015L01706)	29 Oct 2015	—
Imported Food Control Order 2001	19 Dec 2016 (F2016L01987)	4 Jan 2017 (s 2(1))	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 3	am 2007 No. 2; 2009 No. 1; 2010 No. 1; 2011 No. 1; F2016L01987
s 4	am 2007 No. 1; 2010 No. 1 rs 2011 No. 1
s 5	rs F2015L01706 am F2016L01987
Schedule 1	
Heading to Schedule 1	rs 2010 No. 1; 2011 No. 1
Schedule 1	am 2003 No. 1; 2004 No. 1; 2005 No. 1; 2007 Nos. 1 and 2; 2009 No. 1; 2010 No. 1, rs 2011 No. 1 am F2015L01706; F2016L01987
Schedule 2	
Schedule 2	am 2003 No. 1; 2004 No. 1; 2005 No. 1, rep 2007 No. 1 ad 2011 No. 1 am F2015L01706