

Imported Food Control Regulations 1993 No. 100

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 100

Issued by the Authority of the Minister for Primary Industries and Energy

Imported Food Control Act 1992

Imported Food Control Regulations

Subsection 4 (1) of the Acts Interpretation Act 1901 provides that where an Act that does not come into operation immediately upon its enactment confers power to make regulations then the power may be exercised before the Act comes into operation as if it had come into operation.

In a separate Minute (Minute No. 23 of 1993 refers) it is proposed that the Imported Food Control Act 1992 (the Act) commence on 15 June 1993.

The Act provides for the inspection and control of food imported into Australia to ensure compliance with Australia's food safety and food standards requirements.

Section 43 of the Act provides that the Governor-General may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act provides for imported foods to be placed in various categories determined by, the assessed risk associated with the particular food, and for the nature and incidence of inspection to be varied between the risk categories.

The Act contains offences provisions to ensure regulatory control is maintained over food imports until they have been released by an officer authorised under the Act.

The inspection arrangements for controlling food imports have been in existence since July 1990 when a small scale imported food inspection program was introduced under the limited provisions of the Quarantine Act 1908.

Under subsection 16(1) of the Act the regulations may set out particulars of a food inspection scheme (the Scheme) applicable to all food to which the Act applies. Subsection 16(2) of the Act sets out the particulars of the Scheme which may be set out in regulations. The proposed regulations in Part 3 (Regulations 6 to 32) constitute the Scheme. The Pan includes details of the Scheme including risk and surveillance categorisations, inspection and sampling frequencies, food control arrangements and the options available for dealing with non-complying foods.

Subsection 18(1) of the Act allows the Secretary to recognise certificates issued by an instrumentality of a specified foreign government. Paragraph 19(1)(a) allows the Secretary to enter into an agreement with a person conducting an overseas processing operation where he is satisfied that food processed in that operation meets applicable Australian standards. In either of these circumstances, paragraph 16(2)(i) allows for the incidence of inspection to be varied and paragraph 16(2)(j) sets out the circumstances and procedures to validate the reliability of foods covered in such arrangements.

Regulations 31 and 32 in Part 3 provide the details for these sections of the Act.

Section 36 provides for the regulations to specify fees for chargeable services under the Scheme and stipulates the conditions for payment and waiver of those fees. These provisions are set out in Part 4 of the proposed Regulations.