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2002B00120



Australia New Zealand Food Authority Amendment Regulations 2002 (No. 2)¹

Statutory Rules 2002 No. 2²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the
Commonwealth of Australia, acting with the advice of the
Federal Executive Council, make the following Regulations
under the *Australia New Zealand Food Authority Act 1991*.

Dated - 6 JUN 2002 2002

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

TRISH WORTH

Parliamentary Secretary to the Minister for Health and Ageing

1 Name of Regulations

These Regulations are the *Australia New Zealand Food Authority Amendment Regulations 2002* (No. ✓).

2

2 Commencement

These Regulations commence on the commencement of Part 1 of Schedule 1 (other than item 120A) to the *Australia New Zealand Food Authority Amendment Act 2001*.

3 Amendment of *Australia New Zealand Food Authority Regulations 1994*

Schedule 1 amends the *Australia New Zealand Food Authority Regulations 1994*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Food Standards Australia New Zealand Regulations 1994*.

[2] Regulation 2, definition of *Act*

substitute

Act means the *Food Standards Australia New Zealand Act 1991*.

[3] Regulation 2, definition of *proposal**omit*

section 21

insert

section 12AA

[4] Regulation 3*substitute***3 Appropriate government agencies**

- (1) For paragraph (a) of the definition of ***appropriate government agency*** in subsection 3 (1) of the Act, each Department of the Commonwealth mentioned in Part 1 of Schedule 1 is prescribed.
- (2) For paragraph (d) of the definition of ***appropriate government agency*** in subsection 3 (1) of the Act, each State or Territory authority mentioned in Part 2 of Schedule 1 is prescribed.

[5] Subregulation 4 (1)*omit*

subsection 36 (1) of the Act, to omit to do one or more of the matters

insert

subsection 36 (1A) of the Act, not to do something

[6] Subregulation 4 (2)*omit*

Schedule 1

insert

Schedule 1A

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2

[7] Regulation 5

omit

[8] Regulation 6

substitute

6 Disclosure of confidential commercial information

For paragraph 39 (4) (b) of the Act, each authority mentioned in Schedule 2 is prescribed.

[9] Regulation 7, example, paragraph (a)

substitute

(a) it should declare in writing, under paragraph 24 (1) (a) of the Act, that the application is an urgent application; or

[10] Subregulation 8 (2)

omit

without delay

[11] Regulation 9, heading

substitute

9 Refunds — withdrawal before initial assessment

[12] Regulation 10, heading

substitute

10 Refunds — withdrawal after initial assessment

-
- [13] Regulation 11, heading**
substitute
- 11 Refunds — no request for final assessment**
- [14] Regulation 12, heading**
substitute
- 12 Initial assessment — relevant matters**
- [15] Regulation 13, heading**
substitute
- 13 Outcome of initial assessment**
- [16] Subregulation 14 (1)**
omit
Following receipt of a
insert
Within 28 days of receiving
- [17] Subregulation 14 (1)**
omit
apply to the Authority, in writing,
insert
make a written request to the Authority

[18] Subregulation 14 (2)

substitute

- (2) Within 28 days of receiving a request, the Authority must reconsider the decision and:
- (a) either:
 - (i) confirm the decision; or
 - (ii) set the decision aside and substitute another decision for it; and
 - (b) notify the applicant of the outcome of the reconsideration.

[19] Subregulation 14 (3)

after

decision

insert

made

[20] Regulation 15, heading

substitute

15 Charges — draft assessment

[21] Regulation 16, heading

substitute

16 Charges — final assessment relating to food regulatory measure

[22] Schedule 1*substitute***Schedule 1 Appropriate government agencies**

(regulation 3)

Part 1 Departments of the Commonwealth

Item	Department
1	Agriculture, Fisheries and Forestry — Australia
2	Attorney-General's Department
3	Department of Education, Science and Training
4	Department of Foreign Affairs and Trade
5	Department of Health and Ageing
6	Department of Industry, Tourism and Resources

Part 2 State and Territory authorities

Item	Authority
1	NSW Agriculture
2	Safe Food Production New South Wales
3	Department of Natural Resources and Environment of Victoria
4	Department of State and Regional Development of Victoria
5	Department of Primary Industry of Queensland
6	Safe Food Production Queensland
7	Department of Agriculture of Western Australia
8	Department of Primary Industry and Resources of South Australia
9	Department of Primary Industries, Water and Environment of Tasmania
10	Department of Business, Industry and Resource Development of the Northern Territory

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**Schedule 1A Modifications or adaptations
of Part 3 of the Act under
subsection 36 (2) of the Act**

(subregulation 4 (2))

**Part 1 Modifications and adaptations if the
Authority decides not to invite
submissions after it accepts an
application**

1 Paragraph 13A (2) (c)

substitute

- (c) that the Authority will not invite submissions on matters relevant to the application.

2 Subsection 14 (1)

substitute

- (1) After accepting the application, the Authority must give written notice of the matters mentioned in subsection (3) to each appropriate government agency.

3 Paragraph 14 (3) (e)

substitute

- (e) state that the Authority will not invite submissions on matters relevant to the application.

4 Paragraph 15 (3) (a)

omit

5 Subparagraph 16 (5) (b) (ii)

omit

6 Paragraph 17 (2) (c)*omit***7 Subsection 17A (2)***substitute*

- (2) The Authority must also give written notice of the decision to each appropriate government agency.

Part 2 Modifications and adaptations if the Authority decides not to give notice that it will make a draft assessment in relation to an application

8 Paragraph 13A (2) (b)*after*

will

insert

not

9 Paragraph 14 (3) (c)*after*

will

insert

not

10 Paragraph 16 (1) (a)*omit*

after making a draft assessment of an application,

11 Paragraph 17 (1) (a)*omit*

after making a draft assessment of an application,

Part 3 Modifications and adaptations if the Authority decides not to invite submissions in relation to a proposal**12 Subsection 14A (1)***substitute*

- (1) After preparing a proposal for the development or variation of a food regulatory measure, the Authority must give written notice of the matters mentioned in subsection (3) to each appropriate government agency.

13 Paragraph 14A (3) (d)*substitute*

- (d) state that the Authority will not invite submissions on matters relevant to the proposal.

14 Paragraph 15AA (2) (a)*omit***15 Subsection 17AA (1)***substitute*

- (1) If, after making a draft assessment of a proposal, the Authority prepares a draft food regulatory measure, or a draft variation of a food regulatory measure, the Authority must give written notice of the matters mentioned in subsection (2) to each appropriate government agency.

16 Paragraph 17AB (1) (b)

substitute

- (b) the public by announcement and dissemination in a form the Authority considers will be effective in alerting interested parties to the proposal and which will make the details of the proposal generally accessible.

Part 4 Modifications and adaptations if the Authority decides not to give notice that it will make a draft assessment in relation to a proposal

17 Paragraph 14A (3) (b)

after

will

insert

not

18 Subsection 17AA (1)

omit

If, after making a draft assessment of a proposal,

insert

If

[23] Schedule 2*substitute***Schedule 2 Prescribed authorities to
which confidential commercial
information may be disclosed**

(regulation 6)

Part 1 Commonwealth authorities

Item	Authority
1	Agriculture, Fisheries and Forestry — Australia
2	Attorney-General's Department
3	Department of Education, Science and Training
4	Department of Family and Community Services
5	Department of Foreign Affairs and Trade
6	Department of Health and Ageing
7	Department of Industry, Tourism and Resources

Part 2 State and Territory authorities

Item	Authority
1	NSW Agriculture
2	NSW Health Department
3	Safe Food Production New South Wales
4	Department of Human Services of Victoria
5	Department of Natural Resources and Environment of Victoria
6	Department of State and Regional Development of Victoria
7	Department of Primary Industry of Queensland
8	Queensland Health
9	Safe Food Production Queensland

Item	Authority
10	Department of Agriculture of Western Australia
11	Health Department of Western Australia
12	Department of Human Services of South Australia
13	Department of Primary Industry and Resources of South Australia
14	Department of Health and Human Services of Tasmania
15	Department of Primary Industries, Water and Environment of Tasmania
16	Department of Health, Housing and Community Care of the Australian Capital Territory
17	Department of Business, Industry and Resource Development of the Northern Territory
18	Territory Health Services of the Northern Territory

Part 3 New Zealand authorities

Item	Authority
1	Environmental Risk Management Authority
2	Ministry of Health
3	Ministry of Agriculture and Forestry

[24] Schedule 3, Part 2, heading
substitute

Part 2 Charges for draft assessments, final assessments and draft food regulatory measures

[25] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subregulation 8 (1), note 1	a preliminary	an initial
Regulation 9	preliminary	initial
Subregulation 10 (1)	preliminary	initial
Subregulation 10 (2)	full	draft
Subregulation 10 (3)	after full	after draft
Subregulation 10 (3)	for full	for draft
Paragraph 10 (3) (b)	inquiry	final assessment
Paragraph 10 (3) (b)	held —	made —
Subregulation 10 (4)	full	draft
Subregulation 10 (4)	an inquiry	a final assessment
Subregulation 10 (4)	holding of the inquiry.	making of the final assessment.
Regulation 11	hold an inquiry	make a final assessment
Paragraph 12 (a)	full	draft
Paragraph 13 (1) (d)	full	draft
Regulation 15	full	draft

Notes

- These Regulations amend Statutory Rules 1994 No. 286, as amended by 2000 No. 122; 2001 No. 341; 2002 No. 38.
- Notified in the *Commonwealth of Australia Gazette* on *L* 2002. *14 June*