



Legislation (Deferral of Sunsetting—Imported Food Control Regulations) Certificate 2018

I, Christian Porter, Attorney-General, make the following certificate.

Dated 24 August 2018

Christian Porter
Attorney-General

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1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Imported Food Control Regulations) Certificate 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	31 August 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

4 Definitions

In this instrument:

Legislation Act means the *Legislation Act 2003*.

Regulations means the *Imported Food Control Regulations 1993*.

5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the *Legislation Act*, this section sets out the statement of the reasons for the issue of this certificate.

Statement of reasons

I am satisfied that the *Regulations* would, apart from the operation of Part 4 of Chapter 3 of the *Legislation Act*, be likely to cease to be in force within 12 months after the sunseting day for the *Regulations*.

The *Regulations* are made under the *Imported Food Control Act 1992* (the *Act*) and set out the particulars of the Food Inspection Scheme.

Section 6

A review of the Regulations conducted in 2016-17 recommended a number of changes and improvements to the Regulations.

The Imported Food Control Amendment Bill 2017 (the **Bill**) was introduced into the House of Representatives on 1 June 2017 and is awaiting consideration by the Senate. Should the Bill pass through the Parliament, it will strengthen the regulation of imported foods to better protect consumer health and reduce the regulatory burden for compliant food importers and amendments to the Regulations will need to be made to reflect the changes to the Act. Even if the Bill were to pass before 1 October 2018, there would not be sufficient time for the making of replacement regulations before 1 October 2018.

In addition, it is a requirement under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures to undertake consultations on changes to the Regulations, which can take up to 60 days. Any changes arising from the consultation process would also need to be incorporated into the Regulations. It would be difficult for consultation to be undertaken and changes to be incorporated prior to 1 October 2018.

A deferral of the sunset day would avoid the need to remake the Regulations in their current form for the limited period of time before they would need to be amended to incorporate any changes arising from the passage of the Bill and the consultation process mentioned above.

6 Deferral of sunset day of the Regulations

The Regulations, for which the sunset day is 1 October 2018, are taken to cease to be in force under section 51 of the Legislation Act on 1 October 2019.

7 Repeal of this instrument

This instrument is repealed at the start of 2 October 2019.