



# Imported Food Control Order 2019

made under section 10 of the

*Imported Food Control Regulations 2019*

## Compilation No. 1

**Compilation date:** 17 December 2019

**Includes amendments up to:** F2019L01619

**Registered:** 13 February 2020

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Imported Food Control Order 2019* that shows the text of the law as amended and in force on 17 December 2019 (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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

This instrument is the *Imported Food Control Order 2019*.

## 3 Authority

This instrument is made under section 10 of the *Imported Food Control Regulations 2019*.

## 4 Definitions

Note 1: A number of expressions used in this instrument are defined in the Act, including:

- (a) compliance agreement;
- (b) food;
- (c) recognised foreign government certificate.

Note 2: A number of expressions used in this instrument are defined in the *Imported Food Control Regulations 2019*, including:

- (a) Act;
- (b) compliance agreement food;
- (c) risk food;
- (d) Scheme;
- (e) surveillance food.

In this instrument:

**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 to which the Act applies that is 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**: food is **ready-to-eat** if it is ordinarily consumed in the same state as that in which it is sold.

**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) is not formed or joined into the semblance of cuts of meat.

## 5 Identification and classification of food

### *Risk food*

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

### *Risk food—New Zealand product*

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

### *Compliance agreement food*

- (5) Food to which a compliance agreement applies is classified as compliance agreement food.

### *Surveillance food*

- (6) Food to which the Act applies:
  - (a) is classified as surveillance food; and
  - (b) is required to be inspected, or inspected and analysed, under the Scheme as surveillance food.
- (7) Subsection (6) does not apply to:
  - (a) risk food; or
  - (b) compliance agreement food; or
  - (c) food that is the subject of a holding order.

Note: See section 7 of the Act for food to which the Act applies.

## 6 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, 5, 13 and 25 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.

## Clause 1

**Schedule 1—Risk food**

(subsection 5(1))

**1 Kinds of food**

For subsection 5(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.

<b>Kinds of food that are required to be inspected, or inspected and analysed</b>	
<b>Item</b>	<b>Kinds of food</b>
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
5	Raw milk cheese
6	Cooked chicken meat that is ready-to-eat, but is not canned
7	Coconut that is dried
8	Crustaceans, including prawns, that are cooked (whether or not chilled or frozen), but are not canned
9	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
10	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 9
11	Ready-to-eat finfish
12	Manufactured meat that is cooked, including meat pastes and pâté
13	Ready-to-eat meat of the following kinds: (a) uncooked dried meat; (b) uncooked sausages; (c) uncooked spreadable sausages
14	Marinara mix (whether or not chilled or frozen)
15	Bivalve Molluscs (whether cooked or uncooked)
16	Paprika that is dried
17	Peanuts and any food that contains peanuts
18	Peanut products and any food that contains peanut products



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

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<b>Item</b>	<b>Kinds of food</b>
19	Pepper that is dried
20	Pistachios and any food that contains pistachios
21	Pistachio products and any food that contains pistachio products
22	Cooked poultry paté and poultry livers that are ready-to-eat, but are not canned
23	Seaweed—brown only
24	Sesame seeds and sesame seed products
25	Human milk and human milk products
26	Food in which caffeine is present at a concentration of: (a) 5% or greater, if the food is a solid or semi-solid food; or (b) 1% or greater, if the food is a liquid food.

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**Schedule 2** Risk food that is New Zealand product

Clause 1

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**Schedule 2—Risk food that is New Zealand product**

(subsection 5(3))

**1 Kinds of food**

For subsection 5(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.

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

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

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## 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.

## Endnotes

### Endnote 2—Abbreviation key

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#### 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

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Imported Food Control Order 2019	20 Sept 2019 (F2019L01233)	1 Oct 2019 (s 2(1) item 1)	
Imported Food Control Amendment (Pure and Highly Concentrated Caffeine Products) Order 2019	16 Dec 2019 (F2019L01619)	17 Dec 2019 (s 2(1) item 1)	—

## Endnotes

Endnote 4—Amendment history

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### Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 2 .....	rep LA s 48D
s 3 .....	am F2019L01619
<b>Schedule 1</b>	
Schedule 1 .....	am F2019L01619