



Imported Food Control Amendment (Risk Foods) Order 2020

I, David Littleproud, Minister for Agriculture, Drought and Emergency Management, make the following order.

Dated 29 October 2020

David Littleproud
Minister for Agriculture, Drought and Emergency Management

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1 Name

This instrument is the *Imported Food Control Amendment (Risk Foods) Order 2020*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	10 November 2020
2. Schedule 1	The day after this instrument is registered.	10 November 2020
3. Schedule 2	The day after the end of the period of 24 months beginning on the day this instrument is registered.	9 November 2022

Note: This table relates only to the provisions of this instrument as originally made.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 section 10 of the *Imported Food Control Regulations 2019*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments commencing day after registration

Imported Food Control Order 2019

1 Section 4 (note 1 to the heading)

After “including”, insert “the following”.

2 Section 4 (paragraph (c) of note 1 to the heading)

Repeal the paragraph, substitute:

- (c) recognised food safety management certificate;
- (d) recognised foreign government certificate.

3 Section 4 (note 2 to the heading)

After “including”, insert “the following”.

4 Section 4 (definition of *beef*)

Omit “cattle”, substitute “an animal in the subfamily *bovinae*”.

5 Section 4 (at the end of the definition of *beef*)

Add:

Note: The subfamily *bovinae* includes cattle, buffaloes and bison.

6 Section 4

Insert:

hermetically sealed container means a container that is airtight when sealed.

poultry:

- (a) subject to paragraph (b), includes fowls, ducks, geese, turkeys, pigeons, pheasants, quails, guinea fowls, muttonbirds and other avian species ordinarily consumed as food by humans; and
- (b) does not include ratites (for example, emus or ostriches).

poultry meat means the parts of a poultry carcass intended for human consumption.

processed meat means a food that:

- (a) has, either singly or in combination with other foods, undergone a method of processing other than boning, slicing, dicing, mincing or freezing; and
- (b) contains no less than 300 grams per kilogram of meat.

prohibited plants and fungi means prohibited plants and fungi specified in Schedule 23—Prohibited plants and fungi of the Australia New Zealand Food Standards Code, as in force at the commencement of this definition.

raw milk cheese means cheese that has been made using milk that has not, or dairy products that have not, been processed in accordance with subclause 16(1) or (2), or paragraph 16(3)(a), of Standard 4.2.4 – Primary Production and Processing Standard for Dairy Products of the Australia New Zealand Food Standards Code, as in force at the commencement of this definition.

7 Section 4 (definition of *ready-to-eat*)

Repeal the definition, substitute:

ready-to-eat: see section 4A.

8 Section 4

Insert:

retorted: see section 4B.

shelf-stable: see section 4C.

9 After section 4

Insert:

4A Meaning of *ready-to-eat*

- (1) Food is *ready-to-eat* if it is ordinarily consumed in the same state as that in which it is sold.
- (2) To avoid doubt, food is not ordinarily consumed in the same state as that in which it is sold if, before it is consumed, it requires further processing (such as cooking) in order to reduce any pathogenic microorganisms potentially present in the food to safe levels.

4B Meaning of *retorted*

- (1) Animal products are *retorted* if they are heated in a hermetically sealed container to a minimum core temperature of 100°C, obtaining an F₀ value of at least 2.8.
- (2) Goods (other than animal products) are *retorted* if they are heated in a hermetically sealed container for a time, and to a temperature, sufficient to make the contents commercially sterile.

4C Meaning of *shelf-stable*

Goods are *shelf-stable* if:

- (a) the goods have been commercially manufactured; and
- (b) the goods have been packaged by the manufacturer; and
- (c) the goods are in that package; and
- (d) the package has not been opened or broken; and
- (e) the goods are able to be stored in the package at room or ambient temperature; and
- (f) the goods do not require refrigeration or freezing before the package is opened.

10 Subsections 5(1) and (3)

Omit “mentioned”, substitute “described in an item of the table”.

11 Subsection 6(1)

Omit “mentioned in any of items 1, 2, 5, 13 and 25”, substitute “described in item 1, 2, 7 or 23”.

12 Subsection 6(2)

Omit “mentioned in item 1 or 2”, substitute “described in item 1”.

13 Schedule 1 (note to Schedule heading)

Repeal the note, substitute:

Note: See subsections 5(1) and 6(1).

14 Clause 1 of Schedule 1 (table)

Repeal the table substitute:

Kinds of food that are classified as risk foods and are required to be inspected, or inspected and analysed

Item	Kinds of food
1	Beef and beef products
2	Meat of the following kinds that is ready-to-eat: (a) uncooked dried meat; (b) uncooked sausages; (c) uncooked spreadable sausages
3	Processed meat that is cooked and ready-to-eat, but is not: (a) both retorted and shelf-stable; or (b) dried
4	Poultry meat that is cooked and ready-to-eat, but is not both retorted and shelf-stable
5	Poultry paté and poultry livers that are cooked and ready-to-eat, but are not both retorted and shelf-stable
6	Cheese in which growth of <i>Listeria monocytogenes</i> can occur
7	Raw milk cheese
8	Crustaceans and crustacean products that are cooked and ready-to-eat, but are not: (a) both retorted and shelf-stable; or (b) dried
9	Fish of the following kinds: (a) all fish in the family <i>Carangidae</i> ; (b) all fish in the family <i>Clupeidae</i> ; (c) all fish in the family <i>Coryphaenidae</i> ; (d) all fish in the family <i>Engraulidae</i> ; (e) all fish in the family <i>Pomatomidae</i> ; (f) all fish in the family <i>Scomberesocidae</i> ; (g) all fish in the family <i>Scombridae</i>
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	Finfish that is ready-to-eat
12	Bivalve molluscs and bivalve mollusc products
13	Brown seaweed in the <i>Phaeophyceae</i> class
14	Food and food products of the following kinds: (a) peanuts; (b) pistachios; (c) peanut products other than peanut oil;

Kinds of food that are classified as risk foods and are required to be inspected, or inspected and analysed

Item	Kinds of food
	(d) pistachio products other than pistachio oil
15	Food containing more than 300 grams per kilogram of all or any of the foods listed in item 14
16	Sesame seeds and sesame seed products of the following kinds: (a) sesame seeds that are ready to eat; (b) sesame seed products (other than sesame oil) that are ready to eat, but are not: (i) both retorted and shelf-stable; or (ii) cooked or baked
17	Berries that are ready-to-eat
18	Pomegranate arils, and pomegranate seeds, that are ready-to-eat
19	Paprika that is dried
20	Pepper that is dried
21	Prohibited plants and fungi
22	Cassava chips that are ready-to-eat
23	Human milk and human milk products
24	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

Note: A number of items in the table are also relevant for the purposes of subsection 6(1).

15 Schedule 2 (note to Schedule heading)

Repeal the note, substitute:

Note: See subsections 5(3) and 6(2).

16 At the end of clause 1 of Schedule 2

Add:

Note: A number of items in the table are also relevant for the purposes of subsection 6(2).

17 Clause 1 of Schedule 2 (table items 1 to 4)

Repeal the items, substitute:

1	Beef and beef products
2	Brown seaweed in the <i>Phaeophyceae</i> class
3	Cassava chips that are ready-to-eat

Schedule 2—Amendments commencing 24 months after registration

Imported Food Control Order 2019

1 Subsection 6(1)

Omit “Food”, substitute “Subject to subsection (1A), food”.

2 Subsection 6(1)

Omit “7 or 23”, substitute “7, 12 or 23”.

3 After subsection 6(1)

Insert:

(1A) Subsection (1) does not apply to bivalve molluscs and bivalve mollusc products that are:

- (a) both retorted and shelf-stable; or
- (b) dried.

4 After section 6

Insert:

7 Risk food that must be covered by a recognised food safety management certificate

Food of a kind to which the Act applies that is described in item 17 or 18 of the table in clause 1 of Schedule 1 must be covered by a recognised food safety management certificate.

5 Schedule 1 (note to Schedule heading)

Repeal the note, substitute:

Note: See subsections 5(1) and 6(1) and section 7.