

FOOD ACT 1989—REGULATION

(Relating to fish)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Food Act 1989, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE,
Deputy Premier and Minister for Health.

Commencement

1. This Regulation commences on 1 September 1995.

Amendments

2. The Food (General) Regulation 1992 is amended:
 - (a) by inserting in clause 4 (1) in alphabetical order the following definition:

“**fish**” includes a crustacean and a bivalve mollusc (including an oyster with or without the shell);
 - (b) by omitting from clause 13 (5) the word “not” where secondly occurring;
 - (c) by inserting in clause 15 (1) (b) and 16 after the words “an animal” wherever occurring the words “(other than a fish)”;
 - (d) by inserting after clause 79 the following clause:

Oyster purification

79A. A person who, in New South Wales, produces oysters for sale must ensure that the oysters are treated in a purification plant in accordance with the conditions of a permit to operate the plant, being a permit issued by the Director-General.

Maximum penalty: 25 penalty units.

EXPLANATORY NOTE

This Regulation amends the Food (General) Regulation 1992 in the following 3 unconnected ways:

1. Fish: clauses 15 and 16 are amended so as to permit the presence of fish in premises used for the purpose of handling food for sale or selling food and in vehicles used for the purpose of storing or conveying food for sale (clause 2 (c)). A definition of the word “fish” is also inserted (clause 2 (a)).

2. Oysters: the new clause 79A requires purification of oysters produced in New South Wales for sale (clause 2 (d)). A similar clause was included in the Food (Standards) Regulation 1989, which adopted the Food Standards Code of the Commonwealth. That Code is incorporated as part of the law of New South Wales (and the Food (Standards) Regulation 1989 is repealed) by the Food Standards Code (Incorporation) Regulation 1995 made concurrently with this Regulation.

3. Statute law revision: an unnecessary word is omitted from clause 13 (5) (clause 2 (b)).

The Regulation is made under section 90 (the general regulation-making power) of the Food Act 1989, and, in particular, section 90 (2) (af).
