

FOOD ACT 1989—REGULATION

(Relating to food standards)

NEW SOUTH WALES



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

RON PHILLIPS
Minister for Health.

Commencement

1. This Regulation commences on 1 September 1992.

Amendments

2. The Food Standards Code (Adoption) Regulation 1989 is amended:
 - (a) by omitting clause 1 and by inserting instead the following clause and heading:

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Food (Standards) Regulation 1989.
- (b) by inserting at the end of clause 3 the following definition:

“the Act” means the Food Act 1989;
- (c) by inserting after clause 3 the following heading:

PART 2—ADOPTION OF FOOD STANDARDS CODE

- (d) by omitting from clause 4A the words “any amendments made to standard C1 or to”;

- (e) by omitting from clause 5 (1) and (2) the words “Food Regulations 1937” wherever occurring and by inserting instead the words “Food (General) Regulation 1992 and this Regulation”;
- (f) by omitting from clause 5 (3) the words “Food Regulations 1937” and by inserting instead the words “Food (General) Regulation 1992 or this Regulation”;
- (g) by inserting after clause 5 the following Part:

PART 3—ADDITIONAL FOOD STANDARDS

Division 1—Operation

Operation of Part

6. This Part ceases to have effect on 1 March 1993.

Division 2—Prohibited substances

7. A person must not add to food for sale any of the following substances, except where the addition is permitted by this Regulation, the Food Standards Code or the Food (General) Regulation 1992:

Arsenic, antimony, barium, chromium, cobalt, nickel, copper, iron, lead, manganese, mercury, tin, zinc, gamboge, safrole, oil of sassafras, dehydrasafrole, isosafrole, picric acid, methyl cellulose, glycols or their derivatives, and any other harmful substance.

Division 3—Irradiation of food

Irradiation of food

8. (1) A person must not:

- (a) expose food to ionising radiation; or
- (b) manufacture, produce, pack or deliver for sale or give away for human consumption, food which has been intentionally exposed to ionising radiation,

unless on application the Director-General approves, in writing, the radiation of the food and the person complies with any conditions of the approval.

Maximum penalty: 25 penalty units

(2) A person must not manufacture, produce, pack or deliver for sale, or give away for human consumption, food which has been accidentally exposed to ionising radiation.

Maximum penalty: 25 penalty units.

(3) In this clause:

“ionising radiation” means electromagnetic or particulate radiation capable of producing ions directly or indirectly in passage through matter, but does not include electromagnetic radiation of a wavelength greater than 100 nanometres.

Division 4—Additional provisions relating to labelling

Labelling of uncleaned or ungutted fish

9. Uncleaned or ungutted fish for sale is to be labelled with a ticket, placard or label, in contact with the fish, which bears the words “uncleaned”, “ungutted” or “uncleaned and ungutted” (whichever is appropriate) in standard type with a letter height of not less than 6 mm.

Pre-packed meat—labelling

10 (1) There is to be written on or attached to every package of pre-packed meat that is sold a statement or label, in standard type, with a letter height of not less than 3 mm, stating a full description of the pre-packed meat contents, including the kind of meat, the trade description and the type of cut or article.

(2) A label on or attached to a package of pre-packed meat that is inside the package must be clearly visible to the purchaser and must be of a material incapable of attracting moisture from the meat.

(3) A person who sells any pre-packed meat must comply with this clause.

Branding butchers’ meat

11. A person must not use any colouring matter for the purpose of branding butchers’ meat or pre-packed meat for sale other than a permitted colouring matter within the meaning of Standard A5 of the Food Standards Code.

Maximum penalty: 25 penalty units.

Division 5—Potable water

Standards

12. For the purposes of section 9 of the Act (which makes it an offence to prepare or sell adulterated or sub-standard food), the standards set out in this Division in respect of potable water are prescribed standards.

Potable water—standard

13. (1) Potable water is water:

- (a) which has been obtained from a source approved in writing for the purposes of this clause by the Director-General; or
- (b) which has been distilled, boiled or otherwise treated by a process approved in writing for the purposes of this clause by the Director-General,

and which complies with subclauses (2) and (3).

(2) Potable water must not contain more than 100 micro-organisms per millilitre of water and must not contain pathogenic micro-organisms, poisonous chemical constituents or sediment.

(3) Potable water must be colourless and must have been so kept, between its collection or sterilisation and its sale or use in manufacture, as to preserve it from contamination.

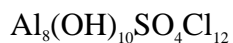
Water treatment agents—acrylamide—acrylic acid resin

14. Acrylamide-acrylic acid resin (hydrolysed polyacrylamide) potable grade flocculants containing no more than 0.05% residual monomer (calculated as acrylamide) may be used as treatment agents for the clarification of potable water in proportion not exceeding 1.0 mg/kg.

Water treatment agent—polyaluminium chloride

15. (1) Polyaluminium chloride may be used as a treatment agent for the clarification of potable water in a concentration that does not exceed 200 mg/L of the water during that treatment and 20 mg/L of the water after that treatment.

(2) Polyaluminium chloride may not be used as a water treatment agent unless it has the formula:



(3) Polyaluminium chloride used as a treatment agent for the clarification of potable water must not contain a substance listed in Column 1 of the Table to this clause in a concentration exceeding that set out in Column 2 of the Table.

TABLE

Column 1	Column 2
SUBSTANCE	MAXIMUM CONCENTRATION mg/L
Arsenic measured as As	5
Beryllium measured as Be	5
Cadmium measured as Cd	5
Copper measured as Cu	50
Fluoride measured as F	350
Iron measured as Fe	50
Lead measured as Pb	10
Manganese measured as Mn	25
Mercury measured as Hg	2
Selenium measured as Se	5
Zinc measured as Zn	50
Detergents measured as Methylene Blue Active Substances	100

(4) There must appear on the label on or attached to a package containing polyaluminium chloride for use as a water treatment agent:

- (a) a statement certifying that the product has been manufactured from materials of known purity; and
- (b) the percentage contents of Al_2O_3 , Cl, and SO_4 respectively; and
- (c) the words “Potable Water Grade”.

Water treatment agent—sodium calcium polyphosphate silicate

16. (1) Sodium calcium polyphosphate silicate may not be used as treatment agent for the clarification of potable water in a concentration that exceeds 8 mg/kg.

(2) Sodium calcium polyphosphate silicate used as a treatment agent for the clarification of potable water must not contain a substance listed in Column 1 of the Table to this clause in a concentration exceeding that set out in Column 2 of that Table.

TABLE

Column 1	Column 2
SUBSTANCE	MAXIMUM CONCENTRATION mg/L
Arsenic	5
Fluorine	1 000
Heavy metals (as measured by the test set out at page 512 of the 3rd edition of the Food Chemicals Codex, National Academy Press, Washington, D.C. (1981))	40
Lead	10

Water treatment agent—poly dimethyldiallyl ammonium chloride

17. (1) Poly dimethyldiallyl ammonium chloride may be used as a treatment agent for the clarification of potable water but only in a concentration that does not exceed 10 mg/L of the water.

(2) Poly dimethyldiallyl ammonium chloride used as a treatment agent for the clarification of potable water must not contain the monomer dimethyldiallyl ammonium chloride in proportion exceeding 2%.

(3) Potable water treated with poly dimethyldiallyl ammonium chloride may contain the monomer dimethyldiallyl ammonium chloride in proportion not exceeding 0.2 mg/L of the water.

Water treatment agents—offence

18. A person who treats potable water with a water treatment agent referred to in this Division must not contravene the requirements of this Division.

Maximum penalty: 25 penalty units.

Use of potable water

19. A person must not use or cause or permit to be used, in the preparation of any food for sale, any water other than potable water

Maximum penalty: 25 penalty units.

Division 6—Ice**Standards**

20. For the purposes of section 9 of the Act (which makes it an offence to prepare or sell adulterated or sub-standard food), the standards set out in this Division in respect of ice are prescribed standards.

Ice—standard

21. Ice is the substance obtained by freezing potable water.

Ice-use

22. A person must not use ice to keep food for sale cool unless the ice complies with this Division.

Maximum penalty: 25 penalty units.

- (h) by omitting from the Food Standards Code the matter relating to Standard C1;
- (i) by incorporating in the Food Standards Code Standard C1 of the Food Standards Code published by the National Health and Medical Research Council in the Commonwealth of Australia Gazette No. p 27 on 27 August 1987, as in force on 1 September 1992.

EXPLANATORY NOTE

This Regulation amends the Food Standards Code (Adoption) Regulation 1989 as a consequence of the making of the Food (General) Regulation 1992 and the repeal of the Food Regulations 1937.

The amendments:

- amend the Food Standards Code (Adoption) Regulation 1989 so as to adopt the provisions of the Food Standards Code relating to meat;
- insert provisions relating to food, including standards for potable water and ice formerly contained in the Food Regulations 1937; and
- change the name of the Regulation to the Food (Standards) Regulation 1989.

The food standards relating to potable water and ice and other matters are to be in force for 6 months, in accordance with the uniform food standards agreement between the Commonwealth and the States and Territories.
