



TELETYPE COPY

Administrative Department of the Commonwealth
 Constitution and Administrative Law
 Bill in relation to the National Food Authority Regulations
 Bill No. 1994
 Location of signatures and initials of the Minister for
 Legislative Services Section,
 Office of Legislative Drafting, Attorney-General's
 Department.



Statutory Rules 1994 No. *L*¹

286/

National Food Authority Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
 acting with the advice of the Federal Executive Council, make the
 following Regulations under the *National Food Authority Act 1991*.

Dated *L* 1994.

16 August
L *BILL HAYDEN*
 Governor-General

By His Excellency's Command,

L *CARMEN LAWRENCE*
 Minister for Human Services and Health

Citation

1. These Regulations may be cited as the National Food Authority Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

Interpretation

2. In these Regulations, unless the contrary intention appears:

“**application**” means an application made under section 12 of the Act;

“**proposal**” means a proposal prepared under section 21 of the Act;

“**the Act**” means the *National Food Authority Act 1991*.

Appropriate government agencies

3. (1) For the purposes of paragraph (a) of the definition of “**appropriate government agency**” in subsection 3 (1) of the Act, the following Departments of the Commonwealth are prescribed:

- (a) the Attorney-General’s Department;
- (b) the Department of Foreign Affairs and Trade;
- (c) the Department of Human Services and Health;
- (d) the Department of Industry, Science and Technology;
- (e) the Department of Primary Industries and Energy.

(2) For the purposes of paragraph (d) of the definition of “**appropriate government agency**” in subsection 3 (1) of the Act, the South Australian Health Commission is prescribed.

Section 36 of the Act: application, modification and adaptation of Part 3 of the Act

4. (1) This regulation applies if the Authority decides, under subsection 36 (1) of the Act, to omit to do one or more of the matters that the Authority is required to do under Part 3 of the Act in relation to an application or a proposal.

(2) For the purposes of subsection 36 (2) of the Act, the provisions of Part 3 of the Act apply in relation to the application or proposal subject to the modifications and adaptations set out in the Part of Schedule 1 that relates to the Authority’s decision.

Section 37 of the Act: application, modification and adaptation of Part 3 of the Act

5. (1) This regulation applies if the Authority decides, under subsection 37 (1) of the Act, to omit to do one or more of the matters that the Authority is required to do under Part 3 of the Act in relation to an application or a proposal.

(2) For the purposes of subsection 37 (2) of the Act, the provisions of Part 3 of the Act apply in relation to the application or proposal subject to the modifications and adaptations set out in the Part of Schedule 2 that relates to the Authority's decision.

Authority or person to whom certain information may be disclosed

6. For the purposes of paragraph 39 (4) (b) of the Act, the following authorities are prescribed:

- (a) the Attorney-General's Department of the Commonwealth;
 - (b) the Department of Foreign Affairs and Trade of the Commonwealth;
 - (c) the Department of Human Services and Health of the Commonwealth;
 - (d) the Department of Industry, Science and Technology of the Commonwealth;
 - (e) the Department of Primary Industries and Energy of the Commonwealth;
 - (f) the Department of Health of New South Wales;
 - (g) the Department of Health and Community Services of Victoria;
 - (h) the Department of Health of Queensland;
 - (i) the South Australian Health Commission;
 - (j) the Health Department of Western Australia;
 - (k) the Department of Community and Health Services of Tasmania;
 - (l) the Department of Health of the Australian Capital Territory;
 - (m) the Department of Health and Community Services of the Northern Territory.
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SCHEDULE 1 Subregulation 4 (2)**MODIFICATIONS OR ADAPTATIONS OF PART 3 OF THE ACT
UNDER SUBSECTION 36 (2) OF THE ACT****PART 1—MODIFICATIONS AND ADAPTATIONS IF
THE AUTHORITY DECIDES NOT TO INVITE
SUBMISSIONS AFTER IT ACCEPTS AN APPLICATION****1. Section 13 (Authority to make preliminary assessment
of application)****1.1 Subparagraph 13 (4) (a) (iii):**

Omit the subparagraph, substitute:

“(iii) that the Authority will not invite submissions on matters relevant to the application; and”.

2. Section 14 (Authority to invite public submissions)**2.1 Paragraph 14 (1) (a):**

Omit “and”.

2.2 Paragraph 14 (1) (b):

Omit the paragraph.

2.3 Paragraph 14 (1) (g):

Omit the paragraph, substitute:

“(g) stating that the Authority will not invite submissions on matters relevant to the application.”.

3. Section 15 (Full assessment of application)**3.1 Paragraph 15 (2) (a):**

Omit the paragraph.

**4. Section 16 (Notice following preparation of draft
standard or variation)****4.1 Paragraph 16 (a):**

Omit “, to each appropriate government agency, and to each other body or person who made a submission in response to a notice sent or published under section 14”, substitute “and to each appropriate government agency”.

SCHEDULE 1—continued

5. Section 17 (Notice following rejection of application)

5.1 Paragraph 17 (a):

Omit the paragraph, substitute:

“(a) by writing sent to the applicant and to each appropriate government agency; and”.

**PART 2—MODIFICATIONS AND ADAPTATIONS IF THE
AUTHORITY DECIDES NOT TO GIVE NOTICE THAT IT
WILL HOLD AN INQUIRY TO CONSIDER A DRAFT
STANDARD, OR A DRAFT VARIATION OF A
STANDARD, PREPARED IN RELATION TO AN
APPLICATION**

6. Section 16 (Notice following preparation of draft standard or variation)

6.1 Paragraph 16 (a):

Omit “and” (last occurring).

6.2 Paragraph 16 (b):

Omit the paragraph.

6.3 Paragraphs 16 (e) and (f):

Omit the paragraphs, substitute:

“(e) stating that the Authority will not hold an inquiry to consider that draft.”.

7. Section 18 (Authority must make recommendation to Council)

7.1 Subsection 18 (1):

Omit “After holding an inquiry to consider a draft standard or a draft variation of a standard, the Authority”, substitute “If the Authority prepares a draft standard, or a draft variation of a standard, under section 15, it”.

SCHEDULE 1—continued**8. Section 19 (Authority must notify outcome of inquiry)****8.1 Subsection 19 (1):**

Omit the subsection, substitute:

“(1) The Authority must:

(a) by writing sent to the applicant and to each appropriate government agency; and

(b) by advertisement published in the *Gazette*, and in a newspaper circulating in each State and Territory;

give notice setting out the nature of the recommendation made to the Council under section 18.”.

PART 3—MODIFICATIONS AND ADAPTATIONS IF THE AUTHORITY DECIDES NOT TO INVITE SUBMISSIONS IN RELATION TO A PROPOSAL**9. Section 22 (Authority to invite public submissions on proposal)****9.1 Paragraph 22 (1) (a):**

Omit “and”.

9.2 Paragraph 22 (1) (b):

Omit the paragraph.

9.3 Paragraph 22 (1) (f):

Omit the paragraph, substitute:

“(f) stating that the Authority will not invite submissions on matters relevant to the proposal.”.

10. Section 23 (Full assessment)**10.1 Paragraph 23 (2) (a):**

Omit the paragraph.

SCHEDULE 1—continued

11. Section 24 (Notice following preparation of draft standard or variation)

11.1 Paragraph 24 (a):

Omit “, and to each other body or person who made a submission in response to a notice sent or published under section 22”.

12. Section 25 (Notice following abandonment of proposal)

12.1 Paragraph 25 (a):

Omit the paragraph, substitute:

“(a) by writing sent to each appropriate government agency; and”.

**PART 4—MODIFICATIONS AND ADAPTATIONS IF THE
AUTHORITY DECIDES NOT TO GIVE NOTICE THAT IT
WILL HOLD AN INQUIRY TO CONSIDER A DRAFT
STANDARD OR A DRAFT VARIATION OF A STANDARD
PREPARED IN RELATION TO A PROPOSAL**

13. Section 24 (Notice following preparation of draft standard or variation)

13.1 Paragraph 24 (a):

Omit “and” (last occurring).

13.2 Paragraph 24 (b):

Omit the paragraph.

13.3 Paragraphs 24 (e) and (f):

Omit the paragraphs, substitute:

“(e) stating that the Authority will not hold an inquiry to consider that draft.”.

SCHEDULE 1—continued**14. Section 26 (Authority must make recommendation to Council)****14.1 Subsection 26 (1):**

Omit “After holding an inquiry to consider a draft standard or a draft variation of a standard, the Authority”, substitute “If the Authority prepares a draft standard, or a draft variation of a standard, under section 23, it”.

15. Section 27 (Authority must notify outcome of inquiry)**15.1 Subsection 27 (1):**

Omit the subsection, substitute:

“(1) The Authority must:

(a) by writing sent to each appropriate government agency;
and

(b) by advertisement published in the *Gazette*, and in a newspaper circulating in each State or Territory;

give notice setting out the nature of the recommendation made to the Council under section 26.”.

SCHEDULE 2

Subregulation 5 (2)

**MODIFICATIONS OR ADAPTATIONS OF PART 3 OF THE ACT
UNDER SUBSECTION 37 (2) OF THE ACT****PART 1—MODIFICATIONS AND ADAPTATIONS IF
THE AUTHORITY DECIDES NOT TO INVITE
SUBMISSIONS AFTER IT ACCEPTS AN APPLICATION****1. Section 13 (Authority to make preliminary assessment of application)****1.1 Subparagraph 13 (4) (a) (iii):**

Omit the subparagraph, substitute:

“(iii) that the Authority will not invite submissions on matters relevant to the application; and”.

SCHEDULE 2—continued

2. Section 14 (Authority to invite public submissions)

2.1 Paragraph 14 (1) (a):

Omit “and”.

2.2 Paragraph 14 (1) (b):

Omit the paragraph.

2.3 Paragraph 14 (1) (g):

Omit the paragraph, substitute:

“(g) stating that the Authority will not invite submissions on matters relevant to the application.”.

3. Section 15 (Full assessment of application)

3.1 Paragraph 15 (2) (a):

Omit the paragraph.

4. Section 16 (Notice following preparation of draft standard or variation)

4.1 Paragraph 16 (a):

Omit “, to each appropriate government agency, and to each other body or person who made a submission in response to a notice sent or published under section 14”, substitute “and to each appropriate government agency”.

5. Section 17 (Notice following rejection of application)

5.1 Paragraph 17 (a):

Omit the paragraph, substitute:

“(a) by writing sent to the applicant and to each appropriate government agency; and”.

SCHEDULE 2—continued**PART 2—MODIFICATIONS AND ADAPTATIONS IF THE
AUTHORITY DECIDES NOT TO GIVE NOTICE THAT IT
WILL HOLD AN INQUIRY TO CONSIDER A DRAFT
STANDARD, OR A DRAFT VARIATION OF A
STANDARD, PREPARED IN RELATION TO AN
APPLICATION****6. Section 16 (Notice following preparation of draft
standard or variation)****6.1 Paragraph 16 (a):**

Omit “and” (last occurring).

6.2 Paragraph 16 (b):

Omit the paragraph.

6.3 Paragraphs 16 (e) and (f):

Omit the paragraphs, substitute:

“(e) stating that the Authority will not hold an inquiry to consider that draft.”.

**7. Section 18 (Authority must make recommendation to
Council)****7.1 Subsection 18 (1):**

Omit “After holding an inquiry to consider a draft standard or a draft variation of a standard, the Authority”, substitute “If the Authority prepares a draft standard, or a draft variation of a standard, under section 15, it”.

SCHEDULE 2—continued

8. Section 19 (Authority must notify outcome of inquiry)

8.1 Subsection 19 (1):

Omit the subsection, substitute:

“(1) The Authority must:

(a) by writing sent to the applicant and to each appropriate government agency; and

(b) by advertisement published in the *Gazette*, and in a newspaper circulating in each State and Territory;

give notice setting out the nature of the recommendation made to the Council under section 18.”.

**PART 3—MODIFICATIONS AND ADAPTATIONS IF THE
AUTHORITY DECIDES NOT TO INVITE SUBMISSIONS
IN RELATION TO A PROPOSAL**

9. Section 22 (Authority to invite public submissions on proposal)

9.1 Paragraph 22 (1) (a):

Omit “and”.

9.2 Paragraph 22 (1) (b):

Omit the paragraph.

9.3 Paragraph 22 (1) (f):

Omit the paragraph, substitute:

“(f) stating that the Authority will not invite submissions on matters relevant to the proposal.”.

10. Section 23 (Full assessment)

10.1 Paragraph 23 (2) (a):

Omit the paragraph.

SCHEDULE 2—continued**11. Section 24 (Notice following preparation of draft standard or variation)****11.1 Paragraph 24 (a):**

Omit “, and to each other body or person who made a submission in response to a notice sent or published under section 22”.

12. Section 25 (Notice following abandonment of proposal)**12.1 Paragraph 25 (a):**

Omit the paragraph, substitute:

“(a) by writing sent to each appropriate government agency; and”.

**PART 4—MODIFICATIONS AND ADAPTATIONS IF THE
AUTHORITY DECIDES NOT TO GIVE NOTICE THAT IT
WILL HOLD AN INQUIRY TO CONSIDER A DRAFT
STANDARD OR A DRAFT VARIATION OF A STANDARD
PREPARED IN RELATION TO A PROPOSAL**

13. Section 24 (Notice following preparation of draft standard or variation)**13.1 Paragraph 24 (a):**

Omit “and” (last occurring).

13.2 Paragraph 24 (b):

Omit the paragraph.

13.3 Paragraphs 24 (e) and (f):

Omit the paragraphs, substitute:

“(e) stating that the Authority will not hold an inquiry to consider that draft.”.

SCHEDULE 2—continued

14. Section 26 (Authority must make recommendation to Council)

14.1 Subsection 26 (1):

Omit “After holding an inquiry to consider a draft standard or a draft variation of a standard, the Authority”, substitute “If the Authority prepares a draft standard, or a draft variation of a standard, under section 23, it”.

15. Section 27 (Authority must notify outcome of inquiry)

15.1 Subsection 27 (1):

Omit the subsection, substitute:

“(1) The Authority must:

(a) by writing sent to each appropriate government agency;
and

(b) by advertisement published in the *Gazette*, and in a newspaper circulating in each State or Territory;

give notice setting out the nature of the recommendation made to the Council under section 26.”.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

L 1994. 23 August/