



# Imported Food Control Amendment Regulations 2009 (No. 2)<sup>1</sup>

**Select Legislative Instrument 2009 No. 348**

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Imported Food Control Act 1992*.

Dated 14 December 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

TONY BURKE  
Minister for Agriculture, Fisheries and Forestry

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**1 Name of Regulations**

These Regulations are the *Imported Food Control Amendment Regulations 2009 (No. 2)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Imported Food Control Regulations 1993***

Schedule 1 amends the *Imported Food Control Regulations 1993*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Subregulation 3 (1), after definition of *chargeable service***

*insert*

*compliance agreement* has the meaning given by subsection 3 (1) of the Act.

**[2] Paragraphs 8 (b) and (c)**

*substitute*

- (b) compliance agreement food; or
- (c) surveillance food.

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**[3] Regulations 9 to 11**

*substitute*

**9 What is meant by *risk food*?**

Food of a particular kind may be classified as risk food if the Australia New Zealand Food Authority advises the Minister under subsection 17 (1) of the Act that the food has the potential to pose a high or medium risk to public health.

**10 What is meant by *compliance agreement food*?**

- (1) Food to which a compliance agreement applies is a kind of food that may be classified as compliance agreement food.
- (2) The food is classified only to the extent to which the compliance agreement applies.

**11 What is meant by *surveillance food*?**

Food must be classified as surveillance food if it is not:

- (a) classified as risk food; or
- (b) classified as compliance agreement food; or
- (c) the subject of a holding order.

**[4] Subregulations 14 (2) and (3)**

*substitute*

- (2) Five per cent of consignments of food classified as surveillance food must be referred by the Australian Customs Service for inspection under the Scheme.

**[5] Regulation 21, heading**

*substitute*

**21 What surveillance food is to be inspected?**

**[6] Subregulation 21 (1)**

*substitute*

- (1) All food classified as surveillance food that is referred for inspection under the Scheme must be inspected.

**[7] After subregulation 22 (2)**

*insert*

- (3) Subregulation (1) does not apply to compliance agreement food.

**[8] Paragraph 36 (b)**

*substitute*

- (b) assessment of information for inclusion in a food control certificate;
- (c) assessment of whether an importer is able to comply with the Act, these Regulations and the conditions in the importer's proposed compliance agreement;
- (d) the maintenance and administration of a compliance agreement;
- (e) assessment of whether an importer is complying with the Act, these Regulations and the conditions in the importer's compliance agreement.

**[9] Schedule 1, paragraph 1 (a)**

*omit*

active surveillance or random

**[10] Schedule 1, Table 1, heading***substitute*

Table 1      Surveillance food or risk food at tightened or normal  
rate of inspection

**[11] Schedule 2, Part 2, after item 4***insert*

- |   |  |                  |
|---|--|------------------|
| 5 | Assessment of whether an importer is able to comply with the Act, these Regulations and the conditions in the importer's proposed compliance agreement, including: | \$1 300          |
|   | (a) an examination of the importer's documented food safety and compliance system; and   |                  |
|   | (b) visiting an importer's place of business to examine whether the importer's documented food safety and compliance system is appropriate                         |                  |
| 6 | Maintenance and administration of a compliance agreement, including:   | \$2 300 per year |
|   | (a) a help desk liaison service for importers that enter into a compliance agreement; and  |                  |
|   | (b) planning and scheduling visits to an importer's place of business; and   |                  |
|   | (c) maintaining a database of information arising from the compliance work   |                  |

- |   |   |   |
|---|---|---|
| 7 | Assessment of whether an importer is complying with the Act, these Regulations and the conditions in the importer's compliance agreement, including: <ul style="list-style-type: none"><li>(a) an examination of whether the importer's food safety and compliance system is the food safety and compliance system that was documented; and</li><li>(b) an examination of the records of the importer's food safety and compliance system</li></ul> | For each officer performing the service — \$45 per quarter hour |
|---|---|---|

**[12] Schedule 2, Part 3, items 5 and 6**  
*renumber as items 8 and 9*

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.