



Imported Food Control Amendment (Recognised Foreign Government Certificates and Other Measures) Regulation 2015

Select Legislative Instrument No. 25, 2015

I, the Honourable Alex Chernov AC QC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 26 March 2015

Alex Chernov
Administrator

By His Excellency's Command

Barnaby Joyce
Minister for Agriculture

OPC61106 - C

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No. 25, 2015 *Imported Food Control Amendment (Recognised Foreign Government
Certificates and Other Measures) Regulation 2015* i

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1 Name

This is the *Imported Food Control Amendment (Recognised Foreign Government Certificates and Other Measures) Regulation 2015*.

2 Commencement

This instrument commences on 1 April 2015.

3 Authority

This instrument is made under the *Imported Food Control Act 1992*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Main amendments

Imported Food Control Regulations 1993

1 Subregulation 3(1)

Insert:

risk food means food of a particular kind that is classified as risk food by an order made under regulation 8.

2 Paragraph 7(a)

Repeal the paragraph, substitute:

- (a) make orders, not inconsistent with the Act or any regulations under the Act:
 - (i) identifying food of a particular kind as food of a kind that is required to be inspected, or inspected and analysed, under the Scheme; or
 - (ii) identifying risk food of a particular kind as food that must be covered by a recognised foreign government certificate; and

3 Regulation 8 (heading)

Repeal the heading, substitute:

8 Classification of food by Minister

4 Regulation 9 (heading)

Repeal the heading, substitute:

9 Food that may be classified as risk food

5 Regulation 18

Before “A particular”, insert “(1)”.

6 At the end of regulation 18

Add:

- (2) Particular food is taken to be failing food if:
- (a) the food is a kind of risk food that is identified in an order made under regulation 7 as risk food of a kind that must be covered by a recognised foreign government certificate; and
 - (b) the food is not covered by such a certificate.

7 After Part 4

Insert:

Part 5—Transitional provisions

37 Transitional provisions relating to the *Imported Food Control Amendment (Recognised Foreign Government Certificates and Other Measures) Regulation 2015*

- (1) An order that was in force under regulation 7 immediately before 1 April 2015 continues to be in force under that regulation as in force on or after that date.
- (2) This Part is repealed on 2 April 2015.

Part 2—Technical amendments

Imported Food Control Regulations 1993

8 Subsection 3(1)

Insert:

Customs has the meaning given by section 4AA of the *Customs Administration Act 1985*.

9 Subregulations 14(1) and (2)

Omit “the Australian Customs Service”, substitute “Customs”.

10 Regulation 20 (heading)

Repeal the heading, substitute:

20 When, and at what rate, failing food may be presented again for inspection

11 Regulation 31 (heading)

Repeal the heading, substitute:

31 Effect of recognised foreign government certificate or recognised quality assurance certificate on rate of inspection of food

12 Regulation 31

Omit “incidence”, substitute “rate”.

13 Regulation 32 (heading)

Repeal the heading, substitute:

32 Verification of reliability of recognised foreign government certificates and recognised quality assurance certificates

14 Clause 1 of Schedule 2

Repeal the following definitions:

(a) definition of *AQIS entry management system*;

(b) definition of *AQIS holiday*.

15 Clause 1 of Schedule 2

Insert:

Departmental entry management system means an electronic import control system maintained and administered by the Department.

Departmental holiday, for an officer performing a chargeable service, means a Monday, Tuesday, Wednesday, Thursday or Friday that:

- (a) is a day observed as a public holiday in the place where the service is performed; or
- (b) falls in the period beginning on 27 December and ending on 31 December in a year.

16 Clause 1 of Schedule 2 (definition of weekday)

Omit “an AQIS holiday”, substitute “a Departmental holiday”.

17 Part 2 of Schedule 2 (table item 2, column 2)

Omit “an AQIS”, substitute “a Departmental”.

18 Part 2 of Schedule 2 (table item 3, column 2)

Omit “an AQIS”, substitute “a Departmental”.

19 Part 3 of Schedule 2 (table item 9, column 3)

Omit “AQIS”, substitute “Departmental”.