



Imported Food Control Amendment (Food Inspection) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 April 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Deputy Prime Minister and Minister for Agriculture and Water Resources

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Imported Food Control Regulations 1993</i>	2

1 Name

This instrument is the *Imported Food Control Amendment (Food Inspection) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	19 April 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Imported Food Control Regulations 1993

1 Regulation 3 (definition of *particular source*)

Omit “maufacturer”, substitute “manufacturer”.

2 Regulation 9

Repeal the regulation, substitute:

9 Food that may be classified as risk food

Food of a particular kind may be classified as risk food if, on being consulted as required under section 17 of the Act, Food Standards Australia New Zealand advises the Minister that the food has the potential to pose a high or medium risk to public health.

3 Paragraph 17(3)(b)

Omit “public health”, substitute “human health”.

4 After subregulation 17(3)

Insert:

- (3A) The rate of inspection of food may be lowered from the normal rate or the tightened rate to the reduced rate when:
- (a) there are reasonable grounds for believing that food of that kind from that source:
 - (i) complies with the applicable standards; and
 - (ii) does not pose a risk to human health; and
 - (b) if the previous rate was the normal rate because it had been raised under subregulation (5), or the tightened rate because it had been raised under subregulation (4) or (6)—5 consecutive batches of that food pass inspection.

Note: See regulation 17A for a circumstance in which there are reasonable grounds for the belief mentioned in paragraph (a).

5 Subregulation 17(5)

After “the normal rate”, insert “when”.

6 Subparagraph 17(6)(b)(ii)

Omit “public health”, substitute “human health”.

7 After regulation 17

Insert:

17A Systems recognition arrangements

Without limiting paragraph 17(3A)(a), there are taken to be reasonable grounds for the belief mentioned in that paragraph if that kind of food, from that source, is covered by a written arrangement that is:

- (a) in force between the Department and an instrumentality of a government of a foreign country; and
- (b) based on an assessment of the food safety systems of Australia and the foreign country that concluded:
 - (i) that Australia and the foreign country have equivalent food safety systems; and
 - (ii) that the Department and the instrumentality conduct equivalent monitoring of the food they regulate.