

**HEALTH****HE301****HEALTH ACT 1911****HEALTH (ADOPTION OF FOOD STANDARDS CODE)  
REGULATIONS 1992**

Made by the Lieutenant-Governor, and Deputy of the Governor in Executive Council on the advice of the Food Advisory Committee.

**PART 1 — PRELIMINARY****Citation**

1. These regulations may be cited as the *Health (Adoption of Food Standards Code) Regulations 1992*.

**Interpretation**

2. (1) In these regulations —

“the Code” means the Food Standards Code —

- (a) as defined by the *National Food Authority Act 1991* of the Commonwealth; and
- (b) except in regulation 4, as amended by regulation 4.

- (2) In these regulations and in the Code —

“Part VIII” means Part VIII of the Act.

**PART 2 — ADOPTION OF FOOD STANDARDS CODE****Adoption of Food Standards Code**

3. The Code is adopted and forms part of these regulations.

**Amendment of Food Standards Code**

4. The Code is amended in each provision referred to in column 2 of the Schedule in the manner set out opposite to that provision in column 3 of the Schedule.

**Availability of Food Standards Code**

5. Copies of —

- (a) the Code;
- (b) any standard, rule, code, specification or method of any association, body or institution, or any document, incorporated by reference in the Code; and

- (c) any amendment or replacement of any standard, rule, code, specification or method, or any document, referred to in paragraph (b),

shall be kept at the library of the Health Department of Western Australia at 189, Royal Street, East Perth, where they may be inspected free of charge by members of the public during the normal office hours of that Department.

### Exemptions

6. (1) The Executive Director, Public Health, may by notice published in the *Gazette* —

- (a) exempt the offering for sale in specified quantities of specified food, or food belonging to a specified class, from the operation of these regulations to such an extent as is specified and subject to such conditions as are specified; and
- (b) amend or repeal an exemption granted under this subregulation.

(2) If a condition subject to which an exemption is granted under subregulation (1) is contravened, the exemption ceases to be in force.

(3) In subregulation (1) (a) —

“specified” means specified in the exemption concerned.

### Service of notices

7. (1) The Executive Director, Public Health, or a local authority may, if he, she or it considers that a person has contravened any provision of Part VIII or of the Code, cause notice in writing requiring the person within a time specified in that notice to do such acts and things as the Executive Director, Public Health, or the local authority considers necessary to rectify the act or omission constituting that contravention to be given to the person.

(2) A person who, without reasonable excuse, contravenes a requirement in a notice given to the person under subregulation (1) commits an offence under these regulations.

### Offences and penalties

8. (1) A person who contravenes any provision of the Code commits an offence under these regulations.

(2) A person who commits an offence under these regulations is liable to —

- (a) a penalty which is not more than \$2 500 and not less than —
  - (i) in the case of a first offence, \$250;
  - (ii) in the case of a second offence, \$500; and
  - (iii) in the case of a third or subsequent offence, \$1 250;and
- (b) if that offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

### Repeal

9. The *Health (Food Standards) (General) Regulations 1987\** are repealed.

[\* Published in the *Gazette* of 13 March 1987 at pp. 675-934.  
For amendments to 12 February 1992 see 1990 Index to  
Legislation of Western Australia, pp. 270-1.]

## SCHEDULE

(Regulation 4)

## AMENDMENT OF FOOD STANDARDS CODE

<u>Item</u>	<u>Provision amended</u>	<u>Manner of amendment</u>
1	3 (a) (i)	Delete "the Act" and substitute the following — " Part VIII "
2	3 (a) (ii)	Delete "the Act" and substitute the following — " Part VIII "
3	3 (c)	Insert after "the purposes of this Code" the following — " or Part VIII "
4	5	Delete "relevant authority of a State or Territory" in the definition of "approved" and substitute the following — " Executive Director, Public Health "
5	5	Delete the definitions of "Commonwealth", "State", "Territory" and "the Act".
6	A2	Insert after Standard A2 (3) (a) the following — " (aa) The date marking requirements of those very short life foods listed in column 1 of the Table to this paragraph shall be modified by the insertion of the date statement set out opposite in column 2 of that Table using the form of expression of the date set out opposite in column 3 of that Table.

## TABLE

MODIFIED DATE MARKING  
REQUIREMENTS FOR SPECIFIED  
PACKAGED VERY SHORT LIFE FOODS

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Packaged short life food</u>	<u>Date statement</u>	<u>Expression of date</u>
1. Bread	Baked on; or date of baking or BKD	As in clause (3) (c) of this Standard

2. Cake and pastry, excluding biscuits	Baked on; or date of baking; or the use-by date	As in clause (3) (c) of this Standard
3. Milk and cream in foil capped glass bottles		The use-by date expressed as in clause (3) (c) of this Standard, but without the expression "use by" being required.

(ab) If the baking of bread commences before midnight on a continuous baking shift, the date shown on the package of bread shall be the date on which that shift is completed. ”.

7

C

Insert after Standard C4 the following —

“ C5 — CROCODILE FLESH

**Interpretation**

(1) In this Standard —

“crocodile flesh” means the skeletal muscle of members of the family *Crocodylidae* (with or without the accompanying fat), together with the sinew, nerve and blood vessels that ordinarily accompany the muscle tissue and that are not normally separated from it in the process of preparation for sale.

**Prohibition on sale of parts of crocodiles that are not crocodile flesh**

(2) A person shall not sell for human consumption any part of the carcass of a member of the family *Crocodylidae* that is not crocodile flesh.

**Temperature control**

(3) Crocodile flesh shall, before it is sold for human consumption, be stored for a period of at least 24 hours at minus 10 degrees Celsius.

**Labelling requirements**

(4) The word "crocodile" shall be included in the prescribed name or appropriate designation on the label on or attached to a package containing crocodile flesh that is exposed for sale.

**Microbiological standard**

(5) Uncooked crocodile flesh, when examined by the method prescribed by clauses (6) and (7), shall be free from *Salmonella* in 25 g of the food.

**Method of microbiological analysis for *Salmonella***

(6) Proceed in accordance with the current Australian Standard method in AS 1766 entitled "Methods for the Microbiological Examination of Food", except that for the purposes of that method when 5 sample units each consisting of 100 g or more of uncooked crocodile flesh are examined in accordance with that method, the result shall be reported as "*Salmonella* not detected in 25 g of the food" only when no *Salmonella* has been detected in at least 4 of the 5 sample units.

(7) For the purposes of the method referred to in clause (6), the sample units may be examined individually or pooled. "

8

D1 (7)

Delete paragraph (a) and substitute the following paragraphs —

" (a) A person shall not pack or sell oysters or other shellfish which come from an area from which the taking of oysters or shellfish is prohibited under —

(i) any Act of the Commonwealth or regulations made thereunder; or

(ii) any written law.

(aa) Every consignment of fresh oysters (frozen or otherwise) imported into the State from any other part of the Commonwealth or overseas shall be subjected to inspection and examination on arrival in the State.

(ab) Subject to paragraph (ac), a person shall not remove any portion of a consignment referred to in paragraph (aa) from the place at

which it is unloaded on arrival in the State until that consignment has been examined by an environmental health officer and passed by him as wholesome and fit for human consumption.

(ac) With the approval of an environmental health officer all or any portion of a consignment referred to in paragraph (aa) may be removed to a place of cold storage until examined and passed by an environmental health officer. ”.

9 D1 (7) Insert after paragraph (b) the following —

“ (ba) If on examination any consignment referred to in paragraph (aa), or portion thereof, is found to be damaged, deteriorated, impoverished, contaminated or perished so as to be unfit for human consumption, that consignment shall be destroyed or otherwise dealt with as the Executive Director, Public Health, may direct and a certificate of condemnation, under the name of the environmental health officer concerned, given to the person having custody of that consignment. ”.

10 D1 (10) (a) Insert after subparagraph (i) the following —

“ (ia) The shells of prawns commonly known as “Coral Prawns” may be externally coloured during the process of cooking by the addition of colouring matter as prescribed in Standard A5. ”.

11 H2 Insert after clause (2) the following clause —

“ (2a) Whipping cream shall —  
    (a) contain not less than 400 g/kg of milk fat;  
        and  
    (b) comply with the standard for cream prescribed by clause (1) (b) (ii). ”.

12 H2 (6) (a) Insert after —

(a) “pasteurised rich cream,” the following —  
    “ pasteurised whipping cream, ”;  
    and  
(b) “cream, rich cream,” the following —  
    “ whipping cream, ”.

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|----|----------------------|---|
| 13 | H2 (6) (b)<br>(iii)  | Insert after "rich cream," the following —<br>" whipping cream, ".  |
| 14 | H2 (7)               | Insert after —<br>(a) "pasteurised rich cream," the following —<br>" whipping cream, pasteurised whipping cream, ",<br>and<br>(b) " 'PASTEURISED RICH CREAM,' the following —<br>" 'WHIPPING CREAM', 'PASTEURISED WHIPPING CREAM', ". |
| 15 | H2 (10) (a)          | Insert after —<br>(a) "sour or cultured rich cream," the following —<br>" sour or cultured whipping cream, ",<br>and<br>(b) "pasteurised rich cream," the following —<br>" pasteurised whipping cream, ".                             |
| 16 | H2 (10) (b)          | Insert after "rich cream," the following —<br>" whipping cream, ".  |
| 17 | H2 (15) (a)          | Insert after —<br>(a) "ultra heat treated rich cream," the following —<br>" ultra heat treated whipping cream, ",<br>and<br>(b) "cream, rich cream," the following —<br>" whipping cream, ".  |
| 18 | H2 (15) (b).<br>(ii) | Insert after —<br>(a) "rich cream," the following —<br>" whipping cream, ";<br>and<br>(b) "(1), (2)," the following —<br>" (2a), ".   |

- 19            H2 (19)            Insert after —
- (a)    “pasteurised rich cream,” wherever it occurs the following —
- “        pasteurised whipping cream,        ”;
- and
- (b)    “ultra heat treated rich cream,” in paragraph (c) the following —
- “        ultra heat treated whipping cream,        ”.
- 20            K2 (2) (b)            Delete subparagraph (ii).
- 21            O6                    Insert after clause (1) the following clause —
- “        (1A) Packages of essences containing ethyl alcohol shall not be sold by retail unless those packages, and the premises or other places where they are sold by retail, are approved by the Executive Director, Public Health.        ”.
- 22            P1                    Insert after clause (3) the following clauses —
- “        (4) The licensee of any licensed premises shall —
- (a) cause every container, receptacle and appliance used or intended to be used for the reception of waste beer to contain the colouring matter known as methyl violet or washing blue or any other violet or blue colouring matter approved by the Executive Director, Public Health, in sufficient quantity to impart at all times to the waste beer received therein a distinct violet or blue colour; and
- (b) not place or permit to be placed in any drip tray on those licensed premises any receptacle capable of holding beer.
- (5) A person shall not return any beer that has been decanted from the bulk container originally received from the supplier of that beer back into that bulk container.
- (6) A person shall not remove from any licensed premises any bulk beer, intended for consumption away from licensed premises, unless it is removed in the original



sealed container in which it was received from its supplier.

(7) A person shall not add water or any other adulterant material to beer. ”.

23

S

Insert after Standard S2 the following Standard —

“ S3 POTABLE WATER, ICE

(1) Potable water —

(a) is water which —

(i) has been obtained from a source approved in writing for the purpose by the Executive Director, Public Health; or

(ii) has been distilled, boiled or otherwise treated by a process which has been approved for the purpose by the Executive Director, Public Health,

or both;

(b) shall contain not more than 100 micro-organisms in one millilitre (when determined by the plate count method);

(c) shall not contain pathogenic micro-organisms, poisonous chemical constituents or sediment;

(d) is colourless; and

(e) shall be so kept between its collection or sterilisation and its sale or use in manufacture as to preserve it from contamination.

(2) A person shall not use, in or in connection with the preparation of any food for sale, any water other than potable water.

(3) Ice —

(a) is the product obtained by freezing potable water; and

- (b) shall be made, stored,  
handled, and delivered  
under such conditions  
as to prevent its  
contamination. ”.

24

S4

Insert in column 1 of Table 1 after —

- (a) “Cream, rich cream,” the following —  
“ whipping cream, ”;
- (b) “pasteurised rich cream,” the  
following —  
“ pasteurised whipping cream, ”;  
and
- (c) “ultra heat treated rich cream,” the  
following —  
“ ultra heat treated whipping  
cream, ”.

By Command of the Lieutenant-Governor, and Deputy of the Governor,  
M. C. WAUCHOPE, Clerk of the Council.

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