

Western Australia

Health Act 1911

**Health (Food Standards) (Administration)  
Regulations 1986**

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Western Australia

## **Health (Food Standards) (Administration) Regulations 1986**

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Western Australia

Health Act 1911

## **Health (Food Standards) (Administration) Regulations 1986**

### **1. Citation**

These regulations may be cited as the *Health (Food Standards) (Administration) Regulations 1986*<sup>1</sup>.

[2. Deleted in Gazette 30 Dec 2004 p. 6936.]

### **3. Power of Executive Director, Public Health, to require recall, destruction or other disposal of certain food**

- (1) If the Executive Director, Public Health, believes on reasonable grounds that there is within the State food that has become damaged, deteriorated, impoverished, contaminated or perished to such degree as renders it unfit for consumption by man or injurious to health, dangerous or offensive, he may by instrument in writing served on the vendor, manufacturer, packer or importer of that food or any 2 or more of them require him or them to take all such steps and do all such acts and things, within such period, as the Executive Director, Public Health, considers necessary and specifies in that instrument with respect to that food or such part thereof as is so specified —
  - (a) to recall that food or part from —
    - (i) members of the public; or
    - (ii) retail or wholesale vendors,

r. 4

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- or both who may be in possession of that food or part; or
- (b) to destroy, denature or otherwise dispose of that food or part —
- (i) that may be in his or their possession on; or
  - (ii) that may come into his or their possession at any time after,
- the date of service of that instrument or both.
- (2) A person on whom an instrument in writing is served under subregulation (1) shall comply with every requirement contained in that instrument.
- (3) A person who contravenes subregulation (2) commits an offence and 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.

*[Regulation 3 amended in Gazette 23 Dec 1988 p. 4971.]*

**4. Notice of seizure and detention of article**

For the purposes of section 246ZE of the Act, the prescribed form is Form 2 set out in the Schedule.

**4A. Imported oysters**

A person who imports oysters into Western Australia from another State or Territory or from another country must —

- (a) give a copy of the consignment notice for the oysters to the Executive Director, Public Health as soon as the notice is received by the importer;
- (b) give written notice of the place where the oysters are to be stored, and may be inspected, on delivery to the State; and
- (c) hold the oysters at the place of delivery until an environmental health officer issues a clearance certificate for the oysters.

*[Regulation 4A inserted in Gazette 29 Jun 2001 p. 3124.]*

*[5. Deleted in Gazette 30 Dec 2004 p. 6936.]*

**6. Fee for copy of result of analysis of article seized etc.**

For the purposes of section 246ZJ, the prescribed fee is \$43.

*[Regulation 6 amended in Gazette 25 Jun 2004 p. 2236; 31 May 2005 p. 2407; 2 May 2006 p. 1699; 18 May 2007 p. 2251; 4 Apr 2008 p. 1307; 15 May 2009 p. 1626.]*

**7. Certificate of analysis**

The form of a certificate of analysis given for the purposes of Part VIII of the Act shall be the form of Form 4 set out in the Schedule.

**8. Completion of forms**

A form set out in the Schedule shall be completed —

- (a) in accordance with the directions contained in that form; and
- (b) with such additions thereto and deletions therefrom as are appropriate for the purpose for which that form is used.

## Schedule

[Regulations 2(1), 4, 5, 7 and 8]

### Prescribed forms

[Form 1 deleted in Gazette 30 Dec 2004 p. 6936.]

Form 2

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[Regulation 4]

#### NOTICE OF SEIZURE AND DETENTION UNDER SECTION 246ZE

To <sup>(1)</sup>  
of

TAKE NOTICE that the article/articles described in the table below has/have this day been seized and detained by me. At my direction that/those articles —

- (a) <sup>(2)</sup> is/are kept and stored in, at or on —
  - (i) the premises or other place described as .....  
and situated at .....
  - (ii) the vehicle described as .....,  
where it was/they were seized and detained;
- (b) <sup>(2)</sup> has/have been removed to and is/are being kept at any other  
proper place described as .....  
and situated at .....
- (c) <sup>(2)</sup> has/have been —
  - (i) destroyed by .....
  - (ii) otherwise disposed of by .....,  
with the consent of the owner thereof/having been in my  
opinion decayed/deteriorated/putrefied/<sup>(3)</sup>

#### TABLE

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Description of articles	Quantity	Brands or markings
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IN MY OPINION the articles so seized and detained were — <sup>(4)</sup>

Dated at                    this                    day of                    20                    .

Environmental Health Officer

- (1) Insert name of person apparently in charge of articles seized and detained or of other person specified in section 246ZE(b) or 246ZE(c), as the case requires.
- (2) Strike out words in (a), (b) or (c) not applicable.
- (3) State other applicable circumstances.
- (4) State condition of articles or other applicable circumstances.

*[Form 2 amended in Gazette 29 Jun 2001 p. 3124.]*

*[Form 3 deleted in Gazette 30 Dec 2004 p. 6936.]*



- (1) Insert "a sample" or other appropriate description of the article or thing received.
- (2) Insert sealed (number ..... ) or fastened, whichever is appropriate.
- (3) Insert the results of the analysis on which the opinion expressed in this certificate is based.
- (4) Insert the opinion on the sample, article or other thing analysed, having regard to Part VIII of the Act and the regulations made under section 341 thereof is read with section 247 thereof.

In the case of a certificate concerning a sample, article or other thing liable to change in composition, it should be stated whether or not a change has or could have taken place that has or would have affected the proportion of the constituents of that sample, article or other thing.

### Notes

- <sup>1</sup> This is a compilation of the *Health (Food Standards) (Administration) Regulations 1986* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

Citation	Gazettal	Commencement
<i>Health (Food Standards) (Administration) Regulations 1986</i>	21 Nov 1986 p. 4266-9	21 Nov 1986
<i>Health (Offences and Penalties) Amendment Regulations (No. 2) 1988</i> Pt. 3	23 Dec 1988 p. 4970-5	23 Dec 1988
<i>Health (Food Standards) (Administration) Amendment Regulations 2001</i>	29 Jun 2001 p. 3123-5	29 Jun 2001
<b>Reprint 1: The Health (Food Standards) (Administration) Regulations 1986 as at 12 Sep 2003</b> (includes amendments listed above)		
<i>Health (Food Standards) (Administration) Amendment Regulations 2004</i>	25 Jun 2004 p. 2235-6	1 Jul 2004 (see r. 2)
<i>Health (Food Standards) (Administration) Amendment Regulations (No. 2) 2004</i>	30 Dec 2004 p. 6936	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Health (Food Standards) (Administration) Amendment Regulations 2005</i>	31 May 2005 p. 2407	1 Jul 2005 (see r. 2)
<i>Health (Food Standards) (Administration) Amendment Regulations 2006</i>	2 May 2006 p. 1699	1 Jul 2006 (see r. 2)
<i>Health (Food Standards) (Administration) Amendment Regulations 2007</i>	18 May 2007 p. 2251	1 Jul 2007 (see r. 2)
<b>Reprint 2: The Health (Food Standards) (Administration) Regulations 1986 as at 7 Sep 2007</b> (includes amendments listed above)		
<i>Health (Food Standards) (Administration) Amendment Regulations 2008</i>	4 Apr 2008 p. 1307	r. 1 and 2: 4 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Health (Food Standards) (Administration) Amendment Regulations 2009</i>	15 May 2009 p. 1626	r. 1 and 2: 15 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))