



Western Australia

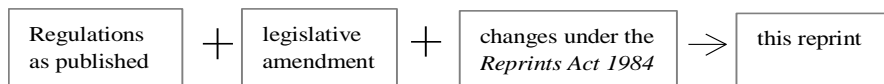
Health Act 1911

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

Reprint 1: The regulations as at 12 September 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Health (Food Standards) (Administration) Regulations 1986

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Reprinted under the
Reprints Act 1984 as
at 12 September 2003

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*¹.

2. Appeal to Local Court

- (1) An appeal under section 246Y(6) of the Act against a refusal made by an environmental health officer shall be instituted by way of a notice of appeal in the form of Form 1 set out in the Schedule.
- (2) A notice of appeal referred to in subsection (1) shall be filed in the Local Court held nearest to the place at which the relevant inspection was held and a copy of that notice of appeal shall forthwith on that filing be served on the environmental health officer who made that inspection.
- (3) The Local Court in which a notice of appeal is filed under subsection (2) shall appoint a place, date and time for the hearing and determination of the appeal concerned and notify in writing the appellant and the environmental health officer on

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whom the notice of appeal is served under that subsection of that place, date and time.

- (4) An appeal referred to in subsection (1) shall be —
- (a) conducted in such manner as the Local Court concerned directs; and
 - (b) in the nature of an inquiry into the circumstances of and reasons for the refusal against which that appeal is made.

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

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,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

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- (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. Application to Local Court for release of article seized and detained

For the purposes of section 246ZG(1) of the Act, the prescribed form is Form 3 set out in the Schedule.

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

For the purposes of section 246ZJ, the prescribed fee is \$25.

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

Form 2
Western Australia
Health Act 1911

Health (Food Standards) (Administration) Regulations 1986

[Regulation 4]

NOTICE OF SEIZURE AND DETENTION UNDER SECTION 246ZE

To ⁽¹⁾
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) ⁽²⁾ 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) ⁽²⁾ has/have been removed to and is/are being kept at any other proper place described as and situated at
- (c) ⁽²⁾ 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/⁽³⁾

TABLE

Description of articles	Quantity	Brands or markings
-------------------------	----------	--------------------

IN MY OPINION the articles so seized and detained were — ⁽⁴⁾

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 3
Western Australia
Health Act 1911

Health (Food Standards) (Administration) Regulations 1986

[Regulation 5]

APPLICATION UNDER SECTION 246ZG TO LOCAL COURT FOR
RELEASE OF ARTICLES SEIZED AND DETAINED

To the clerk of the Local Court
at ⁽¹⁾

WHEREAS an article/articles, namely ⁽²⁾
was/were on the day of 20
seized and detained by ⁽³⁾ of
an environmental health officer under the *Health Act 1911* at ⁽⁴⁾

NOW I, , of
the person from whom that article was/those articles were seized make
application to the Local Court at ⁽¹⁾ for an order
directing ⁽³⁾ to release
the article/articles so seized and detained and for such other or further order in
the matter as that Local Court is by law authorised to make.

The grounds of this application are: —

.....
.....

Dated at this day of 20

.....
Applicant.

- (1) Insert name of place for holding Local Court nearest to place where seizure and detention occurred.
- (2) Describe article/articles.
- (3) State name of environmental health officer who made seizure and detention.
- (4) State place where seizure and detention occurred.

Schedule

Form 4
Western Australia
Health Act 1911

Health (Food Standards) (Administration) Regulations 1986

[Regulation 7]

CERTIFICATE OF ANALYSIS

I, the undersigned, being an analyst within the meaning of Part VIII of the Act, certify that —

(a) I received a sample of ⁽¹⁾
from, particulars of which
are as follows —

Date received

How secured ⁽²⁾

Marks: —

Identifying number

Description

Where obtained

Submitted by

(b) I have analysed/supervised the analysis of the same;

(c) The results of the analysis referred to in paragraph (b) are as follows — ⁽³⁾

.....
.....
.....
.....
.....

(d) I am of the opinion that ⁽⁴⁾

.....
.....
.....

Dated at this day of 20

.....
Analyst

Certificate No.

- (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.

[Schedule amended in Gazette 29 Jun 2001 p. 3124-5.]



Notes

- ¹ This reprint is a compilation as at 12 September 2003 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
Reprint 1: The <i>Health (Food Standards) (Administration) Regulations 1986</i> as at 12 Sep 2003 (includes amendments listed above)		
