

Western Australia

**Health (Adoption of Food Standards Code)
Regulations 1992**

As at 25 Jul 1995

Version 00-c0-04

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Western Australia

Health (Adoption of Food Standards Code) Regulations 1992

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NOTES

Western Australia

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

1. Citation

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

2. Interpretation

(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

3. Adoption of Food Standards Code

The Code is adopted and forms part of these regulations.

4. Amendment of Food Standards Code

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.

5. Availability of Food Standards Code

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.

6. Exemptions

- (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

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- (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.

7. Service of notices

- (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.

8. Offences and penalties

- (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.

9. Repeal

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.]*

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Schedule

[Regulation 4]

AMENDMENT OF FOOD STANDARDS CODE

Item	Provision amended	Manner of amendment
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.	<i>deleted</i>	
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 <i>Crocodylidae</i> (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 Micro-biological 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

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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.”.

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Insert after Standard C5 the following —

“ C6 — GAME MEAT AND GAME MEAT PRODUCTS

Interpretation

1. In this Standard —

“**game animal**” means buffalo, camel, goat, kangaroo, pig or rabbit;

“**game meat**” means the whole or part of the carcass (including offal) of any game animal that has been field-slaughtered in the wild state, but does not include foetuses, pouch young or animals found dead in traps;

“**game meat flesh**” means the skeletal muscle of any game animal, with or without the accompanying and overlying fat, together with the connective tissue, nerve and blood vessels that ordinarily accompany the muscle tissue and that are not separated from it in the process of preparation;

“**game meat products**” are mixtures of game meat flesh with any permitted food additives and with

other foods excluding meat;

“game sausage” means game sausage meat enclosed in a casing or formed by other means into a cylindrical or other like shape;

“game sausage meat” means game meat flesh that has been comminuted and mixed with meal or flour derived from any one or more of cereals, potatoes, soya beans or edible starch, with or without gluten.

Restrictions and prohibitions

2. (1) Game meat offal must not be sold as food or used in the preparation of food.

(2) Meat derived from field-slaughtered animals other than game animals must not be sold for human consumption.

(3) Game meat flesh and game meat products must not be mixed with meat other than game meat.

(4) Game meat shall be derived only from game animals that are in good health and condition at the time of killing.

Frozen and thawed game meat flesh

3. Game meat is to be taken as —

- (a) frozen, when its temperature has been reduced to, and maintained at, below -2°C ; and
- (b) thawed, when, having been frozen, its temperature has risen above -2°C .

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Game sausage meat and game sausages

4. (1) Subject to this Standard, game sausage meat —
- (a) may have added to it any of the foods permitted in sausage meat in Standard C1;
 - (b) may be treated with smoke from untreated hardwood; and
 - (c) must meet the fat free meat and fat level requirements of Standard C1 in relation to sausage meat,

as if references in Standard C1 to “sausage meat” and “meat flesh” were references to “game sausage meat” and “game meat flesh”, respectively.

(2) The nitrogen content of the meal or flour referred to in the definition of “game sausage meat” in clause 1 must not exceed 45 g/kg.

(3) Sulphur dioxide may be added to game sausage meat to a level not exceeding 500 mg/kg if the game meat flesh content of the game sausage meat does not exceed 900 g/kg.

Premixes for use in making game sausage meat

5. Game meat premixes are premixes which correspond to premixes for use in making sausage meat, and the provisions of Standard C1 applying to sausage meat premixes apply to game sausage meat premixes as if references to “sausage meat” in those provisions were references to “game sausage meat”.

Edible casings

6. (1) Edible casings for use in the preparation of sausages as specified in Standard C1 may be used in the preparation of game sausages.

(2) The requirements set out in relation to edible casings in Standard C1 apply in this Standard as if references to “sausages” in Standard C1 were references to “game sausages”.

Corned, cured, pickled or salted game meat

7. Corned game meat, cured game meat, pickled game meat or salted game meat is a game meat product which corresponds to the equivalent meat product referred to in Standard C1, and the provisions in that Standard applying to corned meat, cured meat, pickled meat or salted meat apply to that game meat product as if references in those provisions to “meat” were references to “game meat flesh”.

Labelling

8. (1) The names by which foods are defined or described in this Standard are declared not to be prescribed names.

(2) The word “GAME” must be included as part of the appropriate designation in the label on or attached to a package containing game meat flesh or a game meat product.

(3) There must be written in the label on or attached to a package containing, and displayed clearly in any advertisement relating to, game meat flesh or a game meat product the type of game animal from which the game meat

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flesh or game meat product has been prepared.

(4) There must be written in standard type of 3 mm in the label on or attached to a package containing game meat flesh, or a game meat product, which has been thawed the word “THAWED”, or a word or words of similar effect, immediately preceding or following the appropriate designation.

(5) If game meat flesh or a game meat product is displayed for sale otherwise than in a package, everything required by this Standard to be written in the label on or attached to a package of game meat flesh or a game meat product, including labelling requirements incorporated in this Standard by reference, must be written in a label displayed on or in connection with the game meat flesh or game meat product in lettering of not less than 9 mm.

(6) Except as otherwise provided in this clause, game meat flesh and game meat products must comply with the labelling requirements of the corresponding meat and meat products in Standard C1 as if references in that Standard to meat and meat products were references to game meat flesh and game meat products.

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

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concerned, given to the person having custody of that consignment. ”.

[10, 11, 12, 13, 14, 15, 16, 17, 18, 19 deleted]

20 K2 (2)(b) Delete subparagraph (ii).

[21, 22 deleted]

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 deleted]

[Schedule amended in Gazettes 23 December 1992 pp.6254-7; 25 July 1995 p.3136.]

Notes

- ^{1.} This is a compilation of the *Health (Adoption of Food Standards Code) Regulations 1992* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Adoption of Food Standards Code) Regulations 1992</i>	15 May 1992 p. 1978-87	15 May 1992
<i>Health (Adoption of Food Standards Code) Amendment Regulations 1992</i>	23 Dec 1992 p. 6254-7	23 Dec 1992
<i>Health (Adoption of Food Standards Code) Amendment Regulations 1995</i>	25 Jul 1995 p. 3136	25 Jul 1995