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Update Summary

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FOOD LEGISLATION NEW SOUTH WALES

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NEW COMMENTARY

New Current Issues

The Current Issues section has been updated to include the following articles:

- ACCC releases guide to provide clarity on 'free range' egg claims, at [CI.180];
- WHO warning – processed meats, at [CI.190];
- Nitrosamines health danger, at [CI.200];
- Nitrites are contained in the poisons legislation, at [CI.210];
- Robert Paul Davies sentenced to community service for non-compliance with ACCC notice, at [CI.220];
- Arnott's pays \$51,000 for alleged misleading claims about the saturated fat content of Shapes, at [CI.230];
- Kailis Bros pays \$10,800 penalty for alleged misleading prawn meat labelling, at [CI.240];
- Food fraud consequences: 10-year-old died in Melbourne after drinking coconut milk as importer admits label charges, at [CI.250];
- No more bath milk BS: Australian dairy farmer shuts down, at [CI.260];
- Australian sushi shops owner fined \$41,000 for food safety breaches, at [CI.270]; and
- 40 sickened, probably more: Sydney bakery shut, chicken schnitzel suspected, at [CI.280].

REVISION OF THE FOOD STANDARDS CODE

The revised Code was gazetted on 10 April 2015 and came into effect on 1 March 2016.

An audit of the legal efficacy of the *Australia New Zealand Food Standards Code* was conducted following a decision of the New South Wales Supreme Court in 2009. FSANZ prepared Proposal P1025 to revise the Code to address the issues identified in the audit in consultation with regulators.

FSANZ reviewed the Food Standards Code to make the requirements clearer and to ensure it better meets the needs of stakeholders. The changes will reduce uncertainty when it comes to code enforcement issues.

Primarily, changes have been made to Chapters 1 and 2 and include updating the wording to clarify key areas, such as:

- the Code's requirements; to make it clearer who has to comply;
- provisions relating to food additives, processing aids and nutritive substances; and
- food composition requirements; to clarify when a requirement is:
 - legally required for the sale of a product; or
 - a prerequisite to a permission, for example to add a food additive.

Chapters 3 and 4 have not been revised and have been incorporated in their current forms.

New Standard 5.1.1 – Revocation and transitional provisions – 2014 Revision has been included as it revokes Chs 1 and 2 of the previous version of the Code.

The 29 Schedules have also been included.

AMENDED LEGISLATION

Food Act 2003

Purpose of amendments

- To amend the definition of 'Chief Executive Officer' and omit the definition of 'member of staff of the Food Authority'.
- To insert a provision relating to persons who may be employed in the Public Service as staff of the NSW Food Authority.
- To omit 'Director-General of the Department of Environment and Climate Change' and replace with 'Chief Executive of the Office of Environment and Heritage'.
- To omit 'Director-General of the Department of Health' and replace with 'Secretary of the Ministry of Health'.

Amended provisions

- Sections 4, 108, 110, 136A – amended.
- Section 109A – reinserted.

Amending legislation

- *Statute Law (Miscellaneous Provisions) Act (No 2) 2015* (Act 58 of 2015) – with effect from 15 January 2016.

Food Standards Australia New Zealand Act 1991 (Cth)

Purpose of amendments

- To replace the definition of 'appropriate government agency' and repeal a number of others.
- To insert new provision regarding the Australia and New Zealand Ministerial Forum on Food Regulation and subsequent amendments, primarily to omit 'Council' and substitute with 'Forum on Food Regulation'.

Amended provisions

- Sections 4, 15, 18, 19, 21, 24, 33, 34, 35, 41, 50, 53, 54, 56, 59, 63, 64, 65, 69, 76, 79, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 97, 101, 102, 103, 104, 106, 109, 110, 112, 113, 116, 118, 128, 145, 152 – amended; and
- Section 11A – inserted.

Amending legislation

Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Act 2016 (Act 7 of 2016) – with effect from 11 February 2016.