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No. S 608

SALE OF FOOD ACT 1973

FOOD (AMENDMENT NO. 3) REGULATIONS 2023

In exercise of the powers conferred by section 56(1) of the Sale of Food Act 1973, the Minister for Sustainability and the Environment makes the following Regulations:

Citation and commencement

1. These Regulations are the Food (Amendment No. 3) Regulations 2023 and come into operation on 4 March 2024.

Amendment of regulation 35

2. In the Food Regulations (Rg 1), in regulation 35 —

(a) after paragraph (1), insert —

“(1A) A person must not import, sell, manufacture or produce for sale, any article of non-ready-to-eat food unless —

(a) that article complies with each relevant microbiological standard specified in the Eleventh Schedule; or

(b) there is no relevant microbiological standard for that article specified in that Schedule.”; and

(b) replace paragraph (2) with —

“(2) In these Regulations —

“non-ready-to-eat food” means any food that is not ready-to-eat food;

“ready-to-eat food” —

- (a) means any article of food that is made available for sale for direct human consumption without the need for cooking or any other form of processing to eliminate, or reduce to a microbiological standard specified in the Eleventh Schedule, any pathogenic or other micro-organism of concern in the article of food; and
- (b) includes cup noodles, fruit juice cordial, squash or syrup, powdered beverages and other concentrated food which are meant to be reconstituted or diluted with fluids before consumption.”.

Amendment of Eleventh Schedule

3. In the Food Regulations, in the Eleventh Schedule —

- (a) before the heading “MICROBIOLOGICAL STANDARDS FOR READY-TO-EAT FOOD”, insert —

“MICROBIOLOGICAL STANDARDS FOR FOOD”; and

- (b) after Part 2, insert —

“MICROBIOLOGICAL STANDARDS FOR
NON-READY-TO-EAT FOOD

PART 3

NON-READY-TO-EAT FOOD

1. In this Part —

“non-intact”, for a beef product, means a beef product that has been subject to a process (for example, injection with a solution, mechanical tenderisation or comminution) that allows pathogens to penetrate below the beef product’s exterior surface into the beef product’s interior;

“small consignment” means —

- (a) for a consignment of shell eggs, a consignment that does not exceed 10,000 shell eggs; and
- (b) for a consignment of any other article of food, a consignment that does not exceed 100 kg or 50 units of the article of food.

2. An article of food complies with a microbiological standard for a pathogen if, for the number of samples specified in the table for that article —

- (a) the amount of pathogen in each sample does not exceed the *m* limit; or
- (b) sub-paragraph (a) is not satisfied but —
 - (i) the number of samples where the amount of pathogen exceeds the *m* limit does not exceed the *c* number; and
 - (ii) the amount of pathogen in each sample does not exceed the *M* limit.

Table 1 — Beef Products (non-intact)

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
<i>Pathogen</i>	<i>Number of samples</i>	<i>c number</i>	<i>m limit</i>	<i>M limit</i>
1. <i>Escherichia coli</i> O157:H7	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
2. Non-O157 Shiga-toxin producing <i>Escherichia coli</i> (O26, O45, O103, O111, O121, O145)	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g

Table 2 — Blood-cockles and Oysters

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
<i>Pathogen</i>	<i>Number of samples</i>	<i>c number</i>	<i>m limit</i>	<i>M limit</i>
1. <i>Salmonella</i> spp.	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
2. <i>Shigella</i> spp.	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
3. <i>Vibrio cholerae</i>	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
4. <i>Vibrio parahaemolyticus</i>	5 (except for a small consignment, one)	2 (except for a small consignment, 0)	100 colony forming units in one g	1000 colony forming units in one g
5. <i>Vibrio vulnificus</i>	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g

Table 3 — Meat and Meat Products

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
<i>Pathogen</i>	<i>Number of samples</i>	<i>c number</i>	<i>m limit</i>	<i>M limit</i>
1. <i>Salmonella</i> Enteritidis	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
2. <i>Salmonella</i> spp. (except for <i>Salmonella</i> Enteritidis, <i>Salmonella</i> Typhi, <i>Salmonella</i> Paratyphi A and <i>Salmonella</i> Paratyphi B)	5 (except for a small consignment, one)	1 (except for a small consignment, 0)	Not detected in 25 g	Not detected in 25 g

3. <i>Salmonella</i> Typhi	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
4. <i>Salmonella</i> Paratyphi A	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
5. <i>Salmonella</i> Paratyphi B	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g

Table 4 — Pasteurised Poultry Shell Eggs and other Pasteurised Egg Products

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
<i>Pathogen</i>	<i>Number of samples</i>	<i>c number</i>	<i>m limit</i>	<i>M limit</i>
1. <i>Listeria monocytogenes</i> (for any pasteurised liquid egg product)	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g
2. <i>Salmonella</i> spp.	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g

Table 5 — Raw Poultry Shell Eggs and other Raw Egg Products

<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
<i>Pathogen</i>	<i>Number of samples</i>	<i>c number</i>	<i>m limit</i>	<i>M limit</i>
1. <i>Salmonella</i> Enteritidis	5 (except for a small consignment, one)	0	Not detected in 25 g	Not detected in 25 g

Miscellaneous amendment

4. In the Food Regulations, in regulations 106(1) and 123(1), replace “innoculating” with “inoculating”.

*[G.N. Nos. S 515/2006; S 195/2011; S 175/2012;
S 444/2012; S 493/2013; S 816/2014; S 49/2016;
S 152/2017; S 302/2017; S 146/2018; S 59/2019;
S 580/2019; S 237/2020; S 424/2020; S 704/2020;
S 813/2020; S 695/2021; S 993/2021; S 606/2022;
S 760/2022; S 203/2023; S 451/2023]*

Made on 1 September 2023.

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(To be presented to Parliament under section 56(8) of the Sale of Food Act 1973).