

Impact Analysis Statement

Summary Impact Analysis Statement

Details

Lead department	Queensland Health
Name of the proposal	Food Regulation 2026
Submission type	Summary Impact Analysis Statement
Title of related legislative or regulatory instrument	<i>Food Act 2006</i>
Date of issue	August 2026

What is the nature, size and scope of the problem? What are the objectives of government action?

Nature of the problem

The Food Regulation 2026 (Regulation) is intended to replace the expiring *Food Regulation 2016* (2016 Regulation). The Regulation will support the *Food Act 2006* (Act).

The *Statutory Instruments Act 1992* requires that a regulation automatically expires on 1 September first occurring after the tenth anniversary of the day of its making. This means the 2016 Regulation will expire on 1 September 2026. To ensure the continued effective operation of the Act, the 2016 Regulation must be replaced before that date.

Size and scope of the problem

Foodborne illness is a serious health problem that is largely preventable. In July 2025, Food Standards Australia New Zealand (FSANZ) estimated the annual cost of foodborne illness in Australia, from sickness, health care and premature death, to be \$3 billion.

In November 2000, the Commonwealth and all States and Territories entered into the *Food Regulation Agreement*. Under the Agreement, jurisdictions committed to pursuing a nationally consistent approach to food regulation. This included adopting the national Model Food Provisions, which are comprised of 'core' (Annex A) and 'non-core' (Annex B) provisions. Over time, the Agreement has continued to be amended and updated.

The core provisions of the Food Regulation Agreement include the sale of unsafe food, handling of food in an unsafe manner and false descriptions of food. The core provisions also include compliance with the *Australia New Zealand Food Standards Code* (Food Standards Code). The Food Standards Code was developed by FSANZ and regulates food composition, contaminants, labelling, safe food production and hygiene standards for food businesses. As all food sold in Australia must comply with the Code, each jurisdiction must uniformly adopt the core provisions in their respective food legislation.

The non-core provisions of the Food Regulation Agreement include inspection and seizure powers, improvement notices, food safety auditors and the registration or licensing of food businesses. Given the differing administrative and enforcement arrangements between jurisdictions, States and Territories have more discretion as to how the non-core provisions are implemented.

In Queensland, the Act is the primary food safety legislation. The main objects of the Act include:

- ensuring that food for sale is safe and suitable for human consumption;
- preventing misleading conduct relating to the sale of food; and
- applying the Food Standards Code in Queensland.

The Act contains numerous requirements, exemptions and definitions. As aspects of these provisions relate to national standards or technical matters, which may be subject to regular updating or involve listing granular information, the 2016 Regulation supports the Act by prescribing:

- exemptions from the requirement to have a food business licence;
- requirements for display of food business licence details at mobile premises;
- food businesses that are required to have an accredited food safety program;
- food businesses that are exempt from the requirement to have an accredited food safety program;
- requirements for the display of nutritional information for food;
- food businesses that are required to display nutritional information;
- prescribed contaminants in food;
- a definition of prescribed food; and
- fees for food safety auditors.

Queensland Health and local governments share responsibility for enforcing the Act. However, local governments are solely responsible for licensing food businesses and conducting food business inspections.

Objectives of government action

The 2016 Regulation must be replaced before the expiry date. Given the significant community impacts of not adequately identifying, controlling and responding to food safety risks, it is critical for the matters in the regulation to be retained and legally effective to support the operation of the Act.

The Regulation does not substantially change the 2016 Regulation. Minor and technical changes have been made to remove uncertainty, update references and reflect modern drafting practice.

What options were considered?

Option 1 – remake the 2016 Regulation (preferred)

Remaking the 2016 Regulation will ensure that the matters prescribed by the Act are effective, operationalised and remain responsive to evolving food safety requirements. For example, listing the prescribed contaminants by regulation allows them to be updated in response to revised national standards, local foodborne illness outbreaks and improvements in testing capability. The remake will also update the provisions in accordance with contemporary food safety requirements and modern drafting practice. However, no significant changes to the 2016 Regulation are proposed.

Option 2 – allow the 2016 Regulation to expire without remaking it

If the 2016 Regulation is allowed to expire without being remade, the main purposes of the Act will not be achieved and the Act will be largely inoperable. Also, the Act will incorrectly state that various matters, such as fees, are prescribed by regulation.

What are the impacts?

Need for continued regulation

Unless otherwise stated, the following sections of the Regulation do not directly relate to core or non-core provisions of the Food Regulation Agreement.

Definitions

Section 2 of the Regulation provides that particular words used in the Regulation are defined in schedule 4.

This includes the word 'supermarket', which is used in section 12 in relation to how nutritional information is displayed. Schedule 4 defines the word to mean premises in which a specified amount of the floor area is used for the retail sale of food items. The definition lists examples of food items that may be sold at a supermarket. This definition is generally consistent with corresponding provisions in New South Wales (NSW), Victoria and South Australia (SA). In the Australian Capital Territory (ACT), there is no size restriction for supermarkets or convenience stores, and Tasmania, Western Australia (WA) and the Northern Territory (NT) do not have mandatory requirements for menu labelling.

All the other words defined in schedule 4 relate to section 6. For convenience, schedule 4 refers to the detailed definitions in section 5 for these terms.

Sale of other food and snack food

Under the Act, most food businesses in Queensland must be licensed. However, section 48(2)(b) of the Act provides an exemption for food businesses that sell unpackaged snack food and section 48(2)(k) of the Act provides an exemption for the sale of a food prescribed under a regulation.

Section 3(3) and schedule 1, part 2 list foods that are 'snack foods'. These foods are additional to the snack foods prescribed in section 48(3) of the Act. As such, section 3(3) is relevant to determining whether the licensing exemption for selling unpackaged snack food applies to a food business.

Section 3(1)(a) and schedule 1, part 1 list foods that are 'foods other than snack foods'. This is relevant to determining whether the licensing exemption for selling food prescribed by regulation applies to a food business.

Queensland is the only jurisdiction that does not have a mandatory risk-based priority classification framework for licensing food businesses. However, these sections are consistent with the priority classification frameworks in other jurisdictions. In that respect, the sections relate to the non-core provisions in section 66 of Annex B of the Model Food Provisions about priority classification systems and frequency of auditing.

Further to section 3(1)(a), section 3(2) excludes any 'other food' if it is in a form that makes it a potentially hazardous food. The Act defines 'potentially hazardous food'. Section 3(2) is consistent with the definition of 'potentially hazardous food' in Standard 3.2.2 of the Food Standards Code (Food safety practices and general requirements).

Section 3(1)(b) prescribes certain meals sold by a non-profit surf lifesaving club. This is relevant to determining whether the licensing exemption for selling food prescribed by regulation applies to a food business. As this exemption is consistent with Standard 3.2.2A of the Food Standards Code (Food safety management tools), section 3(1)(b) enhances national consistency. Standard 3.2.2A, which requires food businesses to implement food safety management tools, does not apply to food handling activities for, or at, a fundraising event, being a one-off event that raises funds solely for a community or charitable cause.

Display of licence details on mobile premises

Section 4 prescribes the licence details that must be displayed where the food business is operated from mobile premises. This section is consistent with corresponding provisions in NSW, Tasmania, WA, NT and the ACT. In Victoria, the licensing certificate must be available on-site for inspection. In SA, registration is required, but a registration certificate may not be issued. Retaining this requirement ensures that consumers know who is operating the business. This may also be important if a local government wants to check if there has been an improvement notice issued against the business or some other compliance action taken.

Food businesses for which an accredited food safety program is required

A food safety program is a documented program that identifies food safety hazards and how they should be monitored and controlled. Where a business is required to have their food safety program accredited, they engage an independent auditor to review the program. The local government will not licence the food business without advice from an auditor that the food safety program complies with the Act.

The Act provides that a food business must have an accredited food safety program if it handles potentially hazardous food or other food that is reasonably likely to pose a risk to public health or safety, and the food business is prescribed by regulation. Sections 6(a) to (d) of the Regulation prescribe the food businesses that must have an accredited food safety program.

The Act applies the Food Standards Code in Queensland, except for Standard 3.2.1 (Food safety programs) and Standard 3.3.1 (Food safety programs for food service to vulnerable persons). This is because the Act does not bind the Crown, and these Standards relate to facilities that are often run by the State, such as hospitals, aged-care facilities, palliative care facilities and childcare centres. However, to ensure that State-run facilities that service a vulnerable cohort are still subject to the food safety requirements in Standards 3.2.1 and 3.3.1, these requirements have been incorporated into sections 6(a) to (d) of the Regulation. As such, retaining these sections does not impose obligations greater than if the Code applied without exception in Queensland.

Section 6(a) prescribes the first type of food business that must have an accredited food safety program. This is a relevant facility that processes potentially hazardous food for at least six persons in the facility's care at a time. To support section 6(a), section 5 defines the term 'relevant facility' to include various types of facilities. This includes childcare centres that provide care for children aged four and under, but not including a family day care service, and kindergartens or preschool education programs that provide care for children aged four and under, but not including a service conducted by a school. It also includes a 'residential care home', as defined under the *Aged Care Act 2024* (Cwlth). The term 'residential care home' replaces the term 'aged-care facility' used in the 2016 Regulation. The definitions of both terms are also different. These are consequential changes arising from the *Aged Care Act 1997* (Cwlth) being repealed and replaced with the *Aged Care Act 2024* (Cwlth). Despite the differences in name and definition, the two terms are intended to mean the same. Sections 6(a) and 5 are consistent with Standards 3.2.1 and 3.3.1 of the Food Standards Code.

Section 6(b) prescribes the second type of food business that must have an accredited food safety program. This is a relevant facility that serves potentially hazardous food to at least six persons in the facility's care at a time. This section is consistent with Standards 3.2.1 and 3.3.1 of the Food Standards Code.

Section 6(c) prescribes the third type of food business that must have an accredited food safety program. This is a ready-for-consumption food business that processes ready-for-consumption food, where the food includes potentially hazardous food and is to be served to at least six persons at a time. To support section 6(c), section 5 defines the terms 'ready-for-consumption food' and 'ready-for-consumption food business'. These sections are consistent with Standard 3.3.1 of the Food Standards Code.

Section 6(d) prescribes the fourth type of food business that must have an accredited food safety program. This is a food business whose principal activity is processing ready-for-consumption food for delivery by a 'delivered meals organisation', where the food includes potentially hazardous food and is processed at one time for delivery to at least six persons. To support section 6(d), section 5 defines the term 'delivered meals organisation'. These sections are consistent with Standard 3.3.1 of the Food Standards Code.

Exemption from requirement for accredited food safety program

Section 7 prescribes the scope of certain on-site catering. This is relevant to determining whether a food business that undertakes on-site catering is exempt from having an accredited food safety program. The exemption means that a food business is not required to engage an independent auditor to review their food safety program before local government will grant a licence.

Under the Act, caterers must have an accredited food safety program. As Queensland is the only jurisdiction to have that requirement, this exemption provision in the Regulation is also unique to Queensland. However, in other jurisdictions, caterers must instead comply with Standard 3.2.2A of the Food Standards Code. That Standard requires a food business to substantiate their safe food handling practices, which is the equivalent of an accredited food safety program, but without the added requirement for auditing. As the substantive requirement is in the Act, this inconsistency between jurisdictions is beyond the scope of the remake of the Regulation.

Nutritional information for food

Queensland, NSW, Victoria, SA and the ACT have mandatory menu labelling requirements. In general, these requirements are consistent across each jurisdiction. The requirements are also consistent with the nationally agreed 'Policy guideline on menu labelling'. Tasmania, WA and NT do not have mandatory menu labelling requirements. Going forward, it is expected that nutritional labelling requirements will eventually be mandated under the Food Standards Code.

Section 164E of the Act requires nutritional information to be displayed for standard food items. This requirement only applies to a standard food outlet of a prescribed licensable food business. To understand this requirement, the Regulation prescribes the detailed matters that support and explain the various terms used in the Act, including 'standard food outlet', 'standard food item' and 'prescribed licensable food business'.

Section 8 prescribes when a ready-to-eat food is 'prepackaged'. This is relevant to determining whether a food business must display nutritional information for the food. This section is consistent with the corresponding provisions in NSW, Victoria, SA and the ACT.

Section 9 of the Regulation prescribes the 'average energy intake statement' for inclusion in the nutritional information that must be displayed for a standard food item. This section is consistent with the corresponding provisions in NSW, Victoria, SA and the ACT.

Section 10(1) prescribes the types of food businesses that are a 'prescribed licensable food business'. This is relevant to determining whether a food business must display nutritional information for a standard food item. This section is consistent with the corresponding provisions in NSW, Victoria and SA. This section is also generally consistent with the corresponding provision in the ACT. In the ACT, the number of places a standard food item must be sold is seven, compared to the twenty prescribed in Queensland, NSW, Victoria and SA.

Section 10(2) lists the types of food businesses that are not a 'prescribed licensable food business'. This is relevant to determining whether a food business must display nutritional information for a standard food item. This section is generally consistent with the corresponding provisions in NSW, Victoria, SA and the ACT, with one difference between these jurisdictions being that convenience stores are expressly exempted in Queensland and SA.

Section 10(3) exempts certain types of food businesses from being a 'prescribed licensable food business'. This is relevant to determining whether a food business must display nutritional information for a standard food item. This section is consistent with the corresponding provisions in NSW, Victoria and SA. Unlike Queensland and these jurisdictions, the ACT does not provide for trial periods for standard food items.

Section 11 of the Regulation prescribes the way of working out the nutritional information that must be displayed for a standard food item. This also applies to the voluntary display of nutritional information. This section is consistent with the corresponding provisions in NSW, Victoria and SA. Unlike Queensland and these jurisdictions, the ACT does not provide for acceptable variances to the displayed kilojoule content for standard food items.

Section 12 of the Regulation prescribes the way that nutritional information for a standard food item must be displayed. This also applies to the voluntary display of nutritional information. This section is generally consistent with the corresponding provisions in NSW, Victoria, SA and the ACT. Unlike those jurisdictions,

Queensland also prescribes other requirements, such as the colour of the information and when and for what period the information must be displayed.

Section 13 of the Regulation prescribes the places that nutritional information for a standard food item must be displayed. This also applies to the voluntary display of nutritional information. This section is consistent with the corresponding provisions in NSW, Victoria, SA and the ACT.

Prescribed contaminants

Section 33 of the Act makes it an offence for a person to sell food that the person knows, or reasonably ought to know, is unsafe. One way that food businesses may ensure that food is safe is to arrange for regular testing of food samples for prescribed contaminants. Section 270(2) of the Act provides that where a prescribed food is tested and a prescribed contaminant is isolated in the food, the chief executive of Queensland Health must be notified.

Section 15 prescribes the food that is 'prescribed food'. This is relevant to determining when isolating a prescribed contaminant in prescribed food will trigger the requirement to notify the chief executive. This section relates to core provisions in section 3 of Annex A of the Model Food Provisions. The section is generally consistent with corresponding provisions in other jurisdictions in relation to food that is subject to mandatory notification requirements. Unlike other jurisdictions, Queensland also specifies that prescribed food includes a sample of food and raw meat and raw fish that are intended as ready-to-eat food.

This wider definition of 'prescribed food' in the Regulation reflects an amendment to the 2016 Regulation that commenced in January 2026. The amendment ensured that all at-risk foods for sale are subject to the same notification requirements as other foods when a prescribed contaminant has been isolated. Although the definition was expanded to include raw meat and raw fish that are intended as ready-to-eat food, it continued the existing exemption for raw meat and raw fish that are intended to be cooked, preserved or otherwise treated before consumption. The definition also clarified that 'prescribed food' includes retention samples of food that have or will be sold.

Section 14 prescribes the contaminants that must be notified when they are isolated in a prescribed food. In an amendment to the 2016 Regulation that commenced in January 2026, the list of prescribed contaminants was expanded and the Regulation reflects this amendment. The previous list had not been substantially expanded since it was first introduced in 1994. The amendment included many of the types of microbiological contaminants prescribed in the Food Standards Code, the *Compendium of Microbiological Criteria for Food* (the Compendium) and in similar lists in other Australian jurisdictions. Also, the previous list did not list any chemical contaminants (for example, lead) or natural toxicants (for example, histamine).

In developing the amendment, Queensland Health's Data Analytics Working Group reviewed prescribed contaminants nationally. Tasmania and SA are the most recent States to expand their prescribed contaminant notification requirements. Although it is expected that other jurisdictions will eventually adopt a similar approach, there remains considerable variance between jurisdictions in relation to notification requirements.

In part, this variance between jurisdictions reflects their local food industry profile and foodborne illness history. For example, in Tasmania and SA, the broad *Listeria* species is notifiable, whereas in Queensland, only the human pathogen *Listeria monocytogenes* is notifiable. This is because Queensland has a much larger food manufacturing industry than the other two States. If Queensland listed the broader species, this would potentially result in a significant volume of notifications of contaminants that do not cause risks to human health. Similarly, in Tasmania, the broad *Vibrio* spp. is notifiable, due to the large seawater aquaculture industry in that State. In Queensland, where that industry is much smaller, only the human pathogens, being *Vibrio cholera*, *Vibrio parahaemolyticus* and *Vibrio vulnificus*, are notifiable. In SA, only *Vibrio parahaemolyticus* is notifiable.

Section 14(2) and schedule 2, part 1 prescribe the contaminants that must be notified when they are isolated in a prescribed food at any level. These provisions are consistent with the approach taken in Tasmania and SA. Also, the list of prescribed contaminants is consistent with Standard 1.6.1 of the Food Standards Code (Microbiological limits in food) and schedule 27 of the Code.

Section 14(3) and schedule 2, part 2 prescribe the contaminants that must be notified when they are isolated in a prescribed food mentioned in the Compendium and assessed at a potentially hazardous level. These provisions are consistent with the approach taken in Tasmania and SA. Also, the list of prescribed contaminants is consistent with the Compendium.

Section 14(4) and schedule 2, part 3 prescribe the contaminants that must be notified when they are isolated in an infant formula product and assessed at more than the acceptable level. These provisions are consistent with the approach taken in Tasmania and SA. Also, the list of prescribed contaminants is consistent with the Compendium.

Section 14(5) prescribes the contaminants that must be notified when the contaminant is mentioned in schedule 19 of the Food Standards Code, the prescribed food is mentioned in that schedule and the contaminant is assessed at more than the maximum level. These provisions are consistent with the approach taken in Tasmania. Also, the list of prescribed contaminants is consistent with Standard 1.4.1 of the Food Standards Code (Contaminants and natural toxicants) and schedule 19 of the Code.

Section 14(6) prescribes the contaminants that must be notified when the contaminant is mentioned in schedule 27 of the Food Standards Code, the prescribed food is mentioned in that schedule and the contaminant is assessed at an unacceptable level. These provisions are consistent with the approach taken in Tasmania and SA. Also, the list of prescribed contaminants is consistent with Standard 1.6.1 of the Food Standards Code (Microbiological limits in food) and schedule 27 of the Code.

Fees for auditors

The Regulation does not increase the fees that were prescribed in the 2016 Regulation. As there has been no significant change to the auditor provisions in the Act since these levels of fees were approved for inclusion in the 2016 Regulation, the fees are still considered appropriate and reasonable.

Schedule 3 prescribes fees for approval as a food safety auditor (285 fee units, for each year of the approval) and an application for approval (132 fee units). This means that the combined fee for an initial application and 12-month approval as an auditor is \$472.47 (using the 2026/27 fee unit amount of \$1.133). The fees charged in other jurisdictions for an equivalent annual approval are \$180 in NT, \$197 in SA, \$221.56 in Tasmania, \$300 in WA, \$480 in Victoria, \$513 in the ACT and \$880 in NSW.

Schedule 3 prescribes a fee for an application for renewal of an approval (285 fee units, for each year of the approval). This means that a 12-month renewal fee is \$322.91 (using the 2026/27 fee unit amount of \$1.133). In other jurisdictions, the corresponding fee is for an annual approval, as noted above, other than NT, which has a specific annual renewal fee of \$145.

Schedule 3 prescribes a fee for an application for amending the conditions of an approval (29.50 fee units). This means that the fee is \$33.42 (using the 2026/27 fee unit amount of \$1.133). Other jurisdictions do not prescribe a corresponding fee, other than NT, which charges a fee ranging from \$22 to \$90 for varying a condition.

Schedule 3 prescribes a fee for an application for replacing an approval (29.50 fee units). This means that the fee is \$33.42 (using the 2026/27 fee unit amount of \$1.133). Other jurisdictions do not prescribe a corresponding fee.

In line with the Queensland Government's fee unit model, all fees are prescribed in fee units. Part 7 of the Regulation makes a consequential amendment to the *Acts Interpretation (Fee Unit) Regulation 2022*, to update the reference to the regulation.

Effectiveness and efficiency

By prescribing these operational matters by regulation, rather than under the Act, they may be easily updated as needed to reflect changes to contemporary food safety requirements. In addition to efficiency, continuing to prescribe these matters in the Regulation is an effective means of ensuring food businesses

and consumers are aware of legislated food safety requirements. These requirements include the nutritional information that must be displayed for food, the prescribed contaminants that must be notified when isolated in a prescribed food, and the fees payable by food safety auditors and persons applying to be an auditor.

Competition impacts

The Regulation does not substantially change the 2016 Regulation. Also, as the Regulation does not significantly differ from the law in other Australian jurisdictions, it does not impose barriers on the interstate trade of food or the operation of food businesses across borders. As such, the remake is not expected to give rise to competition impacts.

The Regulation prescribes food businesses that must have an accredited food safety program. Although the associated cost of engaging an auditor is borne by the food business, the Regulation exempts smaller food businesses that service less than six persons. This exemption is designed to maintain the viability of smaller food businesses that provide an essential food service to vulnerable persons.

The Regulation lists the prescribed contaminants that must be notified to the chief executive if isolated in a prescribed food. The Regulation carries across the January 2026 amendments that expanded the list of prescribed contaminants. However, expanding the list did not require food laboratories to conduct additional testing or different tests, the cost of which is borne by the food business requesting that a food be tested. Also, foods only need to be tested for the contaminants that may be relevant for that specific food.

The Regulation prescribes fees for approval of a food safety auditor and renewal of an approval. Other jurisdictions also charge a similar fee for annual approval of an auditor. Although these fees vary considerably across jurisdictions, the fees in the Regulation are comparable.

Also, auditors charge food businesses for auditing their food safety program. Although the amount an auditor may charge a food business will vary, it may range from approximately \$900 to \$2,500, depending on the size and complexity of the food business. Where the auditor is required to travel to conduct the audit, the related expenses may also be charged. As such, even at the lower range of these charges, auditors in Queensland would easily recoup the annual cost of being approved under the Regulation.

Adverse impacts

Using 'no regulation' as the 'base case' for assessment of impacts, there would be significant adverse impacts if the Regulation was not made. The Regulation supports the Act by prescribing the matters that may be subject to regular updating, including the constantly evolving national standards, and matters involving granular information. If these matters were instead prescribed in the Act, the Act would need to be regularly amended to remain contemporary and workable. Given the time needed to amend primary legislation, such a single legislative instrument framework would not have the flexibility to keep pace with critical changes in food safety requirements.

The Regulation does not substantially change the 2016 Regulation. As such, the remake itself does not give rise to any adverse impacts. Also, in January 2026, the 2016 Regulation was amended to expand the definition of 'prescribed food' and expand the list of prescribed contaminants. These amendments have been carried across to the Regulation. Queensland Health is not aware of any significant impacts arising from these recent amendments.

Implementation

The Regulation does not substantially change the 2016 Regulation. Some minor and technical changes have been made to remove uncertainty, update references and reflect modern drafting practice. As such, the impacts of implementation are anticipated to be minor. At most, Queensland Health communication materials and web pages may need updating to reflect the changed wording in the Regulation.

Who was consulted?

In March 2026, Queensland Health released a consultation paper that summarised the provisions of the Regulation. The consultation paper was published on the Queensland Health website for public comment. The consultation paper was also distributed to key stakeholders, being relevant government departments, Public Health Units in each Hospital and Health Service, and industry stakeholders. These industry stakeholders included local governments, professional associations, food laboratories and food and beverage industry associations. The 13 submissions to the consultation paper were generally supportive.

Some feedback suggested changes that would impose higher costs on smaller food businesses. For example, it was suggested that smaller food businesses should not be exempted from the requirement to have an accredited food safety program. They submitted that vulnerable persons in a facility that only provides a food service to less than six persons should not receive a lower level of protection under the Regulation. However, as these smaller facilities would be a category one food business under Standard 3.2.2A of the Food Standards Code, they would be required to comply with the food safety requirements prescribed in that Standard. As Queensland Health considers that these requirements would adequately protect the vulnerable persons in these facilities, amending the Regulation to increase the cost and administrative burden for the related food businesses is not warranted.

Other feedback suggested changes to the Regulation that could not be achieved without first amending the Act. For example, it was submitted that the Regulation should prescribe new or additional food safety requirements for family day care providers, informal human milk sharing and certain NDIS-funded accommodation models. However, as the definition of 'sale' in the Act excludes food prepared at a private residence and supplied at the residence for a fee, these community-based activities raised in the submissions are not considered a 'food business' regulated under the Act and Regulation. It is beyond the scope of the remake of the Regulation to revisit the definition of 'sale' in the Act.

What is the recommended option and why?

Remaking the 2016 Regulation is the only viable option.

Given the significant community impacts of not adequately identifying, controlling and responding to food safety risks, it is critical for the matters in the 2016 Regulation to be retained and legally effective to support the operation of the Act. No deficiencies with the matters covered by the 2016 Regulation have been identified that may have resulted in adverse food safety outcomes for Queenslanders.

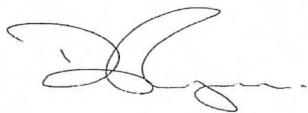
Also, any compliance costs arising from matters in the 2016 Regulation are considered appropriate and reasonable. As these costs do not adversely impact Queensland's food production and retail sales industries, the 2016 Regulation is unlikely to have competition impacts.

The 2016 Regulation has proven to be relevant, effective and efficient. As such, making the Regulation to remake the 2016 Regulation will provide the greatest net benefit to Queensland.

Impact assessment

	First full year	First 10 years**
Direct costs – <i>Compliance costs*</i>	Not estimated (given the base case for this assessment would be to allow the 2016 Regulation to expire)	\$0
Direct costs – <i>Government costs</i>	\$0	\$0

Signed



Dr David Rosengren

Director-General Queensland Health

Date: 13/07/2026



The Honourable Timothy Nicholls

Minister for Health and Ambulance Services

Date: 4/8/2026