

South Australia

Primary Produce (Food Safety Schemes) (Egg) Regulations 2012

under the *Primary Produce (Food Safety Schemes) Act 2004*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Produce (Food Safety Schemes) (Egg) Regulations 2012*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 March 2012.
- (2) Part 2 will come into operation on the day on which Standard 4.2.5 of the *Food Standards Code* commences.

Note—

The Standard is proposed to commence on 26 November 2012.

3—Interpretation

In these regulations—

Act means the *Primary Produce (Food Safety Schemes) Act 2004*;

bird means an animal of the avian species, other than a ratite;

egg means an egg produced by a bird;

egg production business means a business constituted of or involving the collection of eggs from egg-laying birds and the production of primary produce comprised of eggs;

Food Standards Code has the same meaning as in the *Food Act 2001*;

small egg production business means an egg production business that does not involve either—

- (a) more than 50 egg-laying birds; or
- (b) the sale of eggs in any of the following circumstances:
 - (i) the sale of eggs to a food business within the meaning of the *Food Act 2001*;
 - (ii) the sale of eggs to an egg production business;
 - (iii) the sale of eggs at a market;
 - (iv) the sale of eggs by wholesale;

Standard 4.2.5 means Standard 4.2.5 of the *Food Standards Code* and includes other documents called up by that Standard.

4—Egg food safety scheme

These regulations establish the egg food safety scheme for an egg production business.

Part 2—Compliance with *Food Standards Code*

5—Compliance with Standard 4.2.5 of *Food Standards Code*

A producer engaged in an egg production business must comply with any requirement imposed on the producer by Standard 4.2.5 of the *Food Standards Code* in relation to eggs intended for sale.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Part 3—Accreditation and food safety arrangements

6—Minister is accreditation body

The Minister is the accreditation body for the egg food safety scheme.

7—Obligation to be accredited

For the purposes of section 12 of the Act, a producer of primary produce must not engage in an egg production business other than a small egg production business without an accreditation.

8—Requirements for accreditation

For the purposes of section 15(1)(c) of the Act, an applicant for accreditation must satisfy the Minister that the applicant has the capacity, or has made or proposes to make appropriate arrangements, to satisfy the requirements of the Act and these regulations applicable to the activities to be accredited.

9—Obligation to have approved food safety arrangement

An accredited producer must have a food safety arrangement approved by the Minister.

10—Annual fees and returns

- (1) For the purposes of section 17 of the Act, for each year, an accredited producer must, not later than the prescribed date—
 - (a) pay to the Minister the annual fee fixed by Schedule 1; and
 - (b) lodge with the Minister a return that conforms to the requirements of the Minister about its form, contents and the manner in which it is made.
- (2) The *prescribed date* is the day and month specified by the Minister by notice in writing to the accredited producer.

11—Fee payable before grant of accreditation

- (1) Before a person is granted accreditation, the person must pay a fee of an amount calculated by multiplying—
 - (a) the annual fee that would have been payable by or on behalf of the person had the person been an accredited producer at the last date for payment of the annual fee; and
 - (b) the proportion that the number of whole months between the grant of accreditation and the next date for payment of the annual fee bears to 12 months.
- (2) The annual fee that would have been payable is to be calculated on the basis of the Minister's estimate of the maximum number of laying birds that would have been likely to have been involved in the egg production business had the person been an accredited producer at the last date for payment of the annual fee taking into account the proposed nature of the business.

12—Fees generally

- (1) Fees are payable as set out in Schedule 1.
- (2) The Minister may waive or reduce a fee payable under these regulations if the Minister considers that appropriate in the circumstances.

Schedule 1—Fees

1	Application for accreditation	\$425
2	Application for approval of a food safety arrangement other than in conjunction with an application for accreditation	\$425
3	Application for variation of an approved food safety arrangement	\$425

**Primary Produce (Food Safety Schemes) (Egg) Regulations 2012—27.1.2012 to 29.2.2012—
uncommenced**
Schedule 1—Fees

4	Annual fee payable by an accredited producer for an egg production business that involved at any time during the preceding annual return period—	
	(a) less than 1 000 laying birds	\$175
	(b) 1 000 to 9 999 laying birds	\$650
	(c) 10 000 to 49 999 laying birds	\$880
	(d) 50 000 or more laying birds	\$1 400
5	Penalty for default in payment of an annual fee or lodging of annual return	\$100

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2012	2	<i>Gazette 27.1.2012 p393</i>	1.3.2012 except Pt 2—uncommenced: r 2