

South Australia

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

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

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Primary Produce (Food Safety Schemes) (Egg) Regulations 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	\$505
2	Application for approval of a food safety arrangement other than in conjunction with an application for accreditation	\$505
3	Application for variation of an approved food safety arrangement	\$505
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	\$207
	(b) 1 000 to 9 999 laying birds	\$772
	(c) 10 000 to 49 999 laying birds	\$1 046
	(d) 50 000 or more laying birds	\$1 664
5	Penalty for default in payment of an annual fee or lodging of annual return	\$120

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2012	2	<i>Gazette 27.1.2012 p393</i>	1.3.2012 except Pt 2—26.11.2012: r 2
2012	54	<i>Gazette 31.5.2012 p2240</i>	1.7.2012: r 2
2013	58	<i>Gazette 6.6.2013 p2123</i>	1.7.2013: r 2
2014	149	<i>Gazette 19.6.2014 p2688</i>	1.7.2014: r 2
2015	108	<i>Gazette 18.6.2015 p2679</i>	1.7.2015: r 2
2016	80	<i>Gazette 23.6.2016 p2206</i>	1.7.2016: r 2
2017	111	<i>Gazette 22.6.2017 p2284</i>	1.7.2017: r 2
<b>2018</b>	<b>101</b>	<b><i>Gazette 21.6.2018 p2254</i></b>	<b>1.7.2018: r 2</b>
<b>2019</b>	<b>126</b>	<b><i>Gazette 13.6.2019 p2008</i></b>	<b>1.7.2019: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2013</i>
Sch 1	substituted by 54/2012 r 4	1.7.2012
	substituted by 58/2013 r 4	1.7.2013
	substituted by 149/2014 r 4	1.7.2014
	substituted by 108/2015 r 4	1.7.2015
	substituted by 80/2016 r 4	1.7.2016
	substituted by 111/2017 r 4	1.7.2017
	<b>substituted by 101/2018 r 4</b>	<b>1.7.2018</b>

## Historical versions

1.7.2012  
26.11.2012  
1.7.2013  
1.7.2014  
1.7.2015  
1.7.2016  
1.7.2017