

South Australia

# South Australian Public Health (Notifiable Contaminants) Regulations 2020

under the *South Australian Public Health Act 2011*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *South Australian Public Health (Notifiable Contaminants) Regulations 2020*.

### 2—Commencement

These regulations come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

### 3—Interpretation

In these regulations, unless the contrary intention appears—

**Act** means the *South Australian Public Health Act 2011*;

**Compendium** means the *Compendium of Microbiological Criteria for Food*, as in force from time to time, being a document published by Food Standards Australia New Zealand;

**ready-to-eat food** has the same meaning as in the *Australia New Zealand Food Standards Code – Standard 3.2.2 – Food safety practices and general requirements (Australia only)*, as in force from time to time, being a standard under the *Food Standards Australia New Zealand Act 1991* of the Commonwealth;

**Schedule 27 of the Code** means the *Australia New Zealand Food Standards Code – Schedule 27 – Microbiological limits in food*, as in force from time to time, being a standard under the *Food Standards Australia New Zealand Act 1991* of the Commonwealth;

**Standard 1.6.1** means the *Australia New Zealand Food Standards Code – Standard 1.6.1 – Microbiological limits in food*, as in force from time to time, being a standard under the *Food Standards Australia New Zealand Act 1991* of the Commonwealth;

**unacceptable microbiological level**—the unacceptable microbiological level of a notifiable contaminant in food is the level determined in accordance with Standard 1.6.1;

**unsatisfactory or potentially hazardous level**—the unsatisfactory or potentially hazardous level of a notifiable contaminant in ready-to-eat food is the level determined in accordance with Table 1 of the Compendium.

#### 4—Contaminants

For the purposes of the definition of *contaminant* in section 3(1) of the Act, the following are prescribed:

- (a) a pathogen listed in regulation 5(1);
- (b) a toxin produced by a pathogen listed in regulation 5(1);
- (c) a microorganism referred to in regulation 6(1);
- (d) a microorganism listed in regulation 7(1).

#### 5—Declaration and notification of notifiable contaminants—pathogens

- (1) For the purposes of section 67(1) of the Act, the following pathogens are declared to be notifiable contaminants:

Campylobacter (any species)

Clostridium botulinum

Cryptosporidium (any species)

Cyclospora (any species)

Giardia

Hepatitis A

Hepatitis E

Listeria (any species)

Salmonella (any species)

Shiga toxin or vero toxin producing Escherichia coli

Shigella (any species)

Yersinia (any species).

- (2) For the purposes of section 67(1) of the Act, a toxin produced by a contaminant declared under subregulation (1) to be a notifiable contaminant is declared to be a notifiable contaminant.
- (3) For the purposes of section 68(1) of the Act, if a contaminant declared under subregulation (1) or (2) to be a notifiable contaminant is detected or isolated in food, the responsible person must report the detection or isolation.

- (4) Despite subregulation (3), a responsible person is not required to report the preliminary or presumptive detection or isolation of any such contaminant in food, except where the Chief Public Health Officer requires otherwise.

#### **6—Declaration and notification of notifiable contaminants—microorganisms (unacceptable microbiological level)**

- (1) For the purposes of section 67(1) of the Act, the microorganisms referred to in section S27—4 of Schedule 27 of the Code are declared to be notifiable contaminants.
- (2) For the purposes of section 68(1) of the Act, if a contaminant declared under subregulation (1) to be a notifiable contaminant is detected or isolated in food referred to in section S27—4 of Schedule 27 of the Code at a level greater than the unacceptable microbiological level, the responsible person must report the detection or isolation.
- (3) Testing of food for the purposes of subregulation (2) must be carried out in accordance with Standard 1.6.1.

#### **7—Declaration and notification of notifiable contaminants—microorganisms (unsatisfactory or potentially hazardous level)**

- (1) For the purposes of section 67(1) of the Act, the following microorganisms are declared to be notifiable contaminants:
  - Bacillus cereus
  - Clostridium perfringens
  - Staphylococcus aureus and other coagulase-positive staphylococci
  - Vibrio parahaemolyticus.
- (2) For the purposes of section 68(1) of the Act, if a contaminant declared under subregulation (1) to be a notifiable contaminant is detected or isolated in ready-to-eat food at a level that is equal to or greater than the unsatisfactory or potentially hazardous level, the responsible person must report the detection or isolation.

#### **8—Circumstances in which notification is required**

- (1) For the purposes of section 68(4) of the Act, circumstances in which the person is aware, or suspects, that a responsible person has not reported the detection or isolation of a notifiable contaminant to the Chief Public Health Officer are prescribed.
- (2) For the purposes of section 68(4)(a) of the Act, the following circumstances are prescribed:
  - (a) where a test has detected or isolated a contaminant declared under regulation 5(1) or (2) to be a notifiable contaminant in food;
  - (b) where a test has detected or isolated a contaminant declared under regulation 6(1) to be a notifiable contaminant in food referred to in section S27—4 of Schedule 27 of the Code at a level greater than the unacceptable microbiological level;

- (c) where a test has detected or isolated a contaminant declared under regulation 7(1) to be a notifiable contaminant in ready-to-eat food at a level that is equal to or greater than the unsatisfactory or potentially hazardous level.
- (3) Subregulation (2)(a) does not apply to the preliminary or presumptive detection or isolation of any such contaminant in food, except where the Chief Public Health Officer requires otherwise.
- (4) Testing of food for the purposes of subregulation (2)(b) must be carried out in accordance with Standard 1.6.1.

### **9—Prescribed body—standards or other documents prepared or published**

For the purposes of section 109(5)(a) of the Act, Food Standards Australia New Zealand is a prescribed body.

## 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](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2020	25	<i>Gazette 19.3.2020 p550</i>	19.7.2020: r 2