

South Australia

South Australian Public Health (Notifiable Contaminants) Regulations 2020

under the *South Australian Public Health Act 2011*

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Legislative history

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.

Principal regulations

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