

(Reprint No. 1)

SOUTH AUSTRALIA

**FOOD HYGIENE REGULATIONS, 1990**

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.*

*It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.*

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# REGULATIONS UNDER THE FOOD ACT, 1985

## FOOD HYGIENE REGULATIONS, 1990

being

No. 205 of 1990: *Gaz.* 18 October 1990, p. 1212<sup>1</sup>

as varied by

No. 240 of 1993: *Gaz.* 27 October 1993, p. 1945<sup>2</sup>

<sup>1</sup> Came into operation 18 October 1990: reg. 2

<sup>2</sup> Came into operation 29 November 1993: reg. 2.

**NOTE:**

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

**PART I  
PRELIMINARY**

**Citation**

1. These regulations may be cited as the *Food Hygiene Regulations, 1990*.

**Commencement**

2. These regulations will come into operation on 18 October, 1990.

**Interpretation**

3. In these regulations—

"**animal**" includes any arthropod:

"**the Code**" means the Code as defined in the *Food Regulations, 1986* (see *Gazette*, 23 January, 1986, p. 136) as varied:

"**disinfect**" means to clean using a disinfectant:

"**disinfectant**" means a disinfectant that complies with the prescribed T.G.A. Disinfectant Test Method set out in Part V of the *Drugs Regulations, 1978* (see *Gazette*, 21 December, 1978, p. 2319) as varied:

"**handle**" food for sale means handle food in the course of its manufacture, transportation, storage or display for sale, or for the purposes of its sale:

"**single service utensil**" means a utensil that cannot be cleaned for re-use:

"**soap**" includes detergent and any other similar synthetic cleaning agent:

"**water**" means potable water as defined in the Code.

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**PART II  
PROVISIONS APPLYING TO PERSONS WHO HANDLE FOOD FOR SALE**

**Personal cleanliness**

**4.** (1) A person who handles food for sale must—

- (a) thoroughly clean his or her hands by washing them with soap and water immediately—
  - (i) before commencing or resuming work;
  - (ii) after using a lavatory;
  - (iii) after smoking or eating or handling a handkerchief or nasal tissue;
  - (iv) after touching his or her hair, scalp or a bodily orifice;

and

- (b) whenever practicable while handling food for sale, keep clean his or her hands, fingernails and any other part of his or her body that comes, or is likely to come, into contact with the food.

(2) A person who handles food for sale (other than whole fresh fruit or vegetables) that is not wholly enclosed in a package must—

- (a) wear clean outer clothing at the start of each work day;

and

- (b) wear a clean hair covering if the person's hair is of such a length that it is likely to come into contact with food.

**Unnecessary contact with food or cutlery, utensils, etc.**

**5.** A person must not, in handling food for sale—

- (a) allow food to come into contact with bare hands unless—
  - (i) ordinarily the food is subsequently cooked;
  - (ii) the food is raw fruit or vegetables that are ordinarily cleaned, pared or cooked prior to consumption;

or

- (iii) the food is being prepared and it is not practicable to avoid contact with bare hands;
- (b) wipe his or her hands except on a clean towel;
- (c) hold cutlery or a utensil or appliance used for eating or drinking or for the preparation of food by other than the handle or other part of the surface of the cutlery, utensil or appliance that ordinarily does not come into contact with food;

(d) carry in the pocket of an article of clothing any cutlery, utensil or appliance used for eating or drinking;

or

(e) blow with his or her breath into or onto any bag, wrapper or other package or packing material used or intended to be used as a package for food for sale.

**Protection of food, utensils, etc., from contamination**

6. (1) A person, in handling food for sale—

(a) must take reasonable precautions to cause food to be protected from contamination, whether by persons, animals, dust, offensive fumes, foul odours or any other means;

(b) must cause trays and other receptacles used in connection with the delivery of food to be protected from all sources of contamination;

(c) must cause drinking straws, cutlery, utensils and appliances used for eating or drinking or for the preparation of food to be kept, prior to their use, in such manner as will effectively protect them from contamination;

(d) must not store or use or permit to be stored or used—

(i) at any premises used for the manufacture or storage of food for sale or for the sale of food;

or

(ii) in any vehicle used for the transportation of food for sale,

a preparation comprising or containing a poison or other objectionable, injurious or deleterious substance, in such a manner as to expose food for sale to the risk of contamination.

(2) Nothing in subregulation (1)(a) is to be taken to prohibit a person who delivers to a residence food not intended for resale from leaving the food near or at a doorway or other place at that residence.

**Use of cloths and towels**

7. A person must not, in handling food for sale—

(a) wipe or polish fruit or other food for sale except with clean material provided solely for that purpose;

or

(b) wipe or dry any equipment, utensil or appliance used in connection with the handling of food for sale except with clean material provided solely for that purpose.

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**Prevention of cross contamination**

8. A person must not, in handling food for sale, allow—

(a) food that is ordinarily consumed in the state in which it is sold to come into contact with, or to be at risk of coming into contact with—

(i) raw food;

(ii) the drip from raw food;

or

(iii) any equipment, utensil or appliance that has been in contact with raw food or the drip from raw food and has not subsequently been cleaned and disinfected;

or

(b) food (other than fruit or vegetables that have an inedible skin or are ordinarily cleaned, pared or cooked prior to consumption) to come into contact with an unclean surface.

**Unclean labels, notices, etc.**

9. A person must not, in handling food for sale—

(a) attach by means of an adhesive substance, a label, notice or other thing to the surface of a portion of food ordinarily consumed;

or

(b) apply a label to food by piercing the food with any object.

**Use and storage of food wrapping and packing materials**

10. A person must not, in handling food for sale—

(a) use or suffer or permit to be used, for packing or wrapping food, any package or wrapping material—

(i) that is not clean, free from cracks or chips or any matter that is likely to contaminate food;

(ii) that has not been stored, until its use, in such manner as effectively protects the package or wrapping material from animals, dust or contamination from any other source;

or

(iii) on which there is any writing or printing so placed as to come or be likely to come into contact with food;

or

- (b) use or suffer or permit to be used for closing or sealing a package containing food, a seal or closure that has previously been used.

**Sale of certain food unwrapped or unpacked**

**11.** (1) A person who handles food for sale must not sell by retail food that is ordinarily consumed in the state in which it is sold unless the food is to be delivered to the purchaser completely wrapped or packed.

(2) Subregulation (1) does not apply in relation to the sale of—

- (a) bread to be delivered to a residence in a clean basket covered with clean material;
- (b) ice cream or ice confection in an edible cone for immediate consumption;
- (c) fruit or vegetables that have an inedible skin or are ordinarily cleaned, pared or cooked prior to consumption;
- (d) any food for immediate consumption on the premises or in the vehicle where the food is sold;

or

- (e) any food selected and packaged by the purchaser sold in compliance with the South Australian Health Commission Code of Hygienic Practice for the Sale of Unpackaged Food by Self Service (Selection and Packaging by the Purchaser) as in force from time to time.

**Use of certain packages, appliances and utensils for food contact use**

**12.** (1) A person must not, in handling food for sale—

- (a) use any package, appliance or utensil that yields to food coming into contact with it any poisonous, injurious or foreign substance or matter that may contaminate food;
- (b) cause food to be in contact with a surface (other than a surface of glazed ceramic ware that complies with BS 6748-1986) that consists of or contains antimony, arsenic, cadmium, lead or mercury;
- (c) use any package, appliance or utensil made of tin plate that—

- (i) is soldered internally;

or

- (ii) is lacquered, or a seam or component part of which is lacquered, unless the lacquer completely covers the inner surface of the package, appliance or utensil or seam or component part;

or

- (d) use any utensil made of glazed ceramic ware that has a surface that does not comply with BS 6748-1986.

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(2) For the purposes of subregulation (1), "**BS 6748-1986**" means British Standard 6748-1986 "Specification for Limits of Metal Release from Ceramic Ware, Glass Ware, Glass Ceramic Ware and Vitreous Enamel Ware".

**Use of faulty or dirty tableware**

**13.** A person, in handling food for sale—

- (a) must not use, have in his or her possession for use or put on a table or counter or before a person, cutlery, crockery, glasses or other tableware that is cracked, chipped, broken or otherwise unsound;
- (b) must not put or suffer to be put on a table or before a person a table napkin, serviette, vessel, cutlery, crockery, glasses or other tableware—
  - (i) that, in the case of a single service utensil, has already been used;or
  - (ii) that, in the case of a re-useable utensil, has been used since it was last cleaned;
- (c) must destroy or dispose of, or cause to be destroyed or disposed of, a single service utensil immediately after one use.

**Re-service of certain food**

**14.** (1) A person must not, in handling food for sale, serve or suffer or permit to be served to a person food that has been served to another person.

(2) Subregulation (1) does not apply in relation to the service of—

- (a) sugar and other sweeteners or salt or condiments contained in a protective receptacle when served;
- or
- (b) food that was completely wrapped or packaged when served and has remained completely wrapped or packaged.

**Return of food**

**15.** (1) A person who handles food for sale must not sell or receive into the stock of—

- (a) any premises used for the manufacture or storage of food for sale or for the sale of food;
- or
- (b) a vehicle used for the transportation of food for sale,

returned food of such a nature that it may have deteriorated or become contaminated, unless it is food that has been returned in connection with a complaint concerning the food or that is the subject of a recall.

(2) Where a person who handles food for sale accepts the return of food—

(a) the person must—

(i) store the food in an area or receptacle segregated from food for sale and clearly identify the food as returned or recalled food not for sale;

(ii) if an order has been made under the *Food Act, 1985*, for the destruction of the food—destroy the food in accordance with the order;

or

(iii) in any other case—destroy or otherwise dispose of the food;

(b) the person must not sell or supply the food to another person knowing or having reasonable grounds for suspecting that the other person will consume the food or sell or supply the food for human consumption.

#### **Display of food in open places**

**16.** A person who handles food for sale must not, in an open place, display food less than 750 millimetres above ground level unless the food is fully protected up to that height from contamination by animals.

#### **Use of certain premises and vehicles for the trading of used articles**

**17.** (1) A person who handles food for sale must not receive any article of used clothing, bedding, footwear or printed matter into premises used wholly or partly for the manufacture or storage of food for sale or for the sale of food or a vehicle used for the transportation of food for sale.

(2) Subregulation (1) does not apply in relation to the receipt of used clothing for cleaning in a part of premises used for the manufacture or storage of food for sale or for the sale of food that is separate from that part of the premises where the food is manufactured or stored for sale or sold.

(3) A person who handles clothing for cleaning on premises used for the manufacture or storage of food for sale or for the sale of food must not subsequently handle food for sale until he or she has thoroughly cleaned his or her hands by washing them with soap and water.

#### **Storage of food**

**18.** A person who handles food for sale must ensure that the food is stored at such temperature as will, as far as practicable, preserve it from deterioration.

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**PART III  
PROVISIONS APPLYING TO PROPRIETORS OF CERTAIN BUSINESSES**

**Provision of hand washing facilities**

**19.** A proprietor of a business that manufactures or stores food for sale or sells food must ensure—

- (a) that a hand wash basin is provided—
  - (i) within or adjacent to each lavatory in premises where food is manufactured or stored for sale or sold;
  - (ii) in or adjacent to every part of premises in which the nature of the activities engaged in is such that hands may be a source of contamination to food;and
  - (iii) in any vehicle in which food is prepared or processed for sale;
- (b) that every hand wash basin—
  - (i) is provided with a supply of water that is, wherever possible, connected to a reticulated service;
  - (ii) is provided with a supply of soap suitable for washing hands;
  - (iii) is connected to a waste disposal system complying with any requirements of the relevant authority;
  - (iv) is readily accessible and available for use;and
  - (v) is not used for any purpose other than the washing of hands;
- and
- (c) that—
  - (i) clean continuous roller towelling;
  - (ii) clean disposable towels;or
  - (iii) a hot air dryer,is provided at or near to each hand wash basin.

**Provision of and use of eating and drinking utensil washing facilities**

20. (1) A proprietor of a business that serves for sale food, liquor or refreshments in any prescribed premises and in the course of which cutlery, crockery, glasses or other tableware is used in common by the customers, must—

- (a) provide, in such number as may be necessary to serve the volume of trade in the premises, efficient glasswashing or dishwashing machines or single unit double bowl stainless steel sinks with drainers;
- (b) ensure that every glasswashing or dishwashing machine provided—
  - (i) is automatic in its washing and rinsing actions;
  - (ii) is capable of completely washing eating and drinking utensils in one operation;
  - (iii) rinses eating and drinking utensils for not less than 10 seconds with water at a temperature of not less than 77°C;
  - (iv) is equipped with or has incorporated in it a water heating device, or is supplied with water from an individual hot water source, that ensures that water is delivered at the point of rinsing at a temperature of not less than 77°C at all times when washing and rinsing operations are in progress;
  - (v) is fitted with—
    - (A) a thermometer that is clearly visible to the operator and so fixed as to register the temperature of the water at the time that washing and rinsing operations are in progress;
    - or
    - (B) an automatic pilot light that is clearly visible to the operator and indicates when water to be used for rinsing has reached a temperature of not less than 77°C;
- (c) complete or cause to be completed the cleansing and disinfecting in glasswashing or dishwashing machines or double bowl sinks of all eating and drinking utensils after each usage;
- (d) ensure that in the course of the washing of eating and drinking utensils in a double bowl stainless steel sink—
  - (i) one bowl is supplied—
    - (A) with hot water, soap and disinfectant for washing eating and drinking utensils;
    - or

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- (B) where clean running water at a temperature of not less than 77°C is supplied to the rinse bowl when utensils are being washed in the sink, with hot water and soap for washing eating and drinking utensils;

and

- (ii) the other bowl—

- (A) is supplied with clean running water for the final rinsing of eating and drinking utensils;

or

- (B) where clean running water is not or cannot be made available, is filled with clean water that is renewed as often as is necessary to prevent recontamination of washed utensils;

- (e) where any vessel used for the serving of any alcoholic liquor, milk drink, aerated water, soft drink, fruit drink or other similar beverage for immediate consumption is to be washed in a double bowl sink, use or cause to be used in the bowl with the soap and disinfectant a suitable 4 pillar or 5 pillar brush unit attached to the surface of the bowl by suction caps fitted to the base of the pillars;

- (f) where clean water to a temperature of not less than 77°C is used in the rinse bowl of a double bowl sink instead of disinfectant in the washing bowl, provide and keep at all times in a position adjacent to the sink a thermometer accurate to  $\pm 1^\circ\text{C}$  and capable of measuring the temperature of water used for rinsing.

(2) Notwithstanding anything in subregulation (1), where glasses are washed in a double bowl stainless steel sink used solely for that purpose, cold water may be used if—

- (a) a soap and disinfectant that are effective in cold water are used in conjunction with a suitable 4 pillar or 5 pillar brush unit attached to the surface of the bowl by suction caps fitted to the base of the pillars;

and

- (b) the cleansing water, soap and disinfectant are renewed as often as may be necessary to ensure the efficiency of the soap and disinfectant.

(3) Subregulation (1) does not apply to the proprietor of a business referred to in that subregulation if—

- (a) only glasses are used in common by the customers;
- (b) the proprietor provides, in such number as may be necessary to serve the volume of trade in the premises where the business is conducted, stainless steel containers, of a capacity of not less than 4.5 litres, for the washing of glasses;

- (c) the premises were, immediately prior to the commencement of these regulations, fitted with such number of single bowl stainless steel sinks with drainers, for the rinsing of glasses, as equals the number of stainless steel containers provided for the washing of glasses;
- (d) the single bowl sinks are in a sanitary condition;
- (e) the proprietor ensures that in the course of the washing of glasses—
  - (i) each such stainless steel container is supplied with—
    - (A) a suitable 4 pillar or 5 pillar brush unit attached to the surface of the container by suction caps fitted to the base of the pillars;and
    - (B) hot water, soap and disinfectant or cold water and a soap and disinfectant that are effective in cold water;and
    - (ii) the cleansing water, soap and disinfectant are renewed as often as may be necessary to ensure the efficiency of the soap and disinfectant;
- and
- (f) the proprietor ensures that in the course of the washing of glasses, each single bowl sink—
  - (i) is supplied with clean running water for the final rinsing of glasses;
  - or
  - (ii) where clean running water is not or cannot be made available, is filled with clean water that is renewed as often as is necessary to prevent recontamination of washed glasses.

(4) Subregulation (3) ceases to apply to a proprietor of a business referred to in subregulation (1) if—

- (a) a single bowl stainless steel sink is removed, demolished, destroyed or damaged;
- or
- (b) substantial alterations or additions of a structural nature are made to the room in the premises where a single bowl stainless steel sink is installed.

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(5) In this regulation—

"prescribed premises" means—

- (a) any licensed premises within the meaning of the *Liquor Licensing Act, 1985*;
- (b) any restaurant, shop, counter, refreshment booth, food stall, dining room or tea room;
- (c) any other premises similar to those mentioned in paragraphs (a) and (b).

**Provision and use of waste containers**

**21.** A proprietor of a business that manufactures or stores food for sale or sells food must ensure—

- (a) that all waste is stored in sound and impervious waste containers with close fitting lids;
- (b) that all waste containers are maintained in a sanitary condition;
- (c) that all putrescible waste placed in industrial type waste bins is placed in those bins in sealed, sound and impervious containers;

and

- (d) that provision is made for all waste to be removed at sufficiently frequent intervals so as to prevent the occurrence of insanitary conditions.

**Provision of separate storage facilities for certain clothing**

**22.** A proprietor of a business that manufactures or stores food for sale or sells food must provide adequate storage facilities, separate from food handling areas, for the clothing worn by staff out of working hours and for dirty clothing.

**PART IV  
MISCELLANEOUS PROVISIONS**

**Protection of certain premises and vehicles from animals**

**23.** A person who uses—

(a) any premises for the manufacture or storage of food for sale or for the sale of food;

or

(b) a vehicle for the transportation of food for sale,

must take reasonable steps to keep the premises or vehicle free from animals.

**Use of certain places for handling food**

**24.** A person must not, for the purpose of handling food for sale, use a part of any premises or vehicle—

(a) that is at any time used as a sleeping compartment or is in direct communication with a sleeping compartment;

(b) in which there is a bed or bedding or that is in direct communication with a place in which there is a bed or bedding;

(c) that is at any time used as a lavatory or change-room or is in direct communication with a lavatory or change-room;

(d) that is at any time used as a place in which an animal is kept or is in direct communication with a place in which an animal is kept;

(e) in which any activity is being or has been carried out that could contaminate or injuriously affect the wholesomeness, quality or purity of food for sale;

or

(f) in which there is an untrapped opening communicating directly with a drain or sewer.

**Use of food preparation sinks and food appliance washing sinks and containers**

**25.** A person who uses any premises for the manufacture or storage of food for sale or for the sale of food must not use or permit the use of—

(a) utensil washing sinks for the preparation of food;

(b) food preparation sinks or containers for washing utensils;

or

(c) utensil washing sinks or food preparation sinks or containers for washing hands.

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**Handling food not fit for human consumption**

26. (1) A person must not use or suffer any premises, vehicle, equipment or utensil that is used for the handling of food for sale, to be used for the handling of—

- (a) the meat of an animal (other than game or a camel or crocodile) not referred to in the definition of meat in the Code;
- (b) meat unfit for human consumption;
- (c) meat that has not been handled in such a manner as to ensure its fitness for human consumption;
- (d) meat (other than game or crocodile meat) that has not been slaughtered—
  - (i) in the case of poultry meat—at a poultry processing works licensed under the *Poultry Meat Hygiene Act, 1986*, or at a poultry processing works located outside the State that has been declared to be a recognized poultry processing works for the purposes of that Act;
  - (ii) in any other case—at a slaughter house or abattoir licensed under the *Meat Hygiene Act, 1980*, or at slaughtering works located outside the State that have been declared to be a recognized abattoir for the purposes of that Act.

(2) Nothing in subregulation (1)—

- (a) prohibits the trapping, killing or shooting of game intended for sale as food;
  - (b) prohibits the sale from premises used for the manufacture or storage of food for sale for human consumption or for the sale of food for human consumption of meat referred to in subregulation (1) if that meat—
    - (i) has, at some other premises, been treated by boiling or by steam under pressure until every piece of meat is cooked throughout and been enclosed in a package made of material impervious to moisture and sealed in such manner as effectively prevents the release of its contents;
    - (ii) is sold in the original sealed and unbroken package, the outer surface of which is clean and free from any pathogenic organism or organism of faecal origin;
    - (iii) is stored separately from food for human consumption;
- and
- (iv) is labelled with the words "Pet Food" or "Pet Meat" in bold face, sanserif, capital letters of a letter height of not less than 12mm.

(3) A person must not, in premises or a vehicle used for the handling of food for sale, sell meat for the purposes of food for pets unless—

- (a) the meat—
  - (i) if exposed for sale in a package, is labelled as set out in subregulation (2)(b)(iv);
  - (ii) if exposed for sale other than in a package, has displayed on or in connection with the meat, a label containing the words "Pet Food" or "Pet Meat" in bold face, sanserif, capital letters of a height of not less than 12mm;

and

- (b) the meat is stored separately from food for human consumption.

(4) In this regulation—

"**game**" means a goat, rabbit, hare, kangaroo, wallaby or bird that has not been confined or husbanded in any way:

"**meat**" means meat as defined in the Code and includes the flesh of any game, camel or crocodile:

"**poultry**" means poultry as defined in the Code.

**Interference with food packages, etc.**

27. A person must not, at premises or in a vehicle where food for sale is handled—

- (a) open a package containing food for sale;
  - (b) remove food for sale from a package;
- or
- (c) unseal wrapping enclosing food for sale or remove from wrapping food for sale,

unless authorized to do so by the owner of the food.

**Certain acts prohibited**

28. (1) A person must not—

- (a) in any premises used for the manufacture or storage of food for sale or for the sale of food;
  - (b) in a vehicle used for the transportation of food for sale;
- or
- (c) while handling food for sale,

spit or smoke, or sit or lie on a table, workbench or similar place.

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(2) Nothing in subregulation (1) prohibits smoking in—

(a) a part of any premises referred to in that subregulation—

(i) that is not used for the manufacture or storage of food for sale or for the sale of food and that is set apart for smoking or the consumption of food;

or

(ii) where only food in hermetically sealed containers is handled for sale;

(b) a part of any vehicle referred to in that subregulation—

(i) that is not used for the transportation of food for sale and that is set apart for smoking or the consumption of food;

or

(ii) where only food in hermetically sealed containers is handled for sale.

**Offence**

**29.** A person who contravenes or fails to comply with a provision of Part III or IV of these regulations is guilty of an offence.

Penalty: \$1 000.

**APPENDIX**

**LEGISLATIVE HISTORY**

Regulation 11(2):

varied by 240, 1993, reg. 3