

South Australia

Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2010

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Seed sprouts

- 4 Seed sprouts food safety scheme
- 5 Obligation to be accredited
- 6 Requirements for accreditation
- 7 Compliance with Standards 3.2.2 and 3.2.3 of *Food Standards Code*
- 8 Approved food safety arrangements
- 9 Auditing approved food safety arrangements
- 10 Annual fees and returns
- 11 Fee payable before grant of accreditation
- 12 Fees generally

Schedule 1—Fees

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 July 2010.

3—Interpretation

In these regulations, unless the contrary intention appears—

accredited producer means a person accredited under these regulations to carry on a seed sprouts production business;

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

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

seed sprouts production means the production of seed sprouts intended for consumption by humans;

seed sprouts means young seedlings grown from—

- (a) alfalfa, broccoli, clover, onion, radish or sunflower seeds or other seeds;
- (b) mung beans or other beans;
- (c) snow peas or other peas.

Part 2—Seed sprouts

4—Seed sprouts food safety scheme

- (1) This Part establishes a food safety scheme for carrying on the business of seed sprouts production.
- (2) The Minister is the accreditation body for the seed sprouts food safety scheme.

5—Obligation to be accredited

For the purposes of section 12 of the Act, a person must not carry on the business of seed sprouts production without an accreditation.

6—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.

7—Compliance with Standards 3.2.2 and 3.2.3 of *Food Standards Code*

An accredited producer must ensure that the activities under the accreditation are carried on in compliance with Standards 3.2.2 and 3.2.3 of the *Food Standards Code* (despite the fact that those Standards exclude food businesses that fall under the definition of *primary food production* from compliance with those Standards).

Maximum penalty: \$5 000.

Expiation fee: \$315.

8—Approved food safety arrangements

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

9—Auditing approved food safety arrangements

- (1) An accredited producer must allow an approved auditor to perform, without notice to the producer—
 - (a) the number of periodic audits of the producer's compliance with the producer's approved food safety arrangement required by the terms of that arrangement; and

- (b) if an audit shows a failure to comply with the food safety arrangement—such additional audits as the Minister considers appropriate.
- (2) An accredited producer must pay all of the costs associated with the audits.

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 day and month specified by the Minister by notice in writing to the accredited producer—
 - (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 penalty for default in payment of an annual fee or lodging an annual return is as set out in Schedule 1.

11—Fee payable before grant of accreditation

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.

12—Fees generally

- (1) Further 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*	\$300
	* <i>No fee is payable if the applicant carried on the business of seed sprouts production immediately before the commencement of these regulations and the application is made no later than 1 month after that commencement.</i>	
2	Application for approval of a food safety arrangement other than in conjunction with an application for accreditation	\$265
3	Application for variation of an approved food safety arrangement	\$265
4	Annual fee	\$265
5	Penalty for default in payment of an annual fee or lodging of annual return	\$100

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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 and variations

New entries appear in bold.

Year	No	Reference	Commencement
2010	31	<i>Gazette 13.5.2010 p1832</i>	1.7.2010: r 2
2011	95	<i>Gazette 9.6.2011 p2146</i>	1.7.2011: r 2