

South Australia

Food Variation Regulations 2007

under the *Food Act 2001*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Food Variation Regulations 2007*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Food Regulations 2002*

4—Variation of regulation 4—Prescription of enforcement agencies

- (1) Regulation 4—after subregulation (1) insert:
 - (1a) For the purposes of sections 79 and 81 of the Act—
 - (a) in the case of food businesses conducted outside council areas—the Department is prescribed as the appropriate enforcement agency;
 - (b) in the case of all other food businesses—
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- (i) unless subparagraph (ii) applies—the relevant local government authority for the council area where the food business is conducted is prescribed as the appropriate enforcement agency;
 - (ii) if the Minister so determines—the Department is prescribed as the appropriate enforcement agency.
- (2) Regulation 4(4)—delete "subregulation" and substitute:
subregulations (1a) and

5—Substitution of regulation 7

Regulation 7—delete the regulation and substitute:

7—Meaning of primary food production

For the purposes of section 7(1) of the Act, the *Primary Produce (Food Safety Schemes) Act 2004* is prescribed.

6—Variation of regulation 9—Adoption of Food Standards Code

- (1) Regulation 9(2)(b)(ii)—delete "or the *Meat Hygiene Act 1994*"
- (2) Regulation 9(2)(b)(iii)—delete subparagraph (iii) and substitute:
 - (iii) by striking out subclause (2) of clause 2 of standard 3.2.1 and substituting the following subclause:
 - (2) This Standard applies—
 - (a) to food businesses that are determined by the appropriate enforcement agency to have a priority classification in a manner consistent with a priority classification system determined by the relevant authority under section 79(2) of the Act; or
 - (b) if another Standard specifically requires food businesses to which that other Standard applies to comply with Standard 3.2.1.

7—Insertion of regulations 9A and 9B

Part 4—before regulation 10 insert:

9A—Application fee for food safety auditors

- (1) For the purposes of section 73(3) of the Act, the prescribed fee is \$130.
- (2) The prescribed fee does not apply to an application by a Public Service employee for the purpose of carrying out the functions of a food safety auditor.

9B—Prescribed form

For the purposes of section 81(2) of the Act, the prescribed form may be determined according to the discretion of the Minister.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 27 September 2007

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