

South Australia

Food Variation Regulations 2009

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 2009*.

2—Commencement

These regulations will come into operation on 1 July 2009.

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 9—Adoption of Food Standards Code

Regulation 9(2)—delete subregulation (2) and substitute:

- (2) The code referred to in subregulation (1) is adopted with the following modifications:
 - (a) Standard 2.5.1, clause 4—after subclause (2) insert:
 - (2a) However, clause 15 of Standard 4.2.4 does not apply in relation to goat's milk that is intended to be sold as unpasteurised goat's milk.
 - (b) Standard 3.1.1, clause 3—after the present contents of clause 3 insert:

- (2) However, this Chapter does not apply to a food business to the extent that the food business is constituted by—
 - (a) an activity or process that is regulated by or under the *Primary Produce (Food Safety Schemes) Act 2004*; or
 - (b) an activity or process that is exempt from the operation of Parts 5, 7 and 8 of the *Food Act 2001* by virtue of the operation of regulation 13 of the *Food Regulations 2002*,

(even if the activity or process involves the substantial transformation of food).
- (c) Standard 3.2.1, clause 2(2)—delete subclause (2) and substitute:
 - (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.
- (d) Standard 3.2.2, clause 4—after subclause (4) insert:
 - (5) This clause operates in the State of South Australia subject to the provisions of regulation 14 of the *Food Regulations 2002*.

Made by the Governor

with the advice and consent of the Executive Council
on 26 February 2009

No 16 of 2009

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