

South Australia

Primary Produce (Food Safety Schemes) (Dairy Industry) Variation Regulations 2009

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Produce (Food Safety Schemes) (Dairy Industry) 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 *Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005*

4—Substitution of regulations 3 and 4

Regulations 3 and 4—delete the regulations and substitute:

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
accredited producer means a person authorised by an accreditation to carry on—

- (a) a dairy primary production business; or
- (b) a dairy processing business; or
- (c) a dairy transport business;

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

annual fee—see regulation 20;

Authority means the Dairy Authority of South Australia established under regulation 7;

dairy farmer means a person who carries on a dairy primary production business;

dairy industry food safety scheme means the food safety scheme established under these regulations;

dairy primary production business has the same meaning as in Standard 4.2.4 of the *Food Standards Code*;

dairy processing business has the same meaning as in Standard 4.2.4 of the *Food Standards Code*;

dairy processor means a person who carries on a dairy processing business;

dairy transport business has the same meaning as in Standard 4.2.4 of the *Food Standards Code*;

dairy transporter means a person who carries on a dairy transport business;

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

large scale dairy processing business—see subregulation (2);

large scale dairy processor means a dairy processor designated under subregulation (2) as carrying on a large scale dairy processing business;

milk means milk derived from a cow, goat, sheep or buffalo;

monthly rate—see regulation 20.

- (2) The Authority may designate an accredited producer as carrying on a ***large scale dairy processing business*** by written notice to the producer and may revoke the designation by subsequent written notice to the producer.

4—Definition of dairy produce (section 3)

Dairy products within the meaning of Standard 4.2.4 of the *Food Standards Code* are prescribed milk products for the purposes of the definition of ***dairy produce*** in section 3 of the Act.

5—Substitution of regulation 6

Regulation 6—delete the regulation and substitute:

6—Dairy industry food safety scheme

These regulations establish a food safety scheme for the following classes of activities:

- (a) carrying on a dairy primary production business;
- (b) carrying on a dairy processing business;
- (c) carrying on a dairy transport business.

6—Variation of regulation 12—Functions of Authority

- (1) Regulation 12(2)(b)—delete paragraph (b)
- (2) Regulation 12(2)(c)—delete "the Dairy Industry Food Safety Code and to review and enforce the Code" and substitute:

Standard 4.2.4 of the *Food Standards Code* and to enforce the Standard

7—Variation of regulation 18—Compliance with Standard 4.2.4 of *Food Standards Code*

- (1) Regulation 18(1)—delete "the Dairy Industry Food Safety Code" and substitute:
Standard 4.2.4 of the *Food Standards Code*
- (2) Regulation 18(2)—delete "the Dairy Industry Food Safety Code" and substitute:
Standard 4.2.4 of the *Food Standards Code*

8—Variation of regulation 20—Determination of monthly rate and annual fee

Regulation 20(1)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

- (i) dairy farmers who sell milk to large scale dairy processors; and
- (ii) large scale dairy processors; and

9—Variation of regulation 21—Notice of monthly rate and annual fee

Regulation 21(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) dairy farmers who sell milk to large scale dairy processors; and
- (b) large scale dairy processors.

10—Variation of regulation 22—Monthly fee and return—large scale dairy processors

- (1) Regulation 22(1)—delete "business as a large scale dairy manufacturer" and substitute:
 - a large scale dairy processing business
- (2) Regulation 22(1)(a)(i)—delete "manufactured" and substitute:
 - processed
- (3) Regulation 22(1)(b)—delete "business as a dairy farmer who sells milk to the manufacturer" and substitute:
 - a primary production business who sells milk to the processor
- (4) Regulation 22(1)(b)(i)—delete "manufacturer" and substitute:
 - processor

11—Variation of regulation 23—Annual fee and return—all other producers

Regulation 23(1)—delete subregulation (1) and substitute:

- (1) This regulation applies to accredited producers of the following classes:
 - (a) dairy farmers who sell milk to dairy processors other than large scale dairy processors;
 - (b) dairy processors other than large scale dairy processors;
 - (c) dairy transporters.

12—Variation of Schedule 1—Application fees

Schedule 1, item 3—delete "Dairy Industry Food Safety Code" and substitute:

Standard 4.2.4 of the *Food Standards Code*

Made by the Governor

following compliance by the Minister with section 11(4) of the Act and with the advice and consent of the Executive Council
on 26 February 2009

No 15 of 2009

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