

South Australia

# Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2022

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

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Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2022*.

### 2—Commencement

These regulations come into operation on 1 August 2022.

### 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 Standard 4.2.6 of *Food Standards Code*

An accredited producer must ensure that the activities under the accreditation are carried on in compliance with Standard 4.2.6 of the *Food Standards Code* (despite the fact that the Standard excludes food businesses that fall under the definition of *primary food production* from compliance with that Standard).

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—Fees, charges 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 prescribed by fee notice; 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 prescribed by fee notice.
- (3) The Minister may waive, defer or reduce payment of a fee if the Minister considers it appropriate to do so in the circumstances.
- (4) The Minister may recover an amount payable to the Minister by way of a fee or part of a fee as a debt from the person liable to pay.
- (5) In this regulation—

*fee* means a fee prescribed by fee notice;

*fee notice* has the same meaning as in the *Legislation (Fees) Act 2019*.

### **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.

## **Schedule 1—Repeal of *Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2010***

The *Primary Produce (Food Safety Schemes) (Plant Products) Regulations 2010* are repealed.

## Legislative history

### Notes

- 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](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2022	52	<i>Gazette 7.7.2022 p2132</i>	1.8.2022: r 2