

Queensland

Food Production (Safety) Act 2000

Food Production (Safety) Regulation 2014

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Queensland

Food Production (Safety) Regulation 2014

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Food Production (Safety) Regulation 2014

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Food Production (Safety) Regulation 2014*.

2 Commencement

This regulation commences on 1 September 2014.

3 Dictionary

The dictionary in schedule 13 defines particular words used in this regulation.

Chapter 2 Food safety schemes

Part 1 Standards for food safety schemes

4 Complying with compulsory standards

(1) If a compulsory standard applies to a food safety requirement for a food safety scheme, a program or management statement under the scheme must comply with the compulsory standard.

(2) A program or management statement under the scheme complies with the standard only if the statement adopts and

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follows at least one of the ways of preventing or managing exposure to a risk stated in the standard.

5 Complying with advisory standard

(1) If an advisory standard applies to a food safety requirement for a food safety scheme, a program or management statement under the scheme must comply with the advisory standard.

(2) A program or management statement under the scheme complies with the standard only if the statement adopts and follows—

(a) at least one of the ways of preventing or managing exposure to a risk stated in the standard; or

(b) another way that gives the same or a higher level of protection against the risk.

6 Inconsistency between regulation and standards

This regulation applies instead of a compulsory standard or an advisory standard to the extent of any inconsistency.

Part 2 Accreditations register

7 Register of accreditations

(1) Safe Food must keep a register (the ***accreditations register***) of accreditation holders.

(2) The accreditations register must contain, for each accreditation holder—

(a) the holder's accreditation number; and

(b) if the holder is an egg producer or an egg processor—the holder's egg production identification; and

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(c) the contact details for the holder's business, including the business name, address and phone number of the business; and

(d) the name and business address of the proprietor of the holder's business; and

(e) details of the predominant activities of the holder's business; and

(f) the location of all premises approved under the accreditation for use for the production of primary produce.

(3) The accreditations register may contain other information about an accreditation holder that Safe Food considers necessary or desirable for the effective administration of the Act.

(4) The accreditations register may also contain information about a former accreditation holder, including whether the former accreditation holder's accreditation was cancelled or not renewed.

(5) However, the information for a former accreditation holder must be removed from the accreditations register within 1 year after the former accreditation holder's accreditation was cancelled or not renewed.

(6) In this section—

former accreditation holder means a person who was an accreditation holder under a food safety scheme but is no longer accredited under the scheme because the person's accreditation was cancelled or not renewed.

8 Change to information in accreditations register

(1) This section applies to an accreditation holder if a change happens in the holder's business that is likely to result in information in the accreditations register being incomplete or inaccurate.

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(2) The holder must, within 14 days after the change in the holder's business happens, give Safe Food written notice of the change, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

9 Accreditations register to be available for public inspection

(1) Safe Food must keep the accreditations register, or a copy of the accreditations register, available for inspection, free of charge, by members of the public at Safe Food's head office.

Note—

At the commencement of this section, Safe Food's head office was at 12 Helen Street, Newstead, Brisbane.

(2) Safe Food may publish a copy of the accreditations register on Safe Food's website.

Note—

At the commencement of this section, Safe Food's website was www.safefood.qld.gov.au.

10 Certificate about contents of accreditations register

A certificate purporting to be signed by Safe Food's chief executive officer about the contents of the accreditations register is evidence of the matters stated in the certificate.

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Part 3 Programs and management statements

Division 1 Preparation and maintenance of programs and management statements

11 Preparation of programs and management statements

(1) This section applies to an applicant for a grant or renewal of an accreditation under a food safety scheme.

(2) The applicant must prepare a program or a management statement, as required under the scheme, for each aspect of the activities carried out, or proposed to be carried out, by the applicant in connection with the production of primary produce for which—

(a) the scheme applies; and

(b) the applicant is applying for accreditation.

Note—

For the requirement for a program or management statement—

- for the dairy scheme—see section 64
- for the egg scheme—see section 97
- for the horticulture scheme—see section 113
- for the meat scheme—see section 119
- for the seafood scheme—see section 187.

(3) Without limiting subsection (2), a program must state, in addition to the requirements in section 41(2) of the Act, how the applicant will comply with each food safety requirement applying to the applicant's activities for the scheme.

Note—

See also section 204 for the program of an applicant engaging in the production of bivalve molluscs under the seafood scheme.

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12 Approving management statements

(1) This section applies to an applicant for a grant or renewal of an accreditation if the applicant prepares or maintains a management statement for the accreditation.

(2) Safe Food may grant or renew the accreditation only if satisfied the management statement—

(a) identifies significant food safety hazards associated with the production of primary produce carried out by the person; and

(b) states how the hazards are to be monitored and controlled; and

(c) states how the person will comply with each food safety requirement applying to the person's activities under the scheme.

(3) If Safe Food grants the accreditation, the applicant's management statement becomes the approved management statement for the accreditation.

13 Maintenance of programs and management statements

(1) An accreditation holder must maintain the holder's approved program or approved management statement.

(2) The holder must comply with the program or management statement.

Maximum penalty—50 penalty units.

(3) The holder must keep a copy of the management statement at each place to which the statement relates.

Maximum penalty for subsection (3)—20 penalty units.

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Division 2 Other information contained in programs

14 Application of div 2

This division prescribes, for section 41(2)(f) of the Act, other information to be contained in an applicant's or accreditation holder's program.

15 Risk assessment

(1) This section applies to significant food safety hazards associated with the production of primary produce that are identified in the program.

(2) The program must, for each hazard—

(a) give details of an assessment (a ***risk assessment***) of the risks associated with the hazard, including—

(i) each method considered to control the risks associated with the hazard to achieve an acceptable level of risk; and

(ii) the control measures; and

(b) identify each critical control point.

16 Systems for verifying compliance with program

(1) The program must contain systems to—

(a) monitor and evaluate the holder's operational performance; and

(b) verify the performance complies with the program.

(2) Each system must—

(a) be adequately documented in the program; and

(b) function as documented; and

(c) be appropriate for the system's objectives; and

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(d) provide for controls to minimise the risks associated with the holder's operations.

(3) In this section—

systems include the methods, procedures, tests, monitoring and other evaluations the holder will use for checking the holder's performance against the program.

17 Corrective action

The program must state—

(a) details of corrective action to be taken by the holder if the holder's performance does not comply with the program; and

(b) the measures to be taken by the holder to assess whether the corrective action has been effective.

18 Validation of control measures

(1) This section applies to—

(a) the treatment of primary produce to destroy, reduce or control food safety hazards; and

(b) other processing of primary produce if time limits and temperature controls are part of the processing.

Examples for paragraph (b) of other processing—

- heat treatment
- canning

(2) The program must provide validation of a control measure at—

(a) each critical control point; and

(b) any other appropriate interval or stage of a treatment or other process.

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Example—

For a heating or cooking process, the program must show that the control measures implemented can ensure pathogens in primary produce are at a level that do not make the product unacceptable.

(3) However, the program is not required to provide validation of a control measure if—

(a) the control measure is contained in a compulsory standard; or

(b) the holder's program is adopting or following a way stated in an advisory standard for the control measure.

Division 3 Record keeping

19 Record keeping requirements

(1) An accreditation holder under a food safety scheme must, unless the holder has a reasonable excuse, keep records for the holder's business that comply with—

(a) subsections (2) to (5); and

(b) the following—

(i) for the dairy scheme—sections 68 to 70 and 77;

(ii) for the egg scheme—sections 108 and 109;

(iii) for the meat scheme—sections 125, 160, 161 and 163;

(iv) for the seafood scheme—section 201.

Maximum penalty—20 penalty units.

(2) The records must demonstrate the holder has complied with the scheme and the holder's program or management statement.

(3) There must be enough records to allow Safe Food to—

(a) monitor the holder's compliance with the scheme and the holder's program or management statement; and

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(b) trace from the records the stages that apply to the holder's program or management statement.

Examples for paragraph (b) of stages in a program or management statement—

- supplying an animal to a dairy for milking
- supplying milk to a factory for processing
- supplying processed dairy produce to a wholesaler
- supplying an animal for killing
- supplying meat or ready-to-eat meat for processing

(4) The records must be kept in a way that—

(a) correctly records and explains the holder's activities and transactions; and

(b) enables the records to be properly and conveniently audited under part 6.

(5) Records relating to primary produce must be kept for whichever of the following happens last—

(a) the end of the use-by date on the produce;

(b) the completion of the compliance audit after the produce is processed;

(c) 6 months after the record is made.

(6) In this section—

records include—

(a) a record made by the holder for the business; and

(b) a record in the holder's possession.

Example for paragraph (b)—

a document recording the results of a pest inspection

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Division 4 Amendment of programs and management statements

Subdivision 1 Amendment by Safe Food

20 When Safe Food may amend

Safe Food may, by complying with this subdivision, amend an accreditation holder's approved program or approved management statement if Safe Food considers the amendment is reasonably necessary or desirable to ensure the program or management statement complies with the relevant food safety scheme.

Note—

See section 51 of the Act.

21 Notice of proposed amendment

(1) Safe Food must give the holder a written notice requiring the holder to amend the holder's approved program or approved management statement.

(2) The notice must state the following—

(a) the proposed amendment;

(b) the grounds for the proposed amendment;

(c) the facts and circumstances forming the basis for the grounds;

(d) the period (the ***amendment period***) within which the amendment must be made;

(e) that representations may be made about the notice;

(f) how the representations may be made;

(g) where the representations may be made or sent;

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(h) a period (the ***show cause period***) for making the representations or a period within which the representations must be made.

(3) The show cause period for making representations must end at least 14 days after the notice is given.

(4) The amendment period must end at least 28 days after the notice is given.

22 Decision on proposed amendment

(1) If the holder makes representations within the show cause period, Safe Food must—

(a) consider the representations; and

(b) decide if the proposed amendment should be made; and

(c) give the holder written notice of the decision and the reasons for the decision.

(2) If Safe Food decides the amendment must be made, the notice must state the period within which the amendment must be made.

(3) The stated period must end at least 14 days after the notice is given.

23 Holder's obligation to make decided amendment

(1) The holder must comply with—

(a) if the holder does not make any representations to Safe Food within the show cause period—the notice given under section 21; or

(b) if the holder makes representations to Safe Food and Safe Food notifies the holder that the amendment must be made—the notice given under section 22(1)(c).

Maximum penalty—20 penalty units.

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(2) The holder's program or management statement, as amended, becomes the approved program or approved management statement for the accreditation.

Subdivision 2 Amendment by holder

24 When holder may amend

(1) An accreditation holder may amend the holder's approved program or approved management statement without notice to Safe Food if the amendment does not amend any of the following matters (a ***significant food safety matter***)—

(a) a critical control point in the program;

(b) a control measure in the management statement;

(c) how often the program or management statement is to be reviewed by the holder.

(2) An accreditation holder may amend the holder's approved program or approved management statement to amend a significant food safety matter only if Safe Food has approved the amendment.

(3) A purported amendment made in contravention of subsection (2) is of no effect.

Note—

See also section 13(2) for the requirement of a holder to comply with the holder's program or management statement.

25 Applying for approval

(1) An accreditation holder may apply in writing to Safe Food for approval to amend a significant food safety matter.

(2) The application must state the following—

(a) the proposed amendment;

(b) the reason for the amendment;

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(c) the proposed date by which the amendment is to be made.

26 Decision on proposed amendment

(1) If Safe Food approves the amendment—

(a) Safe Food must give the holder written notice of the approval within 28 days after Safe Food receives the application; and

(b) the holder's program or management statement, as amended, becomes the approved program or approved management statement for the accreditation.

(2) If Safe Food does not approve the amendment, Safe Food must, within 28 days after Safe Food receives the application, give the holder written notice of the decision and the reasons for the decision.

Part 4 Accreditation, fees and auditors

27 Accreditation—Act, s 40

For section 40(1)(b) of the Act, a person who has the management and control of a business that engages in an accreditation activity under a food safety scheme is the person who must be accredited under the scheme and comply with the scheme.

28 Accreditation period—Act, s 50

(1) For section 50(4) of the Act, the prescribed period for accreditation is 1 year.

(2) However, Safe Food may grant or renew an accreditation for less than 1 year.

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29 Fees for accreditation—Act, s 44

(1) For section 44(2)(b)(i) of the Act, the fee prescribed is—

(a) for a grant of an accreditation—the total of—

(i) the application fee mentioned in schedule 1, part 1, division 1 that is in force on 1 January in the year in which the accreditation starts; and

(ii) the accreditation fee in force on 1 January in the year in which the accreditation starts; or

(b) for a renewal of an accreditation—the accreditation fee in force on 1 January in the year in which the term of the renewed accreditation starts.

(2) However, if Safe Food imposes a condition on the accreditation requiring or permitting the holder to pay the accreditation fee in instalments, Safe Food may waive the accreditation fee that would otherwise apply under subsection (1)(a)(ii) or (b).

(3) An application fee paid under this section is not refundable.

(4) In this section—

accreditation fee, for a grant or renewal of an accreditation, means the fee mentioned in schedule 1, part 1, division 2, column 3 opposite the accreditation activity mentioned in part 1, division 2, column 1 of the schedule that is proposed to be, or is being, carried out under the accreditation.

30 Exemptions from fees for accreditation

(1) Despite section 29, no fee is payable for an application for an accreditation, or a renewal of an accreditation—

(a) by a school; or

(b) by an egg producer who supplies eggs under a preferred supplier arrangement; or

(c) by a poultry producer who supplies poultry under a preferred supplier arrangement; or

(d) for an activity mentioned in section 112(1).

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(2) In this section—

school means a State school or a non-State school within the meaning of the *Education (General Provisions) Act 2006*.

31 Fees for approval as auditor—Act, s 60

(1) For section 60(2)(b) of the Act, the fee prescribed is—

(a) for an approval as an auditor—the total of—

(i) the application fee mentioned in schedule 1, part 2 that is in force on 1 January in the year in which the approval starts; and

(ii) the auditor approval fee mentioned in schedule 1, part 2 that is in force on 1 January in the year in which the approval starts; or

(b) for a renewal of an approval as an auditor—the auditor approval fee mentioned in schedule 1, part 2 that is in force on 1 January in the year in which the term of the renewed approval starts.

(2) An application fee paid under this section is not refundable.

32 Waiver of prescribed fee for approval as auditor

Safe Food may waive the prescribed fee payable for an approval, or renewal of approval, as an auditor if the applicant is—

(a) an employee of Safe Food; or

(b) a public service employee; or

(c) an employee of a local government; or

(d) an employee of the Commonwealth or another State.

33 Payment of renewal fee

(1) The renewal fee for an approval as an auditor is payable yearly in advance.

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(2) The renewal fee for an accreditation is payable yearly in advance unless Safe Food imposes a condition on the accreditation under section 29(2).

(3) If an applicant for a renewal of an accreditation does not pay the renewal fee, the applicant's accreditation ends at the end of the period for which Safe Food previously granted or renewed the accreditation.

34 Deciding application for approval as auditor

In deciding whether an applicant for an approval as an auditor has the necessary expertise or experience to carry out the functions of an auditor, Safe Food must consider each of the following—

(a) whether or not the applicant has qualifications in auditing food safety matters related to the production of primary produce;

(b) the applicant's expertise or experience in the activities connected with the aspects of production of scheme produce under a food safety scheme;

(c) if a department or recognised accreditation body has approved the applicant as an auditor in the field of food safety—the approval.

Part 5 Food safety requirements for multiple food safety schemes

Division 1 Preliminary

35 Application of food safety requirements under divs 2 and 3

(1) The food safety requirements under divisions 2 and 3 are food safety requirements for food safety schemes under this regulation.

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Note—

For other food safety requirements see—

(a) for the dairy scheme—chapter 3, part 3 and part 4, division 2; and

(b) for the egg scheme—chapter 4, part 3; and

(c) for the horticulture scheme—chapter 5, part 3; and

(d) for the meat scheme—chapter 6, part 3; and

(e) for the seafood scheme—chapter 7, part 3.

(2) However—

(a) the food safety requirements under divisions 2 and 3, other than the requirement under section 36, are not food safety requirements for the seafood scheme; and

(b) division 3 does not apply to an accreditation holder who produces milk from an animal at a dairy.

Note—

For corresponding requirements applying to an accreditation holder who produces milk from an animal at a dairy, see sections 73, 75 and 87.

Division 2 General food safety requirements

36 Accreditation holder must notify Safe Food of failure to comply with relevant requirement

(1) This section applies if an accreditation holder, who produces primary produce, becomes aware, or forms a suspicion, that the primary produce does not comply with a relevant requirement.

(2) The holder must immediately notify Safe Food, in a way mentioned in subsection (3), of the failure, or suspected failure, to comply with the relevant requirement.

Maximum penalty—20 penalty units.

(3) The notification must be made—

(a) by phone, to a phone number used by Safe Food for receiving notifications under subsection (2); or

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(b) in writing, either—

(i) using the Safe Food website; or

(ii) to an email address used by Safe Food for receiving notifications under subsection (2).

Note for paragraphs (a) and (b)—

At the commencement of this section—

(a) the phone number used by Safe Food to receive notifications under subsection (2) was 07 3253 9800; and

(b) Safe Food's website was at www.safefood.qld.gov.au; and

(c) the email address used by Safe Food to receive notifications under subsection (2) was notify@safefood.qld.gov.au.

(4) In this section—

relevant requirement means a requirement applying to the production of the primary produce under—

(a) this regulation; or

(b) a program or management statement; or

(c) a condition imposed on the holder's accreditation.

37 Skills and knowledge for persons processing primary produce

(1) An accreditation holder who processes primary produce must ensure all persons involved in the processing have the appropriate skills and knowledge to ensure the produce is acceptable.

Maximum penalty—20 penalty units.

(2) The holder complies with subsection (1) only if the holder—

(a) makes and implements guidelines for training in the holder's program or management statement; and

(b) takes reasonable measures to ensure the persons involved in the processing comply with the guidelines.

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38 Transporting primary produce

(1) An accreditation holder who uses a vehicle to transport primary produce must comply with subsections (2) to (4) for the transportation of the produce.

Maximum penalty—20 penalty units.

(2) The produce must be maintained under conditions that ensure the produce is acceptable.

(3) Without limiting subsection (2), the conditions under which the produce is transported must include time limits and temperature controls to prevent, reduce or control pathogenic growth.

(4) The part of the vehicle containing the produce must be designed in a way, and constructed with appropriate materials—

(a) to prevent contamination of the produce; and

(b) that are capable of being easily and effectively cleaned; and

(c) to prevent foreign substances, including pests and vermin, entering the vehicle.

(5) The holder must ensure the part of the vehicle containing the produce is maintained and cleaned in a sanitary way.

Maximum penalty—20 penalty units.

(6) Without limiting subsection (1), if the holder is transporting dairy produce, the holder must ensure the dairy produce is transported in a way that complies with the compulsory standard.

Maximum penalty—20 penalty units.

(7) If a person transporting primary produce for an accreditation holder becomes aware or reasonably believes the produce has been exposed to conditions that may have affected the acceptability of the produce, the person must immediately notify the holder, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

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39 Water supply

An accreditation holder who uses a water supply to process primary produce may use the water supply only if—

(a) the water is of potable quality; or

(b) the holder demonstrates in the holder's program or management statement that the use of the water will not make the produce unacceptable.

Maximum penalty—20 penalty units.

40 Waste disposal at premises

(1) An accreditation holder who processes primary produce at premises must store, handle, or dispose of waste in a way that will not make the produce unacceptable.

Maximum penalty—20 penalty units.

(2) Without limiting subsection (1)—

(a) solid and liquid waste produced by the processing of the produce must be contained and removed to a waste disposal system; and

(b) the ventilation system must be adequate to remove from the premises fumes and other gaseous waste produced by the processing.

41 Restrictions on animals at premises and in vehicles

(1) This section applies to an accreditation holder who processes primary produce at premises or uses a vehicle for the processing.

(2) The accreditation holder may allow an animal on the premises or in the vehicle only if the animal is—

(a) an animal to be slaughtered at the premises or in the vehicle; or

(b) an assistance animal; or

(c) a work animal.

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Maximum penalty—20 penalty units.

(3) However, the holder must not allow an assistance animal or work animal on the part of the premises or in the part of the vehicle where the processing is carried out.

Maximum penalty—20 penalty units.

(4) In this section—

work animal means—

(a) an animal, including, for example, a leader animal, horse or dog, used, or to be used—

(i) to help in moving or handling animals to be killed for meat; or

(ii) for an animal killed in the wild—to find the animal; or

(b) a dog used, or to be used, for security.

Division 3 Health and hygiene of persons, and premises, vehicles and equipment

42 Health and hygiene requirements

(1) An accreditation holder who processes primary produce at premises must ensure all persons processing the produce at the premises maintain a high level of health and hygiene practices to prevent contamination of the produce.

Maximum penalty—20 penalty units.

(2) Measures the holder must take under subsection (1) include—

(a) providing adequate health and hygiene facilities at the premises and ensuring appropriate use of the facilities by the persons processing the produce; and

(b) establishing and maintaining appropriate procedures and practices for health and hygiene.

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43 Design, construction and maintenance of premises and vehicles

(1) This section applies to an accreditation holder who—

(a) processes primary produce at premises; or

(b) uses a vehicle for processing primary produce.

(2) The holder must ensure the premises or vehicle is designed and constructed so that the premises or part of the vehicle containing the produce—

(a) provides enough space for the activities and equipment used for the processing; and

(b) provides adequate natural or artificial lighting for each of the processing activities carried on at the premises or in the vehicle; and

(c) provides adequate ventilation to remove heat and steam and to control condensation and humidity; and

(d) allows for a person handling the produce to maintain a high level of health and hygiene practices; and

(e) is capable of being effectively cleaned and sanitised; and

(f) excludes dust, dirt, fumes, smoke (other than smoke from a smoking process) and other contaminants; and

(g) prevents the entry and harbouring of pests.

Maximum penalty—20 penalty units.

(3) The holder must ensure the premises or part of the vehicle containing the produce is cleaned and maintained in a sanitary way.

Maximum penalty—20 penalty units.

44 Design, construction and maintenance of equipment

(1) An accreditation holder who processes primary produce must ensure the equipment used for the processing is designed and constructed so that the equipment is—

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(a) suitable for the equipment's intended use; and

(b) capable of being effectively cleaned and sanitised; and

(c) made of material that does not contaminate food.

Maximum penalty—20 penalty units.

(2) The holder must ensure the equipment is cleaned and maintained in a sanitary way.

Maximum penalty—20 penalty units.

Part 6 Monitoring compliance with food safety schemes

Division 1 Monitoring

45 General requirements for monitoring compliance

(1) Safe Food may monitor compliance with food safety schemes by 1 or more methods that are considered appropriate to the nature of the business engaging in the production of primary produce and the risks associated with the business.

(2) However, Safe Food must conduct the audits required under this part.

Note—

However, see section 56 for the variation, by Safe Food, of the frequency of audits.

46 Check audits and monitoring

(1) Safe Food may conduct a check audit of a program audited by an auditor to ensure the auditor is conducting audits to the satisfaction of Safe Food.

(2) Safe Food may recover Safe Food's costs for conducting the check audit from the holder.

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(3) Safe Food may also conduct a check audit of a program, or monitoring of a management statement, under a food safety scheme to verify the effectiveness of the scheme.

(4) In this section—

check audit, of a program, means an audit of the program conducted by Safe Food, other than a compliance audit or nonconformance audit.

Example of a check audit of a program—

a spot check

Division 2 General auditing requirement

47 Cooperating with auditor

A person who is audited must assist in the audit and cooperate with the auditor conducting the audit under a food safety scheme.

Maximum penalty—20 penalty units.

Division 3 Risk categories and major and critical nonconformances

48 Meaning of *low risk*, *medium risk* and *high risk*

(1) This section sets out the risk category for certain activities, related to the production of primary produce, based on the potential public health risk associated with the activities.

(2) The activities classified as ***low risk*** are mentioned—

(a) for the dairy scheme—in schedule 4, part 1; or

(b) for the egg scheme—in schedule 7, part 1; or

(c) for the meat scheme—in schedule 11, part 1; or

(d) for the seafood scheme—in schedule 12, part 1.

(3) The activities classified as ***medium risk*** are mentioned—

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(a) for the egg scheme—in schedule 7, part 2; or

(b) for the meat scheme—in schedule 11, part 2; or

(c) for the seafood scheme—in schedule 12, part 2.

(4) The activities classified as ***high risk*** are mentioned—

(a) for the dairy scheme—in schedule 4, part 2; or

(b) for the egg scheme—in schedule 7, part 3; or

(c) for the meat scheme—in schedule 11, part 3; or

(d) for the seafood scheme—in schedule 12, part 3.

Note—

See sections 50 to 55 for how risk categories of activities determine the timing and frequency of audits of programs.

49 Meaning of *major nonconformance* and *critical nonconformances*

(1) A ***major nonconformance*** means a nonconformance with the requirements of an accreditation holder's program if the potential impact of the nonconformance may lead to the production of unacceptable primary produce unless remedial action is taken by the holder to correct the nonconformance.

(2) A ***critical nonconformance*** means a nonconformance with the requirements of an accreditation holder's program if the potential impact of the nonconformance is of substantial or immediate significance and is likely to result in, or has resulted in, the production of unacceptable primary produce.

Note—

1 See section 57 for requirements when a major nonconformance is identified.

2 See sections 50(4), 51(4), 52(4), 53(4), 54(4), 55(4), 58 and 59 for requirements when a critical nonconformance is identified.

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Division 4 Audits for grants and renewals of accreditation

50 Audits for grant of accreditation—low risk

(1) This section applies to an applicant for a grant of accreditation under a food safety scheme if—

(a) the activities proposed to be carried out by the applicant under the scheme are low risk; and

(b) the applicant has prepared a program under the scheme.

(2) Safe Food must audit the applicant's program and may grant an accreditation only if Safe Food is satisfied the program complies with the scheme.

(3) If the applicant is granted accreditation, Safe Food must conduct a compliance audit of the program—

(a) within 6 months after accreditation; and

(b) within 1 year after the first compliance audit.

(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 6 months after the compliance audit.

(5) Subsections (3) and (4) do not apply if Safe Food approves an alternative verification system in the applicant's program.

Examples of verification systems—

- monitoring test results
- self verification
- regular inspections

51 Audits for grant of accreditation—medium risk

(1) This section applies to an applicant for a grant of accreditation under a food safety scheme if—

(a) the activities proposed to be carried out by the applicant under the scheme are medium risk; and

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(b) the applicant has prepared a program under the scheme.

(2) Safe Food must audit the applicant's program and may grant an accreditation only if Safe Food is satisfied the program complies with the scheme.

(3) If the applicant is granted accreditation, Safe Food must conduct a compliance audit of the program—

(a) within 3 months after accreditation; and

(b) within 6 months after the first compliance audit; and

(c) within 1 year after the previous compliance audit.

(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 6 months after the compliance audit.

52 Audits for grant of accreditation—high risk

(1) This section applies to an applicant for a grant of accreditation under a food safety scheme if—

(a) the activities proposed to be carried out by the applicant under the scheme are high risk; and

(b) the applicant has prepared a program under the scheme.

(2) Safe Food must audit the applicant's program and may grant an accreditation only if Safe Food is satisfied the program complies with the scheme.

(3) If the applicant is granted accreditation, Safe Food must conduct a compliance audit of the program—

(a) within 3 months after accreditation; and

(b) within 6 months after the first compliance audit.

(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 3 months after the compliance audit.

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53 Audits for renewal of accreditation—low risk

(1) This section applies to an applicant for a renewal of accreditation under a food safety scheme if—

(a) the activities carried out by the applicant under the scheme are low risk; and

(b) the applicant maintains a program under the scheme.

(2) If the applicant's accreditation is renewed, Safe Food must conduct a compliance audit of the holder's program within 1 year after the previous compliance audit.

(3) Safe Food must conduct the compliance audit during the term of the renewed accreditation.

(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 6 months after the compliance audit.

(5) Subsections (2) to (4) do not apply if Safe Food approves an alternative verification system in the applicant's program.

Examples of verification systems—

- monitoring test results
- self verification
- regular inspections

54 Audits for renewal of accreditation—medium risk

(1) This section applies to an applicant for a renewal of accreditation under a food safety scheme if—

(a) the activities carried out by the applicant under the scheme are medium risk; and

(b) the applicant maintains a program under the scheme.

(2) If the applicant's accreditation is renewed, Safe Food must conduct a compliance audit of the holder's program within 1 year after the previous compliance audit.

(3) Safe Food must conduct the compliance audit during the term of the renewed accreditation.

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(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 6 months after the compliance audit.

55 Audits for renewal of accreditation—high risk

(1) This section applies to an applicant for a renewal of accreditation under a food safety scheme if—

(a) the activities carried out by the applicant under the scheme are high risk; and

(b) the applicant maintains a program under the scheme.

(2) If the applicant's accreditation is renewed, Safe Food must conduct 2 compliance audits of the holder's program during the term of the renewed accreditation.

(3) Safe Food must conduct the compliance audits at least 6 months apart.

(4) However, if a critical nonconformance is identified at a compliance audit, Safe Food must conduct an additional compliance audit of the program within 3 months after the compliance audit.

56 Safe Food may vary frequency of audits

(1) This section applies despite the frequency of audits Safe Food is required to conduct under this division for the grant or renewal of an accreditation for a food safety scheme.

(2) Safe Food may decide to conduct audits less frequently if Safe Food considers it is appropriate in the circumstances that audits be conducted less frequently.

Example—

If an applicant is applying for renewal of an accreditation under a food safety scheme and the applicant has demonstrated at previous audits that the activities audited comply with the scheme, Safe Food may decide that a compliance audit of the applicant's program under section 53(2), 54(2) or 55(2) is not required.

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(3) If Safe Food decides to vary the frequency of audits under this section, Safe Food must give the accreditation holder written notice of the decision.

Division 5 Audits after major and critical nonconformances

57 Identification of major nonconformance

(1) This section applies if an auditor identifies a major nonconformance of an accreditation holder's program at a compliance audit.

(2) The auditor must, within 14 days after completion of the audit, prepare a corrective action request (a ***CAR***) that complies with subsection (3) and give a copy of the CAR to—

(a) Safe Food; and

(b) the holder.

Maximum penalty—20 penalty units.

(3) The CAR must state the following—

(a) the activities of the holder's program that constitute a major nonconformance;

(b) the action the holder must take to correct the nonconformance and the period within which the action must be taken;

(c) whether the auditor needs to conduct a further audit (a ***nonconformance audit***) to check that the nonconformance has been corrected;

(d) if a nonconformance audit is needed, when the audit must be conducted.

Maximum penalty—20 penalty units.

(4) If a nonconformance audit is needed, the auditor must conduct the audit by the day stated in the CAR.

Maximum penalty—20 penalty units.

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(5) If the auditor considers a nonconformance audit identifies that the major nonconformance has not been corrected, the auditor may conduct a further nonconformance audit.

(6) A nonconformance audit must be conducted separately from a compliance audit of the holder's program.

58 Identification of critical nonconformance

(1) This section applies if the auditor identifies a critical nonconformance of an accreditation holder's program at a compliance audit.

(2) The auditor must inform Safe Food immediately after the auditor forms the opinion, unless the auditor has a reasonable excuse.

Maximum penalty—50 penalty units.

(3) The auditor must prepare a CAR that complies with subsection (4) and give a copy of the CAR to—

(a) Safe Food; and

(b) the holder.

Maximum penalty—20 penalty units.

(4) The CAR must state the following—

(a) the activities of the holder's program that constitute a critical nonconformance;

(b) the action the holder must take to correct the nonconformance and the period within which the action must be taken;

(c) that the auditor needs to conduct a nonconformance audit;

(d) when the nonconformance audit must be conducted.

(5) The auditor must conduct the nonconformance audit by the day stated in the CAR.

Maximum penalty—50 penalty units.

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(6) If the auditor considers the nonconformance audit identifies that the critical nonconformance has not been corrected, the auditor must—

(a) inform Safe Food immediately after the auditor forms the opinion, unless the auditor has a reasonable excuse; and

(b) conduct any further nonconformance audit at the direction of Safe Food.

Maximum penalty—50 penalty units.

(7) A nonconformance audit must be conducted separately from a compliance audit of the holder's program.

Division 6 Nonconformance with management statements

59 Identification of nonconformance with management statement

(1) This section applies if Safe Food identifies any nonconformance with the requirements of an accreditation holder's management statement.

(2) Safe Food may give the holder a notice stating—

(a) the nonconformance; and

(b) that the holder must take action to remedy the nonconformance and the period within which the action must be taken.

(3) The holder must comply with the notice.

Maximum penalty—20 penalty units.

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Chapter 3 Dairy scheme

Part 1 Preliminary

60 Purpose of ch 3

(1) This chapter sets out the dairy produce food safety scheme (the ***dairy scheme***).

(2) The dairy scheme gives effect to particular requirements of the food standards code, standards 4.2.4 *Primary production and processing standard for dairy products (Australia only)* and 4.2.4A *Primary production and processing standard for specific cheeses (Australia only)*.

Notes—

1 At the commencement of this section, the standards were able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

2 See schedules 2 and 3 for other standards applying to food safety requirements under the dairy scheme.

61 Primary produce for which dairy scheme applies

(1) The dairy scheme applies to dairy produce intended for human or animal consumption.

(2) However, the dairy scheme does not apply to the processing of dairy produce intended for consumption by an animal, if the animal, or any part or product of the animal, is intended for human consumption.

62 Prescribed dairy produce—Act, s 8

(1) The milk of buffalo is prescribed.

(2) The following dairy products are prescribed—

(a) flavoured milk;

(b) cream and thickened cream;

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(c) butter, butter concentrate, buttermilk, concentrated buttermilk, dairy blend, ghee (clarified butter), anhydrous milk fat (butter oil);

(d) casein, caseinate and cheese;

(e) whey, whey cream and concentrated whey cream;

(f) cultured milk and yoghurt;

(g) ice-cream and ice-cream mix;

(h) buttermilk powder, lactose powder, milk sugar, powdered milk, skim milk powder, whey powder, milk protein powder and other milk concentrates;

(i) colostrum.

63 Aspects of production of dairy scheme produce for which dairy scheme applies

(1) The dairy scheme applies to the production of dairy scheme produce, including, for example, the following—

(a) milking an animal at a dairy;

(b) processing milk at a dairy;

(c) storing milk at a dairy;

(d) rearing an animal at a dairy for milking at the dairy;

(e) growing stock food at a dairy for consumption by an animal to be milked at the dairy;

(f) transporting dairy scheme produce—

(i) from a dairy to a factory; or

(ii) from a factory to another factory for further processing; or

(iii) to or from a depot; or

(iv) within a factory;

(g) handling or storing milk at a depot before transporting the milk to a factory for processing;

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(h) processing dairy scheme produce;

Examples for paragraph (h)—

- pasteurisation of milk
- homogenisation of milk
- manufacture of cheese

(i) processing, supplying or selling pet food;

(j) treating with drugs and pesticides an animal to be milked at a dairy;

(k) producing goat milk for human consumption.

(2) However, the dairy scheme does not apply to the following—

(a) growing stock food at a place other than a dairy for consumption by an animal to be milked at a dairy;

(b) supplying stock food to a dairy for consumption by an animal to be milked at the dairy;

(c) transporting stock food for consumption by an animal to be milked at a dairy;

(d) rearing an animal to be supplied to a dairy for milking;

(e) transporting an animal to a dairy for milking;

(f) transporting dairy scheme produce from a factory to a wholesaler or retailer;

(g) retail sales of dairy scheme produce, other than pet food;

(h) manufacturing ice-cream if retail sales of the ice-cream are made from the retail premises where the ice-cream is produced.

Part 2 Programs and management statements

64 Requirement for program or management statement

An applicant for a grant or renewal of an accreditation under the dairy scheme must prepare—

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(a) a program under the scheme; or

(b) a management statement under the scheme.

Part 3 Food safety requirements

Division 1 Preliminary

65 Food safety requirements for dairy scheme

(1) Subject to part 4, the food safety requirements under this part are food safety requirements for the dairy scheme.

Note—

See part 4 for additional food safety requirements for the dairy scheme that apply to an accreditation holder under that part.

(2) Those requirements are additional to the food safety requirements under chapter 2, part 5, subject to section 35(2)(b).

(3) However, a food safety requirement under this part applies instead of a food safety requirement under chapter 2, part 5 to the extent of any inconsistency.

Division 2 Dairy produce at dairies

Subdivision 1 Preliminary

66 Application of div 2

This division applies to an accreditation holder who produces milk from an animal at the holder's dairy.

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Subdivision 2 All dairy produce

67 General food safety requirement for production of milk at dairy

An accreditation holder must ensure the production of milk from an animal at the holder's dairy complies with the compulsory standard.

Maximum penalty—20 penalty units.

68 Animals to be milked must be free of disease

(1) This section applies to an animal—

(a) reared at a dairy for milking at the dairy; or

(b) brought from another place for milking at a dairy.

(2) The holder must not obtain milk from an animal the holder knows, or ought reasonably know, is affected by a disease, if the milk from the animal may be unacceptable.

Maximum penalty—20 penalty units.

(3) The holder must keep records to trace each animal to be milked to ensure only an animal not affected by disease is milked.

Examples of records—

- a seller's declaration if an animal is brought from another place
- an identification of an animal treated at a dairy
- a record of a veterinary chemical product and drug treatment, treatment date, dosage and withholding period for an animal
- a record showing compliance with the withholding period for an animal

69 Stock food for consumption by animals to be milked

(1) An accreditation holder must not feed stock food to an animal to be milked if the holder knows, or ought reasonably know, the food may introduce a risk of contaminating the milk.

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Maximum penalty—20 penalty units.

(2) Without limiting subsection (1), stock food must not contain microbiological or chemical hazards at levels greater than the MRLs stated in the compulsory standard.

(3) The holder must keep records to trace stock food purchased to ensure only appropriate stock food is used.

Examples of records—

- a seller's declaration if stock food is brought from another place
- a paddock identification or storage facility of treated stock food
- a record of a chemical product or drug treatment, treatment date, application rate and withholding period for stock food
- a record showing compliance with withholding period for stock food treated

70 Milk supplied must be free of chemical contaminants

(1) An accreditation holder must not supply milk for the processing of dairy produce at a place other than a dairy if—

(a) the holder knows, or ought reasonably know, the milk has a residue level greater than the MRLs stated in the compulsory standard; or

(b) the milk has been obtained from an animal that has been treated for a disease or illness if the animal's treatment does not comply with the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, part 2.

Maximum penalty—20 penalty units.

(2) The holder must keep records for the purpose of tracing animals to be milked to ensure only milk that is not contaminated is used.

Examples of records—

- an identification of a treated animal
- a record showing chemical products approved by the APVMA only have been used for an animal
- a record of a chemical product or drug treatment, treatment date, dosage and withholding period for milk from a treated animal

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- a record showing compliance with withholding period for milk from a treated animal

71 Production and storage of milk

An accreditation holder may obtain milk from an animal and store the milk only in a way and using equipment that prevents the contamination of the milk from foreign matter and hazards that may make the milk unacceptable.

Maximum penalty—20 penalty units.

72 Temperature control for stored milk

An accreditation holder must store milk at a temperature that restricts the development of microbiological hazards in the milk.

Maximum penalty—20 penalty units.

73 Health and hygiene requirements

(1) An accreditation holder must ensure all persons milking animals at the dairy maintain a high level of health and hygiene practices to prevent contamination of the milk.

Maximum penalty—20 penalty units.

(2) Measures the holder must take under subsection (1) include—

(a) providing adequate health and hygiene facilities at the dairy and ensuring appropriate use of the facilities by the persons milking the animals; and

(b) establishing and maintaining appropriate procedures and practices for health and hygiene.

74 Labelling of pet food

(1) An accreditation holder who labels pet food must comply with subsections (2) to (4) for the labelling of the pet food.

Maximum penalty—20 penalty units.

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(2) The label on a package containing the pet food must include the statement 'Animal Food Only' in Arial, Times New Roman or similar typeface of at least 6mm in height.

(3) The statement must be immediately followed by another statement 'Not fit for human consumption' in Arial, Times New Roman or similar typeface of at least 3mm in height.

(4) The statements mentioned in subsections (2) and (3) must be—

(a) in a colour contrasting distinctly with the background colour of the label or packaging; and

(b) conspicuous to a person looking at the label.

Subdivision 3 Dairy produce other than unpasteurised goat milk

75 Design, construction and maintenance of dairy and equipment

(1) This section applies to an accreditation holder, other than an accreditation holder to whom part 4 applies.

Note—

For accreditation holders to whom part 4 applies, see section 83.

(2) The holder must ensure the holder's dairy and equipment used to obtain and store milk from an animal are designed in a way, and constructed with appropriate materials, to minimise, to the greatest possible extent, the introduction of contaminants to the milk.

Maximum penalty—20 penalty units.

(3) The holder must ensure the holder's dairy and equipment are kept clean and in good repair.

Maximum penalty—20 penalty units.

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Division 3 Processing dairy produce at depots or factories

76 Application of div 3

This division applies to an accreditation holder who processes dairy produce at a depot or factory.

77 Receiving dairy produce for processing

(1) This section applies if an accreditation holder accepts, from a person, dairy produce for processing.

(2) The holder must take all practical measures to ensure the produce—

(a) is, or has been, protected from the risk of contamination; and

(b) does not contain contaminants greater than the MRLs stated in the compulsory standard.

Maximum penalty—20 penalty units.

(3) The holder must keep records of—

(a) the name and address of the person who supplied the dairy produce; and

(b) the details and results of the testing done to determine the acceptability of the produce; and

(c) any other document showing the holder has complied with subsection (2).

78 General food safety requirement for processing dairy produce at depot or factory

(1) An accreditation holder must process dairy produce at the holder's depot or factory in a way that complies with the compulsory standard.

Maximum penalty—20 penalty units.

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(2) Without limiting subsection (1), the holder must pasteurise milk or process dairy produce using equipment that is appropriate for the pasteurisation or other processing.

79 Storing dairy produce

If an accreditation holder stores dairy produce at a place other than a dairy, the holder must ensure the produce is—

(a) protected from the risk of contamination; and

(b) kept under environmental conditions and temperature control to maintain the acceptability of the dairy produce.

Maximum penalty—20 penalty units.

80 Minimum standard for dairy produce for human consumption

If an accreditation holder processes dairy produce for human consumption, the holder must ensure the produce—

(a) does not contain—

(i) microbiological levels greater than the levels stated in the compulsory standard; or

(ii) chemical hazards at levels greater than the MRLs stated in the compulsory standard; and

(b) has the composition stated for the dairy produce in the compulsory standard.

Maximum penalty—20 penalty units.

81 Supplying dairy produce

An accreditation holder must not supply dairy produce to a person if the holder knows, or ought reasonably know, the processing or the produce has not complied with the compulsory standard.

Maximum penalty—20 penalty units.

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82 Testing after processing

An accreditation holder must use a testing program for dairy produce processed at the holder's factory to ensure the acceptability of the produce complies with the compulsory standard.

Maximum penalty—20 penalty units.

Part 4 Goat milk

Division 1 Preliminary

83 Primary produce for which pt 4 applies

This part applies to goat milk intended for human consumption if the goat milk—

(a) is not pasteurised; and

(b) is not sent to a factory for processing.

84 Aspects of production of goat milk for which pt 4 applies

(1) This part applies to the following—

(a) milking a goat at a dairy;

(b) storing goat milk at a dairy;

(c) rearing a goat at a dairy for milking at the dairy;

(d) growing stock food at a dairy for consumption by a goat to be milked at the dairy;

(e) treating with drugs and pesticides a goat to be milked at a dairy;

(f) packaging and labelling goat milk at a dairy;

(g) retail sales of goat milk if the milk is sold from the dairy where the goat was milked.

(2) However, this part does not apply to the following—

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(a) growing stock food at a place other than a dairy for consumption by a goat to be milked at a dairy;

(b) supplying or transporting stock food to a dairy for consumption by a goat to be milked at the dairy;

(c) rearing a goat to be supplied to a dairy for milking;

(d) producing goat milk for human consumption if the milk is sent to a factory for processing;

(e) retail sales of goat milk if the milk is sold other than from the dairy where the goat was milked.

85 Modified application of dairy scheme

An accreditation holder engaging in the production of primary produce under this part must comply with the dairy scheme, other than section 75.

Division 2 Food safety requirements

Subdivision 1 General requirements

86 General food safety requirement for production of goat milk

An accreditation holder must produce goat milk according to the compulsory standard.

Maximum penalty—20 penalty units.

87 Design, construction and maintenance of dairy and equipment

An accreditation holder must ensure the dairy and the equipment at the dairy comply with the compulsory standard.

Maximum penalty—20 penalty units.

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88 Supply of goat milk for human consumption

An accreditation holder must not supply goat milk to a person if the holder knows, or ought reasonably know, the holder has not complied with section 86 for the goat milk.

Maximum penalty—20 penalty units.

Subdivision 2 Testing and product recall

89 Standard for testing and frequency of testing

An accreditation holder must comply with the following in the holder's program or management statement—

(a) the testing program for goat milk produced at the dairy to ensure the goat milk complies with the compulsory standard;

(b) the frequency of testing for goat milk.

Maximum penalty—50 penalty units.

90 Conducting tests

(1) An accreditation holder must ensure a test for a substance in goat milk is conducted by a laboratory accredited by NATA to conduct the test.

Maximum penalty—20 penalty units.

(2) The accreditation holder must send the results of the test to Safe Food within 7 days after the laboratory conducting the test notifies the holder of the test results.

Maximum penalty—20 penalty units.

(3) In this section—

NATA means the National Association of Testing Authorities, Australia.

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91 Safe Food conducts random checks

Safe Food may conduct random checks or take samples of goat milk produced to ensure an accreditation holder is complying with the holder's program or management statement.

92 Product recall

(1) An accreditation holder must, for goat milk produced, implement and maintain a product recall program that complies with the FSANZ industry recall program.

Maximum penalty—20 penalty units.

(2) In this section—

FSANZ industry recall program means a guideline issued by Food Standards Australia and New Zealand, established under the *Food Standards Australia New Zealand Act 1991* (Cwlth), about ways of complying with recall procedures.

Subdivision 3 Labelling

93 Labelling goat milk

(1) An accreditation holder must comply with subsections (2) to (4) for labelling goat milk.

Maximum penalty—20 penalty units.

(2) The goat milk must be labelled according to the compulsory standard.

(3) The label on a package containing goat milk must include the statement 'Caution—This milk is an unpasteurised product and may contain organisms that could be injurious to health.'.

(4) The statement must be—

(a) in Arial, Times New Roman or similar typeface of at least 3mm in height; and

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(b) in a colour contrasting distinctly with the background colour of the label or packaging; and

(c) conspicuous to a person looking at the label.

Chapter 4 Egg scheme

Part 1 Preliminary

94 Purpose of ch 4

(1) This chapter sets out the egg food safety scheme (the ***egg scheme***).

(2) The egg scheme gives effect to particular requirements of the food standards code, standard 4.2.5 *Primary production and processing standard for eggs and egg product (Australia only)*.

Notes—

1 At the commencement of this section, the standards were able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

2 See schedules 5 and 6 for other standards applying to food safety requirements under the egg scheme.

95 Primary produce for which egg scheme applies

The egg scheme applies to eggs and egg products intended for human or animal consumption.

96 Aspects of production of egg scheme produce for which egg scheme applies

(1) The egg scheme applies to the production of egg scheme produce, including, for example, the following—

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(a) rearing a bird at an egg production farm for egg production;

(b) growing stock food at an egg production farm for consumption by a bird to be used for egg production;

(c) producing eggs at an egg production farm, including under a preferred supplier arrangement;

(d) storing eggs at an egg production farm, egg processing facility or wholesaler's premises;

(e) transporting eggs or egg products—

(i) from an egg producer to an egg processor or wholesaler; or

(ii) from an egg processor to a wholesaler; or

(iii) from an egg producer, egg processor or wholesaler to a retailer, manufacturer or commercial premises; or

(iv) from a wholesaler to an egg processor; or

(v) within an egg production farm, egg processing facility or wholesaler's premises;

(f) handling eggs or egg products at an egg production farm, egg processing facility or wholesaler's premises;

(g) washing and grading eggs, including assessing eggs for cracks;

(h) off-farm sales of eggs;

(i) processing eggs to produce egg products;

(j) pasteurising egg products.

(2) However, the egg scheme does not apply to the following—

(a) growing or supplying stock food at a place other than an egg production farm for consumption by a bird to be used for egg production;

(b) transporting stock food at or from a place other than an egg production farm for consumption by a bird to be used for egg production;

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(c) rearing a bird at a place other than an egg production farm for egg production;

(d) rearing a bird as a pet or for show;

(e) retail sales of eggs, other than off-farm sales, for human consumption;

(f) any other supply of eggs or egg products by a manufacturer or commercial premises.

(3) In this section—

manufacturer means a person who uses eggs or egg products in manufacturing a product intended for human or animal consumption.

off-farm sale means the sale of an egg from an egg production farm direct to the public or a retailer.

Part 2 Programs and management statements

97 Requirement for program or management statement

An applicant for a grant or renewal of an accreditation under the egg scheme must prepare—

(a) a program under the scheme; or

(b) a management statement under the scheme.

Part 3 Food safety requirements

Division 1 Preliminary

98 Food safety requirements for egg scheme

(1) The food safety requirements under this part are food safety requirements for the egg scheme.

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(2) Those requirements are additional to the food safety requirements under chapter 2, part 5.

(3) However, if an activity mentioned in section 96(1)(a) or (b) is carried out in a location that is physically separate from where another activity mentioned in section 96 is carried out, the requirement stated in section 42 is the only food safety requirement that applies to the activity.

Division 2 General

Subdivision 1 Information requirements

99 Information to be contained in program—Act, s 41

(1) For section 41(2)(f) of the Act, this section applies if an accreditation holder is, or an applicant for a grant of an accreditation proposes to be—

(a) an egg producer; or

(b) an egg processor.

(2) The person's program or management statement, prepared under the egg scheme, must state the person's egg production identification.

Subdivision 2 Production and supply of eggs and egg products

100 General food safety requirement for production and supply of eggs and egg products

(1) An accreditation holder must produce and supply eggs and egg products according to the compulsory standard.

Maximum penalty—20 penalty units.

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(2) However, if an act or omission is an offence under subsection (1), and is also an offence against another provision of this part, the holder is not liable to be punished for the offence under subsection (1).

101 Birds must be free of disease

An accreditation holder must not obtain eggs for human or animal consumption from a bird the person knows, or ought reasonably know, is affected by a disease, if the eggs may be unsafe.

Maximum penalty—50 penalty units.

Example of disease—

Salmonella enteritidis

102 Stock food for consumption by birds

(1) An accreditation holder must not feed stock food to a bird used for egg production if the holder knows, or ought reasonably know, the food may introduce a risk of contaminating the eggs.

Maximum penalty—50 penalty units.

(2) Without limiting subsection (1), stock food must not contain microbiological or chemical hazards at levels greater than the MRLs stated in the compulsory standard.

103 Eggs supplied must be free of chemical contaminants

An accreditation holder must not supply eggs for human or animal consumption if the holder suspects, or ought reasonably suspect—

(a) the eggs have a residue level greater than the MRLs stated in the compulsory standard; or

(b) the eggs have been obtained from a bird that has been treated for a disease or illness, if the bird's treatment

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does not comply with the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, part 2.

Maximum penalty—50 penalty units.

104 Identifying eggs and egg products

(1) An accreditation holder who produces eggs must not supply the eggs unless the holder has marked each egg, and each carton or package containing the eggs, with the holder's egg production identification in the way stated in the holder's approved program or management statement.

Maximum penalty—50 penalty units.

(2) An accreditation holder who produces egg products must not supply the products unless the holder has marked each package containing the product with the holder's egg production identification in the way stated in the holder's approved program or management statement.

Maximum penalty—50 penalty units.

105 Supplying eggs

(1) A person must not supply an egg for sale if the person knows, or ought reasonably know, the shell of the egg—

(a) is cracked; or

(b) has visible faeces, soil or other matter on the shell.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply if the person supplies the egg to an accreditation holder for processing the egg and pasteurising the egg product.

(3) Also, if the person is an accreditation holder, it is a defence for the person to prove the person complied with the person's approved program or management statement in producing the egg.

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(4) An accreditation holder who supplies eggs under a preferred supplier arrangement must not supply eggs other than under the arrangement.

Maximum penalty for subsection (4)—50 penalty units.

106 Supplying egg products

(1) A person must not supply an egg product the person knows, or ought reasonably know, has not been pasteurised.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply if the person supplies the egg product to an accreditation holder for pasteurising the egg product.

107 Pasteurising egg products

(1) A person who produces egg products must pasteurise the egg products according to the compulsory standard.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply if the person supplies the egg products to an accreditation holder for pasteurising the egg products.

Division 3 Records

108 Tracing birds used in production

(1) An accreditation holder who produces eggs must keep records to trace each bird used in the production to ensure only birds not affected by disease are used.

Examples of records—

- a seller's declaration if the bird is brought from another place
- an identification of a treated bird
- a record of a veterinary chemical product and drug treatment, treatment date, dosage and withholding period for a bird

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- a record showing compliance with withholding period for a bird

(2) The holder must keep records to trace each bird used in the production to ensure only eggs that are not contaminated are used.

Examples of records—

- an identification of a treated bird
- a record showing chemical products approved by the APVMA only have been used for the bird
- a record of a chemical product and drug treatment, treatment date, dosage and withholding period for eggs from the bird
- a record showing compliance with withholding period for eggs from the bird

(3) The holder must keep records for any supply or receipt of—

(a) an egg, the shell of which is cracked or has visible faeces, soil or other matter on the shell; or

(b) an unpasteurised egg product.

109 Tracing stock food

An accreditation holder who produces eggs must keep records to trace stock food purchased for birds used in the production to ensure only appropriate stock food is used.

Examples of records—

- a seller's declaration if stock food is brought from another place
- a paddock identification or storage facility of treated stock food
- a record of a chemical product or drug treatment, treatment date, application rate and withholding period for stock food
- a record showing compliance with withholding period for stock food treated

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Chapter 5 Horticulture scheme

Part 1 Preliminary

110 Purpose of ch 5

(1) This chapter sets out the horticulture food safety scheme (the ***horticulture scheme***).

(2) The horticulture scheme gives effect to the requirements of the food standards code, standard 4.2.6 *Production and processing standard for seed sprouts (Australia only)*.

Note—

At the commencement of this section, the standard was able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

111 Primary produce for which horticulture scheme applies

The horticulture scheme applies to horticulture produce intended for human consumption.

112 Aspects of production of horticulture produce for which horticulture scheme applies

(1) The horticulture scheme applies to the production of horticulture scheme produce, including, for example, the following—

(a) decontamination of seed or seed sprouts;

(b) soaking of seed;

(c) germination or growth of seed;

(d) harvest of seed sprouts;

(e) washing, drying or packing of seed sprouts.

(2) However, the horticulture scheme does not apply to retail sales of horticulture produce.

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Part 2 Programs and management statements

113 Requirement for program or management statement

An applicant for a grant or renewal of an accreditation under the horticulture scheme must prepare—

(a) a program under the scheme; or

(b) a management statement under the scheme.

Part 3 Food safety requirements

Division 1 Preliminary

114 Food safety requirements for horticulture scheme

(1) The food safety requirement under this part is a food safety requirement for the horticulture scheme.

(2) The food safety requirements under chapter 2, part 5 apply in addition to the food safety requirements under this part.

(3) However, a food safety requirement under this part applies instead of a food safety requirement under chapter 2, part 5 to the extent of any inconsistency.

Division 2 Production and supply of seed and seed sprouts

115 General food safety requirement for production and supply of seed and seed sprouts

An accreditation holder must produce and supply seed and seed sprouts according to the compulsory standard.

Maximum penalty—50 penalty units.

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Chapter 6 Meat scheme

Part 1 Preliminary

116 Purpose of ch 6

(1) This chapter sets out the meat food safety scheme (the ***meat scheme***).

(2) The meat scheme gives effect to particular requirements of the food standards code, standards 4.2.2 *Primary production and processing standard for poultry meat (Australia only)* and 4.2.3 *Production and processing standard for meat (Australia only)*.

Notes—

1 At the commencement of this section, the standards were able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

2 See schedules 9 and 10 for other standards applying to food safety requirements under the meat scheme.

117 Primary produce for which meat scheme applies

The meat scheme applies to—

(a) meat intended for human consumption; and

(b) ready-to-eat meat intended for human consumption; and

(c) pet meat, pet meat products and rendered products intended for animal consumption; and

(d) poultry intended for human consumption.

118 Aspects of production of meat scheme produce for which meat scheme applies

(1) The meat scheme applies to the production of meat scheme produce, including, for example, the following—

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(a) handling of an animal at a place where the animal is killed for meat;

(b) rearing of poultry intended for human consumption;

(c) live transporting of poultry intended for human consumption;

(d) other handling of poultry intended for human consumption;

(e) processing meat or ready-to-eat meat intended for human consumption;

(f) processing pet meat, a pet meat product or a rendered product;

(g) handling, packaging or storing meat or a meat product;

(h) transporting meat obtained from an animal, at any stage in the production of the meat from when the animal is killed to when the meat arrives at relevant premises—

(i) whether or not the meat is transported directly to the relevant premises; and

(ii) regardless of the number of stages of production of the meat, the number of journeys before the meat arrives at the relevant premises, the number of premises to which the meat is transported for production and the time taken to transport the meat to the relevant premises;

(i) retail sales of meat or a meat product from—

(i) meat retail premises; or

(ii) a meat retail vehicle;

(j) retail sales of prepackaged meat or a prepackaged meat product if the package is sold opened.

(2) However, the meat scheme does not apply to the following—

(a) rearing an animal, other than poultry, to be killed for meat;

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(b) growing, mixing, storing or transporting stock food for consumption by an animal to be killed for meat;

(c) handling or transporting an animal, other than poultry, at any stage before the animal arrives at an abattoir where the animal is killed;

(d) transporting meat from the initial retail premises to other premises where the meat is sold;

Example—

transporting meat from a butcher shop to a commercial premises

(e) handling or transporting ready-to-eat meat or a rendered product after the meat or product leave the premises where the meat or product is processed;

(f) retail sales of prepackaged meat or a prepackaged meat product if the package is sold unopened.

(3) In this section—

initial retail premises, for meat, means a meat retail premises, or a commercial premises, that is the first point of retail sale of the meat.

relevant premises, for meat, means—

(a) if the meat is to be processed to produce ready-to-eat meat, a pet meat product or a rendered product—premises where the meat is processed; or

(b) otherwise—the initial retail premises.

Part 2 Programs and management statements

119 Requirement for program or management statement

An applicant for a grant or renewal of an accreditation under the meat scheme must prepare—

(a) a program under the scheme; or

(b) a management statement under the scheme.

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120 When person from another State taken to hold accreditation

(1) If a person is not accredited in the State to kill wild animals, but is licensed to kill wild animals, the person is taken to be the holder of an accreditation to kill animals in the wild for meat.

(2) If a person is not accredited in the State to transport meat or a meat product, but is licensed to transport meat or a meat product from or to the State, the person is taken to be the holder of an accreditation to transport meat or a meat product.

(3) If a licence mentioned in subsection (1) or (2) is subject to a restriction or condition, the accreditation the person is taken to hold is also taken to be subject to a restriction or condition in the same terms, so far as practicable, as the restriction or condition.

(4) In this section—

licensed means licensed, accredited or otherwise authorised under the law of another State.

Part 3 Food safety requirements

Division 1 Preliminary

121 Food safety requirements for meat scheme

(1) The food safety requirements under this part are food safety requirements for the meat scheme.

Note—

See section 168 for additional food safety requirements for the production and processing of poultry

(2) Those requirements are additional to the food safety requirements under chapter 2, part 5.

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(3) However, a food safety requirement under this part applies instead of a food safety requirement under chapter 2, part 5 to the extent of any inconsistency.

Division 2 Rearing, capturing and killing animals for meat

122 Animal to be killed must come from place free of chemical contaminants

(1) This section applies to an accreditation holder who kills for meat—

(a) an animal reared to be killed for meat; or

(b) a wild animal.

(2) The holder must not kill the animal if the holder knows, or ought reasonably know, the animal has been reared at, or comes from, a place where chemical contaminants at the place could make the meat, or meat products processed from the meat, unacceptable.

Maximum penalty—20 penalty units.

123 System for rearing animals at place of production

(1) This section applies to an accreditation holder who kills an animal that comes from a place of production.

(2) The holder must, before killing the animal, ensure another person in charge of the place of production implements and maintains a system for rearing the animal to produce meat from the animal that is acceptable.

Maximum penalty—20 penalty units.

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124 System for identifying place of capture of wild animals

An accreditation holder who kills wild animals for meat must implement and maintain a system that can identify the place where an animal is captured before the animal is killed.

Maximum penalty—20 penalty units.

125 Identifying source of animal

(1) An accreditation holder who kills an animal for meat must keep records complying with this section.

Maximum penalty—20 penalty units.

(2) The records must identify—

(a) for an animal reared to be killed for meat—the place of production; or

(b) for a wild animal—

(i) the place where the animal is caught; and

(ii) if the animal is killed in the wild—the place where the animal is killed.

126 Animal appropriate for producing meat

An accreditation holder who kills an animal for meat must ensure that the animal is appropriate for producing meat that is acceptable, before killing the animal.

Maximum penalty—20 penalty units.

127 Adequate lighting at place where wild animal killed

An accreditation holder who kills wild animals for meat must ensure there is adequate natural or artificial lighting—

(a) at the place where the animal is killed; and

(b) where the animal is field dressed.

Maximum penalty—20 penalty units.

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Division 3 Carcasses

Subdivision 1 Handling carcasses and post mortem dispositions

128 Before post mortem disposition

(1) An accreditation holder who kills an animal for meat must kill the animal in a way that ensures an accurate post mortem disposition can be applied to the animal's carcass.

Maximum penalty—20 penalty units.

(2) An accreditation holder who dresses an animal must dress the animal in a way that ensures an accurate post mortem disposition can be applied to the animal's carcass.

Maximum penalty—20 penalty units.

129 Handling and dressing animal

An accreditation holder who handles or dresses an animal must handle or dress the animal in a way that—

(a) reduces the risk of contamination of the animal's carcass; and

(b) ensures the carcass is appropriate for producing meat that is acceptable.

Maximum penalty—20 penalty units.

130 Meat from carcass

An accreditation holder who handles a carcass must ensure the carcass is not affected by any disease or abnormality that could affect the acceptability of the meat from the carcass.

Maximum penalty—20 penalty units.

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131 Receiving field dressed animal and carcass

A person, other than an authorised officer, may receive a carcass or animal that has been field dressed only from an accreditation holder.

Maximum penalty—20 penalty units.

132 Performing post mortem disposition

(1) An accreditation holder who kills an animal at premises must ensure a post mortem disposition is applied to the animal's carcass before the carcass is removed from the area of the premises where the carcass is dressed.

Maximum penalty—20 penalty units.

(2) An accreditation holder who kills a wild animal for meat, and field dresses the animal in or on a vehicle, must ensure a post mortem disposition is applied to the animal's carcass before the carcass is removed from the area in or on the vehicle where the carcass is field dressed.

Maximum penalty—20 penalty units.

133 Meat for animal consumption

(1) This section applies to an accreditation holder who, when applying a post mortem disposition to a carcass, categorises meat from the carcass as meat for animal consumption.

(2) The holder must ensure the following meat only is included in the meat for animal consumption—

(a) pet meat;

(b) pet meat that has been treated to destroy *Clostridium botulinum* spores;

(c) biological matter that can be rendered to produce a rendered product.

Maximum penalty—20 penalty units.

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(3) The holder must ensure pet meat that has not been treated to destroy *Clostridium botulinum* spores and biological matter that has not been rendered are kept separate from other pet meat.

Maximum penalty—20 penalty units.

Subdivision 2 Chilling, staining and temperature controls for animals and carcasses

134 Chilling carcass of animal killed at abattoir

(1) This section applies to an accreditation holder who dresses an animal if the animal is killed at an abattoir.

(2) After dressing the animal, the holder must—

(a) chill the animal's carcass to a temperature, and within a period, that ensures the acceptability of meat from the carcass is not affected; and

(b) keep the carcass at the temperature.

Maximum penalty—20 penalty units.

135 Chilling animal killed in the wild

(1) An accreditation holder who field dresses an animal killed in the wild must—

(a) chill the animal to a temperature, and within a period, that ensures the acceptability of meat from the animal is not affected; and

(b) keep the animal at the temperature.

Maximum penalty—20 penalty units.

(2) If an accreditation holder who field dresses an animal killed in the wild gives the animal to another accreditation holder to chill the animal, the other accreditation holder must—

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(a) chill the animal to a temperature, and within a period, that ensures the acceptability of meat from the animal is not affected; and

(b) keep the animal at the temperature.

Maximum penalty—20 penalty units.

136 Receiving animal killed in the wild

(1) This section applies to an accreditation holder who receives an animal that has been field dressed if the animal is killed in the wild.

(2) After receiving the animal, the holder must—

(a) chill the animal to a temperature, and within a period, that ensures the acceptability of meat from the animal is not affected; and

(b) keep the animal at the temperature.

Maximum penalty—20 penalty units.

137 Staining meat for animal consumption

(1) This section applies to an accreditation holder who processes an animal's carcass.

(2) As soon as possible after receiving the animal, the holder must stain the meat from the animal's carcass that is for animal consumption.

Maximum penalty—20 penalty units.

(3) The meat must be stained in a way that the meat is—

(a) clearly identified as for animal consumption; and

(b) not likely to be accidentally used or substituted for meat or ready-to-eat meat for human consumption.

Maximum penalty—20 penalty units.

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(4) Subsection (2) does not apply if Safe Food approves an alternative identification system in the holder's program or management statement.

138 Maintaining temperature of carcass

After an accreditation holder has chilled a carcass, the holder must keep the carcass at a temperature that ensures meat from the carcass is acceptable.

Maximum penalty—20 penalty units.

Division 4 Further processing

Subdivision 1 Meat and meat products for human and animal consumption

139 Further processing of meat and pet meat

(1) An accreditation holder who further processes meat or pet meat to produce ready-to-eat meat or a pet meat product must ensure the processing—

(a) destroys pathogens; or

(b) reduces pathogenic growth to a level that does not affect the acceptability of the meat or product.

Maximum penalty—20 penalty units.

(2) In this section—

further processing means processing other than cooling that extends the shelf life of the meat.

Examples—

- making ready-to-eat meat
- modified atmosphere packaging

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Subdivision 2 Meat and ready-to-eat meat for human consumption

140 Application of sdiv 2

This subdivision applies to meat and ready-to-eat meat for human consumption.

141 General food safety requirement for the production of ready-to-eat meat

An accreditation holder who is engaged in the production of ready-to-eat meat must ensure the production complies with the compulsory standard.

142 Receiving contaminated meat, ready-to-eat meat and ingredients

(1) An accreditation holder who receives meat, ready-to-eat meat or an ingredient used for making ready-to-eat meat must assess if—

(a) the meat, ready-to-eat meat or ingredient is contaminated; and

(b) time limits or temperature controls have been complied with when the meat, ready-to-eat meat or ingredient was transported to the holder's premises.

Maximum penalty—20 penalty units.

(2) If the holder assesses the meat, ready-to-eat meat or ingredient could be contaminated, the holder must ensure the meat, ready-to-eat meat or ingredient is—

(a) clearly identified as not for human consumption; and

(b) kept separate from, and does not affect the acceptability of, other meat or ready-to-eat meat.

Maximum penalty—20 penalty units.

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143 Identifying and separating meat not for human consumption

An accreditation holder who processes meat or ready-to-eat meat must ensure meat not for human consumption is—

(a) clearly identified as not for human consumption; and

(b) kept separate from, and does not affect the acceptability of, other meat or ready-to-eat meat.

Maximum penalty—20 penalty units.

144 Ingredients used for processing meat and ready-to-eat meat

An accreditation holder who proposes to use an ingredient in the processing of meat or ready-to-eat meat must ensure the ingredient—

(a) is appropriate for the purpose for which the ingredient is to be used; and

(b) does not make the meat or ready-to-eat meat unacceptable; and

(c) is labelled, stored and handled in a way that—

(i) prevents misuse of the ingredient; and

(ii) easily identifies the ingredient.

Maximum penalty—20 penalty units.

145 Hazardous material

An accreditation holder who processes meat or ready-to-eat meat must ensure hazardous material to be used—

(a) is appropriate for the purpose for which the hazardous material is to be used; and

(b) does not make the meat or ready-to-eat meat unacceptable; and

(c) is labelled, stored or handled in a way that—

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(i) prevents misuse of the hazardous material; and

(ii) easily identifies the hazardous material.

Maximum penalty—20 penalty units.

146 Contamination of meat and ready-to-eat meat

An accreditation holder who processes meat or ready-to-eat meat at a place must ensure the meat or ready-to-eat meat is not contaminated by an external environmental condition or a processing activity at the place.

Maximum penalty—20 penalty units.

147 Contamination of ready-to-eat meat by meat

An accreditation holder who processes ready-to-eat meat from meat must ensure the meat or ready-to-eat meat is not contaminated by other meat.

Maximum penalty—20 penalty units.

Subdivision 3 Pet meat, pet meat products and rendered products for animal consumption

148 Application of sdiv 3

This subdivision applies to pet meat, a pet meat product and rendered product for animal consumption.

149 Receiving contaminated pet meat, pet meat products and ingredients

(1) An accreditation holder who receives pet meat, a pet meat product or an ingredient used for processing a pet meat product must assess if—

(a) the meat, product or ingredient is contaminated; and

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(b) time limits or temperature controls have been complied with when the meat, product or ingredient was transported to the holder's premises.

Maximum penalty—20 penalty units.

(2) If the holder assesses the pet meat, pet meat product or ingredient could be contaminated, the holder must ensure the meat, product or ingredient is—

(a) clearly identified as not for animal consumption; and

(b) kept separate from, and does not affect the acceptability of, other meat or products.

Maximum penalty—20 penalty units.

150 Identifying and separating meat for animal consumption and unacceptable meat

An accreditation holder who processes pet meat, a pet meat product or a rendered product at premises must ensure—

(a) the meat or product is—

(i) clearly identified as for animal consumption; and

(ii) kept separate from, and does not affect the acceptability of, meat or ready-to-eat meat for human consumption; and

(b) unacceptable meat is—

(i) clearly identified as not for animal consumption; and

(ii) kept separate from, and does not affect the acceptability of, other meat or products.

Maximum penalty—20 penalty units.

151 Ingredients used for processing pet meat

An accreditation holder who proposes to use an ingredient in the processing of pet meat, a pet meat product or a rendered product must ensure the ingredient—

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(a) is appropriate for the purpose for which the ingredient is to be used; and

(b) does not make the meat or product unacceptable; and

(c) is labelled, stored and handled in a way that—

(i) prevents misuse of the ingredient; and

(ii) easily identifies the ingredient.

Maximum penalty—20 penalty units.

152 Hazardous material

An accreditation holder who processes pet meat, a pet meat product or rendered product at premises must ensure hazardous material to be used at the premises—

(a) is appropriate for the purpose for which the hazardous material is to be used; and

(b) does not make the meat or product unacceptable; and

(c) is labelled, stored or handled in a way that—

(i) prevents misuse of the hazardous material; and

(ii) easily identifies the hazardous material.

Maximum penalty—20 penalty units.

153 Rendering

An accreditation holder who renders biological material from an animal must ensure the rendering—

(a) destroys pathogens; or

(b) reduces pathogenic growth to a level that does not affect the acceptability of the rendered product.

Maximum penalty—20 penalty units.

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154 Contamination of pet meat, pet meat products and rendered products

An accreditation holder who processes pet meat, a pet meat product or a rendered product at premises must ensure the meat or product is not contaminated by an external environmental condition or a processing activity on the premises.

Maximum penalty—20 penalty units.

155 Contamination of pet meat product by pet meat

An accreditation holder who processes a pet meat product from pet meat must ensure the pet meat or product is not contaminated by other pet meat.

Maximum penalty—20 penalty units.

156 Contamination of rendered product

An accreditation holder who processes a rendered product must ensure the product is not contaminated by meat or other meat product that has not been rendered.

Maximum penalty—20 penalty units.

Division 5 Packaging, identifying, storing, handling and displaying meat and meat products

157 Packaging and prepackaging meat and meat products

(1) An accreditation holder who packages or prepackages meat or a meat product must package and identify the meat or product so that—

(a) the packaging and identification of the meat or product is appropriate for the purpose; and

(b) the acceptability of the meat or product is not affected.

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Maximum penalty—20 penalty units.

(2) Without limiting subsection (1), for prepackaged meat or a meat product, the packaging must protect the meat or product from contamination during storage, handling and transporting.

158 Storing, handling and displaying meat and meat products

An accreditation holder who stores, handles or displays meat or a meat product must store, handle or display the meat or product under conditions that ensure the acceptability of the meat or product is not affected.

Maximum penalty—20 penalty units.

159 Identifying and labelling meat and meat products for transportation

A person who transports meat or a meat product must ensure the meat or product is identified, labelled or kept separate from another product in a way that the meat or product is not likely to be mistaken for the other product.

Maximum penalty—20 penalty units.

Division 6 Records and prepackaging

Subdivision 1 Meat and meat products for human and animal consumption

160 Records to be kept about animals killed for meat

An accreditation holder who processes meat or a meat product must keep records of each animal killed from which the meat or product is processed, containing the following—

(a) the day the animal is killed;

(b) the name or number of the accreditation holder who killed the animal;

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(c) the animal's species;

(d) if the animal comes from a place of production—the address of the place;

(e) if the animal is a wild animal—

(i) the place where the animal was captured; and

(ii) if the animal is killed in the wild—the place where the animal is killed.

Subdivision 2 Meat and ready-to-eat meat for human consumption

161 Records to be kept about meat and ready-to-eat meat

(1) An accreditation holder who processes meat or ready-to-eat meat for human consumption must keep records of the meat or ready-to-eat meat, containing the following—

(a) the name or number of an accreditation holder from whom the meat comes;

(b) for the batch in which the meat or ready-to-eat meat is processed—

(i) the number or other identification of the batch; and

(ii) the name or number of the accreditation holder who processed the batch; and

(iii) the day the batch is processed; and

(iv) the name or number of any other accreditation holder from whom other meat or ready-to-eat meat in the batch is obtained;

(c) any other information that may be necessary to decide whether or not the meat or ready-to-eat meat should be recalled;

(d) the name and address of the person to whom the holder sent the meat or ready-to-eat meat after processing;

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(e) the day the person sent the meat or ready-to-eat meat.

(2) However, if the person to whom the holder sent the meat or ready-to-eat meat after processing is the consumer of the meat or ready-to-eat meat, the holder is not required to keep a record of the details mentioned in subsection (1)(d) or (e).

162 Labelling meat and ready-to-eat meat

An accreditation holder who prepackages meat or ready-to-eat meat for human consumption must ensure the meat or ready-to-eat meat is labelled with the following information before or during packaging—

(a) the holder's name or number;

(b) the day the meat or ready-to-eat meat is packaged.

Maximum penalty—20 penalty units.

Subdivision 3 Pet meat, pet meat products and rendered products for animal consumption

163 Records to be kept about pet meat, pet meat products and rendered products

(1) An accreditation holder who processes pet meat, a pet meat product or a rendered product must keep records of the meat or product, containing the following—

(a) for the batch in which the meat or product is processed—

(i) the number or other identification of the batch; and

(ii) the name or number of an accreditation holder who processed the batch; and

(iii) the day the batch is processed; and

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(iv) the name or number of any other accreditation holder from whom other meat or a product in the batch is derived;

(b) any other information that may be necessary to decide whether or not the meat or product should be recalled;

(c) the name and address of the person to whom the holder sent the meat or product after processing;

(d) the day the holder sent the meat or product.

(2) However, if the person to whom the holder sent the meat or product after processing is the consumer of the meat or product, the holder is not required to keep a record of the details mentioned in subsection (1)(c) or (d).

(3) In this section—

consumer, of pet meat, a pet meat product, or a rendered product—

(a) means the person who has purchased, or otherwise acquired, the meat or product for consumption by the person's or another person's domestic animal; but

(b) does not include a person who wholesales or retails the meat or product.

164 Labelling pet meat and pet meat products

(1) An accreditation holder who prepackages pet meat or a pet meat product must ensure the meat or product is labelled with the following before or during packaging—

(a) the holder's name or number;

(b) the use-by date or batch number of the meat or product;

(c) the weight of the meat or product;

(d) the ingredients of the meat or product;

(e) the requirements for storage of the meat or product;

Example for paragraph (e)—

A package of pet meat is labelled 'Keep frozen'.

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(f) the statement 'Animal food—Not for human consumption' or 'Pet food—Not for human consumption';

(g) if the meat or product is packaged for retail sale—

(i) the list of ingredients; and

(ii) graphics showing the type of animal for which the meat or product is intended.

Example for subparagraph (ii)—

The packaging on a pet meat product has a drawing of a dog to show the product is intended to be consumed by a dog.

Maximum penalty—20 penalty units.

(2) For subsection (1)(f), the statement must be—

(a) in Arial, Times New Roman or similar typeface of at least 3mm in height; and

(b) in a colour contrasting distinctly with the background colour of the label or packaging; and

(c) conspicuous to a person looking at the label.

165 Labelling rendered products

An accreditation holder who packages a rendered product must ensure the product is labelled with the following information before or during packaging—

(a) the holder's name or number;

(b) the day the product is packaged.

Maximum penalty—20 penalty units.

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Division 7 Additional provisions for poultry meat

Subdivision 1 Preliminary

166 Purpose of div 7

This division gives effect to particular requirements of the food standards code, standard 4.2.2 *Primary production and processing standard for poultry meat (Australia only)*.

Note—

At the commencement of this section, the standard was able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

167 Meaning of *unsuitable* for poultry or poultry product

Poultry or a poultry product is ***unsuitable*** if the poultry or the poultry product—

(a) is damaged, deteriorated or perished to an extent that affects the reasonable intended use of the poultry or the poultry product; or

(b) contains any damaged, deteriorated or perished substance that affects the reasonable intended use of the poultry or the poultry product; or

(c) is the product of a diseased animal, or an animal that has died other than by slaughter, and has not been declared by or under an Act to be safe for human consumption; or

(d) contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food; or

(e) is in a condition, or contains a substance, that a person would ordinarily regard as making the poultry, after processing, or poultry product unfit for human consumption.

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168 Food safety requirements for the production and processing of poultry

(1) The food safety requirements under subdivisions 2 and 3 are food safety requirements, for the meat scheme, for the production and processing of poultry.

(2) Those requirements are additional to the food safety requirements under chapter 2, part 5 or chapter 6, part 3, divisions 2 to 6.

(3) However, a food safety requirement under subdivisions 2 and 3 applies instead of a food safety requirement under chapter 2, part 5 or chapter 6, part 3, divisions 2 to 6 to the extent of any inconsistency.

Subdivision 2 Food safety requirements—production of poultry

169 General food safety management

(1) A poultry producer must—

(a) systematically examine all of the producer's primary production operations, at the frequency stated in the producer's approved program or approved management statement, to—

(i) identify potential food safety hazards; and

(ii) implement controls measures that are appropriate for managing the food safety hazards; and

(b) verify the effectiveness of the controls measures; and

(c) keep records or other evidence that demonstrate the producer has undertaken the systematic examination and implemented the control measures.

Maximum penalty—50 penalty units.

(2) The poultry producer must keep the record or evidence until whichever of the following happens last—

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(a) the end of a use-by date of a poultry product that results from the processing of the poultry;

(b) the completion of the compliance audit after the poultry is processed;

(c) 6 months after the record or evidence is made.

170 Inputs

A poultry producer must take all reasonable measures to ensure inputs do not make the poultry unsuitable.

Maximum penalty—50 penalty units.

171 Waste disposal

(1) A poultry producer must store, handle or dispose of waste in a way that will not make the poultry unsuitable.

Maximum penalty—50 penalty units.

(2) In this section—

waste includes sewage, waste water, litter, dead poultry and garbage.

172 Health and hygiene requirements

(1) A poultry handler must exercise personal hygiene and health practices that do not make the poultry unsuitable.

Maximum penalty—50 penalty units.

(2) A poultry producer must take all reasonable measures to ensure the following persons exercise personal hygiene and health practices that do not make the poultry unsuitable—

(a) each poultry handler involved in the production of the poultry;

(b) each person who works at the premises where the production is taking place;

(c) each visitor to the premises.

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Maximum penalty—50 penalty units.

173 Skills and knowledge

A poultry producer must ensure each poultry handler involved in the production of the poultry has appropriate—

(a) skills in food safety and food hygiene; and

(b) knowledge of food safety and food hygiene matters.

Maximum penalty—50 penalty units.

174 Design, construction and maintenance of premises, equipment and vehicles

(1) This section applies if a poultry producer—

(a) is producing poultry at premises; or

(b) uses equipment or a vehicle for producing poultry.

(2) The poultry producer must ensure the premises, equipment or vehicle is designed and constructed so the premises, equipment or part of the vehicle containing the poultry—

(a) minimises contamination of the poultry; and

(b) minimises the harbouring of pests; and

(c) is capable of being effectively cleaned and sanitised.

Maximum penalty—20 penalty units.

(3) A poultry producer must ensure the premises, equipment or part of the vehicle containing the poultry is cleaned and maintained in a sanitary way, and maintained in good repair, to ensure the poultry is not made unsuitable.

Maximum penalty—20 penalty units.

175 Traceability

A poultry producer must keep records that identify the immediate recipient of the poultry handled by the poultry producer.

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Maximum penalty—50 penalty units.

176 Sale or supply of poultry

A poultry producer must not sell or supply poultry for human consumption if the producer knows, ought reasonably know, or ought reasonably suspect, the poultry is unsuitable.

Maximum penalty—50 penalty units.

Subdivision 3 Food safety requirements—processing of poultry

177 General food safety management

(1) A poultry processor must—

(a) systematically examine all of the processor's processing operations, at the frequency stated in the processor's approved program or approved management statement, to—

(i) identify potential food safety hazards; and

(ii) implement controls measures that are appropriate for managing the food safety hazards; and

(b) verify the effectiveness of the controls measures; and

(c) keep records or other evidence that demonstrate the processor has undertaken the systematic examination and implemented the control measures.

Maximum penalty—50 penalty units.

(2) The poultry processor must keep the record or evidence until whichever of the following happens last—

(a) the end of a use-by date of a poultry product that results from the processing;

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(b) the completion of the compliance audit after the processing;

(c) 6 months after the record or evidence is made.

178 Receiving or processing poultry product

A poultry processor must not receive or process poultry product for human consumption if the processor knows, ought reasonably know, or ought reasonably suspect, the poultry product is unsuitable.

Maximum penalty—50 penalty units.

179 Inputs

A poultry processor must take all reasonable measures to ensure inputs do not make the poultry product unsuitable.

Maximum penalty—50 penalty units.

180 Waste disposal

(1) A poultry processor must store, handle or dispose of waste in a way that will not make the poultry product unsuitable.

Maximum penalty—50 penalty units.

(2) In this section—

waste includes unsuitable poultry, unsuitable poultry product, sewage, waste water and garbage.

181 Skills and knowledge

A poultry processor must ensure each person involved in the processing has appropriate—

(a) skills in food safety and food hygiene; and

(b) knowledge of food safety and food hygiene matters; and

(c) skills and knowledge to detect a condition that would render poultry or poultry product unsuitable.

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Maximum penalty—50 penalty units.

182 Traceability

A poultry processor must keep records that identify the immediate supplier and immediate recipient of poultry product handled by the poultry processor.

Maximum penalty—50 penalty units.

183 Sale or supply

A poultry processor must not sell or supply poultry product for human consumption if the processor knows, ought reasonably know, or ought reasonably suspect, the poultry product is unsuitable.

Maximum penalty—50 penalty units.

Chapter 7 Seafood scheme

Part 1 Preliminary

184 Purpose of ch 7

(1) This chapter sets out the seafood food safety scheme (the ***seafood scheme***).

(2) The seafood scheme gives effect to the food standards code, standard 4.2.1 *Primary production and processing standard for seafood (Australia only)*, known as the 'National Seafood Standard'.

Note—

At the commencement of this section, the National Seafood Standard was able to be viewed at www.foodstandards.gov.au/code/Pages/default.aspx.

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185 Primary produce for which seafood scheme applies

(1) The seafood scheme applies to estuarine, freshwater or marine fish, and other aquatic animals, intended for human consumption.

(2) However, the seafood scheme does not apply to amphibians, aquatic plants, mammals or reptiles.

186 Aspects of production of seafood scheme produce for which seafood scheme applies

(1) The seafood scheme applies to the production of seafood scheme produce, including, for example, the following—

(a) catching, collecting, cultivating, growing, harvesting or picking seafood;

(b) handling, processing or transporting seafood, at any stage, from seafood premises to a retailer, commercial premises or manufacturer of seafood;

(c) freezing, packing, refrigerating, storing, treating or washing seafood;

(d) dismembering, filleting, peeling or shucking seafood;

(e) adding brine to seafood;

(f) boiling crustaceans or shellfish;

(g) supplying seafood from seafood premises.

(2) However, the seafood scheme does not apply to the following—

(a) manufacturing seafood;

(b) taking seafood by an Aborigine or Torres Strait Islander under Aboriginal tradition or Island custom;

(c) harvesting seafood for personal consumption.

Example—

recreational catch

(3) Also, the seafood scheme does not apply to a business that—

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(a) processes seafood at premises other than on a commercial fishing boat or at an aquaculture facility; and

(b) only supplies the seafood directly to a person for the person's consumption.

Example—

cooking and selling seafood at a fish and chip shop

(4) In this section—

manufacturing, in relation to seafood, means dealing with the seafood under a process in which the nature of the seafood is substantially changed, including, for example, canning the seafood or coating the seafood with breadcrumbs.

Part 2 Programs and management statements

187 Requirement for program or management statement

An applicant for a grant or renewal of an accreditation under the seafood scheme must prepare—

(a) a program under the scheme; or

(b) a management statement under the scheme.

Part 3 Food safety requirements

Division 1 Preliminary

188 Food safety requirements for seafood scheme

The food safety requirements under this part are food safety requirements for the seafood scheme.

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Division 2 General

Subdivision 1 Information requirements

189 Information about seafood business to be given to Safe Food

(1) This section applies to a person who has the management and control of a business that engages in the production of seafood and is, or is required to be, an accreditation holder under the seafood scheme.

(2) Before starting production of seafood, the person must give Safe Food written notice of the following information about the person's business—

(a) the contact details for the business, including the business name of the business;

(b) the name and business address of the proprietor of the business;

(c) the nature of the business;

(d) the location of all premises intended to be used by the person for the production of seafood.

Maximum penalty—20 penalty units.

(3) Before any change happens in the person's business that will result in information given by the person to Safe Food under this section being incomplete or inaccurate, the person must give Safe Food written notice of the change, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

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Subdivision 2 Seafood production activities

190 Seafood safety management

(1) An accreditation holder who engages in the production of seafood must—

(a) systematically examine all of the holder's activities in relation to the seafood, at the frequency stated in the processor's approved program or approved management statement, to—

(i) identify potential food safety hazards for the seafood; and

(ii) implement control measures that are appropriate for managing the food safety hazards; and

(b) verify the effectiveness of the control measures; and

(c) keep records or other evidence that demonstrate the holder has undertaken the systematic examination and implemented the control measures.

Maximum penalty—20 penalty units.

(2) The accreditation holder must keep the record or evidence until whichever of the following happens last—

(a) the end of a use-by date of the seafood;

(b) the completion of the compliance audit after the seafood is processed;

(c) 6 months after the record or evidence is made.

191 Contamination and handling

(1) An accreditation holder who engages in the production of seafood must take all reasonable measures to prevent the seafood becoming contaminated.

Maximum penalty—20 penalty units.

(2) An accreditation holder who engages in the production of seafood at seafood premises must take all reasonable

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measures to ensure that seafood handlers at the premises handle the seafood, or surfaces likely to come into contact with the seafood, in a way that is not likely to affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

192 Inputs and harvesting areas

(1) An accreditation holder who engages in the production of seafood must take all reasonable measures to ensure inputs do not adversely affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

(2) An accreditation holder must not harvest seafood in an area if the holder knows, or ought reasonably know, the seafood may not be acceptable for human consumption.

Maximum penalty—20 penalty units.

193 Storing seafood

(1) An accreditation holder who stores seafood, other than live seafood, must—

(a) store the seafood under temperature control; and

(b) have a way of monitoring the temperature of the seafood while the seafood is stored.

Maximum penalty—20 penalty units.

(2) An accreditation holder who stores live seafood must store the seafood in a way that will not adversely affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

194 Transporting seafood

(1) An accreditation holder who transports seafood, other than live seafood, must—

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(a) transport the seafood under temperature control; and

(b) have a way of monitoring the temperature of the seafood during the transportation.

Maximum penalty—20 penalty units.

(2) An accreditation holder who transports live seafood must transport the seafood under conditions that will not adversely affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

195 Packaging seafood

An accreditation holder who packages seafood must—

(a) use only packaging material that is—

(i) fit for the material's intended use; and

(ii) not likely to cause contamination of the seafood; and

(b) take all reasonable measures to ensure that the seafood does not become contaminated during the packaging of the seafood.

Maximum penalty—20 penalty units.

196 Seafood for disposal

(1) An accreditation holder who engages in the production of seafood must ensure that seafood for disposal is held and kept separate until—

(a) the seafood is destroyed, or otherwise used or disposed of, so that the seafood can not be used for human consumption; or

(b) the seafood is returned to the supplier of the seafood; or

(c) the seafood is processed in a way that ensures the seafood is acceptable; or

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(d) the holder determines by validation, and Safe Food agrees, that the seafood is acceptable for sale.

Maximum penalty—20 penalty units.

(2) The holder must clearly identify any seafood that is held and kept separate as—

(a) seafood that is subject to a recall; or

(b) seafood that has been returned; or

(c) seafood that is acceptable; or

(d) seafood that may not be acceptable.

Maximum penalty—20 penalty units.

(3) In this section—

seafood for disposal means—

(a) seafood that is subject to a recall, has been returned or is not acceptable; or

(b) seafood the holder reasonably suspects is not acceptable.

197 Receipt of seafood

(1) An accreditation holder who engages in the production of seafood must take all reasonable measures to ensure the holder accepts only seafood that is protected from the risk of contamination.

Maximum penalty—20 penalty units.

(2) An accreditation holder who is receiving seafood, other than live seafood, must take all reasonable measures to ensure the holder accepts only seafood that is under temperature control.

Maximum penalty—20 penalty units.

(3) An accreditation holder who is receiving live seafood must take all reasonable measures to ensure the seafood has been transported in a way that has not or will not adversely affect the acceptability of the seafood.

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Maximum penalty—20 penalty units.

198 Skills and knowledge

An accreditation holder who engages in the production of seafood at seafood premises must ensure each seafood handler at the premises has the following, appropriate for the handler's work and the food safety hazards relevant to the production of the seafood—

(a) skills in food safety and food hygiene;

(b) knowledge of food safety and food hygiene matters.

Maximum penalty—20 penalty units.

Division 3 Health and hygiene of persons, and premises, vehicles and equipment

199 Health and hygiene requirements

(1) A seafood handler at seafood premises must, when handling or supervising the production of seafood at the premises, exercise personal hygiene and health practices that—

(a) are appropriate for managing the food safety hazards relevant to the production of the seafood; and

(b) do not adversely affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

(2) If a seafood handler at seafood premises knows, or ought reasonably know, the handler—

(a) has a symptom that indicates the handler may have a food-borne disease; or

(b) has a food-borne disease; or

(c) is a carrier of a food-borne disease;

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the seafood handler must not handle seafood at the premises if there is a reasonable risk of contamination of the seafood because of the disease.

Maximum penalty—20 penalty units.

(3) An accreditation holder must take all reasonable measures to ensure a seafood handler at the holder's seafood premises exercises personal hygiene and health practices at the premises that—

(a) are appropriate for managing the food safety hazards relevant to the production of the seafood; and

(b) do not adversely affect the acceptability of the seafood.

Maximum penalty—20 penalty units.

(4) In this section—

food-borne disease means a disease caused by consuming food containing bacteria, pathogens or viruses.

200 Seafood premises and equipment

(1) This section applies to—

(a) an accreditation holder's seafood premises, including live seafood premises; and

(b) the equipment used in the production of seafood at the premises.

(2) The holder must ensure the seafood premises and equipment are—

(a) kept clean, so far as is reasonably necessary; and

(b) designed, constructed, maintained and operated in a way that the acceptability of seafood produced at the premises will not be adversely affected.

Maximum penalty—20 penalty units.

(3) The holder must comply with the following in relation to the seafood premises and equipment—

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(a) the food standards code, standards 3.2.2 *Food safety practices and general requirements (Australia only)*, division 5 (Cleaning, sanitising and maintenance) and 3.2.3 *Food premises and equipment (Australia only)*;

(b) requirements in an approved program or approved management statement;

(c) conditions imposed on an accreditation.

Maximum penalty—20 penalty units.

(4) In this section—

live seafood premises—

(a) means seafood premises used for the production of live seafood; and

(b) includes sea cages.

Division 4 Records

201 Tracing seafood

An accreditation holder who engages in the production of seafood must keep records to identify—

(a) any person who supplies the seafood to the holder; or

(b) any person to whom the holder supplies the seafood.

Maximum penalty—20 penalty units.

Division 5 Bivalve molluscs

202 Application of div 5

This division applies to an accreditation holder who engages in the production of bivalve molluscs.

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203 Food safety requirements for the production of bivalve molluscs

(1) The food safety requirements under this division are food safety requirements, for the seafood scheme, for the production of bivalve molluscs.

(2) Those food safety requirements are additional to the food safety requirements under divisions 2 to 4.

(3) However, a food safety requirement under this division applies instead of a food safety requirement under divisions 2 to 4 to the extent of any inconsistency.

204 Types of programs

(1) If an accreditation holder prepares a program under section 187, the program complies with section 11 if the program—

(a) is a program under the food standards code, standard 3.2.1 *Food safety programs (Australia only)*; or

(b) implements a food safety management system under the *Export Control (Fish and Fish Products) Orders 2005* (Cwlth); or

(c) implements the hazard analysis and critical control point system (HACCP) for food safety management, adopted by the Codex Alimentarius Commission and set out in the document CAC/RCP 1-1969, Rev. 4-2003, Annex; or

Note—

At the commencement of this section, a copy of the document was able to be viewed at www.codexalimentarius.org/standards/list-of-standards/.

(d) is another program approved by Safe Food.

(2) In this section—

hazard analysis and critical control point system (HACCP) means a methodology that systematically identifies, evaluates and controls hazards that are significant for food safety.

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205 Additional food safety requirements

An accreditation holder must comply with—

(a) the requirements stated in the food standards code, standard 4.2.1 *Primary production and processing standard for seafood (Australia only)*, Schedule (ASQAP manual conditions); or

(b) other requirements that—

(i) are stated in the holder's approved program or approved management statement; and

(ii) give the same or a higher level of protection for managing exposure to risks in relation to food safety as the requirements mentioned in paragraph (a).

Maximum penalty—20 penalty units.

206 Co-mingling of bivalve molluscs

(1) An accreditation holder must ensure that each batch of bivalve molluscs harvested is—

(a) separated from other batches of bivalve molluscs in a way that prevents co-mingling of batches; and

(b) kept separate from the other batches during any depuration or other handling of the bivalve molluscs in the batch.

Maximum penalty—20 penalty units.

(2) In this section—

batch, of bivalve molluscs, means bivalve molluscs that are harvested on the same day and from the same area.

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Chapter 8 Repeal and transitional provisions

Part 1 Repeal

207 Repeal

The Food Production (Safety) Regulation 2002, SL No. 353 is repealed.

Part 2 Transitional provisions

208 Definitions for pt 2

In this part—

repealed, in relation to a provision of the repealed regulation, means the provision as in force immediately before the commencement.

repealed regulation means the repealed *Food Production (Safety) Regulation 2002*.

209 Existing accreditations

(1) This section applies to an accreditation in force under the repealed regulation, immediately before the commencement.

(2) The accreditation is taken to—

(a) be issued under this regulation; and

(b) authorise, if the context permits, the carrying out of any accreditation activities that correspond to activities that were authorised to be carried out under the accreditation.

(3) If the accreditation was subject to a condition, the accreditation continues to be subject to the condition.

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(4) The accreditation expires on the earlier of—

(a) the end of the period stated in the accreditation; or

(b) if another accreditation is issued under this regulation, before the end of the period mentioned in paragraph (a), to replace the accreditation—the day the other accreditation is issued.

210 Particular applications made before commencement

(1) This section applies to an application that—

(a) is for—

(i) the grant or renewal of an accreditation; or

(ii) approval as an auditor; and

(b) was made, but not decided, before the commencement.

(2) The repealed regulation continues to apply to dealing with and deciding the application as if this regulation had not commenced.

211 Approved management statements

(1) This section applies to an approved management statement in force under the repealed regulation immediately before the commencement.

(2) The statement is taken to be an approved management statement under this regulation.

(3) If the statement was subject to a condition, the statement continues to be subject to the condition.

212 Obligation to do thing indefinitely or within or for stated period

(1) This section applies if, immediately before the commencement, a person was required to do something under a repealed provision—

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(a) within, or for, a stated period that, at the commencement, had not expired; or

(b) for an indefinite period.

(2) The repealed provision continues to apply to the doing of the thing as if this regulation had not commenced.

213 References to repealed regulation

(1) In an instrument, if the context permits—

(a) a reference to the repealed regulation is taken to be a reference to this regulation; and

(b) a reference to a repealed provision is taken to be a reference to a corresponding provision of this regulation.

(2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

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Schedule 1 Fees

sections 29 and 31

Part 1 Fees for accreditation

Division 1 Application fee

	Column 1	Column 2 Fee units
1	Application fee	171.60

Division 2 Accreditation fees

	Column 1 Accreditation activity	Column 2 Food safety scheme for the accreditation	Column 3 Fee units
1	Accredited processing activity—		
	(a) if carried out on or from meat retail premises or a meat retail vehicle	meat scheme	549.70
	(b) if carried out for the exportation of scheme produce	dairy scheme meat scheme	8,595.75

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	Column 1 Accreditation activity	Column 2 Food safety scheme for the accreditation	Column 3 Fee units
	(c) otherwise	dairy scheme	1,718.65
		egg scheme	
		meat scheme	
		seafood scheme	
2	Accredited producing activity	dairy scheme	429.45
		egg scheme	
		meat scheme	
		seafood scheme	
3	Temperature controlled storage	meat scheme	309.10
		seafood scheme	
4	Transporting	meat scheme	309.10
5	Wild animal harvesting	meat scheme	309.10
		seafood scheme	
6	Another accreditation activity for which a fee is not already prescribed under items 1 to 5	dairy scheme	291.80
		egg scheme	
		meat scheme	
		seafood scheme	

Part 2 Fees for approval as auditor

	Column 1	Column 2 Fee units
1	Application fee	171.60
2	Auditor approval fee	601.35

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Schedule 2 Compulsory standards for dairy scheme

schedule 13, definition *compulsory standard*, paragraph (a)

	Column 1 Food safety requirement	Column 2 Compulsory standard
1	skills and knowledge for persons processing primary produce (s 37(1))	food standards code, standards 4.2.4 *Primary production and processing standard for dairy products (Australia only)*, Clause 6 *Skills and knowledge* and 4.2.4A *Primary production and processing standard for specific cheeses (Australia only)*
2	transporting primary produce (s 38(5))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
3	transporting primary produce (s 38(6))	food standards code, standard 4.2.4 *Primary production and processing standard for dairy products (Australia only)*, Division 3 *Dairy collection and transportation*
4	water supply (s 39)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.3 *Food premises and equipment (Australia only)*, Division 2 *Design and construction of food premises*, Clause 4 *Water supply*

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	Column 1 Food safety requirement	Column 2 Compulsory standard
5	health and hygiene requirements (s 42)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 3 *Food handling controls* and Division 4 *Health and hygiene requirements*
6	design, construction and maintenance of premises and vehicles (s 43(3))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
7	design, construction and maintenance of equipment (s 44(2))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
8	general food safety requirement for production of milk at dairy (s 67)	food standards code, standard 4.2.4 *Primary production and processing standard for dairy products (Australia only)*, Division 2 *Dairy primary production requirements*
9	stock food for consumption by animals to be milked (s 69)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*
10	milk supplied must be free of chemical contaminants (s 70)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*
11	health and hygiene requirements (s 73)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 4 *Health and hygiene requirements*, Clause 14*Health of food handlers*

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	Column 1 Food safety requirement	Column 2 Compulsory standard
12	design, construction and maintenance of dairy and equipment (s 75(3))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
13	receiving dairy produce for processing (s 77)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*
14	general food safety requirement for processing dairy produce at depot or factory (s 78)	food standards code, standards 4.2.4 *Primary production and processing standard for dairy products (Australia only)*, Division 4 *Dairy processing* and 4.2.4A *Primary production and processing standard for specific cheeses (Australia only)*
15	minimum standard for dairy produce for human consumption (s 80)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*, Part 1.6 *Microbiological and processing requirements*, standard 1.6.1 *Microbiological limits in food* and Part 2.5 *Dairy products*
16	supplying dairy produce (s 81)	food standards code, Parts 1.3 to 1.5, Part 1.6 *Microbiological and processing requirements*, standard 1.6.1 *Microbiological limits in food* and Part 2.5 *Dairy products*
17	testing after processing (s 82)	food standards code, Part 1.6 *Microbiological and processing requirements*, standard 1.6.1 *Microbiological limits in food*

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	Column 1 Food safety requirement	Column 2 Compulsory standard
18	general food safety requirements for production of goat milk (s 86)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*
19	design, construction and maintenance of dairy and equipment (s 87)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.3 *Food premises and equipment (Australia only)*
20	standard for testing and frequency of testing (s 89)	food standards code, Part 1.6 *Microbiological and processing requirements*, standard 1.6.1 *Microbiological limits in food*
21	labelling goat milk (s 93)	food standards code, Part 1.2 *Labelling and other information requirements*, standard 1.2.1 *Application of labelling and other information requirements* and standard 1.2.3 *Mandatory warning and advisory statements and declarations*

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Schedule 3 Advisory standards for dairy scheme

schedule 13, definition *advisory standard*, paragraph (a)

	Column 1 Food safety requirement	Column 2 Advisory standard
1	transporting primary produce (s 38(1))	food standards code, Part 3.2 *Food safety requirements*, standards 3.2.2 *Food safety practices and general requirements (Australia only)* and 3.2.3 *Food premises and equipment (Australia only)*
2	design, construction and maintenance of premises and vehicles (s 43(2))	food standards code, standard 3.2.3 *Food premises and equipment (Australia only)*
3	design, construction and maintenance of equipment (s 44(1))	food standards code, standard 3.2.3 *Food premises and equipment (Australia only)*
4	temperature control for stored milk (s 72)	AS 1187—1996 (Farm milk cooling and storage systems)
5	design, construction and maintenance of dairy and equipment (s 75(2))	guidelines issued by Safe Food for dairy premises
6	general food safety requirement for processing dairy produce at depot or factory (s 78(2))	equipment stated in AS 3993–2003 (Equipment for the pasteurization of milk and other liquid dairy products—Continuous-flow systems)
7	storing dairy produce (s 79)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 3*Food handling controls*

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Schedule 4 Risk categories for dairy scheme

section 48

Part 1 Low risk

1 producing dairy produce at a dairy

2 processing butter and fat spreads

3 processing pet food

4 transporting dairy produce

Part 2 High risk

1 processing dairy produce other than butter and fat spreads

2 processing and packaging unpasteurised goat milk

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Schedule 5 Compulsory standards for egg scheme

schedule 13, definition *compulsory standard*, paragraph (b)

	Column 1 Food safety requirement	Column 2 Compulsory standard
1	transporting primary produce (s 38(5))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
2	health and hygiene requirements (s 42)	(a) for an activity mentioned in section 96(1)(a) or (b) carried out in a physically separate location to where another activity mentioned in section 96(1) is carried out—food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 4 *Health and hygiene requirements*, Clause 14 *Health of food handlers* and Division 5 *Cleaning, sanitising and maintenance*; or (b) for another activity—food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*
3	design, construction and maintenance of vehicles and equipment (ss 38(4) and 44)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.3 *Food premises and equipment (Australia only)*

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	Column 1 Food safety requirement	Column 2 Compulsory standard
4	general food safety requirement for production and supply of eggs and egg products (s 100(1))	food standards code, standard 4.2.5 *Primary production and processing standard for eggs and egg product (Australia only)*
5	stock food for consumption by birds (s 102)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*
6	Eggs supplied must be free of chemical contaminants (s 103)	food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*
7	pasteurising egg products (s 107)	food standards code, Part 1.6 *Microbiological and processing requirements*, standard 1.6.2 *Processing requirements (Australia only)*

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Schedule 6 Advisory standards for egg scheme

schedule 13, definition *advisory standard*, paragraph (b)

Column 1 Food safety requirement	Column 2 Advisory standard
skills and knowledge for persons processing primary produce (s 37)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 2 *General requirements*, Clause 3 *Food handling—skills and knowledge*

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Schedule 7 Risk categories for egg scheme

section 48

Part 1 Low risk

1 producing eggs

Part 2 Medium risk

1 handling eggs

Part 3 High risk

1 processing eggs or egg products

2 pasteurising egg products

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Schedule 8 Compulsory standard for horticulture scheme

schedule 13, definition *compulsory standard*, paragraph (c)

Column 1 Food safety requirement	Column 2 Compulsory standard
General food safety requirement for production and supply of seed and seed sprouts (s 115)	food standards code, standard 4.2.6 *Production and processing standard for seed sprouts (Australia only)*

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Schedule 9 Compulsory standards for meat scheme

schedule 13, definitions *compulsory standard*, paragraph (d)

	Column 1 Food safety requirement	Column 2 Compulsory standard
1	transporting primary produce (s 38(5))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
2	water supply (s 39)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.3 *Food premises and equipment (Australia only)*, Division 2 *Design and construction of food premises*, Clause 4 *Water supply*
3	health and hygiene requirements (s 42)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 3 *Food handling controls* and Division 4 *Health and hygiene requirements*
4	design, construction and maintenance of premises and vehicles (s 43(3))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*
5	design, construction and maintenance of equipment (s 44(2))	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 5 *Cleaning, sanitising and maintenance*

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	Column 1 Food safety requirement	Column 2 Compulsory standard
6	general food safety requirement for the production of ready-to-eat meat (s 141)	food standards code, standards 4.2.2 *Primary production and processing standard for poultry meat (Australia only)* and 4.2.3 *Production and processing standard for meat (Australia only)*

Schedule 10 Advisory standards for meat scheme

schedule 13, definition *advisory standard*, paragraph (c)

	Column 1 Food safety requirement	Column 2 Advisory standard
1	skills and knowledge for persons processing primary produce (s 37)	food standards code, Part 3.2 *Food safety requirements*, standard 3.2.2 *Food safety practices and general requirements (Australia only)*, Division 2 *General requirements*, Clause 3 *Food handling—skills and knowledge*
2	transporting primary produce (s 38(1))	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for natural casings—AS 5011; or (d) for poultry—AS 4465; or (e) for rabbits—AS 4466; or (f) for ratite—AS 5010; or (g) for rendered products—AS 5008; or (h) for wild animals—AS 4464
3	waste disposal at premises (s 40)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464

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	Column 1 Food safety requirement	Column 2 Advisory standard
4	design, construction and maintenance of premises and vehicles (s 43(2))	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
5	design, construction and maintenance of equipment (s 44(1))	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
6	system for rearing animals at place of production (s 123)	(a) meat standards code; or (b) for poultry—AS 4465
7	system for identifying place of capture of wild animals (s 124)	(a) meat standards code; or (b) for wild animals—AS 4464
8	identifying source of animal (s 125)	(a) meat standards code; or (b) for wild animals—AS 4464
9	animal appropriate for producing meat (s 126)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464

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	Column 1 Food safety requirement	Column 2 Advisory standard
10	before post mortem disposition (s 128)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
11	handling and dressing animal (s 129)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
12	meat from carcass (s 130)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
13	performing post mortem disposition (s 132)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464

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	Column 1 Food safety requirement	Column 2 Advisory standard
14	meat for animal consumption (s 133)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
15	chilling carcass of animal killed at abattoir (s 134)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
16	chilling animal killed in the wild (s 135)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
17	receiving animal killed in the wild (s 136)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464

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	Column 1 Food safety requirement	Column 2 Advisory standard
18	maintaining temperature of carcass (s 138)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for poultry—AS 4465; or (d) for rabbits—AS 4466; or (e) for ratite—AS 5010; or (f) for wild animals—AS 4464
19	further processing of meat and pet meat (s 139)	(a) meat standards code; or (b) for poultry—AS 4465
20	rendering (s 153)	AS 5008
21	packaging and prepackaging meat and meat products (s 157)	(a) for meat or meat products, other than rendered products— (i) meat standards code; or (ii) for crocodiles—AS 4467; or (iii) for natural casings—AS 5011; or (iv) for poultry—AS 4465; or (v) for rabbits—AS 4466; or (vi) for ratite—AS 5010; or (vii) for wild animals—AS 4464; or (b) for rendered products—AS 5008
22	storing, handling and displaying meat and meat products (s 158)	meat standards code

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	Column 1 Food safety requirement	Column 2 Advisory standard
23	identifying and labelling meat and meat products for transportation (s 159)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for natural casings—AS 5011; or (d) for poultry—AS 4465; or (e) for rabbits—AS 4466; or (f) for ratite—AS 5010; or (g) for wild animals—AS 4464
24	24 records to be kept about animals killed for meat (s 160)	meat standards code
25	25 records to be kept about meat and ready-to-eat meat (s 161)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for natural casings—AS 5011; or (d) for poultry—AS 4465; or (e) for rabbits—AS 4466; or (f) for ratite—AS 5010; or (g) for wild animals—AS 4464
26	labelling meat and ready-to-eat meat (s 162)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for natural casings—AS 5011; or (d) for poultry—AS 4465; or (e) for rabbits—AS 4466; or (f) for ratite—AS 5010; or (g) for wild animals—AS 4464

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	Column 1 Food safety requirement	Column 2 Advisory standard
27	records to be kept about pet meat, pet meat products and rendered products (s 163)	(a) meat standards code; or (b) for crocodiles—AS 4467; or (c) for natural casings—AS 5011; or (d) for poultry—AS 4465; or (e) for rabbits—AS 4466; or (f) for ratite—AS 5010; or (g) for wild animals—AS 4464

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Schedule 11 Risk categories for meat scheme

section 48

Part 1 Low risk

1 killing wild animals in the field

2 storing field dressed animals in cold storage

3 transporting field dressed animals, meat or meat products

4 storing meat or meat products in cold storage, including, for example, chilling meat or meat products

5 wholesaling or retailing meat or meat products

Part 2 Medium risk

1 processing of meat or meat products, other than ready-to-eat meat

Part 3 High risk

1 processing of ready-to-eat meat

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Schedule 12 Risk categories for seafood scheme

section 48

Part 1 Low risk

all activities, to which section 187(b) applies, carried out under an accreditation in relation to wild animals other than bivalve molluscs

Part 2 Medium risk

all activities carried out under an accreditation other than an activity—

(a) mentioned in part 1; or

(b) carried out in relation to bivalve molluscs

Part 3 High risk

all activities carried out by an accreditation holder in relation to bivalve molluscs

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Schedule 13 Dictionary

section 3

acceptable means the following—

(a) for dairy produce, eggs or egg products—not unsafe;

(b) for meat, and ready-to-eat meat, intended for human consumption—

(i) for poultry meat—not unsafe or not unsuitable; or

(ii) otherwise—not unsafe or not unwholesome;

(c) for pet meat, a pet meat product or a rendered product intended for animal consumption—not unsuitable;

(d) for seafood—not unsafe or not unsuitable.

acceptable level of risk means a level of risk as low as is reasonably practicable.

accreditation activity means the following—

(a) an accredited processing activity;

(b) an accredited producing activity;

(c) temperature controlled storage;

(d) transporting;

(e) wild animal harvesting.

accreditation holder means a person who has been granted an accreditation.

accreditations register see section 7(1).

accredited processing activity means—

(a) for the dairy scheme—an activity mentioned in section 63(1)(b), (h) or (i); and

(b) for the egg scheme—an activity mentioned in section 96(1)(g),(i) or (j); and

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(c) for the meat scheme—an activity mentioned in section 118(1)(a), (e), (i) or (j); and

(d) for the seafood scheme—any of the following activities—

(i) cutting into portions, dismembering, filleting, gilling, gutting, killing or skinning seafood;

(ii) depuration of crustaceans or shellfish;

(iii) peeling or shucking seafood;

(iv) boiling of crustaceans;

(v) adding brine to seafood;

(vi) freezing, refrigerating, packing, storing, treating or washing seafood;

(vii) supplying processed seafood.

accredited producing activity means—

(a) for the dairy scheme—an activity mentioned in section 63(1)(a) or (k); and

(b) for the egg scheme—the activity mentioned in section 96(1)(a).; and

(c) for the meat scheme—an activity mentioned in definition *poultry producer*; and

(d) for the seafood scheme—any of the following activities carried out at an aquaculture facility, on a commercial fishing boat or in relation to bivalve molluscs—

(i) catching, collecting, cultivating, growing, harvesting or picking seafood;

(ii) freezing, packing, refrigerating, storing, treating or washing seafood;

(iii) adding brine to seafood;

(iv) gilling or gutting fish;

(v) filleting or cutting fish into portions;

(vi) boiling crustaceans;

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(vii) transporting seafood;

(viii) supplying seafood.

advisory standard means a standard, or part of a standard, mentioned in—

(a) for a food safety requirement of the dairy scheme mentioned in schedule 3, column 1—column 2 of the schedule; or

(b) for a food safety requirement of the egg scheme mentioned in schedule 6, column 1—column 2 of the schedule; or

(c) for a food safety requirement of the meat scheme mentioned in schedule 10, column 1—column 2 of the schedule.

animal consumption means consumption by a domestic animal.

approved management statement, of an accreditation holder, means the holder's management statement approved under section 12(3).

approved program, of an accreditation holder, means the holder's program approved under section 48(4) of the Act.

APVMA means the Australian Pesticides and Veterinary Medicines Authority continued in existence under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth), section 6.

aquaculture facility means premises at which aquaculture activities are carried out under an authority under the *Fisheries Act 1994*.

AS 4464 means AS 4464—2007 (Hygienic production of wild game meat for human consumption).

AS 4465 means AS 4465—2006 (Construction of premises and hygienic production of poultry meat for human consumption).

AS 4466 means AS 4466—1998 (Hygienic production of rabbit meat for human consumption).

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AS 4467 means AS 4467—1998 (Hygienic production of crocodile meat for human consumption).

AS 5008 means AS 5008—2007 (Hygienic rendering of animal products).

AS 5010 means AS 5010—2001 (Hygienic production of ratite (emu/ostrich) meat for human consumption).

AS 5011 means AS 5011—2001 (Hygienic production of natural casings for human consumption).

assistance animal see the *Disability Discrimination Act 1992* (Cwlth), section 9.

bivalve molluscs—

(a) includes a cockle, clam, mussel, oyster, pipi and scallop, intended for human consumption; but

(b) does not include—

(i) a scallop or pearl oyster, if the only part consumed is the adductor muscle; or

(ii) a juvenile bivalve mollusc taken for the sole purpose of growing on.

CAR see section 57(2).

carcass—

(a) means the body, or any part of the body, of a dead animal whether in an uncooked, partly cooked or cooked state; and

(b) includes meat, bone, hide, skin, wool, hair, feathers, hoof, horn and viscera.

chemical product see the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*, schedule.

commercial fishing boat means a boat authorised for the taking of fish for trade or commerce under a law of the Commonwealth or a State.

commercial premises, for scheme produce, means a place of business where scheme produce is prepared or handled for immediate human consumption.

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Example of a commercial premises—

a restaurant, or a hotel or club that supplies scheme produce for immediate human consumption

compliance audit, for an accreditation holder's program, means an audit of the program to ensure—

(a) the program complies with the scheme; and

(b) the holder is maintaining the program under the scheme.

compulsory standard means a standard, or part of a standard, mentioned in—

(a) for a food safety requirement of the dairy scheme mentioned in schedule 2, column 1—column 2 of the schedule; or

(b) for a food safety requirement of the egg scheme mentioned in schedule 5, column 1—column 2 of the schedule; or

(c) for the food safety requirement of the horticulture scheme mentioned in schedule 8, column 1—column 2 of the schedule; or

(d) for a food safety requirement of the meat scheme mentioned in schedule 9, column 1—column 2 of the schedule.

contaminate, for primary produce—

(a) means to transmit matter to the produce that may affect the acceptability of the produce; and

(b) includes to transmit the matter to any surface that may come into contact with the produce.

control measure means any action or activity that can be used—

(a) to prevent or eliminate a food safety hazard; or

(b) to reduce a food safety hazard to an acceptable level of risk.

cracked, for an egg shell, means the shell contains cracks that are visible, or visible by candling.

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critical control point, for processing of primary produce, means a step during the processing at which point it is essential to apply a control measure.

critical nonconformance see section 49(2).

dairy means premises used for the production of milk from an animal.

dairy scheme see section 60.

dairy scheme produce means primary produce to which the dairy scheme applies under section 61.

decontamination, for seed or seed sprouts, means a process using a controlled environment to reduce the level of pathogenic organisms that may be present in seed sprouts.

depot means premises used for the sampling, testing, processing by chilling only and refrigerated storage of dairy produce for distribution to the wholesale market.

depuration means a process using a controlled environment to reduce the level of particular pathogenic organisms that may be present in live crustaceans or shellfish.

dressing, of an animal, means the progressive separation of the animal's body into a carcass (or parts of a carcass), offal and inedible material.

Examples of inedible material—

head, hide, feathers, feet and viscera

egg means a bird egg.

egg processor means a person who—

(a) engages in an activity mentioned in section 96(1)(d), (e), (f), (g), (h), (i) or (j); or

(b) receives eggs from an egg producer.

egg producer means a person who engages in an activity mentioned in section 96(1)(a) to (c), (e) or (h), whether or not the person also grades, packs, washes, candles, oils or stores the eggs.

egg product means all or part of the content of an egg in dried, frozen or liquid form.

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egg production farm means premises used for the production of eggs.

egg production identification, for a person, means the person's unique identification, approved and registered by Safe Food, as an egg producer or an egg processor.

Example of unique identification—

a mark, or code, whether or not it includes the egg producer's or egg processor's accreditation number

egg scheme see section 94.

egg scheme produce means eggs or egg products intended for human or animal consumption.

external environmental condition includes an odour, dust, airflow, steam, smoke (other than smoke from a smoking process for meat), condensation, waste and a hazardous material.

factory—

(a) means premises, other than a depot, used for processing dairy produce intended for sale; but

(b) does not include a dairy where unpasteurised milk is produced or packaged.

fertilizer includes a natural fertilizer.

field dressing, of an animal, means the partial separation of the animal's body into a carcass (or parts of a carcass) if the hide remains on the animal.

food safety requirement means a requirement under—

(a) chapter 2, part 5, divisions 2 and 3; or

(b) chapter 3, part 3 and part 4, division 2; or

(c) chapter 4, part 3; or

(d) chapter 5, part 3; or

(e) chapter 6, part 3; or

(f) chapter 7, part 3.

game box means premises or a vehicle used for chilling wild game.

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growing on means the process of translocating a juvenile bivalve mollusc to enable the mollusc to develop before the mollusc is sold.

handling, in relation to poultry, includes the producing (including rearing, harvesting or catching), collecting, extracting, processing, manufacturing, storing, live transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of poultry for human consumption.

harvesting, in relation to seafood, means the capture or taking of seafood and includes the capture or taking of seafood from an enclosure or pond used in aquaculture.

hazard means a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

hazardous material means a biological, chemical or physical agent with the potential to cause an adverse effect in a human or an animal.

high risk see section 48(4).

holding, in relation to an animal, means a run, station, feedlot, farm or place where the animal is fed, pastured or grazed immediately before the animal is killed at an abattoir.

horticulture produce means seed and seed sprouts.

horticulture scheme see section 110.

horticulture scheme produce means horticulture produce intended for human consumption.

inputs includes any feed, litter, water, chemicals or other substances used in, or in connection with, a primary production or processing activity.

killing, in relation to an animal, includes stunning, sticking and bleeding.

low risk see section 48(2).

major nonconformance see section 49(1).

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management statement means a management statement prepared under a food safety scheme.

meal means a defatted and dried solid product of rendering after milling.

meat product means anything made from meat by processing, and includes ready-to-eat meat, a pet meat product and a rendered product.

meat retail premises means retail premises, or part of a retail premises, on or from which meat processing is carried out, or meat is sold, other than retail premises on or from which all meat sold on the premises is sold ready for immediate consumption.

Example of part of a retail premises—

a meat section in a supermarket

meat retail vehicle means a vehicle on or from which meat is sold, other than meat ready for immediate consumption.

meat scheme see section 116.

meat scheme produce means primary produce to which the meat scheme applies under section 118.

meat standards code means the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption approved by the Agriculture and Resource Management Council of Australia and New Zealand.

medium risk see section 48(3).

milk means liquid food secreted from the mammary glands of—

(a) a bovine animal; or

(b) a camel, goat or sheep.

monitor means to carry out activities, including, for example, by auditing, investigating or verification, or by oversight or surveillance of an accreditation holder's business, to ensure the holder is complying with the scheme.

nonconformance audit see section 57(3)(c).

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operational performance includes checking each critical control point is appropriate for a control measure.

pasteurised means treated—

(a) by heating to a temperature of at least 72ºC, keeping at or above the temperature for at least 15 seconds and immediately shock cooling to a temperature below 4.5ºC; or

(b) by any other process involving heating and shock cooling that has an equal or greater lethal effect on bacteria.

pet food means dairy produce intended for animal consumption.

pet meat means meat intended for animal consumption.

pet meat product means ready-to-eat meat intended for animal consumption.

place of production, in relation to an animal, means the place where the animal has been reared before the animal arrives at a holding.

poultry means chicken, turkey, duck, squab (pigeons), geese, pheasants, quail, guinea fowl, muttonbirds and other avian species, other than ratites.

poultry handler means a person who handles or supervises the handling of poultry intended for human consumption.

poultry meat means the parts of a poultry carcass intended for human consumption.

poultry processor means a person accredited under the meat scheme to carry out processing, or transporting, of poultry product intended for human consumption.

poultry producer means a person accredited under the meat scheme to carry out rearing, or live transporting, of poultry intended for human consumption.

poultry product means the carcass of poultry, poultry meat or poultry meat product.

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post mortem disposition, for a carcass, means a classification of the parts of the carcass into the following—

(a) meat for human consumption;

(b) meat for animal consumption;

(c) the remainder of the carcass that can not be used for human or animal consumption.

preferred supplier arrangement means an arrangement—

(a) between—

(i) an egg producer accredited under the egg scheme and an egg processor accredited under the scheme; or

(ii) a poultry producer and a poultry processor; and

(b) under which—

(i) the egg producer supplies eggs exclusively to the egg processor; or

(ii) the poultry producer supplies poultry exclusively to the poultry processor; and

(c) approved under—

(i) the egg producer's approved program or management statement and the egg processor's approved program or management statement; or

(ii) the poultry producer's approved program or management statement and the poultry processor's approved program or management statement.

prepackaged meat means meat fully enclosed in a sealed package that—

(a) prevents the escape of anything that might be exuded from the meat, including anything exuded if the meat were to thaw; and

(b) is made of durable material and resistant to breakage during normal handling; and

(c) is sealed so that any opening and re-sealing of the package will be easily seen; and

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(d) displays the accreditation number under which the meat was packaged.

processing—

(a) of poultry, means engaging in processing activities; and

(b) of seafood, includes the following—

(i) cutting into portions, dismembering, filleting, gilling, gutting, killing or skinning seafood;

(ii) depuration of crustaceans or shellfish;

(iii) peeling or shucking seafood;

(iv) boiling of crustaceans;

(v) adding brine to seafood;

(vi) freezing, refrigerating, packing, storing, treating or washing seafood; and

(c) of primary produce, other than under paragraphs (a) and (b), means to treat or prepare the primary produce for supply.

processing activity includes cleaning, maintaining, sanitising, killing an animal, or doing anything to meat or a meat product, including, for example, deboning, portioning, mincing, freezing, chilling, marinating, crumbing, fully or partially cooking, rendering, manufacturing and packaging.

production, in relation to seafood—

(a) means any of the following—

(i) catching, collecting, cultivating, growing, harvesting or picking seafood;

(ii) growing on of seafood;

(iii) delivering or transporting seafood;

(iv) holding live seafood;

(v) supplying seafood; and

(b) includes the processing of seafood.

program means a food safety program.

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ready-to-eat meat includes—

(a) smallgoods; and

(b) slow-cured meat; and

(c) a comminuted fermented meat that has not had its core temperature maintained at 65ºC for at least 10 minutes or an equivalent combination of time and higher temperature during production, whether or not the meat has been heated.

rendered product means the meal and fat produced by rendering.

rendering means the process of extracting fat from meat by heating the meat.

risk assessment see section 15(2)(a).

scheme produce means—

(a) for the dairy scheme—dairy scheme produce; or

(b) for the egg scheme—egg scheme produce; or

(c) for the horticulture scheme—horticulture scheme produce; or

(d) for the meat scheme—meat scheme produce; or

(e) for the seafood scheme—seafood scheme produce.

seafood handler means a person who engages in or supervises the production of seafood at seafood premises.

seafood premises means any premises or vehicle at which an activity carried on at the premises or vehicle is the production of seafood.

seafood scheme see section 184(1).

seafood scheme produce means primary produce to which the seafood scheme applies under section 185.

seed means seed for use in the production of seed sprouts.

seed sprout means a sprouted seed or sprouted bean that includes all or part of the seed.

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sewage includes the discharge from toilets, urinals, basins, showers, sinks and dishwashers, whether discharged through sewers or other means.

show cause period see section 21(2)(h).

significant food safety hazard, for primary produce, means a food safety hazard that has the potential to make the produce unacceptable.

significant food safety matter see section 24(1).

sticking, of an animal, means severing the animal's large blood vessels.

stock food means a basic food, or food mixture, for feeding to an animal.

stunning, of an animal, means a procedure to make the animal unconscious and insensible to pain.

temperature control means maintaining primary produce at a temperature of—

(a) 5ºC or below, if necessary to minimise the growth of infectious or toxicogenic micro-organisms in the produce to ensure the microbiological safety of the produce will not be adversely affected while the produce is at the temperature; or

(b) more than 5ºC, if maintaining the produce at the temperature, for the period for which the temperature will be maintained, will not adversely affect the microbiological safety of the produce.

temperature controlled storage means—

(a) for the meat scheme—

(i) storing wild game, including, for example, a field dressed animal, in a game box or other cold storage; or

(ii) storing meat or meat products in cold storage, including, for example, chilling meat or meat products; and

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(b) for the seafood scheme—storing seafood under temperature control.

transport includes loading primary produce onto, and unloading primary produce from, a vehicle.

treating, in relation to seafood, includes—

(a) enhancing the appearance of the seafood; or

(b) dealing with the seafood solely to kill bacteria or germs in the seafood.

unsuitable—

(a) for pet meat, a pet meat product or a rendered product for animal consumption—means the meat or product is in a condition, or contains a substance, a person would ordinarily regard as making the meat or product unfit for animal consumption; or

(b) for poultry or a poultry product—see section 167; or

(c) for seafood—means the seafood is in a condition, or contains a substance, a person would ordinarily regard as making the seafood unfit for human consumption.

unwholesome, for meat or ready-to-eat meat for human consumption, means the meat or ready-to-eat meat is in a condition, or contains a substance, a consumer would ordinarily regard as making the meat or ready-to-eat meat unfit for human consumption.

validation means—

(a) scientifically confirming the effectiveness of a control measure to prevent or eliminate a food safety hazard—

(i) at each critical control point for the processing of primary produce; or

(ii) at intervals or stages of a treatment of primary produce; and

(b) providing objective evidence to prove the control measure is operating within the specifications stated in a program or management statement.

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verification means the application of a method, procedure, test or other tool for evaluation to decide whether a program or management statement complies with the food safety scheme.

wild animal means an animal living in a wild state and not under artificial confinement.

wild animal harvesting means—

(a) for the meat scheme—the killing of wild animals for meat; or

(b) for the seafood scheme—the following activities carried out on a commercial fishing boat or in relation to bivalve molluscs—

(i) catching, collecting, harvesting or picking seafood;

(ii) freezing, packing, refrigerating, storing, treating or washing seafood;

(iii) adding brine to seafood;

(iii) transporting seafood;

(iv) supplying seafood.

withholding period means the period between the application of a chemical treatment and when the residue level of the chemical would not be greater than the MRLs specified in the food standards code, Part 1.4 *Contaminants and residues*, standard 1.4.2 *Maximum residue limits (Australia only)*.

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