



*Food Production (Safety) Act 2000*

# **Food Production (Safety) Regulation 2002**

**Reprinted as in force on 1 January 2013**

**Reprint No. 3H**

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## Queensland

# Food Production (Safety) Regulation 2002

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# Food Production (Safety) Regulation 2002

[as amended by all amendments that commenced on or before 1 January 2013]

## Chapter 1 Preliminary

### 1 Short title

This regulation may be cited as the *Food Production (Safety) Regulation 2002*.

### 2 Commencement

This regulation commences on 1 January 2003.

### 3 Dictionary

The dictionary in schedule 6 defines particular words used in this regulation.

## Chapter 2 Food safety schemes

### Part 1 Standards for food safety schemes

#### 4 Compulsory standard and advisory standard

(1) A *compulsory standard* mentioned in—

[s 5]

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- (a) for the dairy scheme—schedule 2, part 1, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement; or
  - (b) for the egg scheme—schedule 3A, part 1, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement; or
  - (c) for the meat scheme—schedule 4, part 1, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement.
- (2) An *advisory standard* mentioned in—
- (a) for the dairy scheme—schedule 2, part 2, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement; or
  - (b) for the egg scheme—schedule 3A, part 2, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement; or
  - (c) for the meat scheme—schedule 4, part 2, column 2 is the standard for a requirement mentioned in column 1 of the schedule opposite the requirement.

## 5 Complying with compulsory standard

If a compulsory standard states—

- (a) a requirement for a provision of a food safety scheme, a program or management statement complies with the scheme for the requirement only by complying with the requirement in the standard; or
- (b) a way of preventing or managing exposure to a risk for a requirement in a food safety scheme, a program or management statement complies with the scheme for the requirement only by adopting and following a stated way in the standard.

## **6 Complying with advisory standard**

If an advisory standard states a way of preventing or managing exposure to a risk for a requirement in a food safety scheme, a program or management statement complies with the scheme for the requirement only by adopting and following—

- (a) a stated way in the standard for the requirement; or
- (b) another way for the requirement that gives the same or a higher level of protection against the risk.

## **7 Inconsistency between regulation and standards**

To the extent a compulsory standard or advisory standard is inconsistent with this regulation, the regulation prevails.

# **Part 1A                      Accreditations register**

## **7A Register of accreditations**

- (1) Safe Food must keep a register of accreditation holders (the *accreditations register*).
- (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—the holder's egg production identification; and
  - (c) the contact details for the holder's business, including its business name, address and telephone number; and
  - (d) the name and business address of the proprietor of the holder's business; and
  - (e) details about the nature of the holder's business; and

[s 7B]

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- (f) the location of all premises approved for use under the holder's accreditation 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 day 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.

## **7B 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.
- (2) The accreditation 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.



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**7C      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.

*Editor's note—*

Safe Food's head office is at 12 Helen Street, Newstead, Brisbane.

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

*Editor's note—*

Safe Food's website is <[www.safefood.qld.gov.au](http://www.safefood.qld.gov.au)>.

**7D      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.

## **Part 2                      Food safety programs and management statements**

### **Division 1              Preliminary**

#### **8              Definitions for pt 2**

In this part—

***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.

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***critical control point***, for processing of primary produce, means a step during the processing that is stated in an accreditation holder's program and at which it is essential to apply a control measure.

***operational performance*** includes checking each critical control point is appropriate for a control measure.

## **Division 2                      Preparation and maintenance of programs and management statements**

### **9                      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 food safety program (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—*

In relation to whether a program or management statement is required under a food safety scheme—

- for the dairy scheme—see section 57B
  - for the egg scheme—see section 87CB
  - for the meat scheme—see section 89B
  - for the seafood scheme—see section 134F.
- (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—*

For an applicant engaging in the production of bivalve molluscs under the seafood scheme, see section 134V.

## **9A Management statements**

- (1) This section applies to a person who must prepare and maintain a management statement under a food safety scheme.
- (2) The management statement must—
  - (a) identify significant food safety hazards associated with the production of primary produce carried out by the person; and
  - (b) state how the hazards are to be monitored and controlled; and
  - (c) state how the person will comply with each food safety requirement applying to the person's activities under the scheme.
- (3) The person must keep a copy of the management statement at each place to which the statement relates.

Maximum penalty—20 penalty units.

## **9B Approving management statements**

- (1) This section applies to an applicant for a grant or renewal of an accreditation if the applicant must prepare and maintain a management statement for the accreditation under a food safety scheme.
- (2) Safe Food may grant or renew the accreditation only if satisfied the applicant's management statement complies with section 9A(2).
- (3) If Safe Food grants the accreditation, the applicant's management statement becomes the approved management statement for the accreditation.

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## **10 Maintenance of programs and management statements**

- (1) An accreditation holder is the person who must maintain the holder's approved program or approved management statement under a food safety scheme.
- (2) The holder must comply with the program or management statement.

Maximum penalty for subsection (2)—50 penalty units.

## **Division 3 Other information contained in programs**

### **11 Application of div 3**

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

### **12 Risk assessment**

- (1) This section applies for significant food safety hazards associated with the production of primary produce identified in the program.
- (2) The program must, for each hazard—
  - (a) give details of an assessment of the risks associated with the hazard (a ***risk assessment***); and
  - (b) identify each critical control point.
- (3) For subsection (2)(a), the program must, for the risk assessment, state—
  - (a) each method considered to control the risks associated with the hazard to achieve an acceptable level of risk; and
  - (b) the control measures.

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### **13 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) For subsection (1), the systems include the methods, procedures, tests, monitoring and other evaluations the holder will use for checking the holder's performance against the program.
- (3) Each system must—
  - (a) be adequately documented in the program; and
  - (b) function as documented; and
  - (c) be appropriate for its objectives; and
  - (d) provide for controls to minimise the risks associated with the holder's operations.

### **14 Corrective action**

The program must state—

- (a) details of corrective action taken by the holder if the holder's performance does not comply with the program; and
- (b) the steps taken by the holder to assess whether the corrective action has been effective.

### **15 Validation of control measures**

- (1) This section applies for—
  - (a) the treatment of primary produce to destroy, reduce or control food safety hazards; and
  - (b) other processing of primary produce if time and temperature controls are part of the processing.

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*Example for paragraph (b) of other processing—*

- 1 heat treatment
- 2 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.

*Example—*

For heating or a cooking process, the program must show 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 stated way in an advisory standard for the control measure.

## **Division 4                      Record keeping**

### **16            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 subsections (2) to (6) and—
- (a) for the dairy scheme—sections 60 to 62 and 68; or
  - (b) for the egg scheme—sections 87N and 87O; or
  - (c) for the meat scheme—sections 94, 128, 129 and 131; or
  - (d) for the seafood scheme—section 134T.

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) The 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

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

- (a) correctly records and explains the holder's activities and transactions; and
- (b) enables its records to be properly and conveniently audited under part 5.

(5) 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
- (b) trace from them the stages that apply to the holder's program or management statement.

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

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

(6) The records for primary produce must be kept for the greater of the following—

- (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.

## **Division 5                      Amendment of programs and management statements**

### **Subdivision 1              Amendment by Safe Food**

#### **17              Power to amend**

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

*Editor's note—*

See section 51 (Amendment—grounds) of the Act.

#### **18              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 within which the amendment must be made (the *amendment period*);
  - (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;



- (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.

## **19 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) notify the holder of its decisions and the reasons for its 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.

## **20 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 18; 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 19(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**

### **21      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 (a *significant food safety matter*)—
  - (a) a critical control point in the program; or
  - (b) a control measure in the management statement; or
  - (c) how often the program or management statement is 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.

*Editor's note—*

See also section 10(2) (Maintenance of programs and management statements).

### **22      Applying for approval**

- (1) A 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;

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

## **23 Deciding application**

- (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 stating the decision and the reasons for it.

# **Part 3                      Accreditation, fees and auditors**

## **24 Accreditation—Act, s 40(1)(b)**

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

## **25 Accreditation period—Act, s 50(4)**

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

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

## **26 Fees for accreditation and approval as auditor**

- (1) The fees payable under the Act are stated in schedule 1.
- (2) An application fee paid is not refundable.

## **27 Fees for accreditation**

- (1) For section 44(2)(b)(i) of the Act, the prescribed fee is—
  - (a) for a grant of an accreditation, the total of the following—
    - (i) the application fee under schedule 1;
    - (ii) the relevant accreditation fee under schedule 1; or
  - (b) for a renewal of an accreditation, the relevant accreditation fee under schedule 1.
- (2) However, if Safe Food imposes a condition on the accreditation that the holder pays the relevant accreditation fee under schedule 1 in instalments, Safe Food may waive the accreditation fee mentioned in subsection (1)(a)(ii) or (b).

## **27A Exemptions from fees for accreditation**

- (1) Despite sections 26 and 27, no fee is payable for an application for an accreditation, or a renewal of an accreditation, by—
  - (a) a school that must prepare and maintain a food safety program under a food safety scheme; or
  - (b) an egg producer who supplies eggs under a preferred supplier arrangement; or
  - (c) a poultry producer who supplies poultry under a preferred supplier arrangement.
- (2) In this section—

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

## **28 Fees for approval as auditor**

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

- (a) for an approval as an auditor, the total of the following—
  - (i) the application fee under schedule 1;
  - (ii) the auditor approval fee under schedule 1; or
- (b) for a renewal of an approval as an auditor, the auditor approval fee under schedule 1.

## **28A 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 employed by Safe Food as an auditor.

## **29 Payment of renewal fee**

- (1) The renewal fee for an approval as an auditor is payable yearly in advance.
- (2) The renewal fee for an accreditation is payable yearly in advance unless Safe Food imposes a condition on the accreditation under section 27(2).
- (3) If an applicant for a renewal of an accreditation does not pay the renewal fee, the applicant's current accreditation ends at the end of the period for which Safe Food previously granted or renewed the accreditation.

### **30 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 things—

- (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 primary 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 4 Food safety requirements**

### **Division 1 Preliminary**

#### **31 Application of pt 4**

- (1) This part applies for food safety requirements for a food safety scheme, other than the seafood scheme.
- (2) Other food safety requirements for each food safety scheme are mentioned in—
  - (a) for the dairy scheme—chapter 3, part 2 and part 3, division 3; or
  - (b) for the egg scheme—chapter 3A, part 2; or
  - (c) for the meat scheme—chapter 4, part 2.

### **31A Complying with compulsory or advisory standard**

- (1) If a compulsory standard mentioned in the following provisions states a requirement for a provision under this part, a program or management statement under a food safety scheme must comply with the compulsory standard for the requirement—
  - (a) for the dairy scheme—schedule 2, part 1;
  - (b) for the egg scheme—schedule 3A, part 1;
  - (c) for the meat scheme—schedule 4, part 1.
- (2) If an advisory standard mentioned in the following provisions states a requirement for a provision under this part, a program or management statement under a food safety scheme must comply with the advisory standard for the requirement—
  - (a) for the dairy scheme—schedule 2, part 2;
  - (b) for the egg scheme—schedule 3A, part 2;
  - (c) for the meat scheme—schedule 4, part 2.

*Note—*

See section 5 (Complying with compulsory standard) or 6 (Complying with advisory standard) for how a program or management statement under a food safety scheme complies with a compulsory or advisory standard.

## **Division 2 General food safety requirements**

### **32 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—

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- (a) makes and implements guidelines for training in the holder's program or management statement; and
- (b) takes reasonable steps to ensure the persons involved in the processing comply with the guidelines.

### **33 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 ensures the produce is acceptable.
- (3) Without limiting subsection (2), the conditions under which the produce is transported must include time and temperature controls to prevent, reduce or control pathogenic growth.
- (4) The part of the vehicle containing the produce must be designed and constructed from materials that—
  - (a) prevent contamination of the produce; and
  - (b) are capable of being easily and effectively cleaned; and
  - (c) prevent foreign substances, including pests and vermin, entering the vehicle.

- (5) Also, 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.

- (5A) Without limiting subsection (1), if the accreditation holder is transporting dairy produce, the holder must ensure the dairy produce is transported in a way that complies with the compulsory standard for the transportation.

Maximum penalty—20 penalty units.

- (6) 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.

### **34 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.

### **35 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.

### **36 Restrictions on animals at premises and in vehicles**

- (1) An accreditation holder who processes primary produce at premises or uses a vehicle for the processing may allow an animal on the premises or in the vehicle only if the animal is—

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- (a) an animal to be slaughtered at the premises or in the vehicle; or
- (b) an assistance animal; or
- (c) a work animal.

Maximum penalty—20 penalty units.

- (2) 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.

- (3) 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**

### **37            Application of div 3**

This division does not apply to an accreditation holder who produces milk from an animal at a dairy.

*Editor's note—*

See sections 65 (Health and hygiene requirements), 66 (Design, construction and maintenance of dairy and equipment) and 78 (Design, construction and maintenance of dairy and equipment).

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**38 Health and hygiene requirements**

- (1) An accreditation holder processing 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 a holder must take under subsection (1) include—
- (a) providing adequate health and hygiene facilities at the premises and ensuring their appropriate use by the persons processing the produce; and
  - (b) establishing and maintaining appropriate procedures and practices for health and hygiene.

**39 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

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

Maximum penalty—20 penalty units.

#### **40 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—
  - (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) Also, the holder must ensure the equipment is maintained and cleaned in a sanitary way.

Maximum penalty—20 penalty units.

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## Part 5                      Monitoring compliance with food safety schemes

### Division 1AA            Monitoring

#### 40A      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—*

See, however, section 50A (Safe Food may vary frequency of audits).

#### 40B      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 from the holder Safe Food's costs for conducting the check audit.
- (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.

*Example of a check audit of a program—*

a check audit may include a spot check

- (4) In this section—

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

## Division 1                      General auditing requirement

### 42            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 2                      Risk categories and minor, major and critical nonconformances

### 43            Frequency of audits for risk category

- (1) The *risk category* for the processing of primary produce is decided by the potential public health risk associated with the processing.
- (2) The risk category applying to the activities carried out, or proposed to be carried out, by a person for the processing of primary produce decides the frequency of audits under the Act.
- (3) The activities classified as *low risk* are mentioned—
  - (a) for the dairy scheme—in schedule 3, part 1; or
  - (b) for the egg scheme—in schedule 3B, part 1; or
  - (c) for the meat scheme—in schedule 5, part 1; or
  - (d) for the seafood scheme—in schedule 5A, part 1.
- (4) The activities classified as *medium risk* are mentioned—
  - (a) for the meat scheme—in schedule 5, part 2; or
  - (b) for the seafood scheme—in schedule 5A, part 2.
- (5) The activities classified as *high risk* are mentioned—
  - (a) for the dairy scheme—in schedule 3, part 2; or

- (b) for the egg scheme—in schedule 3B, part 2; or
- (c) for the meat scheme—in schedule 5, part 3; or
- (d) for the seafood scheme—in schedule 5A, part 3.

#### **44 Minor, major and critical nonconformances**

- (1) A *minor nonconformance* means a nonconformance with the requirements of an accreditation holder's program if the potential impact of the nonconformance is not likely to lead to the production of unacceptable primary produce.
- (2) 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.
- (3) 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.

### **Division 3 Audits for grants and renewals of accreditation**

#### **45 Audits for grant of accreditation—low risk**

- (1) This section applies to an applicant for a grant of accreditation if the activities proposed to be carried out by the applicant under a food safety scheme are low risk.
- (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—

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- (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.

*Example of verification system—*

- 1 monitoring test results
- 2 self verification
- 3 regular inspections

#### **46 Audits for grant of accreditation—medium risk**

- (1) This section applies to an applicant for a grant of accreditation if the activities proposed to be carried out by the applicant under a food safety scheme are medium risk.
- (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.



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**47 Audits for grant of accreditation—high risk**

- (1) This section applies to an applicant for a grant of accreditation if the activities proposed to be carried out by the applicant under a food safety scheme are high risk.
- (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.

**48 Audits for renewal of accreditation—low risk**

- (1) This section applies to an applicant for a renewal of accreditation if the activities carried out by the applicant under a food safety scheme are low risk.
- (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.

*Example of verification system—*

- 1 monitoring test results

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- 2 self verification
- 3 regular inspections

#### **49 Audits for renewal of accreditation—medium risk**

- (1) This section applies to an applicant for a renewal of accreditation if the activities carried out by the applicant under a food safety scheme are medium risk.
- (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.

#### **50 Audits for renewal of accreditation—high risk**

- (1) This section applies to an applicant for a renewal of accreditation if the activities carried out by the applicant under a food safety scheme are high risk.
- (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.

## **50A Safe Food may vary frequency of audits**

- (1) 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, Safe Food may decide to conduct audits less frequently.
- (2) Safe Food may make a decision under subsection (1) 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 48(2), 49(2) or 50(2) is not required.

- (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 4 Audits after minor, major and critical nonconformances**

### **51 Identification of minor or major nonconformance**

- (1) This section applies if, in an auditor's opinion, the auditor identifies a minor nonconformance or 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 include the following information—

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- (a) the activities of the holder's program that constitute a minor or 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.

- (5) If, in the auditor's opinion, a nonconformance audit identifies that the minor nonconformance or major nonconformance has not been corrected, the auditor may conduct a further nonconformance audit.
- (6) A nonconformance audit is in addition to a compliance audit of the holder's program.

## **52 Identification of critical nonconformance**

- (1) This section applies if, in an auditor's opinion, the auditor identifies a critical nonconformance of an accreditation holder's program at a compliance audit.
- (2) The auditor must, unless the auditor has a reasonable excuse, inform Safe Food immediately after the auditor forms the opinion.

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 include the following information—

- (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.

(6) If, in the auditor's opinion, the nonconformance audit identifies that the critical nonconformance has not been corrected, the auditor must—

- (a) unless the auditor has a reasonable excuse, inform Safe Food immediately after the auditor forms the opinion; and
- (b) conduct any further nonconformance audit at the direction of Safe Food.

Maximum penalty—50 penalty units.

(7) A nonconformance audit is in addition to a compliance audit of the holder's program.

## **Division 5                      Nonconformance with management statements**

### **53            Identification of nonconformance with management statement**

- (1) This section applies if Safe Food is satisfied it has identified any nonconformance with the requirements of an accreditation holder's management statement.
- (2) Safe Food may give the accreditation 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 accreditation holder must comply with the notice.  
Maximum penalty—20 penalty units.

## **Part 6                              General provision**

### **54            Review of food safety scheme**

- (1) The Minister must review each food safety scheme within 5 years from the day the scheme comes into force.
- (2) However, the Minister must start a review of chapter 3, part 3 of the dairy scheme within 1 year from the day the part comes into force.

## Chapter 3 Dairy scheme

### Part 1 Contents of dairy scheme

#### 55 Dairy scheme applies for dairy produce

- (1) The dairy produce food safety scheme (the *dairy scheme*) applies for dairy produce intended for human or animal consumption.
- (2) However, the dairy scheme does not apply for 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.

#### 56 Meaning of *dairy produce*—Act, s 8

- (1) For section 8(a) of the Act, the milk of buffalo is prescribed.
- (2) For section 8(b) of the Act, the following dairy products are prescribed—
  - (a) flavoured milk;
  - (b) cream and thickened cream;
  - (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.

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**57      Production of dairy produce for which dairy scheme applies**

- (1) The dairy scheme applies for 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 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;
  - (h) processing dairy 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 produce from a factory to a wholesaler or retailer;
- (g) retail sales of dairy 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 1A                      Categories of accreditation and programs**

### **57A      Categories of accreditation**

A person may be accredited under the dairy scheme in either of the following categories—

- (a) processor;
- (b) producer.

### **57B      Requirement for program or management statement**

- (1) An applicant for a grant or renewal of an accreditation under the dairy scheme as a processor must prepare a program under the scheme.
- (2) An applicant for a grant or renewal of an accreditation under the dairy scheme as a producer must prepare a management statement under the scheme.

## **Part 2                      Food safety requirements**

### **Division 1                      Preliminary**

#### **58              Application of pt 2**

- (1) This part applies for food safety requirements for the dairy scheme.

*Editor's note—*

See part 3 for additional requirements for an accreditation holder under the part.

- (2) Subject to subsection (3), the food safety requirements mentioned in chapter 2, part 4 apply in addition to the food safety requirements mentioned in this part.
- (3) The food safety requirements in chapter 2, part 4, division 3 do not apply to an accreditation holder who produces milk from an animal at a dairy.

#### **58A              Complying with compulsory or advisory standard**

- (1) If a compulsory standard mentioned in schedule 2, part 1 states a requirement for a provision under this part, a program or management statement under the dairy scheme must comply with the compulsory standard for the requirement.
- (2) If an advisory standard mentioned in schedule 2, part 2 states a requirement for a provision under this part, a program or management statement under the dairy scheme must comply with the advisory standard for the requirement.

*Note—*

See section 5 (Complying with compulsory standard) or 6 (Complying with advisory standard) for how a program or management statement under a food safety scheme complies with a compulsory or advisory standard.

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## **Division 2                  Dairy produce at dairies**

### **Subdivision 1          Preliminary**

#### **59          Application of div 2**

This division applies to an accreditation holder who produces milk from an animal at a dairy.

#### **59A          General food safety requirement for production of milk at dairy**

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

Maximum penalty—20 penalty units.

### **Subdivision 2          All dairy produce**

#### **60          Animals to be milked must be free of disease**

- (1) This section applies for 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 to 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—*

- 1 seller's declaration if an animal is brought from another place

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- 2 identification of an animal treated at a dairy
- 3 record of a veterinary chemical product and drug treatment, treatment date, dosage and withholding period for an animal
- 4 record showing compliance with withholding period for an animal

## **61 Stock food for consumption by animals to be milked**

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

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

*Examples of records—*

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

## **62 Milk supplied must be free of chemical contaminants**

- (1) The 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 to know, the milk has a residue level greater than the MRLs stated in the compulsory standard for the requirement; 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.

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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—*

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

## **63 Production and storage of milk**

The 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.

## **64 Temperature control for stored milk**

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

Maximum penalty—20 penalty units.

## **65 Health and hygiene requirements**

- (1) The 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 a holder must take under subsection (1) include—

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- (a) providing adequate health and hygiene facilities at the dairy and ensuring their appropriate use by the persons milking the animals; and
- (b) establishing and maintaining appropriate procedures and practices for health and hygiene.

### **Subdivision 3      Dairy produce other than unpasteurised goat milk**

#### **66      Design, construction and maintenance of dairy and equipment**

- (1) This section applies to an accreditation holder, other than an accreditation holder who, under part 3, produces goat milk.
- (2) The holder must ensure the holder's dairy and equipment used to obtain and store milk from an animal are designed 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) Also, the holder must ensure the holder's dairy and equipment are kept clean and in good repair.

Maximum penalty—20 penalty units.

### **Division 3              Processing dairy produce at depots or factories**

#### **67      Application of div 3**

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

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**68 Receiving dairy produce for processing**

- (1) This section applies to the holder who accepts from a person dairy produce for processing.
- (2) The holder accepting the produce must take all practical steps to ensure the produce—
  - (a) is, or has been, protected from the likelihood of contamination; and
  - (b) does not contain contaminants greater than the MRLs stated in the compulsory standard for the requirement.

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).

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

- (1) The holder must process dairy produce at the holder's depot or factory in a way that complies with the compulsory standard for the processing of the dairy produce.

Maximum penalty—20 penalty units.

- (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.

**70 Storing dairy produce**

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

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- (a) protected from the likelihood of contamination; and
- (b) kept under environmental conditions and temperature control to maintain the acceptability of the dairy produce.

Maximum penalty—20 penalty units.

## **71 Minimum standard for dairy produce for human consumption**

If the 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 for the requirement; or
  - (ii) chemical hazards at levels greater than the MRLs stated in the compulsory standard for the requirement; and
- (b) has the composition stated for the dairy produce in the compulsory standard for the requirement.

Maximum penalty—20 penalty units.

## **72 Supplying dairy produce**

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

Maximum penalty—20 penalty units.

## **73 Testing after processing**

The holder must put into effect and 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 for the requirement.

Maximum penalty—20 penalty units.

## **Part 3                      Goat milk**

### **Division 1                      Production of unpasteurised goat milk**

#### **74              Application of pt 3**

This part applies to an accreditation holder who, under this part, produces goat milk intended for human consumption if the goat milk—

- (a) is not pasteurised; and
- (b) is not sent to a factory for processing.

#### **75              Aspects of production of goat milk for which pt 3 applies**

- (1) This part applies for 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.

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- (2) However, this part does not apply for the following—
- (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.

## **Division 2                      Application of dairy scheme**

### **76            Complying with dairy scheme**

The holder must comply with the requirements of the dairy scheme, other than section 66.

## **Division 3                      Food safety requirements**

### **77            General requirements for production of goat milk**

The holder must produce goat milk according to the compulsory standard for the requirement.

Maximum penalty—20 penalty units.

### **78            Design, construction and maintenance of dairy and equipment**

The holder must ensure the dairy and the equipment at the dairy comply with the compulsory standard for the requirement.

Maximum penalty—20 penalty units.

**79 Supply of goat milk for human consumption**

The holder must not supply the goat milk to a person if the holder knows, or ought reasonably to know, the holder has not complied with section 77 for the goat milk.

Maximum penalty—20 penalty units.

**Division 4 Testing and product recall**

**80 Standard for testing and frequency of testing**

The holder at a dairy must comply with the following in the holder's program—

- (a) the testing program for goat milk produced at the dairy to ensure the goat milk complies with the compulsory standard for the requirement;
- (b) the frequency of testing for goat milk.

Maximum penalty—50 penalty units.

**81 Conducting tests**

- (1) The 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) In this section—

**NATA** means the National Association of Testing Authorities, Australia.

**82 Test results sent to Safe Food**

The holder must send the results of a test to Safe Food within 7 days after the laboratory conducting the test notifies the holder of the test results.

[s 83]

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Maximum penalty—20 penalty units.

### **83 Safe Food conducts random checks**

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

### **84 Product recall**

- (1) The 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 *Australia New Zealand Food Authority Act 1991* (Cwlth), about ways of complying with recall procedures.

## **Division 5                      Labelling**

### **85 Labelling goat milk**

- (1) The holder must comply with the requirements in 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 for the requirement.
- (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 standard type 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.

## **Part 4                      Labelling pet food**

### **87              Labelling requirements for pet food**

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

Maximum penalty—20 penalty units.

- (2) The label on a package containing the pet food must include the statement ‘Animal Food Only’ in standard type of at least 6mm in height.
- (3) The statement must be immediately followed by another statement ‘Not fit for human consumption’ in standard type 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.

## Chapter 3A Egg scheme

### Part 1 Contents of egg scheme

#### 87A Egg scheme applies for eggs and egg products

The egg food safety scheme (the *egg scheme*) applies for eggs and egg products intended for human or animal consumption.

#### 87B Production of eggs and egg products for which egg scheme applies

The egg scheme applies for the production of eggs and egg products, including, for example, the following—

- (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 production farm to an egg processor or wholesaler; or
  - (ii) from an egg processor to a wholesaler; or
  - (iii) from a wholesaler to an egg processor; or
  - (iv) within an egg production farm, egg processing facility or wholesaler's premises; or
  - (v) from an egg producer, egg processor or wholesaler to a retailer, manufacturer or commercial user;

- (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.

**87C Production of eggs and egg products for which egg scheme does not apply**

Despite section 87B, the egg scheme does not apply for 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;
- (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 breeding 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 user.

[s 87CA]

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## **Part 1A**                      **Categories of accreditation, programs and management statements**

### **87CA Categories of accreditation**

A person may be accredited under the egg scheme in any of the following categories—

- (a) processor;
- (b) producer;
- (c) transporter.

### **87CB Requirement for program or management statement**

- (1) An applicant for a grant or renewal of an accreditation under the egg scheme as a processor must prepare a program under the scheme.
- (2) An applicant for a grant or renewal of an accreditation under the egg scheme as a producer or transporter must prepare a management statement under the scheme.

## **Part 2**                      **Food safety requirements**

### **Division 1**                      **Preliminary**

#### **87D Application of pt 2**

- (1) This part applies for food safety requirements for the egg scheme.
- (2) The food safety requirements mentioned in chapter 2, part 4 apply in addition to the food safety requirements mentioned in



this part.

- (3) Despite subsection (2), if an activity mentioned in section 87B(a) or (b) is carried out in a location that is physically separate from where another activity mentioned in section 87B is carried out, the requirement stated in section 38 is the only food safety requirement that applies to the activity.

### **87DA Complying with compulsory or advisory standard**

- (1) If a compulsory standard mentioned in schedule 3A, part 1 states a requirement for a provision under this part, a program or management statement under the egg scheme must comply with the compulsory standard for the requirement.
- (2) If an advisory standard mentioned in schedule 3A, part 2 states a requirement for a provision under this part, a program or management statement under the egg scheme must comply with the advisory standard for the requirement.

*Note—*

See section 5 (Complying with compulsory standard) or 6 (Complying with advisory standard) for how a program or management statement under a food safety scheme complies with a compulsory or advisory standard.

## **Division 2                      General**

### **Subdivision 1              Information requirements**

#### **87E      Information to be contained in food safety program—Act, s 41(2)(f)**

- (1) This section applies if the activities carried out, or proposed to be carried out, by an accreditation holder or applicant for an accreditation include the production of eggs or egg products for supply.

[s 87G]

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- (2) The person's food safety program prepared under the egg scheme must state the person's egg production identification.

## **Subdivision 2      Egg production activities**

### **87G      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 to know, is affected by a disease, if the eggs may be unsafe.

Maximum penalty—50 penalty units.

*Example of disease—*

*Salmonella enteritidis*

### **87H      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 to 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 for the requirement.

### **87I      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 to suspect—

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

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

Maximum penalty—50 penalty units.

### **87J 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.

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.

Maximum penalty—50 penalty units.

### **87K Supplying eggs**

- (1) A person must not supply an egg for sale if the person knows, or ought reasonably to know, its shell—
  - (a) is cracked; or
  - (b) has visible faeces, soil or other matter on it.

Maximum penalty for subsection (1)—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 in producing the egg.

[s 87L]

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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—50 penalty units.

### **87L Supplying egg products**

- (1) A person must not supply an egg product the person knows, or ought reasonably to 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.

### **87M Pasteurising egg products**

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

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**

### **87N 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—*

- 1 seller's declaration if the bird is brought from another place
- 2 identification of a treated bird

- 3 record of a veterinary chemical product and drug treatment, treatment date, dosage and withholding period for a bird
  - 4 record showing compliance with withholding period for a bird
- (2) Also, 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—*

- 1 identification of a treated bird
  - 2 record showing only chemical products approved by the Australian Pesticides and Veterinary Medicines Authority established under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth) have been used for the bird
  - 3 record of a chemical product and drug treatment, treatment date, dosage and withholding period for eggs from the bird
  - 4 record showing compliance with withholding period for eggs from the bird
- (3) Further, the holder must keep records for any supply or receipt of the following—
- (a) an egg, the shell of which is cracked or has visible faeces, soil or other matter on it;
  - (b) an unpasteurised egg product.

## **87O 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—*

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

## Chapter 4 Meat scheme

### Part 1 Contents of meat scheme

#### 88 What meat scheme applies for

The meat food safety scheme (the *meat scheme*) applies for—

- (a) meat (other than seafood) 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.

#### 89 Aspects of production of primary produce to which scheme applies

(1) The meat scheme applies for the following—

- (a) handling of an animal at a place where the animal is killed for meat;
- (b) rearing, or live transporting, of poultry intended for human consumption;
- (c) other handling of poultry intended for human consumption;
- (d) processing meat or ready-to-eat meat intended for human consumption;
- (e) processing pet meat, a pet meat product or a rendered product;
- (f) handling, packaging or storing meat or a meat product;
- (g) 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—

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- (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;
  - (h) retail sales of meat or a meat product from the following—
    - (i) meat retail premises;
    - (ii) a meat retail vehicle;
  - (i) 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;
  - (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 premises that are the first point of retail sale of the meat to other premises where the meat is sold;

*Example—*

transporting meat from a butcher shop to a restaurant

*Note—*

The meat scheme applies for transporting meat to a restaurant or similar business if the restaurant or business is the first point of retail sale of the meat.

- (e) handling or transporting ready-to-eat meat or a rendered product after the ready-to-eat meat or product leave the

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premises where the ready-to-eat 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—

***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—premises that are the first point of retail sale of the meat.

*Example of premises that are the first point of retail sale—*

butcher shop

## **Part 1A                      Categories of accreditation,                                          programs and management                                          statements**

### **89A      Categories of accreditation**

A person may be accredited under the meat scheme in any of the following categories—

- (a) cold store operator;
- (b) exporter;
- (c) game box operator;
- (d) processor;
- (e) producer;
- (f) retailer;
- (g) transporter;



- (h) wild game harvester.

### **89B Requirement for program or management statement**

- (1) An applicant for a grant or renewal of an accreditation under the meat scheme as any of the following must prepare a program under the scheme—
  - (a) an exporter or processor;
  - (b) a retailer who undertakes a high risk activity under the scheme.
- (2) An applicant for a grant or renewal of an accreditation under the meat scheme as any of the following must prepare a management statement under the scheme—
  - (a) a cold store operator, game box operator, transporter or wild game harvester;
  - (b) a retailer who does not undertake a high risk activity under the scheme;
  - (c) a producer.

## **Part 2 Food safety requirements**

### **Division 1 Preliminary**

#### **90 Application of pt 2**

- (1) This part applies for food safety requirements for the meat scheme.
- (2) The food safety requirements mentioned in chapter 2, part 4 apply in addition to the food safety requirements mentioned in this part.

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## **90A Complying with compulsory or advisory standard**

- (1) If a compulsory standard mentioned in schedule 4, part 1 states a requirement for a provision under this part, a program or management statement under the meat scheme must comply with the compulsory standard for the requirement.
- (2) If an advisory standard mentioned in schedule 4, part 2 states a requirement for a provision under this part, a program or management statement under the meat scheme must comply with the advisory standard for the requirement.

*Note—*

See section 5 (Complying with compulsory standard) or 6 (Complying with advisory standard) for how a program or management statement under a food safety scheme complies with a compulsory or advisory standard.

## **Division 2 Rearing, capturing and killing animals for meat**

### **91 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 to 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 for subsection (2)—20 penalty units.

**92 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 for subsection (2)—20 penalty units.

**93 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 it is killed.

Maximum penalty—20 penalty units.

**94 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.

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**95      Animal appropriate for producing meat**

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

Maximum penalty—20 penalty units.

**96      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.

**Division 3                      Carcasses**

**Subdivision 1              Handling carcasses and post mortem dispositions**

**97      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.

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**98 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.

**99 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.

**100 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.

**101 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 where it is dressed.

Maximum penalty—20 penalty units.

- (2) An accreditation holder who kills a wild animal for meat must ensure a post mortem disposition is applied to the animal's carcass before the carcass is removed from the area of the vehicle where it is field dressed.

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Maximum penalty—20 penalty units.

## **102 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.

- (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**

### **103 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) maintain the carcass at the temperature.

Maximum penalty—20 penalty units.

#### **104 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) maintain 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—
  - (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) maintain the animal at the temperature.

Maximum penalty—20 penalty units.

#### **105 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) maintain the animal at the temperature.

Maximum penalty—20 penalty units.

## **106 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.

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

## **107 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**

#### **108      Further processing of meat and pet meat**

An accreditation holder processing 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.

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

#### **109      Application of sdiv 2**

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

#### **109A    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 for the production of ready-to-eat meat.

**110 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 or temperature controls have been complied with when the meat, ready-to-eat meat or ingredient was transported to the holder's premises for processing.

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.

**111 Identifying and separating meat not for human consumption**

An accreditation holder processing 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.

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**112 Ingredients used for processing meat and ready-to-eat meat**

An accreditation holder who uses an ingredient in the processing of meat or ready-to-eat meat must ensure the ingredient used or to be used—

- (a) is appropriate for the purpose for which it is used or 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 its misuse; and
  - (ii) easily identifies it.

Maximum penalty—20 penalty units.

**113 Hazardous material**

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

- (a) is appropriate for the purpose for which it is used or 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—
  - (i) prevents its misuse; and
  - (ii) easily identifies it.

Maximum penalty—20 penalty units.

**114 Contamination of meat and ready-to-eat meat**

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

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Maximum penalty—20 penalty units.

### **115 Contamination of ready-to-eat meat by meat**

An accreditation holder processing ready-to-eat meat from meat must ensure the meat or ready-to-eat meat are not contaminated by other meat.

Maximum penalty—20 penalty units.

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

### **116 Application of sdiv 3**

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

### **117 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
  - (b) time 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.

### **118 Identifying and separating meat for animal consumption and unacceptable meat**

An accreditation holder processing 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.

### **119 Ingredients used for processing pet meat**

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

- (a) is appropriate for the purpose for which it is used or 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 its misuse; and
  - (ii) easily identifies it.

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Maximum penalty—20 penalty units.

## **120 Hazardous material**

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

- (a) is appropriate for the purpose for which it is used or 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 its misuse; and
  - (ii) easily identifies it.

Maximum penalty—20 penalty units.

## **121 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.

## **122 Contamination of pet meat, pet meat products and rendered products**

An accreditation holder processing 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.

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**123 Contamination of pet meat product by pet meat**

An accreditation holder processing 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.

**124 Contamination of rendered product**

An accreditation holder processing 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**

**125 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.

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 when storing, handling and transporting.

**126 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

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product under conditions that ensure the acceptability of the meat or product is not affected.

Maximum penalty—20 penalty units.

## **127 Identifying and labelling meat and meat products for transportation**

A person transporting meat or a meat product must ensure the meat or product is identified, labelled or kept separate from another product in a way that it 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**

### **128 Records to be kept about animals killed for meat**

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

- (a) the day the animal is killed;
- (b) the name or number of the accreditation holder who killed the animal;
- (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**

### **129      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, for the meat or ready-to-eat meat, keep records containing each of the following details—
  - (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 are 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
    - (iv) the name or number of any other accreditation holder from whom other meat or ready-to-eat meat in the batch is derived;
  - (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 accreditation holder sent the meat or ready-to-eat meat after processing;
  - (e) the day the person sent the meat or ready-to-eat meat.
- (2) However, if the person to whom the accreditation holder sent the meat or ready-to-eat meat after processing is the consumer of the meat or ready-to-eat meat, the accreditation holder is

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not required to keep a record of the details mentioned in subsection (1)(d) or (e).

### **130      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 are labelled with the following information before or when packaging—

- (a) the accreditation holder's name or number;
- (b) the day the meat or ready-to-eat meat are packaged.

Maximum penalty—20 penalty units.

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

### **131      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, for the meat or product, keep records containing each of the following details—
  - (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
    - (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 accreditation 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 accreditation holder sent the meat or product after processing is the consumer of the meat or product, the accreditation 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 mean a person who wholesales or retails the meat or product.

## 132 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 each of the following before or when packaging—
- (a) the accreditation 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 standard type 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.

### **133    Labelling rendered products**

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

- (a) the accreditation 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

#### 133A    Purpose of div 7

The purpose of this division is to give effect, generally, to the food standards code, standard 4.2.2 (Primary production and processing standard for poultry meat).

*Editor's note—*

The standard may be viewed on Safe Food's website at <[www.safefood.qld.gov.au](http://www.safefood.qld.gov.au)>.

#### 133B    Definitions for div 7

In this division—

***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.

***inputs*** includes any feed, litter, water, chemicals or other substances used in, or in connection with, a primary production or processing activity.

***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 processor*** means a person accredited under the meat scheme in the category of processor who carries out processing, or transporting, of poultry product intended for human consumption.

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***poultry producer*** means a person accredited under the meat scheme in the category of producer who carries out rearing, or live transporting, of poultry intended for human consumption.

***poultry product*** means the carcass of poultry, poultry meat or poultry meat product.

***processing*** means engaging in processing activities.

***sewage*** includes the discharge from toilets, urinals, basins, showers, sinks and dishwashers, whether discharged through sewers or other means.

### **133C Meaning of *unsuitable* for poultry or poultry product**

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

- (a) is damaged, deteriorated or perished to an extent that affects its reasonable intended use; or
- (b) contains any damaged, deteriorated or perished substance that affects its reasonable intended use; 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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## **Subdivision 2      Food safety requirements—production of poultry**

### **133D    Application of sdiv 2**

- (1) The food safety requirements mentioned in chapter 2, part 4 or chapter 4, part 2 apply in addition to the food safety requirements mentioned in this subdivision.
- (2) However, if there is an inconsistency between a food safety requirement mentioned in this subdivision and a food safety requirement mentioned in chapter 2, part 4 or chapter 4, part 2, the food safety requirement mentioned in this subdivision prevails to the extent of the inconsistency.

### **133E    General food safety management**

- (1) A poultry producer must systematically examine all of its primary production operations to identify potential hazards and implement control measures to address those hazards.

Maximum penalty—50 penalty units.

- (2) A poultry producer must have evidence to show a systematic examination has been undertaken and control measures for identified hazards have been implemented.

Maximum penalty—50 penalty units.

### **133F    Inputs**

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

Maximum penalty—50 penalty units.

[s 133G]

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### **133G 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.

### **133H 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.

Maximum penalty—50 penalty units.

### **133I 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.



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**133J 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 maintained and cleaned in a sanitary way, and maintained in good repair, to ensure the poultry is not made unsuitable.

Maximum penalty—20 penalty units.

**133K Traceability**

A poultry producer must be able to identify the immediate recipient of the poultry handled by the poultry producer.

Maximum penalty—50 penalty units.

**133L Sale or supply of poultry**

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

Maximum penalty—50 penalty units.

## **Subdivision 3      Food safety requirements—processing of poultry**

### **133M   Application of sdiv 3**

- (1) The food safety requirements mentioned in chapter 2, part 4 or chapter 4, part 2 apply in addition to the food safety requirements mentioned in this subdivision.
- (2) However, if there is an inconsistency between a food safety requirement mentioned in this subdivision and a food safety requirement mentioned in chapter 2, part 4 or chapter 4, part 2, the food safety requirement mentioned in this subdivision prevails to the extent of the inconsistency.

### **133N   General food safety management**

- (1) A poultry processor must systematically examine all of its processing operations to identify potential hazards and implement control measures to address those hazards.

Maximum penalty—50 penalty units.

- (2) A poultry processor must have evidence to show a systematic examination has been undertaken and control measures for identified hazards have been implemented.

Maximum penalty—50 penalty units.

- (3) A poultry processor must verify the effectiveness of the control measures.

Maximum penalty—50 penalty units.

### **133O   Receiving or processing poultry product**

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

Maximum penalty—50 penalty units.

### **133P Inputs**

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

Maximum penalty—50 penalty units.

### **133Q 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.

### **133R 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.

Maximum penalty—50 penalty units.

### **133S Traceability**

A poultry processor must ensure it can identify the immediate supplier and immediate recipient of poultry product handled by the poultry processor.

Maximum penalty—50 penalty units.

[s 133T]

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### **133T Sale or supply**

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

Maximum penalty—50 penalty units.

## **Part 3                      Accreditation for persons from another State**

### **134      When person from another State taken to hold accreditation**

- (1) This section applies to the following—
  - (a) a person who is not accredited in the State to kill wild animals but is licensed to kill wild animals;
  - (b) a person who 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.
- (2) For subsection (1)(a), the person is taken to be the holder of an accreditation to kill animals in the wild for meat.
- (3) For subsection (1)(b), the person is taken to be the holder of an accreditation to transport meat or a meat product.
- (4) If the licence held by the person 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.
- (5) In this section—

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

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## Chapter 4A      Seafood scheme

### Part 1              Preliminary

#### 134A    Purpose of ch 4A

The main purpose of this chapter is to give effect to the food standards code, standard 4.2.1 (Primary production and processing standard for seafood), known as the ‘National Seafood Standard’.

*Editor’s note—*

The National Seafood Standard may be viewed on Safe Food’s website at <[www.safefood.qld.gov.au](http://www.safefood.qld.gov.au)>.

### Part 2              Contents of seafood scheme

#### 134B    Seafood scheme applies for particular seafood

- (1) The seafood food safety scheme (the *seafood scheme*) applies for 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.

#### 134C    Production of seafood for which seafood scheme applies

The seafood scheme applies for the production of seafood, 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

[s 134D]

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- user of seafood 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.

#### **134D Production of seafood for which seafood scheme does not apply**

- (1) Despite section 134C, the seafood scheme does not apply for 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

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

- (3) In this section—

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

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## **Part 3                      Categories of accreditation,                                  programs and management                                  statements**

### **134E   Categories of accreditation**

- (1) A person may be accredited under the seafood scheme in any of the following categories—
  - (a) processor;
  - (b) producer;
  - (c) wild animal harvester.
- (2) A person accredited under the seafood scheme in a particular category may, under the accreditation, carry out only the activities mentioned in schedule 5B for the category.

### **134F   Requirement for program or management statement**

- (1) An applicant for a grant or renewal of an accreditation under the seafood scheme as a processor must prepare a program under the scheme.
- (2) An applicant for a grant or renewal of an accreditation under the seafood scheme as a producer or wild animal harvester must prepare a management statement under the scheme.

## **Part 4                      Food safety requirements**

### **Division 1                Preliminary**

#### **134G   Application of pt 4**

This part applies for food safety requirements for the seafood scheme.

### **Division 2                General**

#### **Subdivision 1        Information requirements**

##### **134H   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, in writing, give Safe Food the following information about the person's business—
  - (a) the contact details for the business, including its business name;
  - (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.

## Subdivision 2 Seafood production activities

### 134I 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—
    - (i) to identify potential food safety hazards for the seafood; and
    - (ii) to implement controls that are appropriate for managing the food safety hazards; and
  - (b) keep records or other evidence to demonstrate that the holder has implemented controls that are appropriate for managing the food safety hazards.

Maximum penalty—20 penalty units.

- (2) In this section—

***controls*** mean the following—

- (a) measures to control hazards from air, bait or other feedstuff, fertilizers, pesticides, soil, veterinary drugs, water or any other agent used in the production of seafood;
- (b) measures to protect any seafood from contamination by faeces or another substance.

***fertilizer*** includes a natural fertilizer.

[s 134J]

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### **134J Contamination and handling**

- (1) An accreditation holder who engages in the production of seafood must take all necessary steps 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 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.

### **134K Inputs and harvesting areas**

- (1) An accreditation holder who engages in the production of seafood must take all reasonable steps 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 to know, the seafood may not be acceptable for human consumption when it is sold.

Maximum penalty—20 penalty units.

- (3) In this section—

*inputs* means any chemicals or feed or other substances used in, or in connection with, the production of seafood.

### **134L 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 it 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.

### **134M Transporting seafood**

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

### **134N Packaging seafood**

An accreditation holder who packages seafood must—

- (a) use only packaging material that is—
  - (i) fit for its intended use; and
  - (ii) not likely to cause contamination of the seafood; and
- (c) take all reasonable measures to ensure that the seafood does not become contaminated during the packaging of the seafood.

Maximum penalty—20 penalty units.

[s 134O]

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### **134O 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 it can not be used for human consumption; or
  - (b) the seafood is returned to its supplier; or
  - (c) the seafood is processed in a way that ensures it is acceptable; or
  - (d) the accreditation holder ascertains by validation, and Safe Food agrees, that the seafood is acceptable for sale.

Maximum penalty—20 penalty units.

- (2) The accreditation holder must clearly identify any seafood that is held and kept separate under subsection (1) as—
  - (a) recalled seafood; or
  - (b) returned seafood; 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 accreditation holder reasonably suspects is not acceptable.

### **134P Receipt of seafood**

- (1) An accreditation holder who engages in the production of seafood must take all reasonable steps to ensure the holder

accepts only seafood that is protected from the likelihood 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.

Maximum penalty—20 penalty units.

### **134Q 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**

### **134R Health and hygiene requirements**

- (1) A seafood handler at seafood premises must, in the handling or supervision of the production of seafood at the premises, exercise personal hygiene and health practices that—

[s 134S]

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(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) Subsection (3) applies if a seafood handler at seafood premises knows, or ought reasonably to 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.

(3) The seafood handler must not handle seafood at the premises if there is a reasonable likelihood of contamination of the seafood because of the disease.

Maximum penalty—20 penalty units.

(4) 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.

(5) In this section—

*food-borne disease* means a disease caused by consuming food containing bacteria, pathogens or viruses.

### **134S 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 accreditation holder must ensure the seafood premises and equipment are kept clean, so far as is reasonably necessary, and are 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) For the seafood premises and equipment, the accreditation holder must comply with—
- (a) the food standards code, standards 3.2.2, division 5 and 3.2.3; or

*Editor's note—*

food standards code, standards 3.2.2 (Food safety practices and general requirements), division 5 (Cleaning, sanitising and maintenance) and 3.2.3 (Food premises and equipment)

- (b) other requirements approved or imposed by Safe Food.

*Examples—*

- requirements in an approved program or approved management statement
- 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.

[s 134T]

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## **Division 4                      Records**

### **134T    Tracing seafood**

An accreditation holder who engages in the production of seafood must, to ensure the safety of the seafood, keep records to identify the following—

- (a) any person who supplies the seafood to the holder;
- (b) any person to whom the holder supplies the seafood.

Maximum penalty—20 penalty units.

## **Division 5                      Bivalve molluscs**

### **134U    Application of div 5**

- (1) This division applies to an accreditation holder who engages in the production of bivalve molluscs.
- (2) The food safety requirements mentioned in division 2, 3 or 4 apply to the accreditation holder in addition to the food safety requirements mentioned in this division.

### **134V    Types of programs**

- (1) If the accreditation holder is a processor, the holder's program complies with section 9 if the program—
  - (a) is a program under the food standards code, standard 3.2.1; or  
*Editor's note—*  
food standards code, standard 3.2.1 (Food safety programs)
  - (b) implements a food safety management system under the *Export Control (Dairy, Eggs and Fish) 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

*Editor's note—*

A copy of the document can be viewed at  
<[www.codexalimentarius.net/web/index\\_en.jsp](http://www.codexalimentarius.net/web/index_en.jsp)>.

- (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.

### **134W Additional food safety requirements**

The accreditation holder must comply with—

- (a) the requirements stated in the food standards code, standard 4.2.1, schedule; or

*Editor's note—*

food standards code, standard 4.2.1 (Primary production and processing standard for seafood), schedule (ASQAP manual conditions)

- (b) other requirements Safe Food decides 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.

### **134X Co-mingling of bivalve molluscs**

- (1) The 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.

## Chapter 5 Transitional provisions

### Part 1 Transitional provision for Food Production (Safety) Amendment Regulation (No. 2) 2004

#### 135 Application of s 87F before 1 July 2005

Before 1 July 2005, section 87F applies to a person engaged in the production of eggs or egg products on the commencement of the section as if—

- (a) the egg scheme mentioned in section 87A had commenced; and
- (b) the requirement in section 87F to give Safe Food information before starting production of eggs or egg products were a requirement to give the information before 1 April 2005.

## **Part 2**

# **Transitional provisions for Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009**

### **136 Application of s 134H before 1 July 2009**

Before 1 July 2009, section 134H applies to a person engaged in the production of seafood on the commencement of the section as if—

- (a) the seafood scheme mentioned in section 134H had commenced; and
- (b) the requirement in section 134H to give Safe Food information before starting production of seafood were a requirement to give the information before 1 May 2009.

### **137 Delayed application of fees for accreditation under seafood scheme**

- (1) Until 1 January 2010, no fee is payable for an application for an accreditation by a person who must prepare and maintain a program or management statement under the seafood scheme.
- (2) Subsection (1) applies despite section 27.

*Editor's note—*

section 27 (Fees for accreditation)

### **138 Application of the Act, s 79 to seafood scheme before 1 January 2010**

For applying section 79 of the Act to a person engaged in the production of seafood, the seafood scheme is taken to commence on 1 January 2010.

*Editor's note—*

Food Production (Safety) Regulation 2002

Chapter 5 Transitional provisions

Part 2 Transitional provisions for Primary Industries and Fisheries Legislation Amendment  
Regulation (No. 1) 2009

[s 138]

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section 79 of the Act (Unauthorised production of primary produce)

## Schedule 1      Fees

sections 26, 27 and 28

### Part 1                      Accreditation

		\$
1	Application fee. . . . .	131.95
2	Accreditation fee—	
	(a) for a wild game harvester or game box operator . . . . .	237.60
	(b) for a wild animal harvester . . . . .	237.60
	(c) for a retailer . . . . .	422.50
	(d) for a transporter . . . . .	237.60
	(e) for a cold store operator. . . . .	237.60
	(f) for a producer. . . . .	330.05
	(g) for a processor . . . . .	1 320.75
	(h) for an exporter . . . . .	6 605.65
	(i) for a person other than a person mentioned in paragraphs (a) to (h). . . . .	224.30

### Part 2                      Approval as auditor

		\$
1	Application fee. . . . .	131.95
2	Auditor approval fee . . . . .	462.20

## Schedule 2      Standards for dairy scheme

section 4

### Part 1      Compulsory standards

Column 1 Requirement	Column 2 Compulsory standard
1    skills and knowledge for persons processing primary produce (s 32(1))	food standards code, standards 4.2.4 <i>Primary production and processing standard for dairy products</i> , clause 6 <i>Skills and knowledge</i> and 4.2.4A <i>Primary production and processing standard for specific cheeses</i>
2    transporting primary produce (s 33(5A))	food standards code, standard 4.2.4 <i>Primary production and processing standard for dairy products</i> , division 3 <i>Dairy collection and transportation</i>
3    transporting primary produce (s 33(5))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
4    water supply (s 34)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.3 <i>Food premises and equipment</i> Division 2 <i>Design and construction of food premises</i> Item 4 <i>Water supply</i>
5    health and hygiene requirements (s 38)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , divisions 3 and 4
6    design, construction and maintenance of premises and vehicles (s 39(3))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
7    design, construction and maintenance of equipment (s 40(2))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Compulsory standard</b>
8 general food safety requirement for production of milk at dairy (s 59A)	food standards code, standard 4.2.4 <i>Primary production and processing standard for dairy products</i> , division 2 <i>Dairy primary production requirements</i>
9 stock food for consumption by animals to be milked (s 61)	food standards code, Part 1.4 <i>Contaminants and residues</i> , Standard 1.4.2 <i>Maximum residue limits (Australia only)</i>
10 milk supplied must be free of chemical contaminants (s 62)	food standards code, Part 1.4 <i>Contaminants and residues</i> , Standard 1.4.2 <i>Maximum residue limits (Australia only)</i>
11 health and hygiene requirements (s 65)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 4 <i>Health and hygiene requirements</i> Item 14 <i>Health of food handlers</i>
12 design, construction and maintenance of dairy and equipment (s 66(3))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
13 receiving dairy produce for processing (s 68)	food standards code, Part 1.4 <i>Contaminants and residues</i> , Standard 1.4.2 <i>Maximum residue limits (Australia only)</i>
14 general food safety requirement for processing dairy produce at depot or factory (s 69)	food standards code, standards 4.2.4 <i>Primary production and processing standard for dairy products</i> , division 4 <i>Dairy processing</i> and 4.2.4A <i>Primary production and processing standard for specific cheeses</i>
15 minimum standard for dairy produce for human consumption (s 71)	food standards code, Part 1.4 <i>Contaminants and residues</i> , Standard 1.4.2 <i>Maximum residue limits (Australia only)</i> , Part 1.6 <i>Microbiological and processing requirements</i> , Standard 1.6.1 <i>Microbiological limits for food</i> and Part 2.5 <i>Dairy products</i>
16 supplying dairy produce (s 72)	food standards code, parts 1.3 to 1.5, standard 1.6.1 and part 2.5
17 testing after processing (s 73)	food standards code, Part 1.6 <i>Microbiological and processing requirements</i> , Standard 1.6.1 <i>Microbiological limits for food</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Compulsory standard</b>
18 general requirements for production of goat milk (s 77)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i>
19 design, construction and maintenance of dairy and equipment (s 78)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.3 <i>Food premises and equipment</i>
20 standard for testing and frequency of testing (s 80)	food standards code, Part 1.6 <i>Microbiological and processing requirements</i> , Standard 1.6.1 <i>Microbiological limits for food</i>
21 labelling goat milk (s 85)	food standards code, Part 1.2 <i>Labelling and other information requirements</i> , Standard 1.2.1 <i>Application of labelling and other information requirements</i> and Standard 1.2.3 <i>Mandatory advisory statements and declarations</i>

## Part 2                      Advisory standards

<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
1 transporting primary produce (s 33(1))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standards 3.2.2 <i>Food safety practices and general requirements</i> and 3.2.3 <i>Food premises and equipment</i>
2 design, construction and maintenance of premises and vehicles (s 39(2))	food standards code, standard 3.2.3 <i>Food premises and equipment</i>
3 design, construction and maintenance of equipment (s 40(1))	food standards code, standard 3.2.3 <i>Food premises and equipment</i>
4 temperature control for stored milk (s 64)	AS 1187



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<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
5 design, construction and maintenance of dairy and equipment (s 66(2))	guidelines issued by Safe Food for dairy premises
6 processing requirements (s 69(2))	equipment stated in AS 3993
7 storing dairy produce (s 70)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , Division 3 <i>Food handling controls</i>

## **Schedule 3      Risk categories for dairy scheme**

section 43

### **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

## Schedule 3A Standards for egg scheme

### section 4

## Part 1 Compulsory standards

Column 1 Requirement	Column 2 Compulsory standard
1 transporting primary produce (s 33(5))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
2 health and hygiene requirements (s 38)	<p>(a) for an activity mentioned in section 87B(a) or (b) carried out in a physically separate location to where another activity mentioned in the section is carried out—food standards code, Part 3.2 <i>Food safety requirements</i>, Standard 3.2.2 <i>Food safety practices and general requirements</i>, division 4, clause 14 and division 5</p> <p>(b) for another activity—food standards code, Part 3.2 <i>Food safety requirements</i>, Standard 3.2.2 <i>Food safety practices and general requirements</i></p>
3 design, construction and maintenance of equipment (ss 33(4) and 40)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.3 <i>Food premises and equipment</i>
4 stock food for consumption by bird used for egg production (ss 87H and 87I)	food standards code, Part 1.4 <i>Contaminants and residues</i> , Standard 1.4.2 <i>Maximum residue limits (Australia only)</i>
5 pasteurising egg products (s 87M)	food standards code, Part 1.6 <i>Microbiological and processing requirements</i> , Standard 1.6.2 <i>Processing requirements (Australia only)</i>

**Part 2**                      **Advisory standards**

<b>Column 1 Requirement</b>	<b>Column 2 Advisory standard</b>
skills and knowledge for persons processing primary produce (s 32)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , Division 2 <i>General requirements</i> , Item 3 <i>Food handling—skills and knowledge</i>

## **Schedule 3B      Risk categories for egg scheme**

section 43

### **Part 1                      Low risk**

- 1    producing eggs
- 2    transporting eggs or egg products

### **Part 2                      High risk**

- 1    processing eggs or egg products
- 2    pasteurising egg products

## Schedule 4 Standards for meat scheme

section 4

### Part 1 Compulsory standards

Column 1 Requirement	Column 2 Compulsory standard
1 transporting primary produce (s 33(5))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
2 water supply (s 34)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.3 <i>Food premises and equipment</i> Division 2 <i>Design and construction of food premises</i> Item 4 <i>Water supply</i>
3 health and hygiene requirements (s 38)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , divisions 3 and 4
4 design, construction and maintenance of premises and vehicles (s 39(3))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
5 design, construction and maintenance of equipment (s 40(2))	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , division 5 <i>Cleaning, sanitising and maintenance</i>
6 general food safety requirement for the production of ready-to-eat meat (s 109A)	food standards code, standards 4.2.2 <i>Primary production and processing standard for poultry</i> and 4.2.3 <i>Production and processing standard for meat</i>

## Part 2 Advisory standards

Column 1 Requirement	Column 2 Advisory standard
1 skills and knowledge for persons processing primary produce (s 32)	food standards code, Part 3.2 <i>Food safety requirements</i> , Standard 3.2.2 <i>Food safety practices and general requirements</i> , Division 2 <i>General requirements</i> , Item 3 <i>Food handling—skills and knowledge</i>
2 transporting primary produce (s 33(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 35)	(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
4 design, construction and maintenance of premises and vehicles (s 39(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 40(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

## Schedule 4

<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
6 system for rearing animals at place of production (s 92)	(a) meat standards code; or (b) for poultry—AS 4465
7 system for identifying place of capture of wild animals (s 93)	(a) meat standards code; or (b) for wild animals—AS 4464
8 identifying source of animal (s 94)	(a) meat standards code; or (b) for wild animals—AS 4464
9 animal appropriate for producing meat (s 95)	(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
10 before post mortem disposition (s 97)	(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 98)	(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 99)	(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



<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
13 performing post mortem disposition (s 101)	(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
14 meat for animal consumption (s 102)	(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 103)	(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 104)	(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 105)	(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

Schedule 4

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<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
18 maintaining temperature of carcass (s 107)	(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 108)	(a) meat standards code; or (b) for poultry—AS 4465
20 rendering (s 121)	AS 5008
21 packaging and prepackaging meat and meat products (s 125)	(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 126)	meat standards code
23 identifying and labelling meat and meat products for transportation (s 127)	(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 records to be kept about animals killed for meat (s 128)	meat standards code

<b>Column 1</b>	<b>Column 2</b>
<b>Requirement</b>	<b>Advisory standard</b>
25 records to be kept about meat and ready-to-eat meat (s 129)	(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 130)	(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
27 records to be kept about pet meat, pet meat products and rendered products (s 131)	(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

## **Schedule 5      Risk categories for meat scheme**

section 43

### **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

## **Schedule 5A      Risk categories for seafood scheme**

section 43

### **Part 1                      Low risk**

all activities carried out under an accreditation by a wild animal harvester, other than activities in relation to bivalve molluscs

### **Part 2                      Medium risk**

all activities carried out under an accreditation by a producer or processor, other than activities in relation to bivalve molluscs

### **Part 3                      High risk**

all activities carried out by an accreditation holder in relation to bivalve molluscs

## **Schedule 5B      Activities for seafood scheme**

section 134E(2)

### **Part 1                      Wild animal harvester**

- 1 any of the following activities carried out on a commercial fishing boat or in relation to bivalve molluscs—
  - catching, collecting, harvesting or picking seafood
  - freezing, packing, refrigerating, storing, treating or washing seafood
  - adding brine to seafood
  - transporting seafood
  - supplying seafood
- 2 other activities authorised under the accreditation holder's approved program or approved management statement

### **Part 2                      Producer**

- 1 any of the following activities carried out at an aquaculture facility, on a commercial fishing boat or in relation to bivalve molluscs—
  - catching, collecting, cultivating, growing, harvesting or picking seafood
  - freezing, packing, refrigerating, storing, treating or washing seafood
  - adding brine to seafood
  - gilling or gutting fish
  - filleting or cutting fish into portions

- boiling crustaceans
  - transporting seafood
  - supplying seafood
- 2 other activities authorised under the accreditation holder's approved program or approved management statement

## **Part 3                      Processor**

- 1 any of the following activities—
- cutting into portions, dismembering, filleting, gilling, gutting, killing or skinning seafood
  - depuration of crustaceans or shellfish
  - peeling or shucking seafood
  - boiling of crustaceans
  - adding brine to seafood
  - freezing, refrigerating, packing, storing, treating or washing seafood
  - transporting seafood
  - supplying processed seafood
- 2 other activities authorised under the accreditation holder's approved program

## Schedule 6 Dictionary

### section 3

***acceptable***, for primary produce, 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***, for a food safety hazard, means a level of risk as low as is reasonably practicable.

***accreditations register*** see section 7A(1).

***advisory standard*** see section 4(2).

***animal consumption*** means consumption by a domestic animal.

***approved management statement***, of an accreditation holder, means the holder's management statement approved under section 9B(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.

***AQIS*** means Australian Quarantine and Inspection Service.

***aquaculture facility*** means premises at which aquaculture activities are carried out under an authority under the *Fisheries Act 1994*.



**AS 1187** means AS 1187—1996 (Australian standard for farm milk cooling and storage systems).

**AS 3993** means AS 3993—2003 (Equipment for the pasteurization of milk and other liquid dairy products—Continuous-flow systems)

**AS 4464** means AS 4464—1997 (Australian standard for hygienic production of game meat for human consumption).

**AS 4465** means AS 4465—2001 (Australian standard for construction of premises and hygienic production of poultry meat for human consumption).

**AS 4466** means AS 4466—1997 (Australian standard for hygienic production of rabbit meat for human consumption).

**AS 4467** means AS 4467—1998 (Australian standard for hygienic production of crocodile meat for human consumption).

**AS 5008** means AS 5008—2001 (Australian standard for hygienic rendering of animal products).

**AS 5010** means AS 5010—2001 (Australian standard for hygienic production of ratite (emu/ostrich) meat for human consumption).

**AS 5011** means AS 5011—2001 (Australian standard for hygienic production of natural casings for human consumption).

**assistance animals** see the *Disability Discrimination Act 1992* (Cwlth), section 9.

**bivalve molluscs**—

- 1 *Bivalve mollusc* includes a cockle, clam, mussel, oyster, pipi and scallop, intended for human consumption.
- 2 The term does not include—
  - (a) a scallop or pearl oyster, if the only part consumed is the adductor muscle; or
  - (b) a juvenile bivalve mollusc taken for the sole purpose of growing on.

**CAR** see section 51(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 user*** means a place of business that prepares eggs or egg products for immediate human consumption.

***compliance audit***, for an accreditation holder's program, means an audit of an accreditation holder's program to ensure—

- (a) the program complies with the scheme; and
- (b) the holder is maintaining the program under the scheme.

***compulsory standard*** see section 4(1).

***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*** see section 8.

***cracked***, for an egg shell, means it contains cracks that are visible, or visible by candling.

***critical control point*** see section 8.

***critical nonconformance*** see section 44(3).

***dairy*** means premises used for the production of milk from an animal.

***dairy scheme*** see section 55(1).

**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 87B(d), (f), (g) or (i); or
- (b) receives eggs from an egg producer.

**egg producer** means a person who produces eggs, whether or not the person 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.

**egg production identification**, for a person, means the person's unique identification, approved and registered by Safe Food, as an egg producer.

*Example of unique identification—*

a mark, or code, whether or not it includes the egg producer's accreditation number

**egg scheme** see section 87A.

**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.

***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.

***further processing***, for meat, means processing (other than cooling) that extends the shelf life of the meat.

*Examples—*

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

***game box*** means premises or a vehicle used for chilling wild game.

***game box operator*** means a person accredited under the meat scheme to use a game box.

***goat milk*** means milk of a goat.

***growing on*** means the process of translocating a juvenile bivalve mollusc to enable it to develop before it 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*** means the capture or taking of seafood and includes the capture or taking of seafood from an enclosure or pond used in aquaculture.

***hazard***, for chapter 4, part 2, division 7, see section 133B.

***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 43(5).

**holding**, for an animal, means a run, station, feedlot, farm or place where the animal is fed, pastured or grazed immediately before it is killed at an abattoir.

**inputs**, for chapter 4, part 2, division 7, see section 133B.

**killing**, of an animal, includes stunning, sticking and bleeding.

**low risk** see section 43(3).

**major nonconformance** see section 44(2).

**management statement** means a management statement prepared under a food safety scheme.

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

**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 88.

**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 43(4).

**minor nonconformance** see section 44(1).

***monitor***—

- 1 *Monitor*, in relation to compliance with a food safety scheme, is 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.
- 2 In item 1, verification is 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.

***nonconformance audit*** see section 51(3)(c).

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

***operational performance*** see section 8.

***owner***, of premises, means a person who carries on a business of selling primary produce from the premises.

***pasteurised*** means treated—

- (a) by heating to a temperature of at least 72°C, keeping at or above the temperature for at least 15 seconds and immediately shock cooling to a temperature below 4.5°C; 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***, for an animal, means the place where the animal has been reared before the animal arrives at a holding.

***poultry***, for chapter 4, part 2, division 7, see section 133B.

**poultry handler**, for chapter 4, part 2, division 7, see section 133B.

**poultry meat** means the parts of a poultry carcass intended for human consumption.

**poultry processor**, for chapter 4, part 2, division 7, see section 133B.

**poultry producer**, for chapter 4, part 2, division 7, see section 133B.

**poultry product**, for chapter 4, part 2, division 7, see section 133B.

**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 management statement and the egg processor's approved program; or

- (ii) the poultry producer's approved management statement and the poultry processor's approved program.

***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
- (d) displays the accreditation number under which the meat was packaged.

***processing***—

- (a) for chapter 4, part 2, division 7, see section 133B; or
- (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.

***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.

***processor***, under a food safety scheme, means a person accredited under the scheme in the category of processor.



**producer**, under a food safety scheme, means a person accredited under the scheme in the category of producer.

**production**, of 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** see section 9(2).

**ready-to-eat meat** includes—

- (a) smallgoods; and
- (b) slow-cured meat; and
- (c) UCFM.

**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 12(2)(a).

**risk category** see section 43(1).

**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 134B(1).

**sewage**, for chapter 4, part 2, division 7, see section 133B.

**show cause period** see section 18(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 21(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***, for seafood, means maintaining seafood at a temperature of—

- (a) 5°C or below, if necessary to minimise the growth of infectious or toxicogenic micro-organisms in the seafood to ensure the microbiological safety of the food will not be adversely affected while the food is at the temperature; or
- (b) more than 5°C, if maintenance of the seafood at the temperature, for the period for which it will be maintained, will not adversely affect the microbiological safety of the food.

***transport*** includes loading primary produce onto, and unloading primary produce from, a vehicle.

***transporter*** means—

- (a) for the egg scheme—a person accredited under the scheme to transport eggs or egg products by vehicle; or
- (b) for the meat scheme—a person accredited under the scheme to transport meat or meat products by vehicle.

***treating*** seafood, includes the following—

- (a) enhancing the appearance of the seafood;
- (b) dealing with the seafood solely to kill bacteria or germs in the seafood.

***UCFM*** means a comminuted fermented meat that has not had its core temperature maintained at 65°C for at least 10 minutes

or an equivalent combination of time and higher temperature during production, whether or not the meat has been heated.

***unsuitable*** means—

- (a) for pet meat, a pet meat product or a rendered product for animal consumption—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 seafood—the seafood is in a condition, or contains a substance, a person would ordinarily regard as making the seafood unfit for human consumption; or
- (c) for poultry or a poultry product—see section 133C.

***unwholesome***, for meat or ready-to-eat meat for human consumption, means the meat or ready-to-eat meat are in a condition, or contain a substance, a consumer would ordinarily regard as making the meat or ready-to-eat meat unfit for human consumption.

***validation*** means—

- (a) confirming scientifically 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.

***wild animal*** means an animal, living in a wild state and not under artificial confinement.

***wild animal harvester***, under the seafood scheme, means a person accredited under the scheme in the category of wild animal harvester.

***wild game harvester*** means a person accredited under the meat scheme to kill wild animals for meat.

***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*.

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2013. Future amendments of the Food Production (Safety) Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 January 2003	
1A	2003 SL No. 311	5 December 2003	
1B	2004 SL No. 320	17 December 2004	
1C	2004 SL No. 218	1 January 2005	
1D	2004 SL No. 320	1 July 2005	
1E	2005 SL No. 245	7 October 2005	
1F	2005 SL No. 245	1 January 2006	R1F withdrawn, see R2
2	—	1 January 2006	
2A	2006 SL No. 246	30 October 2006	
2B rv	2006 SL No. 278	17 November 2006	
2C rv	2006 SL No. 278	1 January 2007	
2D	2007 SL No. 232	1 January 2008	
2E	2008 SL No. 432	12 December 2008	
3	2008 SL No. 314	1 January 2009	
3A	2009 SL No. 33	17 April 2009	
3B	2009 SL No. 33	1 July 2009	
3C	2009 SL No. 230	23 October 2009	
3D	2009 SL No. 230	1 January 2010	
3E	2010 SL No. 288	1 January 2011	
3F	2011 SL No. 225	1 January 2012	
3G	2012 SL No. 101	13 July 2012	
3H	2012 SL No. 171	1 January 2013	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Food Production (Safety) Regulation 2002 SL No. 353**

made by the Governor in Council on 12 December 2002

notfd gaz 13 December 2002 pp 1266–69

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2003 (see s 2)

exp 1 September 2013 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) Two regulatory impact statements and an explanatory note were prepared.

amending legislation—

**State Penalties Enforcement and Another Regulation Amendment Regulation (No. 1)**

**2003 SL No. 311 s 1 pt 2**

notfd gaz 5 December 2003 pp 1114–17

commenced on date of notification

**Food Production (Safety) Amendment Regulation (No. 1) 2004 SL No. 218**

notfd gaz 15 October 2004 pp 557–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2005 (see s 2)

**Food Production (Safety) Amendment Regulation (No. 2) 2004 SL No. 320**

notfd gaz 17 December 2004 pp 1277–85

ss 1–2, 8 (to the extent it ins new ch 3A hdg and s 87F), 9 commenced on date of notification (see s 2)

remaining provisions commenced 1 July 2005 (see s 2)

Note—A regulatory impact statement and explanatory note were prepared.

**Food Production (Safety) Amendment Regulation (No. 1) 2005 SL No. 245**

notfd gaz 7 October 2005 pp 507–9

ss 1–2 commence on date of notification

pt 3 commenced 1 January 2006 (see s 2)

remaining provisions commenced on date of notification

**Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1**

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2(3))

**Food Production (Safety) Amendment Regulation (No. 1) 2006 SL No. 278**

notfd gaz 17 November 2006 pp 1321–2

ss 1–2 commenced on date of notification

s 6 commenced 1 January 2007 (see s 2)

remaining provisions commenced on date of notification

**Primary Industries Legislation Amendment Regulation (No. 2) 2007 SL No. 232 pts 1, 8**

notfd gaz 21 September 2007 pp 447–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2008 (see s 2(2))

**Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2008 SL No. 314 pts 1, 9**

notfd gaz 19 September 2008 pp 407–9

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ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

**Food Production (Safety) Amendment Regulation (No. 1) 2008 SL No. 432**

notfd gaz 12 December 2008 pp 2044–53  
commenced on date of notification

**Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009  
SL No. 33 ss 1, 2(1), pt 7**

notfd gaz 17 April 2009 pp 1775–6  
ss 1–2 commenced on date of notification  
ss 46–47, 49, 52, 58 (other than to the extent it ins ch 4A hdg, s 134H), 60 (to the  
extent it ins ss 137–138), 61–62, 63 (other than to the extent it ins def  
“production”) commenced 1 July 2009 (see s 2(1))  
remaining provisions commenced on date of notification  
Note—A regulatory impact statement and explanatory note were prepared.

**Food Production (Safety) Amendment Regulation (No. 1) 2009 SL No. 230**

notfd gaz 23 October 2009 pp 594–5  
s 5 commenced 1 January 2010 (see s 2)  
remaining provisions commenced on date of notification

**Food Production (Safety) Amendment Regulation (No. 1) 2010 SL No. 288**

notfd gaz 15 October 2010 pp 431–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2011 (see s 2)

**Food Production (Safety) Amendment Regulation (No. 1) 2011 SL No. 225**

notfd gaz 11 November 2011 pp 495–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2012 (see s 2)

**Food Production (Safety) Amendment Regulation (No. 1) 2012 SL No. 101**

notfd gaz 13 July 2012 pp 820–5  
commenced on date of notification

**Food Production (Safety) Amendment Regulation (No. 2) 2012 SL No. 171**

notfd gaz 5 October 2012 pp 182–3  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2013 (see s 2)

## **6 List of annotations**

### **CHAPTER 2—FOOD SAFETY SCHEMES**

#### **Compulsory standard and advisory standard**

**s 4** amd 2004 SL No. 320 s 4

#### **Complying with compulsory standard**

**s 5** amd 2008 SL No. 432 s 3



**Complying with advisory standard**

**s 6** amd 2008 SL No. 432 s 4

**PART 1A—ACCREDITATIONS REGISTER**

**pt 1A (ss 7A–7D)** ins 2008 SL No. 432 s 5

**PART 2—FOOD SAFETY PROGRAMS AND MANAGEMENT STATEMENTS**

**pt hdg** amd 2008 SL No. 432 s 6

**Definitions for pt 2**

**s 8** def “**validation**” om 2008 SL No. 432 s 7

**Division 2—Preparation and maintenance of programs and management statements**

**div hdg** amd 2008 SL No. 432 s 8

**Preparation of programs and management statements**

**prov hdg** amd 2008 SL No. 432 s 9(1)

**s 9** amd 2008 SL No. 432 s 9(2)–(3); 2009 SL No. 33 s 46

**Management statements**

**s 9A** ins 2008 SL No. 432 s 10

**Approving management statements**

**s 9B** ins 2008 SL No. 432 s 10

**Maintenance of programs and management statements**

**prov hdg** amd 2008 SL No. 432 s 11(1)

**s 10** amd 2008 SL No. 432 s 11(2)–(3)

**Record keeping requirements**

**s 16** amd SL 2004 SL No. 320 s 5; 2008 SL No. 432 s 12; 2009 SL No. 33 s 47;  
2012 SL No. 101 s 2 sch

**Division 5—Amendment of programs and management statements**

**div hdg** amd 2008 SL No. 432 s 13

**Power to amend**

**s 17** amd 2008 SL No. 432 s 14

**Notice of proposed amendment**

**s 18** amd 2008 SL No. 432 s 15

**Holder’s obligation to make decided amendment**

**s 20** amd 2008 SL No. 432 s 16

**When holder may amend**

**s 21** amd 2008 SL No. 432 s 17

**Deciding application**

**s 23** amd 2008 SL No. 432 s 18

**Fees for accreditation and approval as auditor**

**s 26** amd 2004 SL No. 218 s 4

**Fees for accreditation**

**s 27** amd 2012 SL No. 101 s 3

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**Exemptions from fees for accreditation**

s 27A ins 2005 SL No. 245 s 4  
amd 2006 SL No. 246 s 90(1) sch 1; 2009 SL No. 230 s 4; 2012 SL No. 101 s 4

**Fees for approval as auditor**

s 28 amd 2005 SL No. 245 s 5

**Waiver of prescribed fee for approval as auditor**

s 28A ins 2009 SL No. 33 s 48

**Payment of renewal fee**

s 29 amd 2006 SL No. 278 s 4; 2012 SL No. 101 s 5

**Application of pt 4**

s 31 amd 2004 SL No. 320 s 6; 2009 SL No. 33 s 49

**Complying with compulsory or advisory standard**

s 31A ins 2008 SL No. 432 s 19

**Skills and knowledge for persons processing primary produce**

s 32 amd 2008 SL No. 432 s 20

**Transporting primary produce**

s 33 amd 2008 SL No. 432 s 21

**Water supply**

s 34 amd 2008 SL No. 432 s 22

**PART 5—MONITORING COMPLIANCE WITH FOOD SAFETY SCHEMES**

pt hdg sub 2008 SL No. 432 s 23

**Division 1AA—Monitoring**

div 1AA (ss 40A–40B) ins 2008 SL No. 432 s 24

**Division 1—General auditing requirement**

div hdg amd 2009 SL No. 33 s 50

**Audits of program**

s 41 om 2009 SL No. 33 s 51

**Frequency of audits for risk category**

s 43 amd 2004 SL No. 320 s 7; 2009 SL No. 33 s 52

**Audits for grant of accreditation—low risk**

s 45 amd 2008 SL No. 432 s 25

**Audits for grant of accreditation—medium risk**

s 46 amd 2008 SL No. 432 s 26

**Audits for grant of accreditation—high risk**

s 47 amd 2008 SL No. 432 s 27

**Audits for renewal of accreditation—low risk**

s 48 amd 2008 SL No. 432 s 28

**Audits for renewal of accreditation—medium risk****s 49** amd 2008 SL No. 432 s 29**Audits for renewal of accreditation—high risk****s 50** amd 2008 SL No. 432 s 30**Safe Food may vary frequency of audits****s 50A** ins 2008 SL No. 432 s 31**Identification of minor or major nonconformance****s 51** amd 2008 SL No. 432 s 32**Identification of critical nonconformance****s 52** amd 2008 SL No. 432 s 33**Division 5—Nonconformance with management statements****div 5 (s 53)** sub 2008 SL No. 432 s 34**CHAPTER 3—DAIRY SCHEME****PART 1A—CATEGORIES OF ACCREDITATION AND PROGRAMS****pt hdg** ins 2008 SL No. 432 s 35**Categories of accreditation****s 57A** ins 2008 SL No. 432 s 35**Requirement for program or management statement****prov hdg** ins 2008 SL No. 432 s 35  
amd 2009 SL No. 33 s 53(1)**s 57B** ins 2008 SL No. 432 s 35  
amd 2009 SL No. 33 s 53(2)–(3)**Complying with compulsory or advisory standard****s 58A** ins 2008 SL No. 432 s 36**General food safety requirement for production of milk at dairy****s 59A** ins 2008 SL No. 432 s 37**Milk supplied must be free of chemical contaminants****s 62** amd 2006 SL No. 278 s 5**General food safety requirement for processing dairy produce at depot or factory****prov hdg** sub 2008 SL No. 432 s 38(1)**s 69** amd 2008 SL No. 432 s 38(2)**Division 6—Auditing requirements****div 6 (s 86)** om 2009 SL No. 33 s 54**CHAPTER 3A—EGG SCHEME****PART 1—CONTENTS OF EGG SCHEME****pt 1 (ss 87A–87C)** ins 2004 SL No. 320 s 8**PART 1A—CATEGORIES OF ACCREDITATION, PROGRAMS AND MANAGEMENT STATEMENTS****pt hdg** ins 2008 SL No. 432 s 39

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**Categories of accreditation**

s 87CA ins 2008 SL No. 432 s 39

**Requirement for program or management statement**

s 87CB ins 2008 SL No. 432 s 39  
amd 2009 SL No. 33 s 55

**PART 2—FOOD SAFETY REQUIREMENTS**

pt hdg ins 2004 SL No. 320 s 8

**Division 1—Preliminary**

div hdg ins 2004 SL No. 320 s 8

**Application of pt 2**

s 87D ins 2004 SL No. 320 s 8

**Complying with compulsory or advisory standard**

s 87DA ins 2008 SL No. 432 s 40

**Division 2—General**

div hdg ins 2004 SL No. 320 s 8

**Subdivision 1—Information requirements**

sdiv hdg ins 2004 SL No. 320 s 8

**Information to be contained in food safety program—Act, s 41(2)(f)**

prov hdg ins 2004 SL No. 320 s 8  
amd 2008 SL No. 432 s 41

s 87E ins 2004 SL No. 320 s 8

**Information about production business to be given to Safe Food**

s 87F ins 2004 SL No. 320 s 8  
om 2008 SL No. 432 s 42

**Subdivision 2—Egg production activities**

sdiv hdg ins 2004 SL No. 320 s 8

**Birds must be free of disease**

s 87G ins 2004 SL No. 320 s 8

**Stock food for consumption by birds**

s 87H ins 2004 SL No. 320 s 8

**Eggs supplied must be free of chemical contaminants**

s 87I ins 2004 SL No. 320 s 8

**Identifying eggs and egg products**

s 87J ins 2004 SL No. 320 s 8  
amd 2008 SL No. 432 s 43; 2009 SL No. 33 s 56

**Supplying eggs**

s 87K ins 2004 SL No. 320 s 8

**Supplying egg products**

s 87L ins 2004 SL No. 320 s 8

**Pasteurising egg products**

s 87M ins 2004 SL No. 320 s 8

**Division 3—Records**

div 3 (ss 87N–87O) ins 2004 SL No. 320 s 8

**Division 4—Register of egg producers**div 4 (s 87P) ins 2004 SL No. 320 s 8  
om 2008 SL No. 432 s 44**CHAPTER 4—MEAT SCHEME****PART 1—CONTENTS OF MEAT SCHEME****What meat scheme applies for**

s 88 sub 2012 SL No. 101 s 6

**Aspects of production of primary produce to which scheme applies**

prov hdg sub 2012 SL No. 101 s 7(1)

s 89 amd 2008 SL No. 432 s 45; 2012 SL No. 101 ss 7(2)–(5), 2 sch

**PART 1A—CATEGORIES OF ACCREDITATION, PROGRAMS AND  
MANAGEMENT STATEMENTS**

pt hdg ins 2008 SL No. 432 s 46

**Categories of accreditation**s 89A ins 2008 SL No. 432 s 46  
amd 2012 SL No. 101 s 8**Requirement for program or management statement**s 89B ins 2008 SL No. 432 s 46  
amd 2009 SL No. 33 s 57; 2012 SL No. 101 s 9**PART 2—FOOD SAFETY REQUIREMENTS****Complying with compulsory or advisory standard**

s 90A ins 2008 SL No. 432 s 47

**Identifying source of animal**

s 94 amd 2003 SL No. 311 s 4

**Chilling carcass of animal killed at abattoir**

s 103 amd 2008 SL No. 432 s 48

**Chilling animal killed in the wild**

s 104 sub 2008 SL No. 432 s 49

**Receiving animal killed in the wild**

s 105 amd 2008 SL No. 432 s 50

**Staining meat for animal consumption**

s 106 amd 2008 SL No. 432 s 51; 2012 SL No. 101 s 2 sch

**Division 4—Further processing****Further processing of meat and pet meat**

s 108 amd 2012 SL No. 101 s 2 sch

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

**sdiv hdg** amd 2012 SL No. 101 s 2 sch

**Application of sdiv 2**

**s 109** amd 2012 SL No. 101 s 2 sch

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

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 109A** ins 2008 SL No. 432 s 52  
amd 2012 SL No. 101 s 2 sch

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

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 110** amd 2012 SL No. 101 s 2 sch

**Identifying and separating meat not for human consumption**

**s 111** amd 2012 SL No. 101 s 2 sch

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

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 112** amd 2012 SL No. 101 s 2 sch

**Hazardous material**

**s 113** amd 2012 SL No. 101 s 2 sch

**Contamination of meat and ready-to-eat meat**

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 114** amd 2012 SL No. 101 s 2 sch

**Contamination of ready-to-eat meat by meat**

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 115** amd 2012 SL No. 101 s 2 sch

**Identifying and separating meat for animal consumption and unacceptable meat**

**s 118** amd 2012 SL No. 101 s 2 sch

**Division 6—Records and prepackaging**

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

**sdiv hdg** amd 2012 SL No. 101 s 2 sch

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

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 129** amd 2012 SL No. 101 s 2 sch

**Labelling meat and ready-to-eat meat**

**prov hdg** amd 2012 SL No. 101 s 2 sch

**s 130** amd 2012 SL No. 101 s 2 sch

**Division 7—Additional provisions for poultry meat**

**div hdg** ins 2012 SL No. 101 s 10

**Subdivision 1—Preliminary**

**sdiv 1 (ss 133A–133C)** ins 2012 SL No. 101 s 10

**Subdivision 2—Food safety requirements—production of poultry**  
**sdiv 2 (ss 133D–133L)** ins 2012 SL No. 101 s 10

**Subdivision 3—Food safety requirements—processing of poultry**  
**sdiv 3 (ss 133M–133T)** ins 2012 SL No. 101 s 10

## **CHAPTER 4A—SEAFOOD SCHEME**

**ch hdg** ins 2009 SL No. 33 s 58

### **PART 1—PRELIMINARY**

**pt 1 (s 134A)** ins 2009 SL No. 33 s 58

### **PART 2—CONTENTS OF SEAFOOD SCHEME**

**pt hdg** ins 2009 SL No. 33 s 58

#### **Seafood scheme applies for particular seafood**

**s 134B** ins 2009 SL No. 33 s 58

#### **Production of seafood for which seafood scheme applies**

**s 134C** ins 2009 SL No. 33 s 58

#### **Production of seafood for which seafood scheme does not apply**

**134D** ins 2009 SL No. 33 s 58  
 amd 2012 SL No. 101 s 11

## **PART 3—CATEGORIES OF ACCREDITATION, PROGRAMS AND MANAGEMENT STATEMENTS**

**pt 3 (ss 134E–134F)** ins 2009 SL No. 33 s 58

## **PART 4—FOOD SAFETY REQUIREMENTS**

**pt 4 (ss 134G–134X)** ins 2009 SL No. 33 s 58

## **CHAPTER 5—TRANSITIONAL PROVISIONS**

**ch hdg** ins 2004 SL No. 320 s 9  
 sub 2009 SL No. 33 s 59

### **PART 1—TRANSITIONAL PROVISION FOR FOOD PRODUCTION (SAFETY) AMENDMENT REGULATION (No. 2) 2004**

**pt hdg** ins 2009 SL No. 33 s 59

#### **Application of s 87F before 1 July 2005**

**s 135** ins 2004 SL No. 320 s 9

### **PART 2—TRANSITIONAL PROVISIONS FOR PRIMARY INDUSTRIES AND FISHERIES LEGISLATION AMENDMENT REGULATION (No. 1) 2009**

**pt 2 (ss 136–138)** ins 2009 SL No. 33 s 60

## **SCHEDULE 1—FEES**

sub 2004 SL No. 218 s 5  
 amd 2004 SL No. 320 s 10; 2005 SL No. 245 s 6  
 sub 2005 SL No. 245 s 7; 2006 SL No. 278 s 6; 2007 SL No. 232 s 16; 2008 SL No. 314 s 29  
 amd 2009 SL No. 33 s 61  
 sub 2009 SL No. 230 s 5; 2010 SL No. 288 s 4; 2011 SL No. 225 s 4; 2012 SL No. 171 s 4

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**SCHEDULE 2—STANDARDS FOR DAIRY SCHEME**

amd 2006 SL No. 278 s 7; 2008 SL No. 432 s 53

**SCHEDULE 3A—STANDARDS FOR EGG SCHEME**

ins 2004 SL No. 320 s 11

amd 2011 SL No. 225 s 5

**SCHEDULE 3B—RISK CATEGORIES FOR EGG SCHEME**

ins 2004 SL No. 320 s 11

**SCHEDULE 4—STANDARDS FOR MEAT SCHEME**

amd 2006 SL No. 278 s 8; 2008 SL No. 432 s 54; 2011 SL No. 225 s 6; 2012  
SL No. 101 s 2 sch

**SCHEDULE 5—RISK CATEGORIES FOR MEAT SCHEME**

amd 2012 SL No. 101 s 12

**SCHEDULE 5A—RISK CATEGORIES FOR SEAFOOD SCHEME**

ins 2009 SL No. 33 s 62

**SCHEDULE 5B—ACTIVITIES FOR SEAFOOD SCHEME**

ins 2009 SL No. 33 s 62

amd 2009 SL No. 230 s 6

**SCHEDULE 6—DICTIONARY**

def “**acceptable**” amd 2004 SL No. 320 s 12(2); 2009 SL No. 33 s 63(3);  
2012 SL No. 101 s 13(3)

def “**accreditations register**” ins 2008 SL No. 432 s 55(2)

def “**approved management statement**” ins 2008 SL No. 432 s 55(2)

def “**APVMA**” ins 2006 SL No. 278 s 9(2)

def “**aquaculture facility**” ins 2009 SL No. 33 s 63(2)

def “**AS 3993**” ins 2006 SL No. 278 s 9(2)

def “**AS 3993.1**” om 2006 SL No. 278 s 9(1)

def “**bivalve molluscs**” ins 2009 SL No. 33 s 63(2)

def “**commercial fishing boat**” ins 2009 SL No. 33 s 63(2)

sub 2009 SL No. 230 s 7

def “**commercial user**” ins 2004 SL No. 320 s 12(1)

def “**cracked**” ins 2004 SL No. 320 s 12(1)

def “**depuration**” ins 2009 SL No. 33 s 63(2)

def “**egg**” ins 2004 SL No. 320 s 12(1)

def “**egg processor**” ins 2004 SL No. 320 s 12(1)

def “**egg producer**” ins 2004 SL No. 320 s 12(1)

def “**egg product**” ins 2004 SL No. 320 s 12(1)

def “**egg production identification**” ins 2004 SL No. 320 s 12(1)

def “**egg scheme**” ins 2004 SL No. 320 s 12(1)

def “**food safety hazard**” om 2008 SL No. 432 s 55(1)

def “**food standards code**” om 2008 SL No. 432 s 55(1)

def “**further processing**” amd 2012 SL No. 101 s 2 sch

def “**game box**” ins 2008 SL No. 432 s 55(2)

def “**game box operator**” ins 2008 SL No. 432 s 55(2)

def “**growing on**” ins 2009 SL No. 33 s 63(2)



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- def **“handling”** ins 2012 SL No. 101 s 13(2)  
 def **“harvesting”** ins 2009 SL No. 33 s 63(2)  
 def **“hazard”** ins 2012 SL No. 101 s 13(2)  
 def **“inputs”** ins 2012 SL No. 101 s 13(2)  
 def **“management statement”** ins 2008 SL No. 432 s 55(2)  
 def **“manufacturer”** ins 2004 SL No. 320 s 12(1)  
 def **“meat product”** amd 2012 SL No. 101 s 2 sch  
 def **“mixed retail premises”** om 2009 SL No. 33 s 63(1)  
 def **“monitor”** ins 2008 SL No. 432 s 55(2)  
 def **“MRLs”** om 2008 SL No. 432 s 55(1)  
 def **“NRA”** om 2006 SL No. 278 s 9(1)  
 def **“off-farm sale”** ins 2004 SL No. 320 s 12(1)  
 def **“pet meat product”** amd 2012 SL No. 101 s 2 sch  
 def **“poultry”** ins 2012 SL No. 101 s 13(2)  
 def **“poultry handler”** ins 2012 SL No. 101 s 13(2)  
 def **“poultry meat”** 2012 SL No. 101 s 13(2)  
 def **“poultry processor”** ins 2012 SL No. 101 s 13(2)  
 def **“poultry producer”** ins 2012 SL No. 101 s 13(2)  
 def **“poultry product”** ins 2012 SL No. 101 s 13(2)  
 def **“preferred supplier arrangement”** ins 2004 SL No. 320 s 12(1)  
     sub 2012 SL No. 101 s 13(1)–(2)  
 def **“processing”** ins 2009 SL No. 33 s 63(2)  
     sub 2012 SL No. 101 s 13(1)–(2)  
 def **“processing activity”** sub 2012 SL No. 101 s 13(1)–(2)  
 def **“processor”** ins 2009 SL No. 33 s 63(2)  
     amd 2012 SL No. 101 s 13(4)  
 def **“producer”** om 2006 SL No. 278 s 9(1)  
     ins 2009 SL No. 33 s 63(2)  
     amd 2012 SL No. 101 s 13(4)  
 def **“production”** ins 2009 SL No. 33 s 63(2)  
 def **“ready-to-eat meat”** ins 2012 SL No. 101 s 13(2)  
 def **“seafood handler”** ins 2009 SL No. 33 s 63(2)  
 def **“seafood premises”** ins 2009 SL No. 33 s 63(2)  
 def **“seafood scheme”** ins 2009 SL No. 33 s 63(2)  
 def **“sewage”** ins 2012 SL No. 101 s 13(2)  
 def **“temperature control”** ins 2009 SL No. 33 s 63(2)  
 def **“transporter”** ins 2008 SL No. 432 s 55(2)  
 def **“treating”** ins 2009 SL No. 33 s 63(2)  
 def **“UCFM”** ins 2012 SL No. 101 s 13(2)  
 def **“unsuitable”** sub 2009 SL No. 33 s 63(1)–(2)  
     amd 2012 SL No. 101 s 13(5)  
 def **“unwholesome”** amd 2012 SL No. 101 s 2 sch  
 def **“validation”**, means—, ins 2008 SL No. 432 s 55(2)  
 def **“validation”**, see section 8, om 2009 SL No. 230 s 7(1)  
 def **“wild animal”** amd 2009 SL No. 33 s 63(4)

Endnotes

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def “**wild animal harvester**” ins 2009 SL No. 33 s 63(2)  
def “**wild game harvester**” ins 2009 SL No. 33 s 63(2)

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