

## Queensland



### Explanatory Notes for SL 2002 No. 353

#### *Food Production (Safety) Act 2000*

# FOOD PRODUCTION (SAFETY) REGULATION 2002

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## GENERAL OUTLINE

### Short title

The short title of the subordinate legislation is the *Food Production (Safety) Regulation 2002* (“**the regulation**”).

### Authorising law

At section 39(1) of the *Food Production (Safety) Act 2000* (“**the Act**”) the Governor in Council may make a food safety scheme.

Section 39(2) of the Act sets out the matters that may be included in a food safety scheme.

Section 39(3) of the Act, provides that the Minister and Safe Food must consult with the advisory committee about the proposed scheme before it is made. Section 39(4) provides that a failure to consult with the advisory committee will not affect the validity of the scheme.

Section 39(5) of the Act provides that a food safety scheme is subordinate legislation.

Section 39(6) of the Act prescribes the maximum penalty for a contravention of the scheme as 50 penalty units.

Sections 40(1)(b), 44, 50, and 60 of the Act permit regulations to be made regarding accreditation, fees and auditors.

## Objectives of the subordinate legislation

The purpose of the regulation is to establish a new co-ordinated framework for the production of safe primary produce. As part of the new framework, the regulation establishes food safety schemes for meat and dairy products.

The regulation has been structured to emphasise the similarities in the production of primary produce. As such, food safety requirements that are generic across the food safety schemes appear in chapter 2, part 4 of the regulation. Additional food safety requirements specific to the production of meat, dairy, (and in time) seafood, eggs etc. will appear in each food safety scheme.

The schemes are modelled on a preventative approach to food safety management and have absorbed the food safety outcomes currently required under the existing *Meat Industry Act 1993* (the “**Meat Act**”) and *Dairy Industry Act 1993* (the “**Dairy Act**”).

The primary focus of the regulation is to provide a consistent approach with the principles underpinning the Model Food legislation and national food standards developed by the trans-Tasman agency, Food Standards Australia New Zealand (FSANZ).

The regulation has been designed to ensure a consistency of approach with—

- the FSANZ Food Safety Standards
- the food safety and preventative health systems being developed by Queensland Health
- Australia New Zealand Food Standards Code
- Australian standards for design, construction and fit-out of food premises.

The regulations have adopted the food safety principles articulated in the National food safety standards by prescribing compliance with the minimum requirements of the standards or by mandating equivalent food safety outcomes. This approach provides industry with greater flexibility to innovate and respond to primary produce trends whilst also fulfilling their regulatory obligations under the food safety schemes.

The new regulations will replace existing food safety arrangements under the Meat Act and the Dairy Act. Arrangements under the *Meat Industry Regulation 1994* presently include meat processing establishments such as abattoirs and slaughterhouses, field kill and freezer operations in

the game meat and kangaroo industries, meat transport vehicles and retail butcher shops. The Dairy Act presently regulates operations such as dairy farms, dairies, dairy processing plants such as butter and cheese factories and market milk plants.

The regulation proposes to minimise the cost of regulatory activities to the meat and dairy industries, and the economy as a whole, by ensuring that the regulatory system is straightforward in application, equitable, flexible and consistent with other States. By referencing National Standards and being outcome focused, the regulations have avoided an overly prescriptive approach that inhibits the achievement of national consistency.

### **Reasons for the subordinate legislation**

The adoption of these regulations will enable the Queensland Government to fulfil its obligations under National Inter-Governmental Agreement (IGA) on food regulation, as agreed to by the Council of Australian Governments on the 3rd of November 2000 regarding the implementation of a co-operative national system of food regulation.

The regulations are intended to ensure that only safe meat and dairy products are supplied to consumers by Queensland primary producers so as to minimise the risk of food-borne illness.

### **The way in which the policy objectives are to be achieved by the subordinate legislation**

The proposed new regulation has absorbed, updated and enhanced the food safety regimes established under the Meat Act and Dairy Act. The proposed regulation will capture the existing meat and dairy food safety requirements and will introduce revised arrangements to reflect the recently agreed national requirements (Standards) for food safety.

The proposed regulation is risk and evidence-based and incorporates risk analysis. The regulation provides for the accreditation of people engaged in the production, processing, transportation and in certain cases, the retailing of primary produce. The various primary production activities are classified according to the food safety risks involved. The nature of the risks determines the extent to which the activities of the primary producer are audited and the food safety requirements that must be adopted in order to achieve acceptable food safety outcomes.

The regulations require accredited primary producers to develop their own science-based, risk management programs—“food safety programs”. The food safety programs must accompany a primary producers application for accreditation and must be approved by Safe Food. The food safety program must demonstrate how the applicant will meet each of the applicable requirements of the food safety schemes. Food safety programs will include a description of the critical limits for each hazard and effective preventative measures that can be used by industry to control or eliminate hazards and to produce safe food on a consistent basis.

Compliance with the regulations will be enforced by the regular auditing of accreditation holders food safety programs by Safe Food or qualified independent auditors registered and approved by Safe Food.

### **Consistency with the authorising law**

The regulations are consistent with the objects of the Act to ensure that the production of primary produce is carried out in a way that makes the primary produce fit for human or animal consumption, maintains food quality and provides for food safety measures for the production of primary produce consistent with other State laws relating to food safety.

### **Alternatives to the subordinate legislation**

The following two options were assessed as alternatives to meet the objectives of ensuring food health and safety in the meat and dairy industries—

Option 1 Do nothing, allow the current *Meat Regulation 1994* and *Dairy Regulations 1994* lapse

Option 2 Self-regulation.

These alternative options were tested against the following criteria—

- reduce the incidence of food-borne illness
- reduce the regulatory burden on industry
- be cost effective for the community, Government and business
- introduce a preventative approach to food-borne contamination
- encourage business to take full responsibility for the safety of the food they produce
- be consistent with national standards

- be consistent with international best practice
- support export initiatives and facilitate trade for the meat industry to compete more effectively on world markets.

Based on the above test criteria the two alternative approaches were considered inadequate to control the incident of food-borne illness and in some cases may even increase the incidence of food-borne illness. Both options are not consistent with either domestic and international best practice or industry initiatives and, as such; do not facilitate trade domestically or internationally.

### **Benefits and costs of implementing the proposed amendments to the subordinate legislation**

Compiling a cost benefit analysis of Food Safety Schemes is difficult as it is not a fixed environment or simple equation. The environment is continually changing as a consequence risk profiles across industry vary, which correspondingly affects the possibility of a risk event occurring. One of the best ways to assess cost benefit issues is to examine historical events and compare the costs of implementing preventative measures with the benefits of minimising the risk over time.

In a cost benefit analysis, the economic effect of market failure due to an adverse food safety event is a major consideration because of the importance of export income to primary producers.

Many of the costs and benefits associated with the proposed regulatory option are intangible and difficult to quantify. Also, some attributes of the alternative options can be measured in loss of human life and lifetime illness. It is very difficult to attribute absolute or dollar amounts to costs and benefits of this kind.

The principal benefits of the proposed regulation are—

1. Prevention of sickness in humans from contaminated and unwholesome meat, meat products and milk and dairy products.
2. Prevention of economic loss from wasted meat and dairy products due to contamination.
3. Prevention of economic loss by maintenance of public perception of the safety of meat and dairy products.

Food safety is a public health issue. As with other aspects of public health it can never be principally considered on economic grounds. Often

what appears to be the most economically efficient option will not adequately protect public health.

There is a large public benefit by way of potential public and private savings if there are less instances of food-borne illness.

The costs to Australia of all food-borne illness were last estimated by ANZFA to be \$2.6b p.a. On a per capita basis, the cost to Queensland would be around \$600m p.a. Even a small percentage reduction in food-borne illness would generate substantial savings.

The impact of a food-borne illness goes beyond immediate costs and extends to consumer behaviour in other areas such as tourism. For example, food-borne illness traced to catering supplied to airline passengers in Queensland, resulted in a downturn in bookings for the airline involved and impacted upon the reputation of North Queensland as a tourist destination.

Based on cost benefit analysis and the ongoing benefits for the entire community, the proposed regulations are considered to represent the best way to minimise the incidence and cost of food-borne illness in Queensland/Australia. It should provide industry with a flexible regulatory environment with minimal prescription, national consistency and the opportunity to compete effectively in domestic and international markets.

### **Consistency with fundamental legislative principles**

The *Legislative Standards Act 1992* outlines fundamental legislative principles, including that legislation shall have sufficient regard to the rights and liberties of individuals and the institution of Parliament. The proposed regulation has sufficient regard to these principles.

## **CONSULTATION**

### **Industry/Community**

The proposed regulations were developed in close consultation with industry via the meat and dairy food safety advisory sub-committees of Safe Food Production Qld (SFPQ), which included an intensive number of industry representatives. Additionally, two Regulatory Impact Statements

(RIS) were released for public comment on 12 September 2002 with a response date of 14 October 2002.

Approximately 3 500 copies of the meat RIS were distributed and 1 200 copies of the dairy RIS with SFPQ subsequently receiving 38 responses to the meat RIS and 66 responses to the dairy RIS.

The principal industry responses were those of the National Meat Association (NMA), representing meat processors, wholesalers and retailers (i.e. butchers) in the case of the meat RIS, and the Queensland Dairyfarmers' Organisation Limited (QDOL), representing dairy producers, and the major dairy processing companies (i.e. Pauls/Parmalat, National Foods Dairyfarmers' Co-operative) in the case of the dairy FSS.

SFPQ advertised the availability of the RIS in the "Queensland Country Life" (12 September 2002), in the Government Gazette (13 September) and in the "Courier Mail (14 September 2002) and in various provincial newspapers in September 2002.

A series of public meetings were also conducted by SFPQ over the period 19 September—1 October 2002 in the following centres Cairns, Rockhampton, Roma, Toowoomba, Warwick, Gympie, Woodford and Brisbane.

## **Government**

The Director General of the Department of Primary Industries (DPI) is a member of the SFPQ Food Safety Advisory Committee which was established under section 25 of the Act to give advice and make recommendations to Safe Food or the Minister about the development and making of food safety schemes or regulations under the Act and related matters. Senior officers of DPI have had a significant input into the development of the regulations and support the making of the regulation.

The Director General of Queensland Health is also a member of the SFPQ Food Safety Advisory Committee. Senior officers of Queensland Health have participated in Committee meetings and have been instrumental in the preparation of the proposed food safety schemes and support the proposed regulation. Queensland Health have advised that the proposed regulations complement the approach of Queensland Health in developing food safety arrangements for the food services, retail and manufacturing sectors.

Meetings concerning the development and progress of the regulations have been held with Senior officers from State Development, BRRU Premiers and Cabinet and Treasury.

## **RESULTS OF CONSULTATION**

### **Industry/Community**

The Meat and Dairy food safety sub-committees of SFPQ established under section 38 of the Act are made up of industry representatives, who have expressed strong support for the direction of the proposed food safety schemes for meat and dairy. A number of issues arose out of the consultation process including the level of fees, a consumers right to choose between pasteurised and unpasteurised milk (including goat milk) and the scope of future food safety schemes.

Whilst the industry bodies acknowledge the proposed shared funding arrangement with Government they are of the view that a greater contribution should be made, even up to 100% of food safety delivery costs.

Whilst it is acknowledged that consumers have a right to choose the products they consume, the recent cases of food-borne illness resulting from the consumption of unpasteurised pet's milk justifies the National requirement that all milk for human consumption must be pasteurised.

### **Government**

Queensland Health, which has also been involved in the preparation of the proposed food safety schemes supports the making of the regulations for meat and dairy.



## NOTES ON PROVISIONS

### PART 1—PRELIMINARY

*Clause 1* provides that the short title of the regulation is the *Food Production (Safety) Regulation 2002* (“**the regulation**”).

*Clause 2* provides that the regulation commences on 1 January 2003.

*Clause 3* refers the reader to the dictionary in schedule 7 for definitions of particular words used in the regulation. These definitions will be critical to an interpretation of the meaning and intent of the regulation particularly in light of the technical nature of some of the provisions.

*Clause 4* makes reference to compulsory and advisory standards relevant to the operation of an accreditation holders program as required by the food safety scheme.

Schedule 2, lists the compulsory standards for the production of dairy produce in part 1 and the advisory standards in part 2. Column 1 lists the relevant section of the regulation to which the standards referred to in column 2 apply. The compulsory and advisory standards appearing in schedule 2 make reference to the following documents—

- Foods Standards Australia and New Zealand (FSANZ the ‘*food standards code*’ as defined under the *Australia New Zealand Food Authority Act 1991 Cwlth*)
- the National Registration Authority for Agricultural and Veterinary Chemicals (the “NRA” established under the *Agricultural and Veterinary Chemicals (Administration) Act 1992 Cwlth*, section 6)
- certain Australian Standards
- guidelines issued by Safe Food.

Schedule 4 lists the compulsory standards for the production of meat and meat products in part 1 and the advisory standards in part 2. Column 1 lists the relevant section of the regulation to which the standards referred to in column 2 apply. The compulsory and advisory standards appearing in schedule 4 make reference to the following documents—

- Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (ARMCANZ)

- Australian Standard for the Hygienic Production of Natural Casings for Human Consumption
- Australian Standard for the Hygienic Production of Crocodile Meat for Human Consumption
- Australian Standard for the Hygienic Rendering of Animal Products
- Australian Standard for the Hygienic Production of Ratite (Emu/Ostrich) Meat for Human Consumption
- Australian Standard for the Hygienic Production of Game Meat for Human Consumption
- Australian Standard for Construction of Premises and the Hygienic Production of Poultry Meat for Human Consumption
- Australian Standard for the Hygienic Production of Rabbit Meat for Human Consumption
- Food Standards Australia and New Zealand (FSANZ the '*food standards code*' as defined under the *Australia New Zealand Food Authority Act 1991 Cwlth*).

The scheduling of the food standards code in the compulsory and advisory standards to the regulation reflects the commitment of the Queensland Government, to implement the National Inter-Governmental Agreement on food regulation. This agreement settled by COAG on 3 November 2000 aims to achieve a co-operative national system of food regulation.

The scheduling of the food standards code ensures consistency of approach with the food safety and preventative health systems being developed by Queensland Health.

The scheduling of Australian Standards in the advisory standards to the Meat Scheme reflects Safe Food policy to continue to endorse the use of standards currently widely used by primary producers until such time as the Standards are replaced by a FSANZ standard. The Australian Standards have been adopted in the regulations as advisory only. To make them compulsory would otherwise limit an accreditation holders options for compliance.

*Clause 5* states how compliance with a compulsory standard must be met. An accreditation holder who is carrying out primary production activities governed by the food safety schemes must demonstrate that their food safety program meets any requirements specified in the relevant

compulsory standard. If the standard sets out a method by which food safety risks can be managed or prevented, that method must be adopted and implemented in their food safety program.

Please note that a food safety program is not required for the activity of transporting packaged dairy produce.

The objective of this clause is to ensure that primary producers submit programs to Safe Food that conform to the key provisions of the national food standards code.

*Clause 6* states how an advisory standard must be met. A food safety program must specifically address the food safety risks identified in the relevant advisory standard in respect of each primary production activity appearing in schedule 2 or 4 of the scheme. If the food safety program can demonstrate that the prevention or management of food safety risks has been addressed by the adoption of a method set out in the standard it will comply with an advisory standard. Alternatively, the prevention or management of food safety risks identified in an advisory standard can also be achieved if the program demonstrates that another method can and does achieve an equivalent or superior outcome.

The objective of this clause is to give primary producers the flexibility to adopt alternative and innovative management options for the prevention of food safety risks. This is achieved by ensuring that primary producers food safety programs meet the outcomes required by the standards rather than mandating standard procedures or methods.

*Clause 7* states that where there is an inconsistency between the standards and the regulation, the regulation will prevail.

For example, where there is any inconsistency in terminology between the standards and the regulation, the definitions used in the regulation will prevail. As a further example, if certain practices in the standards are stated as mandatory but are scheduled as advisory only in the regulations, the regulations will prevail.

*Clause 8* sets out specific definitions to be applied in the interpretation of this part only.

*Clause 9* provides that (subject to transitional provisions in the Food Safety Act) applicants or accreditation holders seeking the grant or renewal of accreditation for primary production activities regulated by the food safety scheme must submit a food safety program to Safe Food.

A person may not engage in the production of primary produce to which the scheme applies unless they have one or more approved food safety

programs in place in respect of all production processes to be undertaken. A person may hold multiple accreditations and may have multiple food safety programs.

Clause 9(3) requires an accreditation holder to demonstrate in their food safety program how each primary production activity undertaken meets the food safety requirements of the regulations.

It is intended that food safety programs will be assessed by Safe Food to ensure that they meet the requirements of the regulations including the relevant compulsory and advisory standards. Where Safe Food is satisfied that the food safety program complies with the relevant standards and meets the requirements of the regulations, Safe Food may approve the program.

The requirement for a food safety program under the regulation is a means of capturing existing dairy and meat food safety requirements and enables accreditation holders to integrate the newer national standards into their existing arrangements where necessary. The food safety program is a critical document that shows how the requirements of the food safety scheme and the relevant compulsory and advisory standards have been addressed and demonstrated by the accreditation holder.

The food safety programs will achieve food safety outcomes by adopting science-based and risk management programs. Programs will include critical limits for each hazard and effective preventative measures that can be used by primary producers to control or eliminate hazards and to produce safe food on a consistent basis.

*Clause 10* provides that the person granted an accreditation by Safe Food must be responsible for the maintenance of the approved food safety program. The accreditation holder must maintain responsibility for the content, any updates, amendments etc. to the food safety program.

Paragraph 40(1)(b) of the Food Safety Act requires the food safety scheme to state who must be accredited under the scheme. The person who must be accredited under the scheme is the person (natural person or body corporate) who is in management and control of the business that engages in the primary production. It is the person who is in management and control who has authority to direct the operations and who should be ultimately responsible to meet the requirements of the food safety scheme in their food safety program.

The clause also prescribes a penalty for the failure of an accreditation holder to comply with their food safety program. The maximum penalty is warranted because of the critical importance of food safety programs to the

integrity of the auditing process and in achieving the ultimate objectives of the Act to provide for the safe production of primary produce.

*Clause 11* sets out certain information that must be included in a food safety program. This information is generic across food safety schemes and is additional to the specific requirements appearing in each meat, dairy or other food scheme.

*Clause 12* provides that the food safety program must record and describe all risk assessments used to identify significant food safety hazards associated with the production of primary produce and identify each critical control point in that process. Where significant food safety hazards are identified the food safety program must demonstrate how such hazards will be controlled and managed.

Risk assessments are necessary to ensure that each food safety program has adequately identified and addressed every aspect of production that may expose the primary produce to critical food safety issues.

*Clause 13* requires the accreditation holder to ensure that their food safety program includes systems that verify compliance with the program. That is, the program must show the methods, procedures, tests, monitoring and other evaluations that the holder will use to determine whether the requirements in their food safety programs are adequately documented, functioning, appropriate for the purpose and minimise identified risks.

*Clause 14* requires the accreditation holder to ensure that their food safety program details what corrective action has been taken where a non-compliance with the program has occurred. The holder must show in their program what steps have been taken to determine if the corrective action has been effective.

*Clause 15* requires the accreditation holder to ensure that their food safety program makes provision for the validation of control measures. Validation operates as a check mechanism for the effectiveness of the methodology employed in a food safety program for controlling risks identified at a critical control point or other significant stage of treatment.

Validation requires the detailing of evidence in the program that demonstrates the effectiveness of the system of controls used. For example it will be necessary to provide validation that controls used in a primary production process have achieved the food safety outcomes required for that activity.

This does not mean that it is necessary to validate controls where those controls themselves are part of a standard that has been incorporated into the food safety program of the holder.

*Clause 16* requires an accreditation holder to keep certain records that are sufficient to show that the holder is complying with the scheme and their food safety program. The records must be sufficient to meet traceability and audit requirements and accurately identify all aspects of production undertaken by the holder. Records will include those created by the accreditation holder and records that come into the holder's possession.

*Clause 17* provides that Safe Food may require an accreditation holder to amend their food safety program if the change is reasonably necessary or desirable in order for the program to meet the requirements of the food safety scheme.

Safe Food has a duty to ensure that the production of primary produce occurs in a manner that will not expose consumers to unacceptable food. This provision gives Safe Food the power to secure compliance with the requirements of the food safety scheme. It also permits Safe Food the flexibility to respond to emergent food safety risks by requiring amendments to an accreditation holders food safety program.

*Clause 18* provides that Safe Food may give the holder of the accreditation a notice in writing (including electronically) requesting that the holder amend the food safety program in the way specified in the notice within the time specified in the notice and in accordance with the requirements set out at sections 18(2)(a) to (h) of the regulation.

*Clause 19* requires Safe Food to consider any representations made by an accreditation holder pursuant to section 18 prior to making a decision requiring the holder to amend their program.

The clause is intended to strike a balance between the rights of consumers to safe food and the rights of accreditation holders to maintain certain production practices.

*Clause 20* states that an accreditation holder must comply with a section 18 notice unless they are required to comply with a section 19 notice. A program that has been amended in accordance with a notice issued under sections 18 or 19 will be the approved program for the purpose of the regulation.

*Clause 21* permits an accreditation holder to amend their food safety program at their discretion however if the proposed amendment concerns a change in a critical control point or the frequency of review of the program,

the holder must provide Safe Food with notice of the proposed change. After receiving notice, Safe Food must approve the amendments before the program can be amended.

The clause gives an accreditation holder the flexibility to make changes to their food safety programs and production processes where those changes do not concern a significant food safety hazard. However it also ensures that Safe Food maintains responsibility for those aspects of the program that involve greater risks to the acceptability of primary produce. A penalty of 50 units is provided if an accreditation holder amends critical aspects of their program without the approval of Safe Food. The penalty is warranted as changes to critical control points or the review of a holders program could lead to a serious food safety risk.

*Clause 22* provides that a holder may, by written application, seek the approval of Safe Food to amend a food safety matter. The clause prescribes the contents of the application.

*Clause 23* requires Safe Food to give an accreditation holder written notice of a decision to approve or reject the proposed amendment applied for under section 22 within 28 days. If Safe Food rejects the proposed amendment, they must provide reasons to the holder.

*Clause 24* requires the person who manages and controls a business engaged in the production of primary produce governed by the food safety scheme to be accredited.

This provision ensures that compliance with the food safety scheme remains the responsibility of the business manager or director of the business rather than for example, an employee of the business.

*Clause 25* provides that an accreditation granted under the Act remains in force for the period of one year from the date of grant. However Safe Food may grant an accreditation for a period of less than one year.

The clause permits Safe Food to issue an accreditation to a new entrant for a period of less than one year in order to bring the new entrant into line with the annual issue date for accreditations.

*Clause 26* refers to schedule 1 for a listing of fees payable under the Act. The clause further provides that application fees paid for accreditation as a primary producer or approval as an auditor, are not refundable.

*Clause 27* provides that the fee for the grant of an accreditation is the application fee plus the accreditation fee. The renewal of an accreditation will only attract an accreditation fee.

If Safe Food grants or renews an accreditation for a period of less than 12 months, the accreditation fee will be calculated as a proportion of the annual fee.

Section 27(3) allows Safe Food to impose as a condition of accreditation that the holder pay the prescribed fee by instalments.

*Clause 28* provides that the fee for approval as an auditor is the sum of the application fee and the approval fee. For renewal as an auditor, the prescribed fee is the approval fee.

*Clause 29* provides that renewal fees for approval as an auditor or accreditation as a primary producer must be paid prior to the commencement of the renewed period unless a condition of accreditation otherwise provides.

The clause further provides that an accreditation issued under the Act will expire unless renewal fees are paid and unless exempted by the operation of section 27(3).

*Clause 30* requires Safe Food to have regard to any national requirements or recognised Government or accreditation bodies when making a decision to approve an applicant as an auditor.

When assessing whether an applicant has recognised food safety auditor qualifications, Safe Food may have regard to food industry qualifications, national food safety standards, qualifications issued by national tertiary institutions in food safety etc.

*Clause 31* states that the food safety requirements appearing in this part must be provided for in the accreditation holders food safety program.

The regulation has been structured to emphasise the similarities in the production of primary produce. As such, food safety requirements that are generic across the food safety schemes appear in chapter 2 part 4 of the regulation. Additional food safety requirements specific to the production of meat, dairy, seafood, eggs etc. will appear in each food safety scheme.

*Clause 32* requires an accreditation holder to ensure that all persons involved in the processing of primary produce are adequately skilled to perform their processing duties. To achieve the standard required, an accreditation holder must implement a training guideline for staff involved in the processing of primary produce and take reasonable steps to ensure that the training guideline is followed.

In order to achieve appropriate standards of food safety in the production process, staff and persons involved in the processing of primary produce



must be aware of the food safety risks and must have sufficient knowledge to enable them to take appropriate action or adopt specific practices to minimise or prevent the risks. A training guideline dealing with the relevant risks and implementation of the training requirements should provide persons involved in the processing of primary produce the knowledge required to carry out their duties safely and effectively.

An advisory standard has been referenced to clause 32(2). As such an accreditation holder will meet the requirements of the clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 33* requires a person who holds an accreditation to transport primary produce to ensure that their food safety program (where required) provides for the primary produce to be transported in a manner and under conditions that maintain the acceptability of the produce. The part of the vehicle used to transport the primary produce must have the capacity to maintain the produce at a temperature that controls pathogenic growth during transportation. The loading and unloading of the produce must also be conducted in a manner that maintains appropriate temperature controls to ensure the acceptability of the produce.

The clause further requires the part of the vehicle used for the transportation of primary produce to be constructed in a manner and from materials that prevent the contamination of the produce, is capable of being maintained in a sanitary condition and protects the produce from foreign substances.

If the accreditation holder for the transportation of the produce is not the person actually transporting the produce, where that person has cause to believe the produce has become unacceptable during transportation, they must be immediately notify the holder.

An advisory standard has been referenced to clause 33(1). As such an accreditation holder will meet the requirements of the clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

Clause 33(5) provides that the vehicle must be maintained and cleaned so as to ensure that the produce is protected from contamination if it comes into contact with surfaces in the vehicle. A compulsory standard has been prescribed for this clause and as such an accreditation holder will only discharge the requirements of this clause by complying with the standard

or by adopting and following the method set out in the standard in their food safety program.

*Clause 34* provides that an accreditation holder must provide for the use of water of potable quality in the primary production process unless they can demonstrate in the program that the produce will not become unacceptable through use of non-potable water.

A compulsory standard has been prescribed for this clause and as such an accreditation holder will only discharge the requirements of this clause by complying with the standard or by adopting and following the method set out in the standard in their food safety program.

*Clause 35* requires the accreditation holder to ensure that the storage, handling, or disposal of waste generated by the processing of primary produce will be carried out in a manner that ensures the produce is acceptable for human or animal consumption.

The food safety program must provide for the containment and removal of solid and liquid waste by a waste disposal system. Further the accreditation holder must ensure that the ventilation system at the premises is adequate to remove fumes and other gaseous waste produced at the premises during the production process.

An advisory standard has been referenced to clause 35(1). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 36* prohibits the presence of certain animals from any part of a premises or vehicle used for the processing of primary produce unless the animal is to be slaughtered at the premises, is a work animal or an assistance animal. Animals that have been tested and found not to be fit for slaughter must be removed from premises, eg sentinel animals.

*Clause 37* provides that this division has no application to dairies. This is because dairies have specific requirements concerning health and hygiene and the design and construction of premises and equipment that are dealt with in the dairy scheme.

*Clause 38* requires the accreditation holder to ensure that all persons processing primary produce at premises follow high standards of health and hygiene practices in order to prevent the contamination of primary produce by human handling or contact. This includes providing adequate facilities to persons processing produce and ensuring that they are

effectively utilised. The holder must also ensure that procedures and practices for maintaining a high level of health and hygiene amongst food processors is implemented and maintained.

Compulsory standards for the health and hygiene of food processors apply to this requirement and must be adopted in the accreditation holders food safety program.

*Clause 39* requires an accreditation holder who processes primary produce at premises or in a vehicle to demonstrate that the premises or vehicle are designed and constructed in a way that does not make the primary produce unacceptable.

The design, construction and maintenance of premises and vehicles will meet the standard of compliance if the accreditation holder can demonstrate that the requirements set out in the clause have been met. An advisory standard has been referenced to clause 39(2). As such an accreditation holder will meet the requirements of the clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

The clause further requires that the premises or part of the vehicle used for processing or containing the primary produce are kept clean and in a sanitary condition so that the acceptability of the produce is not contaminated by unsanitary conditions. A compulsory standard has been prescribed for clause 39(3) and as such an accreditation holder will only discharge the requirements of this clause by complying with the standard or by adopting and following the method set out in the standard in their food safety program.

*Clause 40* requires an accreditation holder who processes primary produce to ensure that the equipment used in the processing is designed and constructed in a way that does not make the primary produce unacceptable for human or animal consumption. The requirement can be met if the equipment is suitable for its intended use, can be maintained in a sanitary condition and is made of food grade material. An advisory standard has been referenced to clause 40(1). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

The accreditation holder must also ensure that the equipment is kept clean so that the acceptability of the produce is not contaminated by unsanitary equipment. A compulsory standard has been prescribed for

clause 40(2) and as such an accreditation holder will only discharge the requirements of this clause by complying with the standard or by adopting and following the method set out in the standard in their food safety program.

*Clause 41* makes it mandatory for an accreditation holder to conduct audits as required by the food safety scheme.

All persons accredited under the food safety scheme must be audited on a regular basis. The frequency of such audits will be determined by the risk category applying to the activity for which they are accredited. The audit must cover all aspects of primary production undertaken by the accreditation holder. It must be sufficiently broad reaching and of sufficient depth to enable the auditor to establish whether the activities audited comply with the food safety scheme.

The depth of auditing of different elements concerning the production of primary produce may vary between audits and will be determined by the level of confidence the auditor has attained during the audit of the different elements and previous audits.

The requirement for auditing is essential to the effectiveness of the regulation as it tests the extent to which accreditation holders are complying with the food safety requirements of the scheme.

*Clause 42* requires an accreditation holder or their agents to provide co-operation and assistance to an auditor who is conducting an audit in accordance with the regulation

*Clause 43* states that audit frequencies are determined by the risk classification of primary production activities. The objective is to require stricter and more frequent auditing of high risk activities that pose a greater potential public health risk than low risk activities.

The risk classifications for the processing of dairy produce appears in schedule 3. Risk classifications for the processing of meat and meat products appears in schedule 5.

*Clause 44* sets out the meaning of minor, major and critical non-conformances. In each case a non-conformance is a failure by the accreditation holder to comply with the requirements of their food safety program. The differentiation between minor, major and critical non-conformances is determined by the impact of the non-conformance on the acceptability of the primary produce affected.

For a minor non-conformance, the consequences of a failure to comply with a food safety program requirement is not likely to make the primary produce unacceptable for human or animal consumption.

In the case of a major non-conformance, the consequences of a failure to comply with a program requirement may lead to the production of primary produce that is not fit for human or animal consumption if the non-conformance is rectified.

A critical non-conformance means a failure to implement the requirements of the food safety program where the impacts of the non-conformance are likely to substantially or immediately affect the acceptability of the primary produce so that it is no longer fit for human or animal consumption.

*Clause 45* requires Safe Food to approve an applicant's food safety program before granting an accreditation for low risk activities. An accreditation will not issue to an applicant unless Safe Food is satisfied that their program complies with the requirements of the regulation.

When an applicant has been granted an accreditation to enable them to carry out certain low risk primary production activities, they must provide for the first compliance audit of those activities within six months of the grant. A further audit is required within one year of the first compliance audit. If however, a critical non-conformance is identified during a compliance audit the next compliance audit must be conducted within six months.

The purpose of the audits is to ensure that the activities of the accreditation holder conform to the requirements of their food safety program and to ensure that the low risk activities of the accreditation holder comply with the regulation.

Subclause 45(5) provides that an accreditation holder can have an alternative verification system in place other than that provided for in clauses 45(3) and (4), if Safe Food has approved the system in the applicants food safety program. The alternative verification system gives an accreditation holder engaging in low risk activities greater flexibility to meet the requirements of the regulation.

*Clause 46* requires Safe Food to approve an applicant's program before granting an accreditation for medium risk activities. An accreditation will not issue to an applicant unless Safe Food is satisfied that the program complies with the requirements of the regulation.

When an applicant has been granted an accreditation to enable them to carry out certain medium risk primary production activities, they must provide for the first compliance audit of those activities within three months of the grant. A second audit is required within six months of the first compliance audit. Within one year of the second compliance audit a further audit is required. If however, a critical non-conformance is identified during a compliance audit the next compliance audit must be conducted within six months.

The purpose of the audits is to ensure that the activities of the accreditation holder conform to the requirements of their food safety program and to ensure that the medium risk activities of the accreditation holder comply with the regulation.

*Clause 47* requires Safe Food to approve an applicant's program before granting an accreditation for high risk activities. An accreditation will not issue to an applicant unless Safe Food is satisfied that the program complies with the requirements of the regulation.

When an applicant has been granted an accreditation to enable them to carry out certain high risk primary production activities, they must provide for the first compliance audit of those activities within three months of accreditation. A second audit is required within six months of the first compliance audit. If however, a critical non-conformance is identified during a compliance audit the next compliance audit must be conducted within three months.

The purpose of the audits is to ensure that the activities of the accreditation holder conform to the requirements of their food safety program (as approved by Safe Food) and to ensure that the high risk activities of the accreditation holder comply with the regulation.

*Clause 48* in effect provides that the frequency of compliance audits for low risk accreditation holders should not be affected by a renewal of the accreditation. It provides that the frequency of compliance audits for low risk activities should continue within one year intervals unless a critical non-conformance is identified. If a critical non-conformance is identified, the next compliance audit must be conducted within six months and for a medium risk activity the next compliance audit must be conducted within three months.

If Safe Food has approved an accreditation holders program to provide for an alternative verification system for certain low risk activities, on renewal of the accreditation, the audit frequencies stated in the alternative program continue unless the holder is otherwise advised by Safe Food.

*Clause 49* in effect provides that the frequency of compliance audits for medium risk accreditation holders should not be affected by a renewal of the accreditation. It provides that the frequency of compliance audits for medium risk activities should continue within one year intervals unless a critical non-conformance is identified. If a critical non-conformance is identified, the next compliance audit must be conducted within six months.

*Clause 50* in effect provides that the frequency of compliance audits for high risk accreditation holders need not be interrupted by a renewal of the accreditation. It provides that the frequency of compliance audits should continue within six monthly intervals unless a critical non-conformance is identified. If a critical non-conformance is identified, the next compliance audit must be conducted within three months after the critical conformance has been corrected.

*Clause 51* provides that an auditor is to prepare a Corrective Action Report (a “**CAR**”) where that auditor has identified a minor or major non-conformance with the requirements of an accreditation holders food safety program. The CAR must identify the non-conformance, the action that must be taken by the accreditation holder to correct the non-conformance and whether the auditor needs to conduct a further audit of the program to ensure that the corrective action has been taken. If a further audit is required, the CAR must state when it is to be conducted.

Where an auditor has identified a minor or major non-conformance at a compliance audit the auditor must within 14 days of completing the audit provide a copy of the CAR to Safe Food and to the accreditation holder.

If a non-conformance audit is required, the accreditation holder must cause the audit to be conducted in conformance with the requirements of the CAR. A non-conformance audit is not a compliance audit and must be conducted in addition to regular compliance audits. The identification of a major or minor non-conformance will not affect the low or medium risk frequency of compliance audits.

*Clause 52* requires an auditor to immediately report the identification of a critical non-conformance with the requirements of an accreditation holders food safety program to Safe Food. Following completion of the compliance audit the auditor must immediately issue a CAR to the holder and provide a copy to Safe Food. The CAR must identify the non-conformance, the action that must be taken by the accreditation holder to correct the non-conformance and the time within which the action must be taken. In order to ensure that the corrective action has been taken, the CAR must also require a follow up non-conformance audit to be completed by the date stated in the CAR.

The accreditation holder must cause the further non-conformance audit to be conducted as required by the CAR. If the non-conformance audit demonstrates that the critical non-conformance has not been corrected so as to prevent the food safety risk identified, the auditor must immediately advise Safe Food of same and conduct further audits as required by Safe Food.

A non-conformance audit is not a compliance audit.

The maximum penalties set in this clause are warranted as a failure by an auditor or accreditation holder to comply with the requirements of the clause may lead to the production of unacceptable food that may be supplied to a consumer.

*Clause 53* permits Safe Food to conduct random checks of an accreditation holders program in order to ensure that audits of the holders program have been properly conducted. Safe Food is permitted to recover the costs of such a check audit from the accreditation holder.

Safe Food is also permitted to conduct random checks of an accreditation holders program in order to verify the effectiveness of the foods safety scheme.

The integrity of the auditing process as required by the food safety scheme is essential to the proper functioning of the scheme. As such, Safe Food must have the ability to conduct random checks of an accreditation holders program to ensure that auditors are fulfilling their functions in accordance with the requirements of the Act and the regulation.

*Clause 54* requires the Minister to review the regulation within 5 years from the day the scheme comes into force. The Minister is also required to commence a review of that part of the Dairy Scheme concerning the production of raw goats milk within one year of commencement.

*Clause 55* provides that the dairy produce food safety scheme (the “**dairy scheme**”) is intended to regulate dairy produce intended for consumption by humans or animals (for example pets). It specifically excludes dairy produce used to feed stock animals or other animals that are raised to produce meat, meat products, milk or other primary produce for consumption.

*Clause 56* prescribes a number of dairy products that come within the definition of “**dairy produce**” for the purposes of section 8 of the Food Safety Act. The production of these listed dairy products will be regulated by the dairy scheme.



*Clause 57* sets out those activities concerning the production of dairy produce that are regulated by the dairy scheme. Importantly, the clause also lists certain activities that are excluded from the operation of the scheme.

It is intended that the dairy scheme will ultimately extend to regulate the production of primary produce from paddock to plate, however at this stage the scope of the dairy scheme has been limited so as to focus on high risk activities.

The dairy scheme covers the rearing and veterinary treatment of animals raised at a dairy for milking and the growing of stock food for those animals. The scheme also covers milking and storing milk at a dairy and the storing or handling of milk at a depot before it is taken to a factory for processing. The scheme regulates all processing of dairy produce at a factory including the manufacturing of cheese, butter, cream, yoghurt etc. The transporting of dairy produce is regulated from the point of milking at a dairy but does not extend to the transport of dairy produce to retail or wholesale premises. In the case of the production of dairy produce for animal consumption (pet food), the scheme is more expansive than dairy produce for human consumption as it extends to cover all aspects of production from the dairy up to the point at which pet food is sold.

Raw goat milk is dealt with in part 6 of the dairy scheme.

Subsection (2) sets out those matters that are presently excluded from the operation of the dairy scheme. It is intended, at this stage, to exclude certain dairy industry activities from the dairy scheme that carry minimal food safety risks as the traceability requirements in the scheme ensure that animals or stock food received at a dairy from a supplier can be checked. If a person is growing, supplying and transporting stock food at or from a place that is not a dairy and where the stock food is intended as feed for animals to be milked at a dairy, the person does not require an accreditation under the scheme. Similarly the rearing of an animal other than at a dairy or the transporting of such an animal to a dairy is excluded from the scheme.

It is also intended to exclude from the operation of the dairy scheme; the retail sale of dairy produce (except if it is for animal consumption), shop-front ice-cream makers and the transporting of dairy produce from a factory to a wholesaler or retailer (except if it is for animal consumption) as these activities are governed by the *Food Act 1981*, administered by the Department of Health.

*Clause 58* provides that this part applies to food safety requirements relevant to the dairy scheme in addition to the generic food safety requirements appearing in chapter 2, part 4 of the regulation with the exception of division 3.

*Clause 59* provides that for the purposes of this division, an accreditation holder is the person who holds the accreditation to milk an animal at a dairy.

This division does not apply to the processing of dairy produce at factories and other places. Those activities are dealt with in division 3.

*Clause 60* provides that an accreditation holder must not knowingly milk an animal that has a disease that may affect the safety of the milk. The accreditation holder must keep sufficient records that will enable the history of each milked animal to be traced. An auditor must be able to check the holder's records to determine whether all animals milked were free from disease.

*Clause 61* states that accreditation holders must not knowingly feed stock food to animals if the food might make any milk obtained from those animals unsafe.

Animal feed stuff that may present a risk of contaminating milk either directly or indirectly with microbiological or chemical hazards at levels in excess of Maximum Residue Levels (MRL's) must not be consumed by animals to be milked. Documents and records for traceability must be kept to ensure that only suitable feedstuffs are used. An auditor must be able to check the holder's records to determine whether all animals milked were fed appropriate stock food.

The reference to a compulsory standard in clause 61(2) requires an accreditation holder to adopt the requirements of the MRL standard in their food safety program.

*Clause 62* provides that an accreditation holder must not knowingly supply milk to a processor or process milk if the milk does not meet the requirements set out in the compulsory standard or if the milk has been obtained from an animal that has suffered from a disease or illness and it has not been treated in accordance with the requirements of part 2 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*. The relevant sections of this part set out the manner in which veterinary chemical products should be used in the treatment of animals.

Documents and records for traceability must be kept to ensure that auditors can check that all milk supplied meets these requirements.

The reference to a compulsory standard in clause 62(1) requires an accreditation holder to adopt the requirements of the relevant standard in their food safety program.

*Clause 63* provides that an accreditation holder must ensure that milk is obtained and stored in a manner and with the use of appropriate equipment that prevents the contamination of the milk from foreign matter and hazards that may make the milk unsafe. For example an accreditation holder could demonstrate that they have met this requirement by adopting the Australian Standards or Bulk Milk Tanks AS118 in their food safety program.

*Clause 64* provides that milk must be stored at a temperature that restricts the development of bacteriological hazards in the milk. Milk that is not stored in this way may be unsafe.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 65* requires the accreditation holder to ensure that all persons milking animals at a dairy follow high standards of health and hygiene practices in order to prevent the contamination of milk during the milking process by human handling or contact. This includes providing adequate facilities to persons milking animals and ensuring that they are effectively utilised. The holder must also ensure that procedures and practices for maintaining a high level of health and hygiene amongst persons milking animals is implemented and maintained.

Compulsory standards for the health and hygiene of persons milking animals apply to this requirement and must be adopted in the accreditation holders food safety program.

*Clause 66* requires an accreditation holder to ensure that the dairy and equipment used for milking and storing milk is designed and constructed in such a way that reduces to the greatest extent possible, the introduction of contaminants to the milk. An advisory standard has been referenced to clause 66(2), as such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

The dairy and equipment used for milking and storing milk must be kept clean and in good working order. A compulsory standard has been

referenced to clause 66(3). As such an accreditation holder will meet the requirements of this clause by complying with the requirements of the standard.

These requirements are necessary in order to ensure that dairies are appropriately equipped to produce milk in the high standard environment needed to ensure the safety of milk produced for consumption.

*Clause 67* provides that this division applies to an accreditation holder who processes dairy produce at a factory or depot.

The division covers the processing, handling or storing of dairy produce at factories prior to delivery of the produce to a retailer or wholesaler. Processing includes the treatment of dairy products to reduce bacterial growth (pasteurisation), other processing of dairy products at a factory (manufacturing cheese, butter, yoghurt etc), storing dairy produce at a depot and the packaging of dairy.

Note that a factory can include that part of a dairy that processes dairy produce.

*Clause 68* requires an accreditation holder who receives dairy produce for a processing or manufacturing operation to take all practical measures to ensure that the produce has been protected from the likelihood of contamination and does not contain contaminants exceeding the compulsory MRL's. The accreditation holder must keep sufficient records to demonstrate compliance with this clause.

To meet traceability requirements the accreditation holder must also keep documents evidencing the supplier of the dairy produce and any testing done by the holder to determine the safety of the produce.

The purpose of this clause is to ensure that accreditation holders receiving dairy produce check the acceptability of the produce prior to processing or manufacturing. Such an approach promotes through-chain food safety.

*Clause 69* provides that an accreditation holder who processes dairy produce, must process dairy produce in accordance with the compulsory standards in the food standards code.

It further provides that when processing dairy produce or pasteurising milk, an accreditation holder must utilise equipment that is fit for the purpose. An advisory standard has been referenced to clause 69(2). As such an accreditation holder will fulfil the requirements of 69(2) by adopting the advisory standard or demonstrating that their food safety

program adequately controls or prevents the food safety risks identified in the standard.

*Clause 70* requires an accreditation holder who holds an accreditation to store dairy produce, to store the produce in such a way that it is protected from the likelihood of contamination and kept under such environmental conditions and temperature control that will not affect the acceptability of the produce.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 71* prescribes a minimum standard for dairy produce for human consumption by requiring the accreditation holder to ensure that the microbiological levels and chemical hazards are not greater than the levels stated in the relevant parts of the food standards code referred to in the compulsory standards.

The accreditation holder must also ensure that the composition for the produce stated in the food standards code are met.

Compulsory standards have been prescribed for this clause. As such an accreditation holder will only discharge the requirements of this clause by complying with the standard or by adopting and following the method set out in the standard in their food safety program.

*Clause 72* makes it an offence for an accreditation holder to supply dairy produce for human or animal consumption if the holder knows or ought reasonably to know that the produce has not been processed in accordance with the compulsory standard for the requirement.

*Clause 73* requires an accreditation holder processing dairy produce at a factory, to implement a testing program that checks the acceptability of the produce after processing to ensure that it meets the compulsory standards. The testing program forms part of the accreditation holders food safety program.

The penalty is warranted to ensure that accreditation holders processing dairy produce do so in a manner that does not pose a risk to human health.

*Clause 74* provides for the application of this part to the production of raw goat milk for human consumption.

*Clause 75* sets out the aspects of the production of raw goat milk for human consumption to be regulated by this part. All aspects concerning the production of raw goat milk at a dairy will be regulated.

The growing, supplying and transporting of stock food for goats to be milked at a dairy is excluded from the scheme. Also the rearing of goats to be supplied to a dairy for milking and the production of raw goats milk for supply to a factory are also excluded. Retail sales of raw goat milk are also excluded as they are governed by the *Food Act 1981*.

*Clause 76* requires an accreditation holder for the production of raw goat milk to comply with the generic food safety requirements set out in chapter 2, part 4, divisions 1 and 2 and the food safety requirements for dairy at chapter 3, part 2, division 2 excluding clause 66.

*Clause 77* requires an accreditation holder to produce raw goat milk in accordance with the food standards code requirements. As such an accreditation holder will only demonstrate compliance with this clause by complying with the standard and adopting or following the method set out in the standard in their food safety program.

The penalty for failing to comply with this clause is needed to ensure that accreditation holders processing dairy produce do so in a manner that does not pose a risk to human health.

*Clause 78* requires an accreditation holder to produce raw goat milk at a dairy and with equipment that conforms to the requirements of the prescribed standard. As such an accreditation holder will only discharge the requirements of this clause by complying with the standard or by adopting and following the method set out in the standard in their food safety program.

The penalty is warranted to ensure that accreditation holders producing raw goats milk do so in a manner that ensures the safety of the produce for human consumption.

*Clause 79* provides that an accreditation holder must not supply raw goats milk if the holder knows, or ought reasonably to know that the milk was produced other than in accordance with the requirements of clause 77.

The penalty is warranted to ensure that accreditation holders producing raw goats milk do so in a manner that ensures the safety of the produce for human consumption.

*Clause 80* provides that an accreditation holder must test for substances in goat milk in order to ensure that the goat milk meets the requirements set

out in the food standards code. The holder must also conduct such testing at the frequency stated in their food safety program.

The penalty is set at 50 penalty units as the failure to comply with the testing regime could expose consumers of raw goat milk to unsafe produce.

As a compulsory standard has been referenced to clause 80, a holder must comply with the requirements of the standard.

*Clause 81* requires accreditation holders producing raw goat milk to have tests for substances in goat milk conducted by a laboratory that is registered by the National Association of Testing Authorities, Australia.

As unpasteurised goat milk is in a higher risk category than pasteurised dairy produce, tests conducted to determine the safety of the milk for human consumption must be conducted by registered testing laboratories in order to minimise the risks.

*Clause 82* requires an accreditation holder producing raw goat milk to promptly forward the results of tests required under clause 81 to Safe Food.

*Clause 83* permits Safe Food to conduct random checks and take samples of goat milk in order to test an accreditation holder's compliance with their program and to ensure that substances in the raw goat milk meet the compulsory standards.

As unpasteurised goat milk poses a greater risk to consumers than pasteurised dairy produce, Safe Food must have the power to conduct random checks of raw goat milk producers in order to determine the safety of the milk for human consumption.

*Clause 84* requires an accreditation holder to implement and maintain a program for product recall that complies with the FSANZ industry recall program. The recall program must be included in the accreditation holders food safety program.

*Clause 85* requires an accreditation holder producing raw goat milk to ensure that the milk is labelled in accordance with the requirements of the food standards code.

The accreditation holder must, in addition to the compulsory standard, ensure that the label includes a warning statement that meets the requirements of subclauses 85(3) and (4).

The caution is necessary to ensure that consumers are aware that the product is unpasteurised and understand that the consumption of raw goats milk has the potential to expose them to certain health risks. The penalty is warranted to ensure compliance with the provision.

As a compulsory standard has been referenced to clause 85(2), a holder must comply with the requirements of the standard.

*Clause 86* provides that Safe Food must conduct all audits of raw goat milk food safety programs required by chapter 2, part 5 of the regulation.

*Clause 87* requires an accreditation holder permitted to label dairy produce for pet food to label the package in the manner stated in the clause.

The requirement ensures that consumers are aware that the dairy produce is not intended for human consumption.

*Clause 88* provides that the meat scheme applies to meat and smallgoods intended for human consumption and pet meat, pet meat products and rendered products for animal consumption.

Seafood has been specifically excluded from the scope of the meat scheme.

*Clause 89* sets out those activities concerning the production of meat and meat products that are regulated by the meat scheme. Importantly, the clause also lists certain activities that are excluded from the operation of the scheme.

It is intended that the meat scheme will ultimately extend to regulate the production of primary produce from paddock to plate, however at this stage the scope of the meat scheme has been limited to focus on high risk activities and to reflect the current jurisdictional scope of the *Food Act 1981* administered by Queensland Health.

The scope of the meat scheme differs for meat for human consumption, smallgoods, pet meat and pet meat products.

Subclause 89(1) regulates all production processes for meat for human consumption from the place where the animal is killed for meat to the point of sale from meat retail premises and meat retail vehicles. Meat that has been pre-packaged and later opened for sale is also covered by the scheme.

The meat scheme regulates the production of smallgoods for human consumption from the place where the animal is killed for meat to the point at which the smallgoods leave the premises where it was processed.

The meat scheme regulates the production of pet meat and pet meat products from the place where the animal is killed to the point of sale at a meat retail premises, meat retail vehicle and retail sales of pre-packaged meat or meat product where the package is sold opened.

The meat scheme also regulates the production of rendered product for animal consumption from the place where the animal is killed for meat to



the point at which the rendered product leaves the premises where it was processed.

Subsection (2) sets out those matters that are presently excluded from the operation of the meat scheme. It is intended, at this stage, to exclude certain meat industry activities from the meat scheme that carry minimal food safety risks such as the transporting of live animals to be killed. The rearing or capturing of an animal to be killed for meat will not be regulated as traceability requirements in the meat scheme ensure that animals killed in the field or received at premises where an animal is killed can be checked so as to identify the place of killing, capture or rearing.

It is also intended to exclude from the operation of the meat scheme; the retail sale of sealed pre-packaged meat or meat products and smallgoods for human consumption as these activities are governed by the *Food Act 1981*.

*Clause 90* provides that this part applies to food safety requirements relevant to the meat scheme in addition to the generic food safety requirements appearing in chapter 2, part 4 of the regulation.

*Clause 91* requires an accreditation holder who kills animals for meat to ensure that animals to be killed (including wild animals ) are not sourced from areas where the presence of harmful chemical contaminants (such as pesticides, fungicides, heavy metals or other contaminants) could make the meat or products obtained from the animal unacceptable.

*Clause 92* requires an accreditation holder who kills animals that come from a place of production to ensure that the animals are sourced from a holding that has a system in place that checks the acceptability of meat and meat products obtained from those animals. The system must also provide that animals are raised in accordance with practices that ensure that meat products derived from them are acceptable.

An advisory standard has been referenced to clause 92(2). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 93* requires an accreditation holder who kills wild animals for meat to ensure that a system is in place that enables the capture location or location where the wild animal was killed to be identified. The purpose of the clause is to ensure that traceability requirements can be met in respect of wild game.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 94* requires an accreditation holder who kills animals (including wild animals) for meat to keep records that identify the place of production of the animal or the place where the wild animal is captured or killed.

As an advisory standard has been referenced to clause 94(1), the accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 95* requires an accreditation holder who kills animals for meat to ensure that the animals intended for slaughter are fit for producing meat that is acceptable.

As an advisory standard has been referenced to this clause an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 96* requires an accreditation holder who kills wild animals for meat to ensure that the animal is killed in a place that has adequate lighting for the purpose. The holder must also ensure that the animal's carcass is field dressed in a place that has adequate light for the purpose.

*Clause 97* requires an accreditation holder who kills animals for meat to ensure that the animal is killed in a manner that permits an accurate post mortem disposition to be applied to the carcass of the animal. Similarly, an accreditation holder who dresses the carcass of animal must also ensure that the dressing permits an accurate post mortem disposition of the animal's carcass.

The purpose of this clause is to ensure that an accreditation holder does not kill animals or dress animal carcasses in a manner that would lead to the inaccurate classification of meat for human consumption when it is only fit for animal consumption.

As an advisory standard has been referenced to clause 97(2) an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 98* requires the accreditation holder to ensure that the dressing of an animal's carcass and the handling of an animal's carcass and carcass parts is done in a way that reduces the risk of contamination of the carcass and carcass parts to a level that ensures the acceptability of the meat and meat products.

As an advisory standard has been referenced to this clause an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 99* requires the accreditation holder who handles carcasses to ensure that carcasses are not affected by any condition, disease or abnormality that could make the meat obtained from a carcass unacceptable.

As an advisory standard has been referenced to this clause an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 100* requires a person who receives a field dressed animal or carcass to ensure that the carcass or animal is received from a person who holds an accreditation to produce or supply same. However, an authorised officer is exempted from the requirements of this provision.

*Clause 101* requires an accreditation holder who kills animals at premises to ensure that a post mortem disposition has been applied to the animal's carcass before it is removed from that part of the premises where it was dressed.

The clause covers situations where the holder receives an animal that has been field dressed and has had a partial post mortem disposition applied to it. The holder may continue to dress the animal's carcass and when the dressing is finished the holder must ensure that a full post mortem disposition is completed before the carcass is moved on. The intention is that immediately after dressing at premises, the carcass is classified as being for human or animal consumption (or neither) prior to any further processing.

Subclause (2) requires an accreditation holder who kills wild animals for meat to ensure that the animal's carcass has had a post mortem disposition applied to it before it is removed from the vehicle where it was field dressed.

As an advisory standard has been referenced to clause 101(2) an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 102* requires an accreditation holder who produces meat for animal consumption to ensure that only pet meat treated to destroy *Clostridium botulinum* spores and biological matter that can be rendered to produce a rendered product is used.

The accreditation holder must also ensure that pet meat that has not been treated to destroy *Clostridium botulinum* and biological matter that has not been rendered is kept separate from other pet meat so as to prevent cross-contamination.

As an advisory standard has been referenced to clause 102(1), an accreditation holder will meet the requirements by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 103* requires an accreditation holder who dresses the carcasses of animals at an abattoir to ensure that after dressing the carcass is chilled so as to ensure that meat obtained from the carcass is acceptable.

As an advisory standard has been referenced to clause 103(2) an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 104* applies to an accreditation holder who field dresses an animal's carcass in the wild. The holder must ensure that after dressing the carcass is chilled or is delivered to a place that is managed by an accreditation holder for chilling. The animal's carcass must be chilled within a period that will not affect the acceptability of the meat obtained from the carcass. A failure to chill the animal's carcass within a certain period may lead to the growth of organisms in the animal's carcass that might make any meat obtained from it unacceptable.

As an advisory standard has been referenced to clause 104(2) an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 105* requires an accreditation holder who receives a field dressed animal to ensure that the animal's carcass is chilled within a period that maintains the acceptability of any meat obtained from the carcass. A failure to chill the animal's carcass within a certain period may lead to the growth of organisms that might make meat obtained from the carcass unacceptable.

As an advisory standard has been referenced to clause 105(2) an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 106* requires an accreditation holder who processes animal carcasses to stain those parts of the carcass intended for animal consumption so as to prevent it being processed as meat or meat products for human consumption. The clause sets out the manner in which the meat must be stained.

If an accreditation holder has an alternative system by which parts of a carcass can be identified as being for animal consumption only, the system must be approved by Safe Food in order for the holder to be exempted from the requirements of this clause.

*Clause 107* requires an accreditation holder who has chilled a carcass to ensure that the carcass is kept at a chill temperature that maintains the acceptability of any meat obtained from the carcass. A failure to maintain the temperature of the carcass may lead to the growth of organisms in the carcass that might make any meat obtained from it unacceptable.

As an advisory standard has been referenced to clause 107 an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately controls or prevents the food safety risks identified in the standard.

*Clause 108* requires an accreditation holder who processes meat or pet meat products to ensure that the processing destroys pathogens or reduces pathogenic growth so that the meat or meat products are acceptable.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 109* provides that this subdivision applies to persons who hold an accreditation to process meat or smallgoods for human consumption.

*Clause 110* requires an accreditation holder who receives meat, smallgoods or any other ingredients that are used for making meat products, to ensure that the meat, meat products or ingredients are not contaminated and that time and temperature controls during their transportation have been complied with.

Where an accreditation holder reasonably believes that the meat, meat products or ingredients could be contaminated the holder must clearly identify that it is not fit for human consumption and keep the produce separate from other produce that is acceptable.

Contaminated meat, meat products or ingredients must be identified and kept separate so as to prevent cross-contamination and further ensures that they do not contaminate produce that is fit for human consumption.

*Clause 111* requires an accreditation holder who processes meat or smallgoods to ensure that any meat or smallgoods that are not fit for human consumption are clearly identified as such and are separated from acceptable produce. Separation and identification is necessary to prevent cross-contamination and ensures that the unacceptable produce is not classified as being fit for human consumption.

*Clause 112* requires an accreditation holder who uses ingredients in the processing of meat or smallgoods to ensure that the ingredients will not make the processed products unacceptable for human consumption and are labelled, stored and handled in a way that maintains acceptability, prevents it from being used for a purpose other than that intended and makes it easy to identify.

These provisions ensure that ingredients used in the processing of meat and smallgoods will be used or stored in a way that does not affect the acceptability of the meat products for which it is intended to be used or other meat products at the premises.

*Clause 113* requires an accreditation holder who uses hazardous materials in the processing of meat or meat products to ensure that any hazardous materials used do not make the processed products unacceptable for human consumption.

The holder must also ensure that the hazardous materials are easy to identify and are stored and handled in such a way as to prevent them being used for any other purpose than that intended. The objective is to prevent

the misuse of hazardous materials that could lead to the processing of meat and meat products that are unacceptable for human consumption.

*Clause 114* requires an accreditation holder who makes smallgoods or processes meat to ensure that their processing activities do not contaminate the meat or smallgoods. The holder must also ensure that the environmental conditions under which the processing activities take place do not contaminate the meat or meat products.

Contamination during the processing of meat or smallgoods may make the produce unacceptable.

*Clause 115* requires an accreditation holder who processes smallgoods to ensure that smallgoods or meat to be used for making smallgoods do not become unacceptable for human consumption through contact with other meat. For example contamination of cooked or treated smallgoods by raw meat.

*Clause 116* states that this subdivision applies only to an accreditation holder who processes meat, meat products or rendered products for animal consumption.

*Clause 117* provides that an accreditation holder who receives pet meat or pet meat products or any other ingredients that are used for the making of same, must ensure that the produce or ingredients are not contaminated. The holder must also ensure that the relevant time and temperature controls during the transportation of the produce or ingredients have been complied with before processing.

If an accreditation holder reasonably believes that the meat, meat products or ingredients received could be contaminated, the holder must clearly identify that it is not fit for animal consumption and keep the produce separate from other meat or meat products that are acceptable. Contaminated meat, meat products or ingredients must be identified and kept separate from other produce so as to prevent cross-contamination and further ensures that they do not contaminate produce that is fit for animal consumption.

*Clause 118* requires an accreditation holder who processes meat, meat products or rendered products for animal consumption to ensure that the products are clearly identified as being for animal consumption only. The holder must also ensure that the products for animal consumption are separated from other meat or meat products so as to prevent cross contamination.

The holder must further ensure that unacceptable meat is identified as not fit for animal consumption and kept separate from other meat and meat products so as to prevent cross-contamination.

*Clause 119* requires an accreditation holder who uses ingredients in the processing of meat or meat products for animal consumption to ensure that the ingredients are fit for their purpose and will not make the processed products unacceptable. The holder must also ensure that the ingredients are easy to identify and are stored and handled in a way that maintains the acceptability of the ingredients. The ingredients used for making pet meat, pet meat products and rendered products must be stored in a way that prevents it from being used for any other purpose than that intended.

*Clause 120* requires an accreditation holder who uses hazardous materials in the processing of meat and meat products for animal consumption to ensure that any hazardous materials used are fit for their purpose and do not make the products unsuitable for animal consumption.

The holder must also ensure that the hazardous materials are easy to identify and are stored and handled in a way that prevents them from being used for any other purpose than that intended.

*Clause 121* provides that an accreditation holder who renders biological material from animals must ensure that the rendering process destroys pathogens or reduces pathogenic growth to a level that will not make the product unacceptable for animal consumption.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 122* requires an accreditation holder who processes meat and meat products for animal consumption to ensure that their processing activities do not contaminate the meat or meat products. The holder must also ensure that the environmental conditions under which the processing activities take place do not contaminate the meat or meat products making them unacceptable for animal consumption.

*Clause 123* requires an accreditation holder who processes pet meat products to ensure that pet meat products do not come into contact with other pet meat that may cause cross-contamination.

*Clause 124* requires an accreditation holder who processes rendered products to ensure that the products do not become unacceptable for animal



consumption through contamination by other meat or meat products that have not been rendered.

*Clause 125* provides that an accreditation holder who packages or pre-packages meat or meat products for human or animal consumption must ensure that the products are packaged and identified in a manner that is fit for the purpose. The holder must also ensure that the packaging and identification does not affect the acceptability of the product.

The objective is to ensure that packages securely contain the meat or meat products in a manner that maintains the acceptability of the product from the point of packaging to un-packaging. The packaging of the product must also provide sufficient identification so as to enable a person receiving the product to determine the contents by reference to the package.

An advisory standard has been referenced to clause 125(1). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 126* provides that an accreditation holder must ensure that meat products for human and animal consumption are stored, handled and displayed under conditions that prevent their contamination and ensures the relevant requirements of acceptability are maintained.

This principle applies to storage and handling at all points of the production process covered by the meat scheme.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 127* provides that an accreditation holder who transports meat and meat products must ensure that the meat or meat products are sufficiently identified so as to enable a person handling or receiving the product to determine the contents by reference to the package.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 128* sets out the information that an accreditation holder who kills animals for meat for human or animal consumption must keep records of in order to meet traceability requirements under the meat scheme. The

information to be recorded must be sufficient to enable the meat or meat products to be identified, traced and recalled if necessary.

An advisory standard has been referenced to this clause. As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 129* sets out the information that an accreditation holder who processes meat or meat products for human consumption must keep records of in order to meet traceability requirements under the meat scheme. The information to be recorded must be sufficient to enable the meat products to be identified, traced and recalled if necessary. If however, the meat or smallgoods are supplied to a consumer the holder need not keep a record of the name and address of the consumer or the day the consumer purchased the produce.

An advisory standard has been referenced to clause 129(1). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 130* sets out the information that an accreditation holder who pre-packages meat or smallgoods for human consumption must ensure appears on the package label in order to meet traceability requirements.

*Clause 131* sets out the information that an accreditation holder who processes meat or meat products for animal consumption must keep records of in order to meet traceability requirements under the regulation. The information to be recorded must be sufficient to enable the meat products to be identified, traced and recalled if necessary.

An advisory standard has been referenced to clause 131(1). As such an accreditation holder will meet the requirements of this clause by adopting the advisory standard or by demonstrating that their food safety program adequately addresses the requirements set out in the standard.

*Clause 132* sets out the information that an accreditation holder who pre-packages meat products for animal consumption must ensure appears on the package label. The holder must ensure that the packaging is labelled according to the requirements of the clause and is easily identifiable as a product that is not for human consumption. Information provided on the packaging or label must also be sufficient to meet traceability requirements.

*Clause 133* sets out the information that an accreditation holder who packages rendered products for animal consumption must ensure appears on the label of the product. The labelling of the product must provide sufficient information to meet traceability requirements.

*Clause 134* provides for mutual recognition of licensed wild game harvesters and accredited transporters of meat products from other States on the same terms and conditions as their interstate licence or accreditation provides.

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#### ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Primary Industries.