



Queensland

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009

Explanatory Notes for SL 2009 No. 33

made under the

Fisheries Act 1994

Food Production (Safety) Act 2000

General Outline

Short title

Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009.

Authorising law

Section 223 of the *Fisheries Act 1994* and sections 39 and 40 of the *Food Production (Safety) Act 2000*.

Objectives of the legislation

The objectives of this legislation are to—

- implement a Seafood Food Safety Scheme that will give effect to the National Standard for Primary Production and Processing of Seafood 4.2.1 ('the National Standard') and include a regulatory

framework for monitoring compliance with the national standard; and

- remove references to buyer licences from the *Fisheries Regulation 2008*; and
- progress some minor amendments to the *Food Production (Safety) Regulation 2002*.

Consistency with authorising law

The amendment regulation is consistent with the main objects of the *Food Production (Safety) Act 2000*, that is to ensure the production of primary produce is carried out in a way that makes the primary produce fit for human consumption and maintains food quality.

Consistency with other legislation

The regulation is consistent with the policy objectives of other legislation. It provides for food safety measures for the production of primary produce consistent with other State laws relating to food safety.

Alternatives to the legislation

There are no viable alternatives to the legislation. Queensland is a signatory to the Council of Australian Governments' Intergovernmental Food Regulation Agreement (FRA), which established a single national framework for domestic food standards through the food supply chain. The FRA requires Food Standards Australia New Zealand (FSANZ) to develop domestic food standards, including primary production and processing standards.

The National Standard for seafood was the first of the national primary production and processing standards developed under the FRA and included in the Australia New Zealand Food Standards Code. While the National Standard came into effect on 26 May 2006 it can only have legal effect in Queensland when adopted or incorporated under State law.

Estimated costs for government implementation

There are no significant financial implications resulting from the proposed amendments. Any additional costs will be met within existing resources and through income derived under the Seafood Scheme.

Consistency with fundamental legislative principles

The regulatory amendments have sufficient regard to the rights and liberties of individuals and the institution of Parliament and are consistent with the fundamental legislative principles provided for under the *Legislative Standards Act 1992*.

Consultation

Community

In June 2006 a Regulatory Impact Statement (RIS) was released in relation to legislative proposals for the Seafood Scheme, focusing on the incorporation of the National Standard into Queensland law. Written submissions on the RIS were invited for a period of approximately eight weeks. Safe Food Production Queensland (SFPQ) held a series of public meetings throughout July 2008 in Queensland's regional centres on the proposed Seafood Scheme.

Following the RIS, further stakeholder engagement was undertaken. SFPQ consulted on the proposed Seafood Scheme with a number of associations representing the industry sectors to be covered by the scheme. Those associations included the Queensland Seafood Marketers' Association, Queensland Seafood Industry Association, Aquaculture Association of Queensland, Queensland Oyster Growers' Association, the Australian Prawn Farmers' Association and the Queensland Crayfish Farmers' Association.

Government

The proposed Regulation has been developed in consultation with the Department of the Premier and Cabinet, Queensland Treasury, Queensland Health, the Department of Tourism, Regional Development and Industry and the Office of the Queensland Parliamentary Counsel.

The Queensland Office of Regulatory Efficiency was consulted in the development of the RIS.

Results of consultation

Community

All key stakeholder organisations supported the incorporation of the National Standard into Queensland law through the Seafood Scheme

Government

All agencies consulted supported the implementation of the Seafood Scheme.

Notes on Provisions

Part 1 Preliminary

Short title

Clause 1 provides that the short title of the regulation is the *Primary Industries and Fisheries Legislation Amendment Regulation (No. 1) 2009*.

Commencement

Clause 2 provides that this regulation, other than a number of sections identified as commencing on 1 July 2009 or 1 January 2010, commences on notification in the gazette.

Part 2 **Amendment of *Fisheries (Coral Reef Fin Fish) Management Plan 2003***

Plan amended in pt 2

Clause 3 provides that the clauses in this part amend the *Fisheries (Coral Reef Fin Fish) Management Plan 2003*.

Amendment of s 150 (Criteria for suspending authorities)

Clause 4 omits reference to a buyer licence from this provision as one of the authorities which may be suspended by a court under section 68B of the *Fisheries Act 1994*. It is no longer appropriate to refer to a buyer licence as buyer licence provisions are being omitted from the *Fisheries Regulation 2008*.

Part 3 **Amendment of *Fisheries (East Coast Trawl) Management Plan 1999***

Plan amended in pt 3

Clause 5 provides that the clauses in this part amend the *Fisheries (East Coast Trawl) Management Plan 1999*.

Amendment of s 233 (Restrictions on processing scallops on commercial fishing boat)

Clause 6 amends this provision to omit reference to the types of authority a processor must have in order to process scallops on board a commercial fishing boat. This amendment arose out of the need to omit reference to the buyer licence as buyer licence provisions are being omitted from the *Fisheries Regulation 2008*. A new regulated fish declaration for possession of scallop meat where it has been processed and removed from the shell is

being introduced into schedule 2 of the *Fisheries Regulation 2008* to account for the omission of this provision from the Trawl Plan.

Part 4 Amendment of Fisheries (Freshwater) Management Plan 1999

Plan amended in pt 4

Clause 7 provides that the clauses in this part amend the *Fisheries (Freshwater) Management 1999*.

Omission of s 50 (Selling or processing eels taken under eel licence)

Clause 8 omits section 50 from the Management Plan as it will no longer be relevant following the removal of the Buyer licence from the Regulation and the commencement of Seafood Food Safety Scheme under the *Food Production (Safety) Regulation 2002*.

Part 5 Amendment of *Fisheries Regulation 2008*

Regulation amended in pt 5

Clause 9 provides that the clauses in this part amend the *Fisheries Regulation 2009 (the regulation)*.

Amendment of s 173 (Possession of regulated fish obtained from particular persons)

Clause 10 omits the requirement for a person, where they possess a regulated fish, to have an authority to buy the fish, as provisions concerning

the buying and selling of fish under a buyers licence, are being removed from the regulation.

Amendment of s 205 (Types of licences)

Clause 11 omits reference to Buyer licence from the provision, renumbers the remaining items and amends the note to the provision.

Amendment of s 212 (Authorities that continue after holder's death—Act, s 70C)

Clause 12 omits reference to Buyer licence from the provision and renumbers the remaining items.

Amendment of s 219 (Developmental fishing permit)

Clause 13 amends the provision to provide that fish taken under a developmental fishing permit may simply be sold. The clause omits reference to the requirement to hold an authority to specifically allow the purchase of fish as the Buyer licence provisions are being omitted from the regulation. Restrictions as to whom a permit holder may sell fish can continue to be specified by way of a condition on the permit.

Amendment of s 220 (Indigenous fishing permit)

Clause 14 amends the provision to provide that fish taken under an indigenous fishing permit may simply be sold. The clause omits reference to the requirement to hold an authority to specifically allow the purchase of fish as the Buyer licence provisions are being omitted from the regulation. Restrictions as to whom a permit holder may sell fish can continue to be specified by way of a condition on the permit.

Omission of ch 5, pt 5, div 1 (Buyer licence)

Clause 15 omits the division concerning Buyer licence authorisations and conditions as a Buyer licence is no longer required to purchase or sell fish.

Renumbering of ch 5, pt 5, divs 2 and 3

Clause 16 renumbers the remaining provisions in this part.

Amendment of s 232 (Authorisation—commercial fisher)

Clause 17 amends the provision to provide that fish taken under a Commercial Fisher licence may simply be sold. The selling of fish to someone who holds an authority to buy fish is no longer appropriate as Buyer licence provisions are being removed from the regulation.

Amendment of s 246 (Authorisation under a commercial fishing boat licence)

Clause 18 amends the provision to provide that fish taken under a Commercial Fishing Boat Licence may simply be sold. The selling of fish to someone who holds an authority to buy fish is no longer appropriate as Buyer licence provisions are being removed from the regulation.

Amendment of s 248 (Authorisation under a commercial harvest fishery licence)

Clause 19 amends the provision to provide that fish taken under a Commercial Harvest Fishery Licence may simply be sold. The selling of fish to someone who holds an authority to buy fish is no longer appropriate as Buyer licence provisions are being removed from the regulation.

Amendment of s 286 (Selling fish)

Clause 20 amends the provision to provide that fish taken under an authority with an “A1” fishery symbol may simply be sold by the licence holder or the licence holder’s nominee. Amendment of this provision is necessary as the changes to section 632 now provide that fisheries resources may be sold to anyone. It is necessary for the provision to still state that fish may be sold by the licence holder’s nominee to ensure they are captured by the exception from the need to hold an authority to sell fisheries resources under section 632.

Omission of s 289 (Selling fish under the licence)

Clause 21 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone. Section 272 of the regulation already highlights that the Aquarium fish fishery includes selling the fish taken under this fishery symbol.

Amendment of s 299 (Selling beche-de-mer)

Clause 22 amends the provision to provide that fish taken under an authority with a “B1” fishery symbol may be sold by the licence holder or the licence holder’s nominee. This amendment is necessary as the restrictions on who can buy beche-de-mer have been removed. It is necessary for the provision to still state that fish may be sold by the licence holder’s nominee to ensure they are captured by the exception from the need to hold an authority to sell fisheries resources under section 632.

Amendment of s 310 (Selling coral)

Clause 23 amends the provision to provide that fish taken under an authority with an “D” fishery symbol may simply be sold by the licence holder or the licence holder’s nominee. Amendment of this provision is necessary as the changes to section 632 now provide that fisheries resources may be sold to anyone. It is necessary for the provision to still state that fish may be sold by the licence holder’s nominee to ensure they are captured by the exception from the need to hold an authority to sell fisheries resources under section 632.

Omission of s319 (Selling molluscs)

Clause 24 omits this provision as it is redundant as the changes to s632 now provide that fisheries resources may be sold to anyone. Section 311 of the regulation already highlights that the shell fishery includes selling shells taken under this fishery symbol.

Omission of s 327 (Selling shell grit)

Clause 25 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone. Section

320 of the regulation already highlights that the shell grit fishery includes selling shell grit taken under this fishery symbol.

Omission of s 335 (Selling star sand)

Clause 26 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone. Section 328 of the regulation already highlights that the star sand fishery includes selling star sand taken under this fishery symbol.

Omission of s 345 (Selling trochus)

Clause 27 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone and the provisions restricting who can buy trochus have been removed. Section 336 of the regulation already highlights that the trochus fishery includes selling trochus taken under this fishery symbol.

Omission of s 354 (Selling juvenile eels)

Clause 28 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone. Section 346 of the regulation already highlights that the juvenile eel fishery includes selling juvenile eels taken under this fishery symbol. If required however, administrative conditions may be written on an authority to place restrictions as to whom juvenile eels can be sold.

Omission of s 363 (Selling oysters)

Clause 29 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone. Section 355 of the regulation already highlights that the oyster fishery includes selling oysters taken under this fishery symbol.

Omission of s 377 (Selling beachworms)

Clause 30 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone and the provisions restricting who can buy beachworms have been removed.

Section 370 of the regulation already highlights that the beachworm fishery includes selling beachworms taken under this fishery symbol.

Omission of s 384 (Selling bloodworms)

Clause 31 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone and the provisions restricting who can buy bloodworms have been removed. Section 378 of the regulation already highlights that the bloodworm fishery includes selling bloodworms taken under this fishery symbol.

Omission of s 392 (Selling marine yabbies)

Clause 32 omits this provision as it is redundant as the changes to section 632 now provide that fisheries resources may be sold to anyone and the provisions restricting who can buy yabbies have been removed. Section 385 of the regulation already highlights that the marine yabby fishery includes selling yabbies taken under this fishery symbol.

Omission of s 631 (Buying Queensland fisheries resources before second point of sale)

Clause 33 omits this provision as an authority is no longer required to be held to buy fisheries resources.

Amendment of s 632 (Selling Queensland fisheries resources before second point of sale)

Clause 34 amends the provision as an authority is no longer required to authorise the buying of fisheries resources. The clause further amends the provision by inserting the requirement for a seller to provide the buyer with the seller's authority number.

Omission of s 633 (Processing Queensland fisheries resources before second point of sale)

Clause 35 omits this provision as an authority allowing the processing of fisheries resources is no longer required to be held.

Amendment of s 655 (Information requirements for wholesale sale of fisheries resources)

Clause 36 amends the particulars that must be included on a sale docket which must be given to the buyer by the seller. As a Buyer licence is no longer required to be held to buy fisheries resources, the clause provides that a sale docket must include the processor accreditation number of the buyer, if they are accredited under the Seafood Food Safety Scheme (Seafood Scheme). If the buyer is not required to be accredited under the Seafood Scheme then the docket must include the buyer's address.

Replacement of ss 656 and 657

Clause 37 amends the provisions dealing with the wholesale sale of fisheries resources and places additional requirements on both the buyer and seller of fisheries resources to keep the sale docket for five years after either the sale or possession of the fish. This clause ensures consistency between other provisions dealing with information requirements concerning the sale of abalone and spanish mackerel.

Insertion of new ch 16, pt 2, div 3

Clause 38 inserts a new division under chapter 16, part 2 of the *Fisheries Regulation 2008* providing for transitional provisions in relation to the removal of Buyer licences. The new section 735 outlines how undecided applications for Buyer licences received prior to the commencement of the section are to be dealt with. New section 736 outlines requirements for Buyer licences and fees where the holder is granted an accreditation under the Seafood Scheme before 1 January 2010.

Amendment of sch 2 (Regulated fish declarations)

Clause 39 inserts a new entry into schedule 2 to provide a regulated fish declaration (by form) for scallops. Previously section 233 of the *Fisheries (East Coast Trawl) Management Plan 1999* (Trawl Plan), provided that a person could process scallops on board a commercial fishing boat if, among other things, they held a Buyer licence. As a Buyer Licence is no longer required to be held, it is appropriate for consistency, to omit the provision from the Trawl Plan and create a new regulated fish declaration under schedule 2 of the regulation. This clause provides that a person on a

amendment is necessary as the buyer licence provisions are being omitted from the regulation. The clause also renumbers the remaining provisions.

Part 7 **Amendment of *Food Production (Safety) Regulation 2002***

Regulation amended in pt 7

Clause 45 provides that the clauses in this part amend the *Food Production (Safety) Regulation 2002*.

Amendment of s 9 (Preparation of programs and management statements)

Clause 46 amends the provision to indicate that this provision relates to the preparation of a food safety program or a management statement as required under a food safety scheme and provides references to requirements under specific schemes.

Amendment of s 16 (Record keeping requirements)

Clause 47 amends this provision to identify the sections of the regulation relating to the Seafood Scheme with which an accreditation holder's business records must comply. This clause provides that the records must, for the purposes of tracing seafood, identify persons who supply seafood to the accreditation holder or persons to whom the accreditation holder supplies seafood.

Insertion of new s 28A

Clause 48 inserts a new provision allowing Safe Food to waive the prescribed fee payable for approval or renewal as an auditor where the applicant is employed by Safe Food in the capacity as an auditor.

Amendment of s 31 (Application of pt 4)

Clause 49 amends this provision to indicate that the general food safety requirements in this part do not relate to the Seafood Scheme. The food safety requirements for the Seafood Scheme are contained within the provisions of chapter 4A, part 4.

Amendment of ch 2, pt 5, div 1, hdg

Clause 50 amends the heading of this division to reflect that there is only one general auditing requirement.

Omission of s 41 (Audits of program)

Clause 51 omits this provision as it is redundant. Auditing is one element of the broader concept of monitoring compliance with food safety schemes.

Amendment of s 43 (Frequency of audits for risk category)

Clause 52 amends this provision to indicate that for the purposes of determining the frequency of audits for the Seafood Scheme, the low risk activities for the scheme are prescribed in schedule 5A, part 1. The clause also provides that the medium and high risk activities for the Seafood Scheme are prescribed in schedule 5A, parts 2 and 3 respectively.

Amendment of s 57B (Requirement for program)

Clause 53 amends the heading and the provision to reflect that an applicant for grant or renewal of an accreditation as a processor under the dairy scheme must prepare a food safety program, whilst an applicant for grant or renewal of an accreditation as a producer under the dairy scheme must prepare a management statement.

Omission of ch 3, pt 3, div 6 (Auditing requirements)

Clause 54 omits this redundant provision as the requirements for auditing under this scheme are now incorporated into the broader requirements for monitoring compliance with food safety schemes.

Amendment of s 87CB (Requirement for program or management statement)

Clause 55 amends the provision to reflect that an applicant for grant or renewal of an accreditation as a processor under the egg scheme must prepare a food safety program, whilst an applicant for grant or renewal of an accreditation as a producer or transporter under the egg scheme must prepare a management statement.

Amendment of s 87J (Identifying eggs and egg products)

Clause 56 amends the provision to provide that if an accreditation holder produces eggs or egg products, the person must not supply the eggs, irrespective of to whom they are supplied, unless each egg and each carton of egg products is individually marked.

Amendment of s 89B (Requirement for program or management statement)

Clause 57 amends the provision by prescribing the categories of accreditation under the meat scheme to which the requirement for preparation of a food safety program or a management statement apply.

Insertion of new ch 4A

Clause 58 inserts a new chapter of provisions for the Seafood Scheme.

The new section 134A states the main purpose of the Seafood Scheme is to give effect to the provisions of the National Seafood Standard.

The new section 134B under part 2, outlines the scope of the Seafood Scheme and the matters to which it does and does not apply.

The new section 134C provides an inclusive list of activities related to the primary production of seafood to which the Seafood Scheme applies.

The new section 134D provides a list of activities to which the Seafood Scheme does not apply and provides a definition for the term “manufacturing”.

The new section 134E under part 3, provides the three categories for which a person may be accredited under the Seafood Scheme and provides that

the activities an accreditation holder may undertake under each category are prescribed in schedule 5B.

The new section 134F provides that a person who applies to SFPQ for grant or renewal of a processor accreditation under the Seafood Scheme or who deals with bivalve molluscs, must prepare a food safety program. A food safety program is appropriate in these circumstances given the nature and level of risk associated with the activities. The clause further provides that a person who applies to SFPQ for grant or renewal of an accreditation as a wild animal harvester or a producer, and does not deal with bivalve molluscs, must prepare a management statement.

The new section 134G provides that the provisions of part 4 apply to the food safety requirements for the Seafood Scheme.

The new section 134H provides that a person who has the management and control of a business that engages in the production of seafood and is, or is required to be, an accreditation holder under the scheme must provide certain information to Safe Food. The new section also provides that these persons must provide Safe Food with written notice of any changes to the business which would affect the currency or accuracy of information retained by Safe Food. The section provides a maximum penalty of 20 pu for an offence against these provisions.

The new section 134I places an obligation on an accreditation holder engaged in the primary production of seafood to systematically examine all of the holder's activities in relation to seafood to identify potential hazards for the seafood and implement controls appropriate to the food safety risk. The section also provides a maximum penalty of 20 pu for an offence against this provision and includes a definition of the terms "controls" and "fertilizer".

The new section 134J places an obligation on an accreditation holder engaged in the primary production of seafood to take all necessary steps to prevent contamination of the seafood. It also places an obligation on the accreditation holder to take all reasonable measures to ensure that the acceptability of the seafood is not affected by either persons handling it or surfaces with which the seafood may come into contact. The section also provides for a maximum penalty of 20 pu for an offence against these provisions.

The new section 134K places an obligation on an accreditation holder engaged in the primary production of seafood to take all reasonable steps to ensure that inputs do not adversely affect the seafood's acceptability. It also

places an obligation on the accreditation holder to not harvest seafood in an area if the seafood may not be acceptable for human consumption. The section also provides a maximum penalty of 20 pu for an offence against these provisions and includes a definition of the term “inputs”.

The new section 134L places an obligation on an accreditation holder who stores seafood, other than live seafood, to store the seafood under temperature control and have a means of monitoring the temperature. It also places an obligation on an accreditation holder to ensure that the way in which the seafood is stored will not adversely affect its suitability. The section also provides for a maximum penalty of 20 pu for an offence against these provisions.

The new section 134M places an obligation on an accreditation holder who transports seafood, other than live seafood, to transport the seafood under temperature control and have a means of monitoring the temperature. It also places an obligation on an accreditation holder to ensure that the way in which the seafood is transported will not adversely affect its suitability. The section also provides for a maximum penalty of 20 pu for an offence against these provisions.

The new section 134N places an obligation on an accreditation holder who packages seafood, to use packaging material that is fit for its intended use and not likely to cause contamination of the seafood. The accreditation holder is further obliged to take all reasonable measures to ensure the seafood is not contaminated. The section also provides for a maximum penalty of 20 pu for an offence against this provision.

The new section 134O places an obligation on an accreditation holder who engages in the primary production of seafood to ensure that seafood for disposal is held and kept separate from other seafood until it is either destroyed, returned to the supplier, processed in a way that ensures it is acceptable, or ascertained by the holder, via validation, as acceptable for sale and SFPQ agrees. It also places an obligation on the accreditation holder to clearly identify seafood which is being held and kept separate as either returned, recalled, acceptable or unacceptable seafood. The section also provides a maximum penalty of 20 pu for an offence against these provisions and includes a definition of the term “seafood for disposal”.

The new section 134P places an obligation on an accreditation holder who engages in the primary production of seafood to take all reasonable steps to ensure that they accept only seafood that is protected from the likelihood of contamination. It also places an obligation on an accreditation holder

receiving seafood, other than live seafood, to ensure that they accept only seafood that is under temperature control and ensure that seafood is transported in a way that will not adversely affect its acceptability. The section also provides a maximum penalty of 20 pu for an offence against these provisions.

The new section 134Q places an obligation on an accreditation holder who is engaged in primary production of seafood to ensure that anyone handling seafood in their business has appropriate skills in, and knowledge of, food safety and hygiene matters. The section also provides a maximum penalty of 20 pu for an offence against this provision.

The new section 134R places health and hygiene requirement obligations on seafood handlers who are engaged in, or supervise the primary production of, seafood. The section provides that a seafood handler must exercise personal hygiene and health practices which do not affect the acceptability of seafood and are relevant to the food safety risks. The section further provides that a seafood handler who is, or may be suffering from or a carrier of a food borne disease, must not engage in any handling of seafood where there is a reasonable likelihood of contamination as a result of the disease. The section also provides an obligation on an accreditation holder to take all reasonable measures to ensure that seafood handlers exercise personal hygiene and health practices which do not affect the acceptability of seafood and are relevant to the food safety risks. The section provides for a maximum of 20 pu for an offence against these provisions. The section also provides a definition of the term “food-borne disease” for the purposes of the section.

The new section 134S places obligations on an accreditation holder in relation to the cleanliness of their seafood premises and equipment to ensure that the acceptability of seafood is not affected. The section also provides that the accreditation holder must comply with the relevant provisions of National Standards relating to matters such as food premises and equipment. Alternatively, the section allows for an accreditation holder to comply with other requirements recognised by SFPQ. The section provides for a maximum of 20 pu for an offence against these provisions and includes a definition of the term “live seafood premises”.

The new section 134T places an obligation on an accreditation holder to identify both the supplier of seafood received and any person to whom seafood has been supplied, to ensure the safety of seafood. This provision provides for tracing seafood through the supply chain should a food safety

incident occur. The section also provides a maximum penalty of 20 pu for an offence against this provision.

The new section 134U provides that the provisions in this division apply to an accreditation holder engaged in the production of bivalve molluscs. These provisions are in addition to the food safety requirements mentioned in divisions 2, 3 and 4.

The new section 134V provides that compliance with the obligation to prepare a food safety program is satisfied if the accreditation holder's program

- is a program under the Food Standards Code, Standard 3.2.1; or
- implements a food safety management system set out in the Commonwealth Export Control (Dairy, Eggs and Fish) Orders; or
- implements the Codex Alimentarius Hazard Analysis and Critical Control Point System (HACCP); or
- is another SFPQ approved program.

The section also provides a definition of the term “hazard analysis and critical control point system (HACCP)” for the purposes of the section.

The new section 134W provides that the accreditation holder must comply with the relevant provisions of the ASQAP manual stated in the National Standard, or other requirements recognised by SFPQ that give the same or a higher level of protection for managing exposure to risks in relation to food safety. The section provides for a maximum of 20 pu for an offence against these provisions and references the term “ASQAP manual”.

The new section 134X places an obligation on an accreditation holder to ensure that batches of bivalve molluscs harvested on the same day and from the same area are kept separate from other batches in a way that avoids co-mingling. The section also provides for a maximum of 20 pu for an offence against this provision and includes a definition of the term “batch”.

Amendment of ch 5, hdg

Clause 59 amends the heading of chapter 5 to account for the further transitional provisions which are provided for under the new part 2 to this chapter.

Insertion of new ch 5, pt 2

Clause 60 inserts a new part 2 under chapter 5 which contains transitional provisions in relation to the giving of information to Safe Food and the payment of fees for an accreditation for the production of seafood under the seafood scheme. The new section 137 provides that until 1 January 2010 no fee is payable for an application for an accreditation under the scheme.

Amendment of sch 1 (Fees)

Clause 61 amends schedule 1 to refer to a wild animal harvester accredited under the Seafood Scheme as well as removing two redundant fee categories from the schedule.

Insertion of new schs 5A and 5B

Clause 62 inserts two new schedules detailing risk categories and activities for the Seafood Scheme. The new schedule 5A outlines the activities under three risk categories (low, medium and high) for the purposes of determining the frequency of audits under section 43. The new schedule 5B details, for the purposes of section 134E, the activities that may be undertaken under the three categories of accreditation (wild animal harvester, producer and processor).

Amendment of sch 6 (Dictionary)

Clause 63 omits redundant definitions and also inserts new definitions for a number of terms used throughout the Seafood Scheme.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment, Economic Development and Innovation.

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