

## FREQUENTLY ASKED QUESTIONS

# Primary Produce Safety (Seed Sprouts) Regulations 2014

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### **Q. 1 What primary produce or class of primary produce and what primary production activities or class of primary production activities does the Scheme apply to?**

The Scheme will apply to the commercial “**primary production of seed sprouts**” which includes any of the following done for the purpose of supplying seed sprouts to a food business or a seed sprout business:

- a) the decontamination of seed or seed sprouts; or
- b) the soaking of seed; or
- c) the germination or growth of seed; or
- d) the harvest of seed sprouts;
- e) the washing, drying or packing of seed sprouts.

“*seed sprouts*” means young seedlings that, when prepared for human consumption –

- (a) include all or part of the seed; and
- (b) are intended for human consumption; and
- (c) are grown from –
  - i. alfalfa, broccoli, clover, onion, radish or sunflower seeds or other seeds; or
  - ii. mung beans or other beans; or
  - iii. snow peas or other peas;

### **Q. 2 Who must be accredited under the Scheme and who must comply with the Scheme?**

All persons involved in the commercial supply (including production) seed sprouts must comply with the Seed Sprouts Scheme.

The proprietor of a seed sprouts business (i.e. a business involving the commercial primary production of seed sprouts) must be accredited under the Scheme.

### **Q. 3 Who must prepare and implement a food safety program under the Scheme?**

All accredited seed sprout producers and processors must prepare and implement an approved food safety program.

### **Q. 4 What are the auditing requirements under the Scheme?**

The Seed Sprouts Scheme will require audits of food safety programs to be conducted at least once annually unless a different interval is required by the Chief Inspector.

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The Act allows for audits to be carried out by private third party auditors. An audit carried out by an approved third party auditor for commercial QA (Quality Assurance) purposes, or for export purposes, can satisfy the Scheme's audit requirements, providing DPIPWE receives an audit report. This is to avoid unnecessary audit duplication.

A publically accessible register will allow seed sprout businesses to check whether an auditor is approved and holds the appropriate accreditation to audit seed sprout businesses under the Scheme. It will be a requirement of approval for the auditor that they supply a copy of audit reports to the department.

### **Q. 5 How are accredited producers registered under the Scheme?**

The Seed Sprouts Scheme will establish a register of accreditations which can be accessed by any person on written request.

A publically accessible register will allow retailers, wholesalers and consumers to check whether a producer holds the appropriate accreditation.

On lodgment of the annual return and payment of the annual accreditation fee, an accredited producer will also be issued a certificate of currency for their accreditation.

### **Q. 6 What is the role of DPIPWE, the Chief Inspector and other agencies in administering the Scheme?**

The Act establishes the position of Chief Inspector of Primary Produce Safety (located in DPIPWE) to centrally administer the Act's accreditation, auditing and compliance system.

The Scheme largely reflects the following division of regulatory responsibility among State Government agencies and local government (in respect to commercial seed sprout production) –

- DPIPWE, through the Chief Inspector, is responsible for promoting seed sprout safety and integrity (i.e. quality assurance systems) in primary production and processing under the *Primary Produce Safety Act 2011* and *Primary Produce Safety (Seed Sprouts) Regulations 2014* (the Scheme)
- Department of Health and Human Services (DHHS), through the Director of Public Health, and local councils are responsible for promoting the safe handling and sale of seed sprouts by food businesses in the public realm (in the retail and food service sectors) under the *Food Act 2003*.

There will still be some overlap of responsibility between State Government agencies, local councils, and, (for exporting businesses) the Commonwealth. Effective cooperation will minimise duplication and ensure optimal regulatory outcomes for industry and the community.

### **Q. 7 How does the Scheme interact with other legislation?**

Although the Scheme will provide a comprehensive legal framework for regulating seed sprout safety and integrity, it will be in addition to (and cannot derogate from) other legislation.

An accreditation under the Scheme cannot authorise something that is prohibited under another Act.

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The Scheme will enable the Chief Inspector to take into account a person's compliance history with other biosecurity and product integrity related legislation in determining the person's suitability for accreditation.

### Q. 8 What are the annual accreditation fees?

The following standard schedule of annual accreditation fees is to be applied across all food safety schemes on commencement of the Act:

<b>Business size (maximum number of full time equivalent (FTE) produce handlers engaged)</b>	<b>Annual accreditation fee 2014/15 (fee unit = \$1.48)</b>
Small (less than 5 FTE)	175 = \$259
Medium (5 – 50 FTE)	350 = \$518
Large (more than 50 FTE)	750 = \$1110

For further information, please refer to information sheet [“Primary Produce Safety Act 2011 - Accreditation Fees and Charges”](#) available on the DPIPWE website.

### Q. 9 How will the Scheme affect general audit and compliance costs for seed sprout producers?

General compliance costs for all producers should be reduced under the new legislation because it allows private third party auditors (who already do commercial quality assurance audits) to conduct regulatory audits.

Accredited producers will not be charged for basic DPIPWE advice and extension relating to accreditations, or for random inspections or check audits (audits to check the performance of a third party auditor).

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