

DATED *7th* DAY OF *July* 2009

FOOD SAFETY MEMORANDUM OF UNDERSTANDING

-BETWEEN-

DEPARTMENT OF PRIMARY INDUSTRIES AND WATER

-AND-

DEPARTMENT OF HEALTH AND HUMAN SERVICES

-AND-

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

-AND-

TASMANIAN DAIRY INDUSTRY AUTHORITY

Table of Contents

1. Definitions	4
2. Objectives	4
3. Cooperation.....	4
4. Nature of Agreement	5
5. Term of Agreement.....	5
6. Schedules	5
<i>Schedule 1</i> – Co-ordination of Food Safety Incident Responses	7
<i>Schedule 2</i> – Ready to Eat Meat.....	12
<i>Schedule 3</i> – Dairy.....	15
<i>Schedule 4</i> – Seafood.....	18

THIS MEMORANDUM OF UNDERSTANDING is made *14th Feb* 2009

BETWEEN:

DEPARTMENT OF PRIMARY INDUSTRIES AND WATER

AND

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

AND

TASMANIAN DAIRY INDUSTRY AUTHORITY

BACKGROUND

- A. Food safety is an important issue for both State and Local Government in Tasmania. It is important to the human health and economic wellbeing of the State.
- B. The Tasmanian Government administratively formed the Tasmanian Food Safety Forum (FSF) in 2003. The FSF presently has members from the Department of Primary Industries and Water, the Department of Health and Human Services, the Local Government Association of Tasmania, Environmental Health Australia and the Tasmanian Dairy Industry Authority.
- C. The FSF's aims are to help secure coherence and consistency among and between food safety regulators. In particular the FSF aims to develop strategies to ensure that food safety regulatory regimes:
 - maintain public health and safety;
 - address omissions in high risk areas;
 - avoid duplication of effort; and
 - are as least burdensome as reasonably possible.
- D. The FSF agreed on 14 February 2007 to develop a Memorandum of Understanding (MOU) between DPIW, DHHS, LGAT and the TDIA to support the above aims.

1. DEFINITIONS

In this Memorandum of Understanding unless the context otherwise requires:

- 1.1 **'DHHS'** means the Department for Health and Human Services, established under the *State Service Act 2000*, including its successors and assigns;
- 1.2 **'DPIW'** means the Department for Primary Industries and Water, established under the *State Service Act 2000*, including its successors and assigns;
- 1.3 **'FSF'** means the Tasmanian Food Safety Forum;
- 1.4 **'LGAT'** means the Local Government Association of Tasmania, established under the *Local Government Act 1993*, its successors and assigns;
- 1.5 **'MOU'** means this Memorandum of Understanding between the Parties and includes the Schedules;
- 1.6 **'Council'** means a council established under the *Local Government Act 1993*.
- 1.7 **'Parties'** means DPIW, DHHS, LGAT and the TDIA, a **'Party'** means any one of the Parties;
- 1.8 **'Schedules'** means the Schedules to the MOU;
- 1.9 **'TDIA'** means the Tasmanian Dairy Industry Authority, established under the *Dairy Industry Act 1994*, its successors and assigns;

2. OBJECTIVES

- 2.1 This MOU will define certain aspects of each Party's role and responsibilities in relation to food safety management.
- 2.2 This MOU sets out the Parties' commitment to the appropriate management of food safety and the Parties' support for each other in achieving this outcome.
- 2.3 This MOU is also intended to describe the manner and extent to which the Parties will work together with the aim of fulfilling their food safety objectives.

3. COOPERATION

- 3.1 The Parties agree to:
 - 3.1.1 support each other in achieving optimal public health outcomes including safe food for all Tasmanians;
 - 3.1.2 reduce administrative duplication between regulatory authorities;
 - 3.1.3 share information and intelligence;
 - 3.1.4 communicate openly and in a timely manner; and
 - 3.1.5 jointly discuss policy and implementation strategies.
- 3.2 LGAT agrees to encourage member Councils to adhere to the principles and actions of the MOU.

4. NATURE OF AGREEMENT

- 4.1 The MOU records the current level of agreement between the Parties and is a record of their intention to cooperate with each other.
- 4.2 The MOU is not intended to be binding on the Parties and does not constitute a legally binding contract which is capable of acceptance.
- 4.3 This MOU places no financial obligation on any Party.
- 4.4 This MOU should not be interpreted or construed to in any way limit the legislative powers of the Parties or constrain the exercise of these powers in any way.
- 4.5 LGAT is a party to this MOU, however, it is not responsible for any regulatory activity. Whilst individual Councils are not Parties to this MOU their anticipated roles, given their statutory responsibilities, are also set out in the MOU and its Schedules.

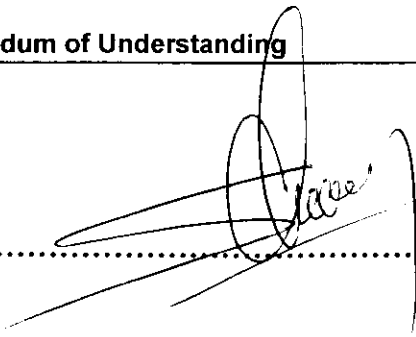
5. TERM OF AGREEMENT

- 5.1 The MOU will come into effect on signature by the Parties.
- 5.2 The MOU will remain in effect until terminated by any Party giving 90 days notice in writing to each of the other Parties of its intention to terminate the MOU.
- 5.3 Mutually acceptable amendments may be effected at any time by an exchange of letters between the Parties.
- 5.4 A review of the MOU will be undertaken every 3 years.

6. SCHEDULES


- 6.1 Schedules may be used to record the agreement of some or all of the Parties in relation to specific food safety issues. It is intended that the use of Schedules will provide flexibility in relation to the development of the MOU into the future.
- 6.2 Schedules can be created at any time and added to the MOU by the agreement of all Parties.
- 6.3 Schedules may be removed from the MOU by any Party to that Schedule giving 90 days notice in writing to each of the other Parties to the MOU. Alternatively, a Party may give 90 days notice in writing to each of the other Parties to the MOU of its intention to withdraw from the Schedule.
- 6.4 The attached Schedules 1 to 4 presently form part of the MOU, subject to clause 6.3 above. Additional schedules will need to be separately signed by the parties before becoming part of the MOU.

SIGNED by the GENERAL)
MANAGER of the)
BIOSECURITY and PRODUCT)
INTEGRITY DIVISION)


.....

DEPARTMENT OF PRIMARY
INDUSTRIES AND WATER

SIGNED by the ACTING)
DIRECTOR OF PUBLIC)
HEALTH)


.....

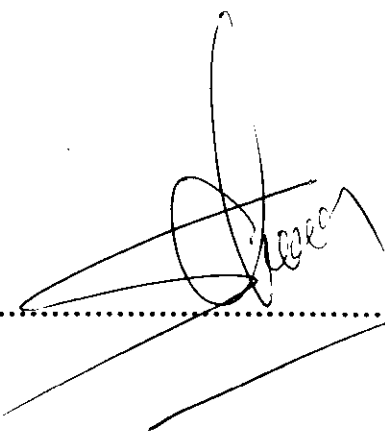
DEPARTMENT OF HEALTH
AND HUMAN SERVICES

SIGNED by the CHIEF)
EXECUTIVE OFFICER)


.....

LOCAL GOVERNMENT)
ASSOCIATION OF)
TASMANIA)

SIGNED by the CHAIRPERSON)
TASMANIAN DAIRY)
INDUSTRY AUTHORITY)


.....

Schedule 1 – Co-ordination of Food Safety Incident Responses

THIS SCHEDULE TO THE MEMORANDUM OF UNDERSTANDING

is made *4th July* 2009

BETWEEN:

DEPARTMENT OF PRIMARY INDUSTRIES AND WATER

AND

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

TASMANIAN DAIRY INDUSTRY AUTHORITY

AND

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

BACKGROUND

- A. The Parties to this schedule have a range of distinct regulatory responsibilities. However, as a result of the food type involved or resourcing requirements, the Parties have in the past cooperatively investigated and managed food safety incidents where necessary.
- B. Whilst joint responses have increased regulatory capacity to manage some food safety incidents, public and industry confidence in regulators can be enhanced by increasing perceived and actual coordination between regulators.

1. DEFINITIONS

‘Food safety incident’ means any situation within the food supply chain where there is a risk, potential risk or perceived risk of illness associated with food for human consumption. The risk may be caused by a microbiological, chemical, radiological, physical or unknown agent. Food incidents can arise at any stage in the food supply chain, including activities at the primary production sector, which have the potential to or are perceived to impact on the safety or suitability of food for human consumption.

‘Incident coordinator’ will be nominated by the Party leading an incident response. That person will be responsible for managing and coordinating the response and ensuring effective communication with the nominated representative of the other Parties.

‘Relevant food safety incident’ means a food safety incident that is being managed by either:

- DHHS and constitutes a significant public health risk and requires the resources and expertise of more than one regulator to manage (e.g. a multi source food borne illness outbreak with numerous members of the public at risk of becoming ill);
- DHHS and whether it constitutes a significant public health risk or not, that has a causal link to a commodity regulated by DPIW or TDIA (e.g. a food safety concern exists in relation to egg products, a check throughout the supply chain may be required to confirm where the product was mishandled before it got to the consumer); or
- DHHS and whether it constitutes a significant public health risk or not, that has a causal link to a business in a municipal area (e.g. a significant public health risk exists in relation to a smallgoods wholesaler in a municipal area, the Council that has been responsible for regulating it would be kept up to date on the progress of the investigation); or
- DPIW, TDIA or a Council and is not a significant public health risk, where DHHS’s resources and expertise may be required. (e.g. a Council may be investigating a breach of the Food Standards Code and may require the technical expertise of a DHHS officer to confirm the breach.)

‘Significant public health risk’ means any event or circumstance which is likely to damage, injure or compromise public health, which includes incidents where members of the community have become sick or are at risk of becoming sick from an exposure to a hazard. However, it would not for example mean the identification of dirty eggs or a primary industry business failing audit in isolation of a significant risk which warrants DHHS assuming management of the incident.

2. OBJECTIVE

This Schedule outlines the responsibility of each agency in an actual or potential food safety incident where a co-ordinated or cooperative response is required.

3. SCOPE

The Schedule applies to a food safety incident as defined above. Risks may include public health, political, legal and economic risks resulting from food borne illness.

4. RESPONSIBILITIES – RELEVANT FOOD SAFETY INCIDENTS

4.1 DHHS:

- will lead and manage a relevant food safety incident that poses a significant public health risk (as determined by DHHS upon notification) ;
- will provide immediate verbal notification, and written advice at its earliest convenience, to the Manager of DPIW’s Food Safety Branch (FSB) of a food safety incident or suspected incident where that food safety incident may have a causal link to those commodities regulated by DPIW;

- will provide immediate verbal notification, and written advice at its earliest convenience to the Manager of the Tasmanian Dairy Industry Authority (TDIA) of a food safety incident or suspected incident that involves a dairy product;
- will provide immediate verbal notification, and written advice at its earliest convenience, to the General Manager of a Council of a food safety incident or suspected incident that may have a causal link to a business located within the Municipal Area. DHHS will actively consult with and involve Council Authorised Officers in any investigation and relevant resultant action;
- may delegate the leadership and management of an incident to the FSB, TDIA or a Council if the incident does not pose a significant public health risk;
- when leading and managing a relevant food safety incident will
 - nominate an incident co-ordinator;
 - provide updates to an officer specified by any other Party or Council involved in management of the incident;
 - consult with any relevant Party or Council prior to the release of media statements;
 - inform any relevant Party or Council as soon as it forms an opinion that a prosecution or other form of enforcement may be necessary unless doing so might compromise the investigation.;
 - provide directions to any relevant Party or Council as to its record keeping and evidence collection requirements to support potential enforcement actions or provide evidence to justify administrative decisions;
 - conduct, as soon as possible, a post-incident debriefing that includes consideration of future preventative actions; and
 - provide a final report.

4.2 DPIW:

- will provide immediate verbal notification, and written advice at its earliest convenience, to DHHS (Director Public Health) of any food safety incident that constitutes, or which it suspects could constitute, a significant public health risk originating in a primary industry sector;
- will support DHHS in the management of an incident that involves or potentially involves the primary industry sector;
- will participate in post-incident debriefings;
- may lead and manage an incident that does not have significant public health risks (as determined by DHHS) but may impact on the primary industry sector;
- when leading and managing a relevant food safety incident will:
 - nominate an incident co-ordinator;
 - inform DHHS as soon as it forms the view that prosecution or other form of enforcement may be necessary;

provide DHHS with directions as to its recording keeping and evidence collection requirements to support potential enforcement actions or to provide evidence to justify administrative decisions;

consult with DHHS prior to the release of media statements;

will inform DHHS of activities and outcomes; and

will review and summarise in report form all incidents it leads.

4.3 TDIA:

- will provide written advice to DHHS (Director Public Health) of any food safety incident that constitutes or it suspects could constitute a significant public health risk originating in dairy produce;
- will support DHHS in the management of an incident that involves or potentially involves dairy produce;
- may lead and manage an incident, that does not have significant public health risks (as determined by DHHS) but may impact on dairy produce;
- when leading and managing a relevant food safety incident will:
 - nominate an incident co-ordinator;
 - inform DHHS as soon as it forms the view that prosecution or other form of enforcement may be necessary;
 - provide DHHS with directions as to its recording keeping and evidence collection requirements to support potential enforcement actions or to provide evidence to justify administrative decisions;
 - consult with DHHS prior to the release of media statements;
 - will inform DHHS of activities and outcomes; and
 - will review and summarise in report form all incidents it leads.

4.4 Councils:

- will provide immediate verbal notification, and written advice as convenient, to DHHS (Director Public Health) of any food safety incident that constitutes or it suspects could constitute a significant public health risk that originates within the Municipal Area;
- will provide local specialist and liaison officers to assist DHHS and other technical and physical resources as available;
- will participate in post-incident de-briefings;
- may lead and manage an incident that does not have significant public health risks (as determined by DHHS) but may impact in the Municipal Area;
- when leading and managing a relevant food safety incident will:
 - nominate an incident co-ordinator (such as the Senior EHO);
 - inform DHHS as soon as it forms the view that prosecution or other form of enforcement may be necessary;

provide DHHS with directions as to its recording keeping and evidence collection requirements to support potential enforcement actions or to provide evidence to justify administrative decisions;

consult with DHHS prior to the release of media statements;

will inform DHHS of activities and outcomes; and

will review and summarise in report form all incidents it leads.

5. DIRECT RELATIONSHIP BETWEEN DPIW, TDIA AND COUNCILS

5.1 DHHS has a central role in managing, leading and co-ordinating joint responses to food safety incidents. However, in some circumstances it is appropriate for DPIW and TDIA to work directly with Councils' authorised officers to manage food safety incidents without the involvement of DHHS. This may occur if the food safety incident, or suspected food safety incident:

- is not a significant public health risk;
- has links to both a primary industry commodity regulated either by DPIW or TDIA and a business regulated by Council. (e.g. illegally slaughtered meat being sold in a butcher shop or restaurant).

5.2 Regulators who agree to undertake joint investigation and enforcement activities will:

- treat all information provided to each other as confidential unless otherwise specified;
- agree upon the objectives and the logistics of a joint and co-ordinated response to maximise the potential for a good regulatory outcome;
- provide each other with directions as to their recording keeping and evidence collection requirements to support potential enforcement actions or to provide evidence to justify administrative decisions;
- inform the other regulator/s as soon as forming the view that a prosecution or other form of enforcement may be necessary; and
- consult with the other regulator/s prior to the release of media statements and release a joint statement where necessary.

Schedule 2 – Expression and Clarification of Regulatory Responsibility – Ready to Eat Meat

THIS SCHEDULE TO THE MEMORANDUM OF UNDERSTANDING

is made

2009

BETWEEN:

DEPARTMENT OF PRIMARY INDUSTRIES AND WATER

AND

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

BACKGROUND

- A. In 2002, the Australia and New Zealand Food Regulation Ministerial Council gave Food Standards Australia New Zealand responsibility to extend its evidence-based standard-setting process to the primary sector. FSANZ, in partnership with other agencies of Australian governments, industry stakeholders and consumer groups have as a result developed a number of Primary Production and Processing (PPP) standards.
- B. The PPP Standard for Meat (Standard 4.2.3) came into force in November 2007. This standard applies to producers of ready-to-eat meat. These producers include butchers and a limited range of other manufacturers that are presently under the regulatory supervision of Local Government.
- C. FSANZ has identified ready-to-eat meat as a high-risk product. The PPP Standard places various requirements on producers including a requirement to have an audited food safety program.
- D. DPIW will require those businesses and premises it currently regulates under the *Meat Hygiene Act 1985* to comply with the PPP Standard for Meat.
- E. Councils presently regulate and are responsible for ensuring retail butchers and a limited range of other manufacturers of ready-to-eat meat are compliant with the PPP Standard for Meat.

1. DEFINITIONS

- 1.1 **'producer of ready-to-eat meat'** means a food business that engages in the –
- (a) making, manufacturing, producing, extracting, processing, preparing, treating, preserving, packing, cooking, thawing or handling of ready-to-eat meat; or
 - (b) handling of ready-to-eat meat for retail sale.
- 1.2 **'handling'** means slicing, shaving or dicing, where it is followed by the packaging of the product in a modified atmosphere package.
- 1.3 **'ready-to-eat meat'** means meat products intended to be consumed without further heating or cooking, and includes –
- (a) cooked or uncooked fermented meat;
 - (b) pâté;
 - (c) dried meat;
 - (d) slow cured meat;
 - (e) luncheon meat;
 - (f) cooked muscle meat including ham and roast beef; and
 - (g) other ready-to-eat meat that is susceptible to the growth of pathogens or the production of toxins.

2. OBJECTIVE

To express and clarify the scope of the Parties' and Councils' regulatory responsibilities in relation to the PPP Standard for Meat and to ensure it is applied to all applicable businesses. It will also express and clarify the regulatory responsibilities of the Parties and Councils in general in relation to ready-to-eat meat.

3. REGULATORY RESPONSIBILITY

- 3.1 DPIW is responsible for the administration and enforcement of the PPP Standard for Meat for business activities licensed under the *Meat Hygiene Act 1985* or the Act soon to replace it.
- 3.2 DPIW is also responsible for businesses undertaking:
- wholesaling;
 - manufacturing; and
 - transport;
- where such activities are based on the same site as business activities that are licensed under the *Meat Hygiene Act 1985*.
- 3.3 Councils through their Authorised Officers will be responsible for the regulation of all other businesses and parts of businesses subject to the PPP Standard for Meat or who deal with ready-to-eat meat including all retailing.
- 3.4 DPIW will provide a list of the businesses it licences under the *Meat Hygiene Act 1985* or replacement primary industry food safety legislation upon request to the other Parties or to a Council for the purpose of clarifying regulatory responsibility.

3.5 Nothing in this Schedule prevents the Parties or Councils from developing more efficient regulatory models at a municipal level or from entering into other collaborative arrangements. However, such arrangements will need to be documented and noted by the Food Safety Forum.

Schedule 3 – Expression and Clarification of Regulatory Responsibility - Dairy

THIS SCHEDULE TO THE MEMORANDUM OF UNDERSTANDING

is made *Hester* July 2009

BETWEEN:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

AND

TASMANIAN DAIRY INDUSTRY AUTHORITY

BACKGROUND

- A. In 2002, the Australia and New Zealand Food Regulation Ministerial Council gave Food Standards Australia New Zealand responsibility to extend its evidence-based standard-setting process to the primary sector. FSANZ, in partnership with other agencies of Australian governments, industry stakeholders and consumer groups have as a result developed a number of Primary Production and Processing (PPP) standards.
- B. The Primary Production and Processing Standard for Dairy Products (Standard 4.2.4) commenced nationally on 5 October 2008. The Tasmanian Dairy Industry Authority (TDIA) has already brought the PPP Standard for Dairy into force for the vast majority of dairy primary producers and processors through the licenses it issues under the *Dairy Industry Act 1994*.
- C. FSANZ has identified dairy as a high-risk product. The PPP Standard for Dairy places various requirements on dairy producers, processor and transporters including a requirement to have an audited food safety program. However, the PPP Standard for Dairy does not apply to retail sales activity.
- D. Food businesses are bound by the *Food Act 2003*. Therefore DHHS and Councils are presently responsible for regulating the production of ice cream which is included in the PPP Standard for Dairy. Ice cream production is presently outside the scope of the *Dairy Industry Act 1994* which governs the activities of the TDIA.
- E. There are also a number of other food businesses that have a dairy primary production, processing or transport element that are regulated by DHHS and Councils under the *Food Act 2003*.

1. DEFINITIONS

1.1 'dairy products' include:

- (a) milk;
- (b) colostrum;
- (c) liquid milk products;
- (d) cream and thickened cream;
- (e) butter, butter concentrate, buttermilk, concentrated buttermilk, dairy blend, ghee, and anhydrous milk fat (butter oil);
- (f) casein, caseinate, and cheese;
- (g) whey, whey cream and concentrated whey cream;
- (h) cultured milk and yoghurt;
- (i) ice-cream and ice-cream mix;
- (j) buttermilk powder, lactose powder, milk sugar, powdered milk, skim milk powder, whey powder, milk protein powder and other milk concentrates; and
- (k) Any other product or class of products declared to be dairy produce under subsection (2) (a) of the *Dairy Industry Act 1994*.

1.2 'dairy primary production' means the production of milk or colostrum for further processing for human consumption and includes keeping, grazing, feeding and milking of animals and the storage of milk on the premises at which the animals were milked.

1.3 'dairy primary production business' means a business, enterprise or activity that involves dairy primary production.

1.4 'dairy processing' includes the manufacture of dairy products.

1.5 'dairy processing business' means a business, enterprise or activity that involves dairy processing.

1.6 'dairy transport business' means a business, enterprise or activity involving the collection and transport of milk from the dairy primary production business or the transport of bulk milk or dairy products between dairy processors.

2. OBJECTIVE

To express and clarify the scope of the Parties' and Councils' regulatory responsibilities in relation to the PPP Standard for Dairy and to ensure it is all applied to all applicable businesses. It will also express and clarify the regulatory responsibilities of the Parties and Councils in general in relation to dairy products.

3. REGULATORY RESPONSIBILITY

3.1 TDIA is responsible for the administration and enforcement of the PPP Standards for Dairy and food safety regulation of businesses licensed under the *Dairy Industry Act 1994*, which include dairy primary production and processing businesses.

- 3.2 TDIA is also responsible for businesses or parts of businesses undertaking:
- dairy transport; and
 - wholesale ice cream manufacture; and
 - wholesale dairy dip or dairy dessert manufacture.
- 3.3 Councils will be responsible for the regulation of all other businesses and parts of businesses subject to the PPP Standard for Dairy or who deal with dairy products including:
- all retailing;
 - ice cream manufacturing for direct retail sale;
 - dairy dips and dairy desserts for direct retail sale;
 - mixing of dairy product with other products to create new products, unless the new product also falls within the definition of a dairy product and is not ice cream or a dairy dip or dairy dessert produced for retail sale (e.g. the mixture of yogurt with fruit or nuts for retail sale by a retailer) ; and
 - the grating of cheese and its repackaging.
- 3.4 TDIA will provide a list of the businesses it licenses under the *Dairy Industry Act 1994* upon request to the other Parties or to a Council for the purpose of clarifying regulatory responsibility.
- 3.6 Nothing in this Schedule prevents the Parties or Councils from developing more efficient regulatory models at a municipal level or from entering into other collaborative arrangements. However, such arrangements will need to be documented and noted by the Food Safety Forum.

Schedule 4 – Expression and Clarification of Regulatory Responsibility - Seafood

THIS SCHEDULE TO THE MEMORANDUM OF UNDERSTANDING

is made *of the* *July* 2009

BETWEEN:

DEPARTMENT OF PRIMARY INDUSTRIES AND WATER

AND

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

BACKGROUND

- A In 2002, the Australia and New Zealand Food Regulation Ministerial Council gave Food Standards Australia New Zealand responsibility to extend its evidence-based standard-setting process to the primary sector. FSANZ, in partnership with other agencies of Australian governments, industry stakeholders and consumer groups have as a result developed a number of Primary Production and Processing (PPP) standards.
- B. The PPP Standard for Seafood (Standard 4.2.1) came into force in May 2007. This Standard sets out food safety and suitability requirements for seafood generally from pre-harvesting production of the seafood up to, but not including, manufacturing operations with the exception of bivalve molluscs. If bivalve molluscs are an ingredient of a manufactured product the Standard also extends to its production.
- C. Under this Standard, a seafood business must identify potential seafood safety hazards and implement controls that are commensurate with the risk. Additionally, this Standard requires primary producers, processors and manufacturers that deal with bivalve molluscs to implement a food safety management system.
- D. DPIW has commenced work with seafood fishermen and growers to obtain compliance with the PPP Standard for Seafood.
- E. Councils are presently responsible for ensuring that processing in a land-based factory setting for domestic sales and transporters are complying with the PPP Standard for Seafood. This includes requiring processors of bivalve molluscs and manufactures of food that contains bivalve molluscs to have an audited food safety management system.

1. DEFINITIONS

- 1.1 **'bivalve molluscs'** include cockles, clams, mussels, oysters, pipis and scallops.
- 1.2 **'manufacturing of seafood'** means the canning, smoking or crumbing of seafood or the addition of other food to seafood and other like activities.
- 1.3 **primary production of seafood** means the –
- (a) growing, cultivation, picking, harvesting, collection or catching of seafood; or
 - (b) growing on of seafood; or
 - (c) transportation or delivery of seafood; or
 - (d) holding of live seafood;
- and includes processing of seafood.
- 1.4 **'processing of seafood'** includes –
- (a) the killing, dismembering, filleting or cutting into portions, gill or gutting, or skinning of seafood; and
 - (b) the depuration of shellfish and crustaceans; and
 - (c) the shucking or peeling of seafood; and
 - (d) the cooking, including steaming or boiling, of crustaceans; and
 - (e) the brining of seafood; and
 - (f) the packing, treating, washing, freezing, refrigeration or storing of seafood; and
 - (g) other similar activities.
- 1.5 **'seafood'** means all aquatic vertebrates and aquatic invertebrates intended for human consumption, but excludes amphibians, mammals, reptiles, and aquatic plants.

2. OBJECTIVE

To express and clarify the scope of the Parties' and Councils' regulatory responsibilities in relation to the PPP Standard for Seafood and to ensure it is all applied to all applicable businesses. It will also express and clarify the regulatory responsibilities of the Parties and Councils in general in relation to seafood.

3. REGULATORY RESPONSIBILITY

- 3.1 DPIW is responsible for the administration and enforcement of the PPP Standard for those parts of seafood businesses undertaking growing, cultivation, picking, harvesting, collection, catching or growing on of seafood and includes the processing of seafood at sea on fishing vessels and the initial packing of bivalve molluscs. It will also be responsible for those activities that may be licensed or regulated under any new primary industry food safety legislation administered by DPIW.
- 3.2 Where a business undertakes the activities in 3.1 in relation to bivalve molluscs, DPIW, subject to an agreement between DPIW and the relevant Council, can also become responsible for the following additional parts of the business:
- further packing and processing of harvested bivalve molluscs, providing no other types of seafood are repacked or processed at such facilities; and

- the transport of harvested bivalve molluscs after further packing and processing, where transport is part of the grower's or fisherman's business and not owned and operated by another business.
- 3.3 Councils will be responsible for the regulation of all other businesses and parts of businesses that handle seafood, including bivalve molluscs. This includes all retailing, processing, wholesaling (including the repacking of bivalve molluscs), storage, manufacturing and transport of seafood.
- 3.4 DPIW will provide a list of the businesses it is presently regulating upon request to the other Parties or to a Council for the purpose of clarifying regulatory responsibility.
- 3.5 Nothing in this Schedule prevents the Parties or Councils from developing more efficient regulatory models at a municipal level or from entering into other collaborative arrangements. However, such arrangements will need to be documented and noted by the Food Safety Forum.