

Primary Produce Safety (Seafood) Regulations 2014

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NATIONAL PRIMARY PRODUCTION AND PROCESSING STANDARDS

Primary Production and Processing (PPP) Standards impose mandatory obligations on producers to control food safety hazards occurring in the primary production phase of the food supply chain – before the produce enters the food retail and service sector.

PPP Standards are set by Food Standards Australia New Zealand (FSANZ) and incorporated into Chapter 4 of the *Australia New Zealand Food Standards Code* (Food Standards Code). There currently exist PPP Standards for ready-to-eat meat, dairy, seed sprouts, eggs, poultry and seafood.

All Australian states and territories are required under a Council of Australian Governments (COAG) agreement to enforce PPP Standards through state legislation. The legislative framework for enforcement of the PPP Standards in Tasmania was somewhat fragmented until new legislation (the *Primary Produce Safety Act 2011*) was passed by Parliament in 2011.

PRIMARY PRODUCTION & PROCESSING STANDARD FOR SEAFOOD (STANDARD 4.2.1)

Tasmania had no dedicated legislation to implement the Seafood PPP Standard (Standard 4.2.1) when it was first introduced to the Food Standards Code in 2006. Therefore as a stop-gap measure (until dedicated legislation was developed) special regulations were introduced to enable Standard 4.2.1 to be administered temporarily by DPIPWE under the *Food Act 2003*.

The interim arrangements operated through a mixture of mechanisms under the *Public Health Act 1997*, the *Food Act 2003* and the *Living Marine Resources Management Act 1995*. Parliament subsequently passed the *Primary Produce Safety Act 2011* (the Act) in 2011 to implement the national PPP Standards in Tasmania. It established a coherent legal framework to govern produce safety and integrity across all sectors of primary industry.

The Act will apply Standard 4.2.1 to the Tasmanian seafood industry; at the industry level via the Seafood Food Safety Scheme (Seafood Scheme) and, at the business enterprise level, via mandatory accreditation for high-risk seafood production.

Accreditation is the internationally recognised mechanism for verifying business compliance with product integrity standards such as Standard 4.2.1. Shellfish producers in other states have been required to hold a statutory accreditation from the time the PPP Standard commenced in 2006.

Standard 4.2.1 aims to reduce the incidence of illness associated with seafood by ensuring that producers and processors of seafood control food safety hazards in accordance with a Government-approved food safety program that is audited regularly.

REGULATORY IMPACT ASSESSMENT

Food Standards Australia New Zealand (FSANZ) carried out a national regulatory impact assessment in relation to Standard 4.2.1. FSANZ determined that mandatory implementation of the Standard by all Australian states and territories would yield an estimated (nationwide) benefit of between \$30 million and \$75 million per year. The final report of the regulatory impact assessment for Standard 4.2.1 is available for download from the FSANZ website.¹

INFORMATION SHEET- PRIMARY PRODUCE SAFETY (SEAFOOD) REGULATIONS 2014

PRIMARY PRODUCE SAFETY ACT 2011

Parliament passed the [Primary Produce Safety Act 2011](#) in 2011 to implement the national PPP Standards in Tasmania. The Act is modelled on corresponding interstate legislation and establishes a consolidated legal framework to govern produce safety and integrity across all sectors of primary industry. The effect of this will be to place the responsibility for managing seafood safety issues in primary production and processing with DPIPW, thereby clarifying roles and responsibilities between the State Government and local councils (who currently have regulatory responsibility under the *Food Act 2003*).

SEAFOOD FOOD SAFETY SCHEME

The Act applies PPP Standards in Tasmania through commodity-specific **food safety schemes**. Part 3 of the Act provides for the making of food safety schemes by regulation. The Seafood Safety Scheme (Seafood Scheme) is made by the *Primary Produce Safety (Seafood) Regulations 2014*.

The form and content of food safety schemes are governed by Part 3 of the Act which sets out the minimum requirements for a food safety scheme. Accordingly, the Seafood Scheme has been drafted from a common scheme template.

The Scheme requires regulated seafood producers (cockles, clams, mussels, oysters, pipis, scallops and abalone harvesters, farmers, transporters and processors) to:

- comply with Standard 4.2.1;
- hold an **accreditation** in order to carry on a business involving the production or processing of seafood; and
- prepare and implement an approved (usually HACCP² based) food safety program which is audited at least once a year (NB: The Act allows audits to be performed by approved private third party auditors).

COMMENCEMENT

The *Primary Produce Safety (Seafood) Regulations 2014* commenced on 1 April 2014.

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¹ <http://www.foodstandards.gov.au/code/proposals/pages/proposalp264/Default.aspx>

² Hazard Analysis & Critical Control Point

