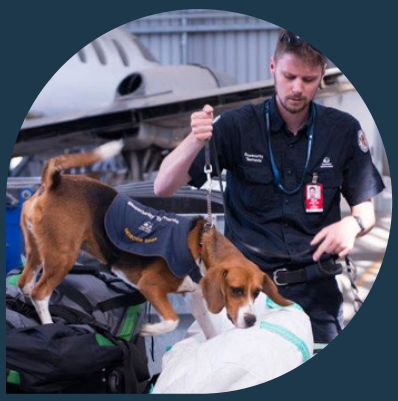

Consultation Summary Report:

Primary Produce Safety (Horticulture Produce) Regulations 2026

Department of
Natural Resources and Environment Tasmania

Tasmanian Government

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Executive Summary

This report provides a summary from stakeholder feedback on the consultation draft of the *Primary Produce Safety (Horticulture Produce) Regulations 2026* for berries, leafy vegetables and melons. It provides further clarification that was sought by stakeholders and outlines features of the revised draft Regulations that are currently open for public comment.

Stakeholders support implementation of the Food Standards Australia New Zealand (FSANZ), Primary Production and Processing Standards but raised the need for a tiered arrangement to minimise the administrative and financial burden on current and new entrants; exemptions based on scale; and the support for food safety outcomes through education in addition to regulation.

Stakeholder feedback also included:

- formal recognition of Global Food Safety Initiative (GFSI) scheme certification to avoid duplication;
- lack of evidence provided to support food safety risk from small scale Tasmanian producers;
- the unintended consequences of the regulations on agri-tourism and regional community culture/food security in remote regions;
- the need for clarification of scope and certain terms used in the regulations;
- privacy safeguards for any public register; and
- the timing of the initial consultation period (peak growing period, lead up to Christmas) not being conducive for the sector to provide feedback.

The Tasmanian Government commitments made during the Phase 1 consultations have been retained, including:

  - berry producers solely producing berries are only required to notify Biosecurity Tasmania at no cost, regardless of size and scale
  - a tiered accreditation and fee model with scale-based categories designed to accommodate growers presented for feedback
  - expanded detail on recognition of GFSI-benchmarked schemes for leafy vegetable and melon growers
  - a 12-month transition period following implementation, focusing on education to facilitate compliance with the Primary Production and Processing (PPP) Standards
  - waiving of initial application fees for current producers applying for accreditation within 3-4 months of implementation of the regulations.

Public Consultation

Consultation Process

Public consultation was conducted over a 6-week period from 30 October – 19 December 2025. Feedback was invited on the proposed draft Primary Produce Safety (Horticulture Produce) Regulations. The Regulations will implement national Primary Production and Processing (PPP) Standards for berries, leafy vegetables and melons in Tasmania.

Stakeholders were invited to submit their feedback either to the questions raised in the Explanatory Paper using the on-line form, by email or mail. This approach enabled Biosecurity Tasmania to seek input on specific areas of interest and ensure other concerns and recommendations from stakeholders could be heard and considered during the development of the Regulations.

Unless advised otherwise all submissions received were treated as public information. If submitters indicated that they wished all or part of their submission to be treated as confidential, this was taken into account in determining whether or not to publish the submission.

Consultation Summary

Statistics

Of the submissions received during public consultation:

- 18 were general enquiries from the public and small producers; and
- approximately 300 submissions were received from small-scale producers, state and national peak bodies, Councils and organisations (some of which were replicated by individuals).

All the submissions were analysed and considered during the preparation of this report and of the revised Regulations. Feedback was received from participants across the horticultural community impacted by the new PPP Standards, particularly small-scale producers, community-based organisations, market gardeners, roadside stall holders as well as industry, peak bodies and local government. Statewide representation and submissions were received, including a number from King and Flinders Islands, and other remote communities. Several responses also came from interstate individuals and national peak bodies.

Key Themes

The following summarises the main themes that were raised by participants in the submissions. Responses offered by Biosecurity Tasmania are provided in Table 1.

Table 1. Key themes raised by stakeholders from feedback submitted during public consultation.

Theme	Concerns Raised in Feedback	Biosecurity Tasmania Response
1. Tiered, risk-proportionate regulations with micro-producer exemptions	One-size-fits-all accreditation/audit will disproportionately burden small and micro producers perceived to be low-risk and have short supply chains (e.g. farmgate, markets, roadside stalls).	Biosecurity Tasmania remains committed to a tiered accreditation and fee model (refer to Table 2 for further details). Revised regulations, along with supporting documentation explaining the tiered model, have been released for public consultation. This includes a notification-only pathway with reduced regulatory requirements for small leafy vegetable and melon producers as well as all berry producers, while still ensuring compliance with the Primary Production and Processing (PPP) Standards. It also includes an accreditation pathway with scale-based categories designed to accommodate medium to large producers.
2. Formal recognition of GFSI-benchmarked schemes	Regulatory duplication and double-auditing for businesses already certified to schemes such as Freshcare; risk of extra cost with no added safety.	Biosecurity Tasmania remains committed to GFSI scheme recognition, and certification under these schemes (e.g. Freshcare) will be accepted as an equivalent pathway to regulatory compliance. Where a business maintains certification to a recognised scheme that meets the PPP Standards and provides appropriate evidence to the regulator, no additional regulatory audit will be required.
3. Fees and funding model	High proposed fees (e.g. $668.50 application; annual $334.25–$1,432.50 at $1.91/unit) and FTE-based scaling are seen as unfit for seasonal	Biosecurity Tasmania has reviewed the fee structure and considered alternative, equivalent categories (such as cultivated area) to account for seasonal fluctuations commonly observed in the horticulture sector.

	operations; cumulative burden for multi-scheme accreditations. Without tiering for many micro growers, fees exceed annual revenue from these crops.	Further detail is provided in Schedule 1 of Primary Produce Safety (Horticulture Produce) Regulations. Mixed-enterprise sites will benefit from a single administrative interface with consolidated fees. The notification-only component of the tiered arrangement will minimise regulatory requirements, such as annual fees and audits, for very small producers. Leafy vegetable and melon producers will still be required to prepare a Food Safety Management Statement (referred to as a Food Safety Program in the Regulations) to demonstrate compliance with the PPP Standards.
4. Impact on Community, Culture, Agri-Tourism and Food Security	Risk to community food systems, local resilience, fundraising, school garden programs, and tourism value of farm-gate/roadside stalls; disproportionate harm in remote/island communities where local produce is vital for food security.	The tiered arrangement (Notification only category) will ensure that very small producers are not subject to full regulatory requirements. Biosecurity Tasmania recognises the importance of implementing the Standards and Regulations in a way that avoids unintended consequences, including: • discouraging community engagement or Tasmania's strong culture of purchasing produce at local markets, on-farm outlets, and roadside stalls, as well as the consumption of fresh, locally grown berries, leafy vegetables and melons • stifling the ability of home gardeners to sell surplus produce • negatively impacting tourism by reducing the availability of fresh local produce.
5. Audits and auditor framework	Annual audits for all accredited producers are seen as costly and impractical; submissions questioned whether auditors had competency for micro/low-tech systems.	Consistent with other Tasmanian Primary Produce Safety Regulations, production activities that require notification only to the regulator will not be subject to routine food safety regulatory audits. However, these

		businesses may be subject to periodic inspections conducted by Biosecurity Tasmania authorised officers. For recognised GFSI-benchmarked schemes, Biosecurity Tasmania will accept audits conducted by approved certification bodies. Audit reports from these schemes will be reviewed by the regulator, and Biosecurity Tasmania may undertake additional audits or inspections of these premises where necessary. Audits of other businesses will be undertaken by third party auditors approved under the *Primary Produce Safety Act 2011*.
6. Definitions and scope (business, supply, home horticulture, processing, nursery stock)	Further clarity of definitions requested. For example: • exclusion of “freezing” in processing • clarification on “germination or growth” • definition of “business”, “supply”, “persons engaged” • risk of capturing nursery stock and non-commercial exchanges (gifting/barter).	Regulation 6(f) has been amended to germination of seed sprouts only to remove confusion for suppliers of germinated seed stock for nurseries and similar who do not germinate seeds directly for human consumption. Refer to Table 2 for further clarification on other terms.
7. Multi-commodity producers	Mixed farms (e.g. leafy vegetable and berry production on a single farm) fear multiple accreditations/duplication of paperwork, audits and fees.	Where a business undertakes activities covered by multiple food safety schemes, Biosecurity Tasmania will provide a single accreditation and require one third-party audit to minimise regulatory duplication. In the instance where a business is undertaking leafy vegetable and berries production, the focus of the accreditation will be on leafy vegetable activity. This approach reduces administrative burden and costs for businesses while supporting a streamlined and efficient regulatory framework.
8. Traceability, privacy and public registers	Proposed public register and traceability expectations could compromise privacy/safety, especially for home-based or vulnerable sellers;	Biosecurity Tasmania acknowledges stakeholder concerns that a proposed public register and traceability requirements may raise

	uncertainty about whether end-consumer identities must be recorded.	privacy and safety risks, particularly for home-based or vulnerable producers. Any public register will be designed with appropriate privacy safeguards and will publish only minimal business identifiers. Sensitive information, such as precise residential addresses and personal contact details of home-based producers, will not be made publicly available, consistent with the *Personal Information Protection Act 2004*. These details may be made available by written request, on a case-by-case basis at the discretion of the Chief Inspector of Primary Produce Safety. Traceability requirements are designed to support food safety outcomes (e.g. facilitating product recalls).
9. Evidence and justification for regulation	Stakeholders question the need for regulation, noting that outbreaks cited by Food Standards Australia New Zealand (FSANZ) are mostly linked to large operations or imports rather than Tasmanian micro growers, and request Tasmania-specific evidence and risk assessment.	Australia operates under a national food regulatory system with all states and territories obligated to adopt and enforce the national food safety standards. Tasmania-specific outbreak data is limited. As a result, reliance on national and international evidence is necessary to inform a consistent and precautionary regulatory approach. Biosecurity Tasmania's proposed tiered framework: • applies reduced regulatory requirements (e.g. notification-only pathways) for very small producers • adopts proportionate traceability and compliance expectations • refines the imposition of regulatory burden
10. Implementation approach and consultation	Consultation period was seen as short and poorly timed (peak growing/holiday period); uncertainty	Biosecurity Tasmania remains committed to delivering a transparent and genuine consultation process.

	has been raised about rollout timelines and transitional arrangements.	The revised draft Regulations have been prepared and released for public comment, and implementation timelines have been adjusted to allow sufficient opportunity for consultation and feedback. Biosecurity Tasmania remains committed to a 12-month transition period following implementation of the new regulations, with a strong focus on education to support industry participants in achieving compliance with the PPP Standards.
11. Education support, tools and capacity building	Concern that without practical guidance, templates and training, compliance will devolve into paperwork that doesn't improve safety, especially for micro-operators and those with low literacy.	Biosecurity Tasmania is committed to leveraging both regulatory and non-regulatory measures, including guidance material and fact sheets to support compliance with the Primary Production and Processing Standards. Biosecurity Tasmania will publish plain-English guidance materials, tailored from nationally developed resources to assist producers in managing potential food safety risks and understanding their regulatory responsibilities. Examples of these national resources were made available on the consultation webpage during the 2025 consultation phase. Biosecurity Tasmania will continue to collaborate with industry representatives to support the implementation of the Regulations.
12. Scope: 'ready-to-eat' focus and on-farm practice guidance	Desire to confine rules to produce intended to be eaten raw; concern about burdens on sellers of unwashed/not-RTE items	The scope of commodities and activities regulated under the draft Regulations is consistent with those set out in the PPP Standards.

Clarifications Requested in Submissions

Table 2. Key clarifications that were sought during the Phase 1 public consultation.

Clarifications Sought	**Biosecurity Tasmania Response**
The development of the tiered framework, including the obligations applicable to each tier.	The following categories have been proposed by Biosecurity Tasmania: **Home Horticulture Activity** – non-commercial purpose • Option to notify Biosecurity Tasmania if the producer wishes to obtain food safety advice • Refers to berries, leafy vegetable or melon production or processing for a non-commercial purpose • Home horticulture activity in the regulations is defined as horticulture produce production or horticulture produce processing for a non-commercial purpose. It does not include the supply of horticulture produce to a horticulture produce business, food business, at a market or by way of retail or wholesale. **Notification Category** – unaccredited producers with < 1 ha cultivation area *Food Safety Management Statement (referred to in the regulations as a Food Safety Program) required for leafy vegetable and melons | no fees | no regulatory food safety audits | no accreditation required* • Required to notify Biosecurity Tasmania of business details and activities • Businesses producing only berries (including GFSI certified businesses), irrespective of size or scale. • Leafy vegetables and melons producers with a cultivation area of less than 1 hectare • Periodic inspections conducted by Biosecurity Tasmania authorised officers **Accredited Producer: Category 1** – leafy vegetables and melons producers with 1 – 5 ha cultivated area *Food Safety Program required | lowest category accreditation fees | regulatory food safety audits required* • Classified under the lowest level of accreditation, with associated annual fees • Annual food safety audits to be conducted by approved third-party auditors • Producers certified under a GFSI-benchmarked scheme should refer to the additional note below on GFSI-certified businesses of leafy vegetables and melons

	• Applicable fee is set out in Schedule 1 of the Regulations **<u>Accredited Producer: Category 2</u>** – leafy vegetables and melons producers with > 5 ha cultivation area *Food Safety Program required* | *full accreditation fees* | *regulatory food safety audits required* • Full accreditation applies, with associated ongoing annual fees • Annual food safety audits to be conducted by approved third-party auditors • Producers holding certification under a GFSI-benchmarked scheme should refer to the additional note below on GFSI-certified businesses of leafy vegetables and melons • Applicable fee is set out in Schedule 1 of the Regulations **<u>Note:</u>** GFSI-certified businesses of leafy vegetables and melons only *Recognition of certification body Food Safety Program and food safety audits* • Businesses must provide annual evidence of GFSI certification to the regulator • No additional Food Safety Program is required for GFSI-certified businesses; food safety programs compliant with recognised GFSI-benchmarked schemes will be accepted as approved programs under the Regulations • No additional regulatory audits are required where certification body audits are satisfactory; audits conducted by auditors approved under International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17065-accredited certification bodies will be recognised as regulatory food safety audits • Exemption from an initial accreditation audit where the latest food safety audit is submitted with the application. **Fee scale** Applicable fees are set out in Schedule 1 of the Regulations.

Accreditation Application Fee

These fees will be waived for current producers applying for accreditation within the initial 3-4 months after implementation of the regulations.

Category	Fee units
Application for Accreditation	350
Application for Variation of Accreditation	250-300
Application for Transfer of Accreditation	300

Annual Fee

Applicable fees are set out in Schedule 1 of the Regulations.

Category	Description	Annual Fee*
Accredited producer – Category 1	Leafy vegetables and melons producers 1-5 ha	Small category - 175 fee units
Accredited producer – Category 2	Leafy vegetables and melons producers >5 ha	Medium category - 350 fee units Large category - 750 fee units
GFSI-certified business	Leafy vegetables and melons only	Small, medium and large categories based on cultivated area or FTE

* Fee amounts are based on a fee unit of $1.96 (FY 2026/27)

The recognition pathway for GFSI certification under the Regulations	GFSI-certified businesses that provide evidence of certification at initial accreditation and through ongoing annual returns will be deemed compliant and will not be required to implement an additional Food Safety Program or undergo additional regulatory audits under the Regulations. Accreditation for leafy vegetable or melon businesses or notification for berry businesses will still be required. Businesses will be required to provide the regulator with access to audit reports and corrective actions, and Biosecurity Tasmania authorised officers may undertake site visits where necessary.

How will interstate businesses certified to SC52 be treated when supplying Tasmanian markets?	Regulation 43(2)(b)(ii) provides conditions under which horticultural produce from other Australian jurisdictions is considered lawfully produced. Where a GFSI-benchmarked scheme is recognised as compliant with the PPP Standards in the originating jurisdiction, the produce will be deemed to have been lawfully produced under these Regulations.
• What is defined as 'small producer'? • Are community gardens, neighbourhood houses, Men's Sheds, school kitchen gardens and charity/fundraising sales within scope of the regulations?	The tiered arrangement detailed in Table 2 is provided to enable regulations to be proportionately applied to producers who are supplying horticultural produce - home horticulture activity refers to production and processing for non-commercial supply while notification and accreditation categories accommodate all other supply**.**
• What activities qualify as home horticulture vs a business. • publish plain-English guidance with examples for business vs hobby and supply boundaries • clarify swaps and donations	Regulation 4 describes the meaning of home horticulture activity and further clarification is provided in Table 2. Home horticulture does not include for example supply through occasional farm-gate, markets or roadside stalls. Producers should refer to the cultivation area to determine what category and regulatory requirements apply to their operations. The interpretation of horticulture produce business is provided in Regulation 3. Furthermore, under the *Primary Produce Safety Act 2011*: ***supplier*** means any person who engages in the supply of primary produce and may include a producer; ***supply*** includes the following: • deliver, sell, trade, give or distribute, whether for valuable consideration or not; • offer or agree to supply; • cause or permit to supply; • hold in possession for the purpose of supply; • produce or pack for the purpose of supply; Swaps and donations constitute supply of primary produce and are subject to the Regulations. However, the tiered arrangement reduces regulatory requirements placed on small producers who swap or donate their excess produce.
• standardise definitions to mirror FSANZ PPP Standards.	The regulations adopt the PPP Standards for Berries, Leafy Vegetables and Melons.
• Align definitions precisely to PPP Standard 4.2.7–4.2.9: remove "freezing" and "germination" from regulations	From s5(1)(c) of the *Primary Produce Safety Act 2011*: ***primary production activity*** means the production and processing of primary produce and includes the following:

	(c) the treating, freezing, packing, refrigeration, storage or washing of primary produce on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught, or on premises that are associated with those premises. As the current Regulations are subordinate to the Act, freezing is also considered a primary production activity under Tasmanian legislation.
What are the obligations for businesses requiring audits? e.g. Do these approved auditors have the skills to assess small scale production systems?	Audits of accredited producers must be arranged by the business using third-party auditors approved by the regulator to conduct food safety audits. A list of approved auditors will be made available. Businesses should discuss fees and payment arrangements directly with auditors, as services and costs may vary. For businesses participating in GFSI schemes, certification body audits will be accepted as regulatory food safety audits.
Requirement to prepare and implement a food safety program	A Food Safety Management Statement (FSMS) or Food Safety Program (FSP) provide details on how the activities of a business comply with the PPP Standards. Templates to assist producers will be available. However, businesses should tailor these documents to suit their specific activities and operations.
Will one accreditation/Food Safety Program cover multiple commodities? How will multi scheme (mixed cropping systems) accreditations work?	A single FSMS or FSP may be used by a producer to cover multiple primary production activities.
How are fees calculated including for mixed enterprises?	Fees are based on the cultivated area for leafy vegetable and melon growers or full-time equivalent (FTE) where only processing occurs (e.g. pack house) or additional primary production activities are undertaken by a different set of food handlers. For complex business arrangements, please contact Biosecurity Tasmania for further assistance.
What are timelines for regulations to be implemented and enforced?	Feedback received during Phase 2 public consultation will be used by Biosecurity Tasmania to develop the final regulations. Implementation of the Regulations is currently planned for Quarter 4 of 2026.
What support will be available for businesses including during the transition? e.g. can practical, scale-appropriate guidance on irrigation water, compost/manure safety, seed inputs, rules for pick-your-own be made available?	Biosecurity Tasmania will continue to collaborate with industry to support businesses during the implementation of the Regulations. Nationally produced resources are available on the consultation webpage and as additional documents are prepared, these will be shared with industry.

How will ready to eat vs not ready to eat produce be treated (including labelling)?	The regulations adopt PPP Standards 4.2.7 – 4.2.9 for Berries, Leafy Vegetables and Melons respectively. The relevant FSANZ Proposal P1052 recommended the national implementation of the above Standards. The Standards apply only to primary production and early-stage (minimal) processing of the commodities, and do not extend to manufactured products (e.g. jams) or food service businesses. • **Berries** are defined in the standard as fresh berries and includes berries such as strawberries, blueberries and berries from the genus Rubus. Examples of berries included are, but not limited to those listed and raspberries, blackberries, boysenberry, loganberry, silvanberry and youngberry. • **Leafy vegetables** have been defined in the standard as vegetables of a leafy nature where the leaf is consumed raw; and includes baby leaves, lettuce, and leafy herbs; and does not include seed sprouts (covered in Standard 4.2.6). Examples of leafy vegetables include but are not limited to all lettuces (iceberg (crisphead), rocket, romaine (cos), red leaf, butterhead, endive, oak leaf, watercress, raddachio, baby leaf, battavia, all other loose-leaf lettuces), kale, chicory, watercress, swiss chard, Asian leafy greens (e.g. bok choy), all leafy herbs consumed raw (e.g. parsley, basil, coriander, dill, fennel leaves, mint, thyme, rosemary, oregano, marjoram, chives), spring onions, microgreens, spinach leaves, silverbeet and cabbage. Examples of vegetables that are not considered leafy vegetables include broccoli, broccolini, cauliflower, asparagus, artichoke, root and tuber vegetables, bulb vegetables, brussel sprouts, kohlrabi, cucumbers, peppers, eggplant, rhubarb, squash, celery and leek. • **Melons** have been defined in the standard as fresh melons and includes watermelon, rockmelon, honeydew melon and piel de sapo. Examples of melons include, but are not limited to, those listed above and galia melon, charentais melon, Korean melon, hami melon.

Submissions Received

This information is provided on the consultation webpage.

Next Steps

Timelines

June – July 2026	Phase 2 consultation on the revised draft Regulations
August – September 2026	Finalisation of the *Primary Produce Safety (Horticulture Produce) Regulations 2026*
October 2026	Implementation of the new Regulations and commencement of the 12-month transition period
October 2027	Enforcement under new Regulations commences

How to get involved

Visit the consultation webpage to be informed when feedback is sought on the revised regulations or contact Biosecurity Tasmania by email at product.integrity@tas.gov.au

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