

Food Regulation 2025

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New South Wales

Status Information

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2030

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Food Regulation 2025



New South Wales

Part 1 Preliminary

1 Name of regulation

This regulation is the *Food Regulation 2025*.

2 Commencement

This regulation commences as follows—

- (a) for Schedule 9[1] and [2]—on 1 March 2026,
- (b) for Schedule 9[3]–[11]—on 12 February 2026,
- (c) otherwise—on 1 September 2025.

Note—

This regulation replaces the *Food Regulation 2015*, which is repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

The dictionary in Schedule 10 defines words used in this regulation.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Enforcement agencies

- (1) For the Act, section 4(1), definition of **enforcement agency**, paragraph (c), the Lord Howe Island Board constituted by the *Lord Howe Island Act 1953* is prescribed for Lord Howe Island.
- (2) For the Act, sections 93, 95 and 100, the Food Authority is prescribed as the appropriate enforcement agency.
- (3) For the Act, section 100, if a local council is appointed as an enforcement agency under the Act, Part 9, Division 2, the local council is prescribed as the appropriate

enforcement agency for the area for which the council is appointed as an enforcement agency.

- (4) For the Act, section 100, the Secretary of the Department of Climate Change, Energy, the Environment and Water is the appropriate enforcement agency for Kosciuszko National Park.
- (5) To avoid doubt, if more than one appropriate enforcement agency is prescribed for the Act, section 100, the proprietor of a food business may give notice under the Act, section 100 to any appropriate enforcement agency.

5 AUS-MEAT manual

For the Act, section 23B(5), definition of **AUS-MEAT manual**, the *AUS-MEAT Domestic Retail Beef Register*, Edition 4—Version 1, published by AUS-MEAT Limited (ACN 082 528 881) in May 2019 is prescribed as a replacement document.

6 Modification of Food Standards Code—the Act, s 141

- (1) A reference in the Food Standards Code—
 - (a) to the relevant authority is to be read as a reference to the Food Authority, and
 - (b) to the Act is to be read as a reference to the [Food Act 2003](#), and
 - (c) to the appropriate enforcement agency is to be read as a reference to the Food Authority, and
 - (d) to demonstrate is to be read as a reference to demonstrate to the satisfaction of the Food Authority.
- (2) The Food Standards Code, Standard 3.2.2, clause 4, is modified by inserting after subclause (3) the following subclause—
 - (4) Subclause (1) does not apply to a food business in relation to food handling operations for fundraising events which are events—
 - (a) with the purpose of raising funds solely for community or charitable causes and not for personal financial gain; and
 - (b) at which all the food sold is not potentially hazardous or is intended to be consumed immediately after thorough cooking.

Note—

Other modifications of the Food Standards Code that relate to a particular food safety scheme are contained in the part of this regulation that establishes the scheme.

7 Notification of food handling operations—the Act, s 139(1)(d)

The proprietor of a food business must give written notice under the Act, section 100(1) of the information specified in the Food Standards Code, Standard 3.2.2, clause 4—

- (a) in hard copy, or
- (b) electronically.

Part 2 Food safety supervisors

Division 1 Food safety supervisor certificates

8 Definition

In this part—

required units of competency—see section 11(1)(a).

9 Modification of Food Standards Code

- (1) For the Act, section 141(1), the Food Standards Code, Standard 3.2.2A is modified as follows—
 - (a) by omitting the definitions of ***food safety supervisor*** and ***food safety supervisor certificate*** from section 3.2.2A—2,
 - (b) by omitting “, 3.2.2A—11” from section 3.2.2A—8,
 - (c) by omitting “sections 3.2.2A—10 and 3.2.2A—11” from section 3.2.2A—9 and inserting instead “section 3.2.2A—10”,
 - (d) by omitting section 3.2.2A—11.
- (2) The Food Standards Code, Standard 3.2.2A is modified by omitting section 3.2.2A—3(2) and inserting instead—

(2) This Standard does not apply to the following—

- (a) food businesses licensed under the Act,
- (b) the handling or sale of food for the purposes of raising funds solely for community or charitable causes.

10 Food Authority may issue food safety supervisor certificates—the Act, s 106B(3)

The Food Authority is prescribed as a body that may issue a food safety supervisor certificate.

11 Qualifications for issue of food safety supervisor certificate—the Act, s 106B(4) and (5)

- (1) The Food Authority may, for the purposes of determining the qualifications a person must have to be issued with a food safety supervisor certificate, determine the following—
 - (a) the units of competency (the **required units of competency**) that a person must attain,
 - (b) the way in which a person must attain the required units of competency.
- (2) The Food Authority must publish its determinations under subsection (1)(a) or (b) on the Authority's website.
- (3) The Food Authority may, at any time after making a determination under subsection (1)(a) or (b)—
 - (a) amend the determination, or
 - (b) replace the determination with a new determination.
- (4) If the Food Authority amends or replaces a determination, the amendment or replacement does not affect required units of competency attained in accordance with a determination of the Food Authority that was in effect when the units were attained.

12 Issue of food safety supervisor certificates by approved training organisations—the Act, s 106B(4)

An approved training organisation may issue a food safety supervisor certificate to a person if the organisation is satisfied—

- (a) the person has attained the required units of competency in accordance with any determination of the Food Authority under section 11(1)(b) in effect at the time the person attained the required units of competency—
- (b) the person attained the required units of competency—
 - (i) from the organisation, and
 - (ii) within the period of 6 months immediately before the day the organisation issues the certificate, and
 - (iii) when the organisation was an approved training organisation.

13 Issue of food safety supervisor certificates by Food Authority—the Act, s 106B(4)

The Food Authority may issue a food safety supervisor certificate to a person if the Authority is satisfied—

- (a) the person has attained the required units of competency in accordance with any

determination of the Food Authority under section 11(1)(b) in effect at the time the person attained the required units of competency, and

- (b) the person attained the required units of competency within the period of 6 months immediately before the day the person applied to the Food Authority for the certificate, and
- (c) the certificate could not be issued by an approved training organisation because—
 - (i) the entity from which the person attained the required units of competency was not an approved training organisation when the units were attained, or
 - (ii) the entity from which the person attained the required units of competency was an approved training organisation at the time the person attained the units, but at the time of the application—
 - (A) the entity has ceased to exist, or
 - (B) the entity's approval as an approved training organisation has been suspended or revoked.

14 Form of food safety supervisor certificate—the Act, s 106B(4)

A food safety supervisor certificate must—

- (a) be issued in the form approved by the Food Authority, and
- (b) include an identifying number assigned by the Food Authority.

15 Charges for issue of food safety supervisor certificates—the Act, s 106I

- (1) An approved training organisation must pay a charge of \$30 to the Food Authority for the issue of a food safety supervisor certificate by the organisation.
- (2) The Food Authority or an approved training organisation may impose a fee or charge of not more than \$30 for the issue of a food safety supervisor certificate to a person.

Division 2 Approval of registered training organisations to issue food safety supervisor certificates—the Act, s 106H

16 Definition

In this division—

approval means an approval of a registered training organisation as an approved training organisation granted by the Food Authority under the Act, section 106H in accordance with this division.

17 Approval of registered training organisations to issue food safety supervisor

certificates—the Act, s 106H(2) and (3)

- (1) A registered training organisation may apply to the Food Authority for approval under the Act, section 106H as an approved training organisation for the purposes of issuing food safety supervisor certificates.
- (2) The application must be—
 - (a) in the approved form, and
 - (b) accompanied by—
 - (i) the information required by the Food Authority to decide the application, and
 - (ii) an application fee of \$100, and
 - (iii) an approval fee of \$1,200.
- (3) The Food Authority may decide the application by—
 - (a) granting the application, with or without conditions, or
 - (b) refusing the application.
- (4) If the Food Authority grants the application, the Authority must issue the applicant with a written approval setting out any conditions to which the approval is subject.
- (5) If the Food Authority refuses the application, the Authority must—
 - (a) give written notice of the refusal to the applicant setting out the reasons for the refusal, and
 - (b) refund to the applicant the approval fee lodged with the application.
- (6) This section applies to an application for renewal of an approval under the Act, section 106H in the same way as it applies to an application for an approval.
- (7) No application fee is payable in relation to an application for renewal of an approval.
- (8) A registered training organisation must not conduct training and assessment for the issue of a food safety supervisor certificate unless the organisation is an approved training organisation.
- (9) In this section—

registered training organisation means a registered training organisation within the meaning of the [National Vocational Education and Training Regulator Act 2011](#) of the Commonwealth.

18 Duration and renewal of approval—the Act, s 106H

- (1) An approval remains in force for 12 months from the date on which the approval is granted, unless sooner cancelled.
- (2) An approval may be renewed in accordance with this division.
- (3) An approval does not have effect while the approval is suspended.

19 Additional conditions of approval to issue food safety supervisor certificates—the Act, s 106H(3)(c)

- (1) It is a condition of an approval that the approved training organisation must ensure an individual does not carry out training and assessment on the organisation's behalf for the issue of a food safety supervisor certificate unless the Food Authority has given the organisation written approval for the individual to carry out the training and assessment.
- (2) For the purposes of the condition imposed under subsection (1)—
 - (a) the Food Authority must not approve an individual to carry out training and assessment on behalf of the approved training organisation unless the Authority is satisfied the individual meets the requirements of the Standards for Registered Training Organisations made under the [National Vocational Education and Training Regulator Act 2011](#) of the Commonwealth, and
 - (b) the approved training organisation must—
 - (i) give, in the approved form, the Food Authority any documents or information required by the Authority to determine whether to approve the individual to carry out training and assessment on the organisation's behalf, and
 - (ii) obtain the consent of the individual to give the documents or information to the Food Authority.

20 Variation, suspension and revocation of approvals—106H(2) and (3)(e)

- (1) The Food Authority may—
 - (a) vary a condition imposed by the Authority on an approval, or
 - (b) impose a condition on an approval, or
 - (c) suspend or revoke an approval.
- (2) Before taking an action under subsection (1), the Food Authority must give the approved training organisation to whom the approval applies written notice (a **notice of intention**) setting out—
 - (a) details of the action the Authority is proposing to take, and

- (b) the reasons for the proposed action.
- (3) The notice of intention must include a statement that the approved training organisation may make submissions to the Food Authority in relation to the proposed action within 14 days after the date the notice of intention is given to the organisation (the **submission period**).
- (4) Subsections (2) and (3) do not apply in relation to—
 - (a) the variation or imposition of a condition that is made at the request of the approved training organisation, or
 - (b) the revocation of an approval that is made at the request of the approved training organisation.
- (5) After considering any submissions made by the approved training organisation within the submission period, the Food Authority must decide whether to take the proposed action.
- (6) If the Food Authority decides to take the proposed action, the Authority must serve written notice (an **action notice**) on the approved training organisation setting out the following—
 - (a) for the variation of a condition of the approval—the condition as varied,
 - (b) for the imposition a condition on the approval—the condition imposed,
 - (c) for the suspension of the approval—the period for which the approval is suspended,
 - (d) for a revocation of the approval—that the approval has been revoked,
 - (e) the reasons for the variation, imposition, suspension or revocation.
- (7) The variation or imposition of a condition, or the suspension or revocation of an approval, under this section takes effect on—
 - (a) the day on which the action notice is served on the approved training organisation, or
 - (b) a later day specified in the action notice.

Division 3 Miscellaneous

21 Meaning of “prepackaged food”

- (1) For the Act, section 106A(c), food is prepackaged if the food—
 - (a) arrives at the premises from which it is to be sold in a container or wrapper in or by which the food is wholly encased, enclosed, contained or packaged, whether or

not the food is also in an outer container or wrapper, and

(b) is not removed from the food's container or wrapper, other than an outer container or wrapper, before the food is sold at the premises.

(2) In this section—

outer container or wrapper means a container or wrapper that encases, encloses, contains or packages multiple units of the food.

22 Exemptions from the Act, Part 8, Division 3

For the Act, section 106J(1), the following are exempt from the operation of the Act, Part 8, Division 3—

- (a) food businesses licensed under the Act,
- (b) the handling or sale of food for the purposes of raising funds solely for community or charitable causes.

Part 3 Requirements for display of nutritional information

23 Definitions

In this part—

convenience store does not include a supermarket.

nutrition information panel means a nutrition information panel that complies with the requirements for nutrition information panels in the Food Standards Code, Standard 1.2.8, Division 2.

supermarket means premises in which more than 1,000m² of floor area is used for the retail sale of grocery items, including all the following items—

- (a) bread,
- (b) breakfast cereal,
- (c) butter,
- (d) eggs,
- (e) flour,
- (f) fresh fruit and vegetables,
- (g) fresh milk,
- (h) meat,

- (i) rice,
- (j) sugar,
- (k) packaged food other than food referred to in paragraphs (a)–(j).

24 Meaning of “prepackaged food”

- (1) For the Act, section 106L(4), food is prepackaged if the food—
 - (a) arrives at the premises from which it is to be sold in a container or wrapper in or by which the food is wholly encased, enclosed, contained or packaged, whether or not the food is also in an outer container or wrapper, and
 - (b) is not removed from the food’s container or wrapper, other than an outer container or wrapper, before the food is sold at the premises.

- (2) In this section—

outer container or wrapper means a container or wrapper that encases, encloses, contains or packages multiple units of the food.

25 Standard food outlets required to display nutritional information

For the Act, section 106N(1), the following standard food outlets are prescribed—

- (a) a standard food outlet of a food business that sells standard food items at—
 - (i) 20 or more locations in New South Wales, or
 - (ii) 50 or more locations in Australia,
- (b) a standard food outlet of a food business operating in a chain of food businesses that sell standard food items if, collectively, the businesses sell standard food items at—
 - (i) 20 or more locations in New South Wales, or
 - (ii) 50 or more locations in Australia.

26 Nutritional information required to be displayed

- (1) For the Act, section 106N(2), the following kinds of nutritional information are prescribed—
 - (a) for a standard food outlet that is not a supermarket—the average energy content of the whole of each standard food item for sale by the standard food outlet expressed in kilojoules,
 - (b) for a standard food outlet that is a supermarket—the average energy content of the whole or 100g of each standard food item for sale by the standard food outlet expressed in kilojoules,

(c) for all standard food outlets—the following statement—

The average adult daily energy intake is 8,700 kJ.

- (2) The method of determining the nutritional information referred to in subsection (1)(a) or (b) is, in accordance with the Food Standards Code, Standard 1.2.8 and section S11-2, to calculate the average energy content, expressed in kilojoules, of—
- (a) the whole of the standard food item, or
 - (b) 100g of the item.
- (3) If the average energy content is calculated for the whole of a standard food item, the average energy content must be calculated in accordance with the Food Standards Code, Standard 1.2.8 and section S11-2, making necessary adjustments to ensure the calculation is made in relation to the whole of the item instead of for 100g of the item.
- (4) The number of kilojoules calculated as referred to in subsection (2) may be rounded to the nearest 10kJ.

27 Nutritional information voluntarily displayed to comply with requirements

- (1) For the Act, section 106O, the prescribed kind of nutritional information is the energy content of—
- (a) a standard food item for sale at a standard food outlet, or
 - (b) a part or an amount of a standard food item for sale at a standard food outlet.
- (2) The nutritional information must be determined—
- (a) in accordance with the Food Standards Code, Standard 1.2.8 and section S11-2, and
 - (b) by calculating—
 - (i) for a standard food item for sale at a standard food outlet that is not a supermarket—the average energy content of the whole of the standard food item expressed in kilojoules, or
 - (ii) for a standard food item for sale at a standard food outlet that is a supermarket—the average energy content of the whole of the standard food item, or 100g of the standard food item, expressed in kilojoules.
- (3) If the average energy content is calculated for the whole of a standard food item, the average energy content must be calculated in accordance with the Food Standards Code, Standard 1.2.8 and section S11-2, making necessary adjustments to ensure the calculation is made for the whole of the item instead of for 100g of the standard food item.

- (4) The number of kilojoules calculated as referred to in subsection (2)(b) may be rounded to the nearest 10kJ.

28 Locations for display of nutritional information

- (1) For the Act, sections 106N(2)(c) and 106O(2)(b), nutritional information referred to in sections 26(1)(a) and (b) and 27(1) must be displayed in relation to a standard food item in the following locations—
- (a) on each menu on which the name or price of the standard food item is displayed,
 - (b) on each price tag, price label, identifying tag and identifying label for the item,
 - (c) adjacent to or near the name or price of the standard food item in a way clearly associated with the item,
 - (d) if there are drive-through facilities—
 - (i) on the drive-through menu board on which the name or price of the standard food item is displayed, or
 - (ii) on a separate board adjacent to the menu board and visible at or before the point of ordering.
- (2) The locations where nutritional information is displayed as referred to in subsection (1) in relation to a standard food item must be consistent with the locations the nutritional information is displayed for the other standard food items displayed with the standard food item.
- (3) For the Act, section 106N(2)(c), the statement referred to in section 26(1)(c) must be displayed in the following locations—
- (a) on each menu on which the name or price of one or more standard food items is displayed and adjacent to or near the standard food item or items in a way clearly associated with the item or items,
 - (b) in each area or display cabinet, or on each stand, where standard food items are displayed with price tags or labels, or identifying tags or labels, and adjacent to or near the item or items in a way clearly associated with the item or items and conspicuous to a person looking at the item or items,
 - (c) if there are drive-through facilities—on the drive-through menu board adjacent to or near the standard food item or items in a way clearly associated with the item or items.

29 Displaying nutritional information

- (1) For the Act, sections 106N(2)(c) and 106O(2)(b), the nutritional information referred to in sections 26(1)(a) and (b) and 27(1) must—

- (a) be legible, and
 - (b) display the number of kilojoules in numerals and use the abbreviation “kJ”, and
 - (c) for a standard food outlet that is not a supermarket—
 - (i) be in the same font, and at least the same font size, as the price displayed for the standard food item, or
 - (ii) if no price is displayed—be in the same font, and at least the same font size, as the name displayed for the item, and
 - (d) for a standard food outlet that is a supermarket—be in the same font, and at least the same font size as—
 - (i) the price displayed for the standard food item, or
 - (ii) the unit price displayed for the item, which is the price per unit of measurement.
- (2) For the Act, section 106N(2)(c), the statement referred to in section 26(1)(c) must—
- (a) be legible, and
 - (b) if only 1 standard food item is displayed on a menu—
 - (i) be in the same font, and at least the same font size, as the name of the item displayed, or
 - (ii) if no name is displayed—be in the same font, and at least the same font size, as the price displayed for the item, and
 - (c) if a number of standard food items are listed or displayed on a menu—
 - (i) be in the same font, and at least the same font size, as the name of the standard food item with the largest font size listed or displayed, or
 - (ii) if no names are listed or displayed—be in the same font, and at least the same font size, as the price of the standard food item with the largest font size listed or displayed, and
 - (d) if a standard food item or items are displayed with a price tag or label or identifying tag or label in an area, display cabinet or stand—be in at least the same font size as the largest font size on the tags or labels for the standard food item or items in the area, display cabinet or stand.

30 Exemptions—the Act, s 106Q

- (1) The following food businesses are exempt from the operation of the Act, section 106N—

- (a) convenience stores,
 - (b) service stations selling petrol or other fuel for motor vehicles,
 - (c) food businesses that primarily supply food catering services,
 - (d) food businesses that only sell food intended to be consumed on the premises at which the food is sold.
- (2) Food sold by retail at a health care facility is exempt from the operation of the Act, section 106N.
- (3) A food business is exempt from the operation of the Act, section 106N in relation to a standard food item for a period of not more than 60 consecutive days during which the item is sold by the food business on a trial basis if—
- (a) not more than 5 standard food outlets of the food business in New South Wales sell the item during the period or part of the period, and
 - (b) the item has not been sold before the period by the food business in one or more of the standard food outlets.
- (4) A supermarket is exempt from the operation of the Act, sections 106N and 106O in relation to a standard food item if—
- (a) the item is displayed for sale as an individual item and is in a package on which a nutrition information panel for the item is conspicuously displayed, or
 - (b) the item is displayed for sale as part of a combination of standard food items and all of the standard food items in the combination are in one or more packages on which nutrition information panels for each item in the combination are conspicuously displayed.

Part 4 Food safety schemes—general provisions

Division 1 Interpretation

31 Definitions

In this part—

food business means—

- (a) a dairy business within the meaning of section 52, or
- (b) a meat business within the meaning of section 70, or
- (c) a plant products business within the meaning of section 114, or
- (d) a seafood business within the meaning of section 124, or

- (e) a vulnerable persons food business within the meaning of section 151, or
- (f) an egg business within the meaning of section 159.

licence means a licence to carry on a food business granted under section 35.

licence fee, in relation to a licence, means the fee determined for the licence in accordance with section 42.

Division 2 Licensing of food businesses

32 Food business to be licensed—the Act, s 102

A person must not carry on a food business unless the person holds a licence authorising the carrying on of the food business.

33 Application for licence—the Act, ss 102 and 139(1)(a) and (c1) and (2A)

- (1) A person may apply to the Food Authority for a licence to carry on a food business.
- (2) The application must—
 - (a) be in the approved form, and
 - (b) unless the Food Authority waives the payment of the application fee—be accompanied by an application fee of \$85, and
 - (c) comply with the other requirements of this regulation relating to applications for licences for the type of food business, and
 - (d) be accompanied by the licence fee calculated by the applicant in accordance with the information given in the application form, not including a licence fee under Part 8, Division 6, and
 - (e) be accompanied by the information required by the Food Authority to decide the application.
- (3) The Food Authority may require the applicant to give further information if the Authority considers the information is necessary for deciding the application.
- (4) The Food Authority may waive the payment of the application fee by an applicant or by a class of applicants.

34 Inspections by Food Authority before deciding applications for licences

- (1) The Food Authority may, before deciding an application for a licence, arrange for an authorised officer to inspect—
 - (a) the premises and equipment involved in the food business, and

- (b) the activities carried on by the food business.
- (2) The Food Authority may, before deciding an application for a licence, arrange for a food safety auditor to carry out the following—
 - (a) an audit of the food safety program, or proposed food safety program, for the food business,
 - (b) an assessment of the food business to ascertain the business' compliance with the requirements of the Food Safety Standards.
- (3) The Food Authority may require an applicant for a licence authorising the operation of a vehicle to present the vehicle for inspection by the Food Authority at a time and place determined by the Food Authority.
- (4) In this section—

Food Safety Standards includes the standards contained in the Food Standards Code that are relevant to the business.

35 Deciding applications for licences

- (1) The Food Authority may decide an application for a licence by—
 - (a) granting the licence, with or without conditions, or
 - (b) refusing to grant the licence.
- (2) Without limiting the grounds on which the Food Authority may refuse to grant the licence, the Authority may refuse to grant the licence if the Authority considers—
 - (a) there should be a food safety program for one or more of the food businesses proposed to be licensed and there is no food safety program, or
 - (b) the food safety program for one or more of the food businesses proposed to be licensed does not comply with the requirements of—
 - (i) the Food Standards Code, or
 - (ii) this regulation.
- (3) If the Food Authority grants the licence but considers the applicant wrongly calculated the licence fee that accompanied the application, the Food Authority must—
 - (a) if the fee that accompanied the application was more than the correct fee—refund the amount of overpayment to the applicant, or
 - (b) otherwise—give the applicant written notice of the additional amount required to be paid that includes a statement that the Food Authority may refuse to issue the licence until the amount is paid.

- (4) If the Food Authority grants the licence, the Food Authority must issue the licence to the applicant in a form that sets out the following—
 - (a) the activities authorised by the licence,
 - (b) the premises or vehicles on or in which the activities may be conducted,
 - (c) the conditions of the licence.
- (5) If the Food Authority refuses to grant the licence, the Food Authority must—
 - (a) give the applicant written notice of the refusal—
 - (i) setting out the reasons for the refusal, and
 - (ii) informing the applicant of the applicant's rights of review under this regulation, and
 - (b) refund to the applicant any licence fee or levy that accompanied the application.

36 Duration of licences

- (1) A licence is in force for a period of 12 months starting on the date the licence is issued or last renewed, unless the licence is sooner cancelled.
- (2) A licence has no effect during a period of suspension.
- (3) Despite subsection (1), if an application for renewal of a licence is made in accordance with this regulation but the application is not finally determined before the expiry of the licence, the licence continues in force until the application is finally determined, unless the licence is sooner cancelled.

37 Additional conditions of licences—the Act, s 102(2)(g)

- (1) It is a condition of a licence that the holder of the licence must ensure the provisions of the Act and this regulation, and the relevant provisions of the Food Standards Code, are complied with in relation to—
 - (a) the carrying on of activities authorised by the licence, and
 - (b) premises or vehicles to which the licence relates.
- (2) It is a condition of a licence for a food business that involves the handling of food that is eggs and is primary food production that the holder of the licence complies with Schedule 8.

38 Variation of terms and conditions of licence—the Act, s 102(2)(g)

- (1) The Food Authority may, at any time—
 - (a) vary a term of a licence or a condition imposed by the Food Authority on a licence,

or

(b) impose additional conditions on the licence.

(2) Before taking an action in relation to a licence under subsection (1), the Food Authority must give the holder of the licence written notice (a **notice of intention**) setting out—

(a) details of the action the Authority is proposing to take, and

(b) the reasons for the proposed action.

(3) The notice of intention must include a statement that the licence holder may make submissions to the Food Authority in relation to the proposed action within 14 days after the date the notice of intention is given to the licence holder (the **submission period**).

(4) Subsections (2) and (3) do not apply if—

(a) the variation of the term or condition is at the request of the licence holder, or

(b) the imposition of the condition is at the request of the licence holder.

(5) After considering any submissions made by the licence holder within the submission period, the Food Authority must decide whether to take the proposed action.

(6) If the Food Authority decides to take the proposed action, the Authority must serve written notice (an **action notice**) on the licence holder setting out the following—

(a) for the variation of a term or condition of the licence—the term or condition as varied and the reasons for the variation of the term or condition,

(b) for the imposition of a condition on the licence—the condition imposed and the reasons for the imposition of the condition,

(c) the licence holder's rights of review under this regulation.

(7) The variation of a term or condition of a licence, or the imposition of a condition on a licence, under this section takes effect on—

(a) the day on which the action notice is served on the licence holder, or

(b) a later day specified in the action notice.

(8) If a licence holder applies to vary a term or condition of the licence, or to impose a condition on the licence, the Food Authority may charge the licence holder the following—

(a) an application fee of not more than \$85,

(b) if the Authority considers an inspection or audit is required for the Authority to decide the application—a charge for the inspection or audit in accordance with section 48.

(9) If the Food Authority varies a term or condition of a licence or imposes an additional condition on the licence, the Food Authority must issue the licence holder with a replacement licence that reflects the variation or additional condition.

39 Suspension or cancellation of licence—the Act, s 102(2)(h)

(1) The Food Authority may suspend or cancel a licence on any of the following grounds—

- (a) the Food Authority is satisfied the suspension or cancellation is necessary to avert a potential threat to food safety,
- (b) the Food Authority is satisfied there has been a contravention of a provision of the Act or this regulation in relation to the carrying on of the food business authorised by the licence,
- (c) the Food Authority is satisfied that a condition of the licence has been contravened,
- (d) the food safety program for the food business is, in the Food Authority's opinion, inadequate or is not being properly implemented,
- (e) an amount due to the Food Authority under the Act by the licence holder is unpaid,
- (f) the holder of the licence, or a person involved in the carrying on of the food business authorised by the licence, does not, in the Food Authority's opinion, have the necessary capacity, experience or qualifications to ensure the safety of food for human consumption,
- (g) the licence holder has asked the Food Authority to suspend or cancel the licence.

(2) Before suspending or cancelling a licence under subsection (1), the Food Authority must give the licence holder written notice (a **notice of intention**) setting out—

- (a) that the Authority is proposing to suspend or cancel the licence, and
- (b) the grounds and reasons for the proposed suspension or cancellation.

(3) The notice of intention must include a statement that the licence holder may make submissions to the Food Authority in relation to the proposed suspension or cancellation within 14 days after the date the notice of intention is given to the licence holder (the **submission period**).

(4) Subsections (2) and (3) do not apply if the suspension or cancellation of the licence is at the request of the licence holder.

- (5) After considering any submissions made by the licence holder within the submission period, the Food Authority must decide whether to suspend or cancel the licence.
- (6) If the Food Authority decides to suspend or cancel the licence, the Authority must serve written notice (an **action notice**) on the licence holder setting out the following—
 - (a) the grounds and reasons for the suspension or cancellation,
 - (b) the licence holder's rights of review under this regulation.
- (7) The suspension or cancellation of a licence under this section takes effect on—
 - (a) the day on which the action notice is served on the licence holder, or
 - (b) a later day specified in the action notice.
- (8) If a licence authorises the carrying on of more than one activity, the Food Authority may suspend the licence to the extent to which the licence authorises a particular activity or activities to be carried on.
- (9) The Food Authority may suspend a licence that authorises the carrying on of an activity at 2 or more premises or in or on 2 or more vehicles to the extent the licence authorises activities to be carried on at particular premises or in or on a particular vehicle.

40 Licence not transferable—the Act, s 102(2)(f)

A licence is not transferable.

41 Renewal of licence—the Act, s 102(2)(f)

- (1) A licence holder is taken to apply for renewal of the licence by paying, to the Food Authority, before the expiry of the licence—
 - (a) the amount being the total of the following, as set out in the notice given to the licence holder under section 42(4)—
 - (i) the licence fee for the licence, and
 - (ii) if the licence authorises the carrying on of a seafood business—the levies that apply for the licence under Part 8, Divisions 6 and 7, or
 - (b) if the licence holder has been granted an approval under section 42(6) to pay the amount referred to in paragraph (a) by instalments—by paying the appropriate instalment.
- (2) After receiving payment from the applicant under subsection (1), the Food Authority may—

- (a) renew the licence, with or without conditions, or
 - (b) refuse to renew the licence.
- (3) Without limiting the grounds on which the Food Authority may refuse to renew the licence, the Food Authority may refuse to renew the licence on the same grounds as the Food Authority may suspend or cancel the licence.
- (4) If the Food Authority renews the licence, the Food Authority must issue the licence to the applicant in a form that sets out the following—
- (a) the activities authorised by the licence,
 - (b) the premises or vehicles on or in which the activities may be conducted,
 - (c) the conditions of the licence.
- (5) If the Food Authority refuses to renew the licence, the Food Authority must—
- (a) give the applicant written notice of the refusal—
 - (i) setting out the reasons for the refusal, and
 - (ii) informing the applicant of the applicant's rights of review under this regulation, and
 - (b) refund to the applicant any amounts paid by the applicant under subsection (1) in connection with the renewal.

42 Calculation and notice of licence fees and levies—ss 102(2)(x), 117C and 139(1)(a)

- (1) The licence fee for a licence that authorises the carrying on of the following businesses must be calculated as follows—
- (a) for a dairy business—in accordance with section 67,
 - (b) for a meat business—in accordance with section 111,
 - (c) for a plant products business—in accordance with section 120,
 - (d) for a seafood business—in accordance with sections 143 and 144,
 - (e) for a vulnerable persons food business—in accordance with section 156,
 - (f) for an egg business—in accordance with section 179.
- (2) The levy for a seafood business must be calculated in accordance with sections 145 and 148.
- (3) If a licence authorises the carrying on of more than one food business, the licence fee must be calculated as the total of the licence fees for each of the food businesses that

would be applicable under subsection (1).

- (4) The Food Authority must give a licence holder who is liable to pay a licence fee or levy under this regulation written notice, before the licence expires, setting out the following—
 - (a) the amount of the licence fee or levy payable,
 - (b) the day, that is at least 42 days after the day the notice is given, by which the licence fee or levy must be paid,
 - (c) if relevant—the method of calculating the amount of the licence fee or levy.
- (5) The licence holder may, before the licence expires, apply to the Food Authority for approval to pay the licence fee or levy for a particular year by instalments (an ***instalment approval***).
- (6) The Food Authority may grant a licence holder an instalment approval by giving the licence holder written notice that states—
 - (a) the amount of each instalment, and
 - (b) the date by which each instalment must be paid.
- (7) A licence holder who is given an instalment approval must pay each instalment in accordance with the terms of the approval.
- (8) If a licence holder who is given an instalment approval fails to pay an instalment by the date required by the approval, the Food Authority may treat the total unpaid balance of the licence fee or levy as an overdue amount, even if some instalments have been paid.
- (9) The Food Authority may reduce or waive the payment of a licence fee or levy by a licence holder or a class of licence holders.
- (10) Without limiting subsection (9), if a licence is granted after the commencement of a year for which a licence fee or levy is payable, the Food Authority may reduce the licence fee or levy payable by the licence holder for the year by a proportionate amount.

43 Vehicle labels

- (1) This section applies if a licence authorises the operation of a vehicle.
- (2) The Food Authority must issue the licence holder with a licensing label for the vehicle.
- (3) The licence holder must ensure the licensing label is displayed—
 - (a) in a way that the label is readable from the outside of the vehicle, and

(b) whenever the vehicle is being operated while carrying on the food business authorised by the licence, and

(c) until the licensing label expires.

Maximum penalty for subsection (3)—25 penalty units.

44 Display of licence

(1) A licence holder must ensure, on every premises the licence relates to, a copy of the part of the licence relevant to the premises is displayed.

Maximum penalty—25 penalty units.

(2) A licence holder must ensure, in every vehicle the licence relates to, a copy of the part of the licence relevant to the vehicle is carried.

Maximum penalty—25 penalty units.

Division 3 Food safety programs

45 Content of food safety program

If a food safety program is required for a food business by the Food Standards Code or under this regulation, including by a condition of a licence, the food safety program must comply with requirements—

(a) of the Food Standards Code, and

(b) made by or under this regulation.

Division 4 Inspections and audits

46 Inspections and audits of food businesses

(1) The Food Authority may arrange for an authorised officer to inspect—

(a) the premises and equipment involved in a food business, and

(b) the activities carried on by the food business.

(2) The Food Authority may arrange for a food safety auditor to carry out the following—

(a) an audit of the food safety program, or proposed food safety program, for a food business,

(b) an assessment of the food business to ascertain the business' compliance with the requirements of the Food Safety Standards.

(3) This section does not limit the powers of an authorised officer to carry out an inspection under the Act, Part 4 or 5.

(4) In this section—

Food Safety Standards includes the standards contained in the Food Standards Code that are relevant to the business.

47 Approval for food business to engage food safety auditor—the Act, s 102(2)(k)

(1) A food business must not arrange for an external food safety auditor to carry out an audit under the Act or this regulation of the food safety program, or a proposed food safety program, for the business without the Food Authority's approval.

(2) An application by a food business for approval must be—

(a) made to the Food Authority in the approved form, and

(b) be accompanied by the documents and information required by the Food Authority to decide the application.

(3) The Food Authority may grant an approval subject to any conditions the Food Authority considers appropriate.

(4) An approval may—

(a) apply generally to carrying out audits for the applicant, or

(b) be limited to particular audits or types of audits.

(5) The Food Authority may revoke an approval by written notice given to the food business.

(6) In this section—

external food safety auditor means a food safety auditor who is not a member of staff of the Food Authority.

48 Charges for inspections and audits

(1) This section applies to the carrying out of the following—

(a) an inspection for the purposes of the Act in relation to a licence or application for a licence,

(b) an audit of a food safety program or proposed food safety program under the Act or this regulation.

(2) For the Act, section 139(1)(b), a food business for which an inspection or audit is being carried out must pay to the Food Authority the charge of \$370 an hour with a minimum charge for half an hour, excluding time spent travelling.

(3) The Food Authority may increase the amount under subsection (2) annually in

accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

- (4) The Food Authority may waive payment of a charge for a food business or a class of food business.

Division 5 Review of decisions of Food Authority

49 Administrative review of decisions by Civil and Administrative Tribunal—the Act, s 139(2C)

A person may apply to the Civil and Administrative Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of the following decisions—

- (a) a decision to refuse to grant a licence to the person, other than a decision to refuse to grant the licence for non-payment of all or part of the licence fee,
- (b) a decision to grant a licence to the person subject to conditions imposed by the Food Authority,
- (c) a decision to vary the conditions of the person's licence or to impose a condition on the person's licence,
- (d) a decision to suspend or cancel the person's licence,
- (e) a decision about the assessment of the applicable licence fee for a licence held or to be held by the person,
- (f) a decision about the applicable levy to be paid by the person under this regulation,
- (g) a decision made by the Food Authority under section 107 to revoke an approval of appointment as a meat safety inspector.

Part 5 Dairy food safety scheme

Division 1 Preliminary

50 Dairy food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme for dairy businesses (the **dairy food safety scheme**)—

- (a) Part 4,
- (b) this part,
- (c) Schedule 3, Part 1.

51 Definitions

In the dairy food safety scheme—

dairy building means a building used for or in connection with the milking of milking animals for the purpose of producing milk to be supplied for sale.

dairy business—see section 52.

dairy farm means land or premises used for or in connection with the feeding, grazing, keeping or milking of milking animals for the purpose of producing milk to be supplied for sale.

dairy primary production means the production of milk or colostrum for further processing for human consumption, including—

- (a) feeding, grazing, keeping and milking of milking animals, and
- (b) storage of milk on the premises at which the milking animals were milked.

dairy primary production business means a food business involving dairy primary production.

dairy processing—

- (a) means—
 - (i) packaging, treating, cutting or manufacturing dairy products, and
 - (ii) packing and storing dairy products on the premises where the products are packaged, treated, cut or manufactured, and
- (b) does not include dairy primary production.

dairy processing business means a food business involving dairy processing.

dairy produce store—

- (a) means a building or place where a dairy product is stored, whether in a cold chamber or otherwise, and
- (b) does not include—
 - (i) a dairy farm, or
 - (ii) a dairy building on a dairy farm, or
 - (iii) premises used only for retail purposes.

dairy product means the following—

- (a) colostrum,

- (b) milk,
- (c) food that contains at least 50%, measured by weight, of either or both of the following—
 - (i) milk,
 - (ii) a substance produced from milk, disregarding the weight of the substance not attributable to milk,
- (d) without limiting paragraph (c), any of the following that comply with the requirements of paragraph (c)—
 - (i) liquid milk products,
 - (ii) cream and thickened cream,
 - (iii) butter, butter concentrate, buttermilk, concentrated buttermilk, dairy blend, ghee and anhydrous milk fat (butter oil),
 - (iv) casein, caseinate and cheese,
 - (v) whey, whey cream and concentrated whey cream,
 - (vi) cultured milk and yoghurt,
 - (vii) ice cream and ice cream mix,
 - (viii) buttermilk powder, lactose powder, milk sugar, powdered milk, skim milk powder, whey powder, milk protein powder and other milk concentrates.

dairy transport business means a food business involving—

- (a) the collection and transport of milk from a dairy primary production business to a dairy processing business, or
- (b) the transport of milk or dairy products between dairy processing businesses.

milk means the mammary secretions of a milking animal, other than colostrum, obtained from one or more milkings and intended for—

- (a) human consumption as a liquid, or
- (b) further processing.

milking animal means an animal that secretes milk from the animal's mammaryes.

pasteurisation means the method determined in accordance with the Food Standards Code, Standard 4.2.4, clause 15(1).

processed dairy product means a dairy product processed in accordance with the Food

Standards Code, Standard 4.2.4.

processed dairy product transport business means a food business that transports processed dairy products.

raw milk means mammary secretions of a milking animal, other than colostrum, that have not been processed in accordance with the Food Standards Code, Standard 4.2.4, clause 15(1).

raw milk product means a product made from raw milk and not intended for human consumption.

raw milk product business means a business involving the operation of—

- (a) a raw milk product manufacturing business, or
- (b) a raw milk product collection, transport or delivery business.

raw milk product collection, transport or delivery business means a business involving—

- (a) the collection for transport, on any scale, of raw milk products for sale, or
- (b) the transport, on any scale, of raw milk products for sale, or
- (c) the delivery, on any scale, of raw milk products for sale.

raw milk product manufacturing business means a business involving the manufacturing, on any scale, of raw milk products for sale, including the following—

- (a) feeding, grazing, keeping and milking of milking animals,
- (b) storing milk on the premises at which the milking animals were milked,
- (c) processing milk otherwise than in accordance with the processing requirements under the Food Standards Code, Standard 4.2.4,
- (d) making raw milk products.

52 Meaning of “dairy business”

In the dairy food safety scheme, **dairy business** means—

- (a) a food business involving any of the following—
 - (i) the operation of a dairy primary production business,
 - (ii) the operation of a dairy transport business,
 - (iii) the operation of a dairy processing business,

- (iv) the operation of a dairy produce store, other than a dairy produce store operated on the same premises as a dairy processing business,
 - (v) the operation of a processed dairy product transport business,
 - (vi) the collection and transport of goat's milk from a dairy farm to a wholesaler or retailer, or
- (b) a raw milk product business.

53 Application of dairy food safety scheme to retail premises and food not intended for sale

The dairy food safety scheme—

- (a) except for sections 56 and 60—does not apply to the handling of food on retail premises, and
- (b) except for sections 56 and 60—does not apply to the handling of food in or from a vehicle from which food is sold by retail, and
- (c) does not apply to the handling of food not intended for sale.

54 Application of Food Standards Code to primary production of dairy products

For the Act, section 21(5), the following provisions of the Food Standards Code apply to a dairy business that is primary food production—

- (a) Standard 3.2.1,
- (b) Standard 4.2.4, clauses 1-11,
- (c) for the production of milk for raw milk cheese—Standard 4.2.4, clauses 17-30.

55 Modification of Food Standards Code

The Food Standards Code, Standard 4.2.4 is modified as follows—

- (a) by omitting the definition of **dairy processing** from clause 1(2) and by inserting instead—

dairy processing—

- (a) means—
 - (i) packaging, treating, cutting or manufacturing dairy products; and
 - (ii) packing and storing dairy products on the premises where the products are packaged, treated, cut or manufactured; and

(b) does not include dairy primary production.

(b) by omitting the definition of **dairy products** from clause 1(2) and by inserting instead—

dairy product means—

- (a) colostrum;
- (b) milk;
- (c) a food that contains at least 50%, measured by weight, of either or both of the following—
 - (i) milk;
 - (ii) a substance produced from milk, disregarding the weight of the substance not attributable to milk;
- (d) without limiting paragraph (c), any of the following that comply with the requirements of paragraph (c)—
 - (i) liquid milk products;
 - (ii) cream and thickened cream;
 - (iii) butter, butter concentrate, buttermilk, concentrated buttermilk, dairy blend, ghee and anhydrous milk fat (butter oil);
 - (iv) casein, caseinate and cheese;
 - (v) whey, whey cream and concentrated whey cream;
 - (vi) cultured milk and yoghurt;
 - (vii) ice cream and ice cream mix;
 - (viii) buttermilk powder, lactose powder, milk sugar, powdered milk, skim milk powder, whey powder, milk protein powder and other milk concentrates.

Division 2 Requirements in relation to dairy products

56 Processing of dairy products

- (1) A person must not sell, including sell by retail, a dairy product for human consumption unless—
 - (a) for raw milk cheese—the person has complied with the Food Standards Code, Standard 4.2.4, clauses 31–35, or

- (b) otherwise—the dairy product has been processed in accordance with the processing requirements specified in the Food Standards Code, Standard 4.2.4, clauses 15 and 16.

(2) This section does not apply—

- (a) to a dairy primary production business for the sale of milk or cream by the dairy primary production business to a dairy processing business, or
- (b) to a dairy processing business for the sale of a dairy product by the dairy processing business to another dairy processing business, or
- (c) to goat's milk, if—
 - (i) the milk has been produced in compliance with a food safety program, and
 - (ii) for unpasteurised goat's milk—the milk bears a label that includes an advisory statement in accordance with the Food Standards Code, Standard 1.2.3, clause 2.

57 Milk for manufacture

Milk and milk components used for the manufacture of dairy products for human consumption must be processed as required by the Food Standards Code, Standard 4.2.4.

58 Pasteuriser requirements

Equipment used for the pasteurisation of milk or milk components at the premises of a dairy processing business must comply with the requirements of the *Guidelines for Food Safety: Validation and Verification of Heat Treatment Equipment and Processes* published by the Australia New Zealand Dairy Authorities' Committee in June 2007 and as in force from time to time.

59 Milk to comply with certain requirements of Food Standards Code

The holder of a licence authorising the operation of a dairy processing business must ensure milk is not processed for human consumption and is not used in the manufacture of dairy products unless the milk complies with the requirements of the following standards of the Food Standards Code about metals, chemical residues, drug residues and contaminants—

- (a) Standard 1.4.1 (Contaminants and natural toxicants),
- (b) Standard 1.4.2 (Agvet chemicals),
- (c) Standard 2.5.1 (Milk).

60 Sale, delivery and supply of raw milk products

A person must not sell, deliver or supply a raw milk product unless it has been treated,

packaged and labelled in a way that—

- (a) deters human consumption, and
- (b) could not reasonably be mistaken as indicating the product is suitable for human consumption.

Division 3 Sampling, analysis and records

61 Sampling and testing of milk by certain dairy businesses

- (1) The holder of a licence authorising the operation of a dairy transport business must ensure the following requirements are complied with in relation to milk collected by the business for transport from a dairy primary production business to a dairy processing business at the time of collecting the milk—
 - (a) a record must be made of the temperature of the milk,
 - (b) a representative sample of milk must be taken,
 - (c) the sample must be taken, stored and transported under temperature control.
- (2) The holder of a licence authorising the operation of a raw milk product collection, transport or delivery business must ensure the following requirements are complied with in relation to raw milk collected for transport for sale, transported for sale or delivered for sale by the business at the time of collecting the milk—
 - (a) a record must be made of the temperature of the raw milk,
 - (b) a representative sample of raw milk must be taken,
 - (c) the sample must be taken, stored and transported under temperature control.

62 Dairy businesses to undertake analyses

- (1) The holder of a licence that authorises the operation of a dairy processing business must, at the holder's own expense, ensure the following are analysed in accordance with this section—
 - (a) samples of dairy products that—
 - (i) are handled by the dairy business, and
 - (ii) are required by the NSW Food Safety Schemes Manual to be analysed,
 - (b) samples of water that—
 - (i) has not been supplied through a reticulated water system, and
 - (ii) is used in connection with the production and processing of dairy products by the business.

Maximum penalty—25 penalty units.

- (2) The holder of a licence that authorises the operation of a raw milk product manufacturing business must, at the holder's own expense, ensure that the following are analysed in accordance with this section—
- (a) samples of raw milk products that—
 - (i) are handled by the dairy business, and
 - (ii) are required by the NSW Food Safety Schemes Manual to be analysed,
 - (b) samples of water that—
 - (i) has not been supplied through a reticulated water system, and
 - (ii) is used in connection with the production and processing of raw milk products by the business.

Maximum penalty—25 penalty units.

- (3) An analysis under this section must be carried out at the following frequencies—
- (a) if a notice is served on the holder of the licence under subsection (4)—as required by the notice,
 - (b) otherwise—as required by the NSW Food Safety Schemes Manual.
- (4) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
- (a) specify the frequency at which analyses must be carried out for this section,
 - (b) set out the standards required to be met for the samples being analysed.

63 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 62 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—
- (a) the National Association of Testing Authorities, Australia,
 - (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence must, in accordance with subsection (4), notify the Food Authority of the details of an analysis carried out by or for the holder for section 62 if the results of the analysis indicate—

- (a) the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual, or
- (b) if a notice was given to the holder under section 62(4) setting out the required standards—the sample analysed failed to meet the required standards.

Maximum penalty—25 penalty units.

- (3) The person in charge of a laboratory in which an analysis is carried out must notify the Food Authority, within 24 hours after the analysis is completed, of the details of the analysis if the results of the analysis indicate the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

- (4) Notice under subsection (2) must—

- (a) be made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and
- (b) be given in writing within 48 hours after the holder becomes aware of the results of the analysis.

64 Records to be kept by certain dairy businesses

The holder of a licence authorising the operation of a dairy processing business or a raw milk product manufacturing business must ensure the results of an analysis of a sample of milk carried out for section 62 are available for inspection for at least 12 months after the analysis is carried out.

65 Records to be kept by dairy produce stores

- (1) The holder of a licence authorising the operation of a dairy produce store, other than a produce store operated on the same premises as a dairy processing business, must ensure records are kept of the details of all dairy products received by and distributed from the store.
- (2) A record required by this section must be kept at the dairy produce store for the longer period of—
 - (a) 12 months, or
 - (b) the accepted shelf-life of the product that the record relates to.

Division 4 Miscellaneous

66 Establishment of Dairy Industry Consultative Committee

- (1) The Food Authority must establish a committee called the Dairy Industry Consultative

Committee with the following functions—

- (a) undertaking consultation with the Food Authority for the Act, section 105 in relation to the dairy food safety scheme,
 - (b) the ongoing review of the operation of the dairy food safety scheme for the Act, section 102(2)(y).
- (2) The Committee must consist principally of persons from the dairy industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the Committee—
- (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a chairperson of the Committee from the members of the Committee.
- (5) The Food Authority must determine the procedure for the calling and holding of meetings of the Committee.

67 Licence fees for dairy businesses

- (1) The holder of a licence that authorises the carrying on of one or more of the activities specified in Schedule 3, Part 1 must pay a licence fee each year to the Food Authority equal to the total of the fees applicable to the licence calculated in accordance with the part.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Part 6 Meat food safety scheme

Division 1 Preliminary

68 Meat food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme for meat businesses (the ***meat food safety scheme***)—

- (a) Part 4,

- (b) this part,
- (c) Schedule 3, Part 2,
- (d) Schedules 4–6.

69 Definitions

- (1) In the meat food safety scheme—

abattoir means premises used for or in connection with the slaughtering of abattoir animals for human consumption and includes—

- (a) buildings used in connection with slaughtering, handling, drafting or keeping abattoir animals for human consumption at premises used for those purposes, and
- (b) holding yards and similar structures.

abattoir animal means the following animals if they are not game animals—

- (a) an animal of the bovine, bubaline, camelidae, caprinae, cervidae, ovine, porcine or soliped species,
- (b) a bird,
- (c) a crocodile,
- (d) a rabbit.

abattoir meat means meat—

- (a) from an abattoir animal, and
- (b) intended for human consumption.

animal means an abattoir animal, game animal or knackery animal.

animal food means food intended for consumption by animals.

animal food field depot means premises where the unflayed carcasses of game animals intended for use as animal food are stored but not packaged, processed, treated, boned or cut up.

animal food field harvesting van means a vehicle in which unflayed carcasses of game animals intended for use as animal food are conveyed from the point of harvest to an animal food field depot.

animal food processing plant—

- (a) means premises where, in the operation of a business that prepares or sells animal food—

- (i) meat or fish, or a product of meat or fish, is stored, packed, packaged, processed, treated, boned or cut up, or
- (ii) processed animal food is produced, and
- (b) does not include—
 - (i) an abattoir, knackery, meat processing plant, game meat primary processing plant or animal food field depot, or
 - (ii) meat retail premises or other retail premises.

animal food van means a vehicle used for the conveyance of meat intended for use as animal food, but does not include an animal food field harvesting van.

bird includes ratite.

game animal means a vertebrate animal, including a mammal, bird or reptile, but not including a fish, that—

- (a) is not husbanded in the way of a farmed animal, and
- (b) is of a species that may be legally harvested, and
- (c) is slaughtered in a wild state.

game meat means meat—

- (a) from a game animal, and
- (b) intended for human consumption.

game meat field depot means premises where unflayed carcasses of game animals intended for human consumption are stored but not packaged, processed, treated, boned or cut up.

game meat field harvesting van means a vehicle in which unflayed carcasses of game animals intended for human consumption are conveyed from the point of harvest to a game meat field depot.

game meat primary processing plant means premises where, in the operation of a business, unflayed carcasses of game animals are received from the field or a game meat field depot and are flayed, whether or not the carcasses are further treated, boned or cut up on the premises.

hogget has the same meaning as in the sheepmeat processing language handbook, as in force from time to time.

knackery—

- (a) means premises used for or in connection with—
 - (i) slaughtering knackery animals for use as animal food, or
 - (ii) the destruction of knackery animals for the making of animal by-products used in animal food, and
- (b) includes—
 - (i) buildings used for or in connection with the slaughtering, destruction, handling, drafting or keeping of knackery animals at premises used for those purposes, and
 - (ii) holding yards and similar premises.

knackery animal means a bird, buffalo, bull, calf, camel, cow, deer, donkey, ewe, goat, heifer, hogget, horse, kangaroo, kid, lamb, ox, rabbit, ram, steer, swine or wether.

lamb has the same meaning as in the sheepmeat processing language handbook, as in force from time to time.

licensed premises means premises for which a licence authorising the carrying on of a meat business is in force.

meat means the whole or part of the carcase of an animal, but does not include—

- (a) processed meat, or
- (b) processed animal food.

meat business—see section 70.

meat processing plant—

- (a) means premises where, in the operation of a business—
 - (i) abattoir meat is stored, packed, packaged, processed, treated, boned or cut up, or
 - (ii) processed meat is produced from abattoir meat or is further processed, or
 - (iii) game meat from carcasses flayed at other premises is stored, packed, packaged, processed, treated, boned or cut up, or
 - (iv) processed meat is produced from game meat from carcasses that have been flayed at other premises or is further processed, and
- (b) does not include—
 - (i) an abattoir, or

- (ii) a game meat field depot, or
- (iii) a game meat primary processing plant, or
- (iv) meat retail premises or other retail premises.

meat retail premises means premises where meat is sold by retail and on which raw meat carcasses or parts of raw meat carcasses are processed in some way, including by boning, slicing or cutting, or on which processed meat is produced or further processed, other than premises—

- (a) where in any week during the preceding calendar year, more than 1t of meat, 1t of processed meat or 1t of a combination of meat or processed meat was sold by wholesale, or
- (b) where all the meat sold is—
 - (i) in a form ready to be consumed, including meat sold at a restaurant or take-away food shop, or
 - (ii) in a form commonly referred to as cook and chill, that is, cooked packaged meat that requires reheating before consumption.

meat safety inspector means—

- (a) for an abattoir—the meat safety inspector appointed for the abattoir in accordance with section 105, or
- (b) for a game meat primary processing plant—the meat safety inspector appointed for the processing plant in accordance with section 105.

meat van means a vehicle used for the conveyance of abattoir meat or game meat, but does not include a game meat field harvesting van.

poultry means chickens, ducks, geese, guinea fowls, muttonbirds, pheasants, quails, squab (pigeons), turkeys or another avian species, except ratites.

poultry farm means land or premises where, at any time, 100 or more poultry are being grown for human consumption.

processed animal food means the product of a manufacturing process containing meat intended for use as animal food.

processed meat means a meat product intended for human consumption that contains not less than 300g per kilogram of meat, if the meat has undergone a method of processing other than boning, slicing, dicing, mincing or freezing, and includes cured or dried meat flesh in whole cuts or pieces.

rendering plant means premises where animal by-products are rendered or boiled

down, but does not include an abattoir or a knackery.

sheepmeat processing language handbook means the *Handbook of Australian Sheepmeat Processing: The AUS-MEAT language* published by AUS-MEAT Limited, as in force from time to time.

unflayed carcase of an animal means the carcase of the animal with the skin or outer covering still attached.

- (2) A reference in the meat food safety scheme to premises or a vehicle used for a purpose includes a reference to premises or a vehicle intended to be used for the purpose.
- (3) For the meat food safety scheme, a reference to Australian Standard AS 4841-2006, *Hygienic production of pet meat* in the following documents is a reference to the document titled *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO and as in force from time to time—
 - (a) Australian Standard AS 4465-2006, *Construction of premises and hygienic production of poultry meat for human consumption*,
 - (b) Australian Standard AS 4464-2007, *Hygienic production of wild game meat for human consumption*.

70 Meaning of “meat business”

In the meat food safety scheme, **meat business** means a business involving the operation of any of the following—

- (a) an abattoir,
- (b) a meat processing plant,
- (c) a game meat field depot,
- (d) a game meat primary processing plant,
- (e) a meat van,
- (f) a game meat field harvesting van,
- (g) a knackery,
- (h) a rendering plant,
- (i) an animal food processing plant,
- (j) an animal food field depot,
- (k) an animal food van,

- (l) an animal food field harvesting van,
- (m) meat retail premises,
- (n) a poultry farm.

71 Application of meat food safety scheme to certain vehicles and food not intended for sale

The meat food safety scheme does not apply to the handling of food—

- (a) in or from a vehicle from which food is sold by retail, or
- (b) not intended for sale.

72 Application of Food Standards Code to primary production of poultry

For the Act, section 21(5), the following provisions of the Food Standards Code apply to a food business that involves the handling of food that is poultry for human consumption and is primary food production—

- (a) Standard 3.2.2, clause 4, for the Act, section 100(1),
- (b) Standard 4.1.1,
- (c) Standard 4.2.2, clauses 1–10 as modified by this division.

73 Modification of Food Standards Code

- (1) The Food Standards Code, Standard 4.2.2 is modified, but only in relation to the primary production of poultry, by inserting the following after clause 3(3)—

- (4) In this clause, **poultry producer** means a poultry producer that engages in either of the following—

- (a) the growing of more than 100 birds (being poultry for human consumption) at any time,
 - (b) the live transporting of more than 100 birds (being poultry for human consumption) in any week.

- (2) The Food Standards Code, Standard 4.2.3 is modified by—

- (a) omitting the words “Table 1 or” from clause 4, and
 - (b) omitting Table 1 from clause 4.

74 Prohibition on certain slaughtering of animals and processing of meat for human

consumption

- (1) A person must not slaughter an animal for human consumption unless the animal is an abattoir animal or a game animal.

Maximum penalty—25 penalty units.

- (2) A person must not process meat for human consumption unless the meat is abattoir meat or game meat.

Maximum penalty—25 penalty units.

- (3) The holder of a licence that authorises the operation of a meat processing plant must, in producing processed meat, use only meat or things containing meat that—

- (a) is abattoir meat or game meat, and
- (b) has been passed by a meat safety inspector as being fit for human consumption.

Maximum penalty—25 penalty units.

- (4) In this section—

animal means—

- (a) a vertebrate animal other than a fish, and
- (b) is not limited by the definition of **animal** in section 69.

meat means the whole or a part of the carcase of an animal.

Division 2 Standards for operation of meat businesses

75 Standards for abattoirs

- (1) An abattoir must be operated in a way that complies with the following standards—

- (a) for an abattoir where the slaughtering of meat, other than poultry meat, rabbit meat, ratite meat or crocodile meat occurs—the standards specified in Australian Standard AS 4696:2023, *Hygienic production and transportation of meat and meat products for human consumption*, as in force from time to time,
- (b) for an abattoir where the slaughtering of poultry meat occurs—the standards specified in Australian Standard AS 4465—2006, *Construction of premises and hygienic production of poultry meat for human consumption*, as in force from time to time,
- (c) for an abattoir where the slaughtering of rabbit meat occurs—the standards specified in Australian Standard AS 4466-1998, *Hygienic production of rabbit meat for human consumption*, as in force from time to time,

- (d) for an abattoir where the slaughtering of ratite meat occurs—the standards specified in Australian Standard AS 5010-2001, *Hygienic production of ratite (emu/ ostrich) meat for human consumption*, as in force from time to time,
 - (e) for an abattoir where the slaughtering of crocodile meat occurs—the standards specified in Australian Standard AS 4467-1998, *Hygienic production of crocodile meat for human consumption*, as in force from time to time,
 - (f) for an abattoir where the slaughtering of more than one type of meat referred to in paragraphs (a)–(e) occurs—the standards specified in each relevant paragraph.
- (2) In addition to complying with the requirements of subsection (1), an abattoir must be operated to comply with Australian Standard AS 4696:2023, *Hygienic production and transportation of meat and meat products for human consumption*, Part 6, clause 17, as in force from time to time, if the following are passed at the abattoir as fit for use only as animal food—
- (a) poultry meat,
 - (b) rabbit meat,
 - (c) ratite meat,
 - (d) crocodile meat.
- (3) For this section, the Standard referred to in subsection (2) is taken to extend to the following—
- (a) abattoir meat that is poultry meat, rabbit meat, ratite meat or crocodile meat,
 - (b) meat products derived from abattoir meat that is poultry meat, rabbit meat, ratite meat or crocodile meat.

76 Standards for meat processing plants

A meat processing plant must be operated in a way that complies with the following standards—

- (a) for a meat processing plant where the processing of meat, other than poultry meat, rabbit meat, ratite meat or crocodile meat occurs—the standards specified in Australian Standard AS 4696:2023, *Hygienic production and transportation of meat and meat products for human consumption*, as in force from time to time,
- (b) for a meat processing plant where the processing of poultry meat occurs—the standards specified in Australian Standard AS 4465-2006, *Construction of premises and hygienic production of poultry meat for human consumption*, as in force from time to time,
- (c) for a meat processing plant where the processing of rabbit meat occurs—the

standards specified in Australian Standard AS 4466-1998, *Hygienic production of rabbit meat for human consumption*, as in force from time to time,

- (d) for a meat processing plant where the processing of ratite meat occurs—the standards specified in Australian Standard AS 5010-2001, *Hygienic production of ratite (emu/ostrich) meat for human consumption*, as in force from time to time,
- (e) for a meat processing plant where the processing of crocodile meat occurs—the standards specified in Australian Standard AS 4467-1998, *Hygienic production of crocodile meat for human consumption*, as in force from time to time,
- (f) for a meat processing plant where the processing of more than one type of meat referred to in paragraphs (a)–(e) occurs—the standards specified in each relevant paragraph.

77 Standards for game meat field depots

A game meat field depot must be operated in a way that complies with the standards specified in Australian Standard AS 4464-2007, *Hygienic production of wild game meat for human consumption*, as in force from time to time.

78 Standards for game meat primary processing plants

A game meat primary processing plant must be operated in a way that complies with the standards specified in Australian Standard AS 4464-2007, *Hygienic production of wild game meat for human consumption*, as in force from time to time.

79 Standards for meat vans

- (1) A meat van must be operated in a way that complies with Australian Standard AS 4696:2023, *Hygienic production and transportation of meat and meat products for human consumption*, Part 8, as in force from time to time.
- (2) For this section, the Standard referred to in subsection (1) is taken to extend to the following—
 - (a) abattoir meat that is poultry meat, rabbit meat, ratite meat or crocodile meat,
 - (b) products derived from abattoir meat that is poultry meat, rabbit meat, ratite meat or crocodile meat,
 - (c) game meat,
 - (d) products derived from game meat.

80 Standards for game meat field harvesting vans

A game meat field harvesting van must be operated in a way that complies with Australian Standard AS 4464-2007, *Hygienic production of wild game meat for human*

consumption, as in force from time to time.

81 Standards for knackeries

A knackery must be operated in a way that complies with the standards specified in the *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO, except for clauses 4.1–4.3 of that Standard and as in force from time to time.

82 Standards for rendering plants

A rendering plant must be operated in a way that complies with the standards specified in Australian Standard AS 5008–2007, *Hygienic rendering of animal products*, as in force from time to time.

83 Standards for animal food processing plants

An animal food processing plant must be operated in a way that complies with—

- (a) for the processing of raw meat intended for use as animal food—the standards specified in *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO, except for clauses 4.1–4.3 of that Standard and as in force from time to time, and
- (b) for the processing of fish or a product of fish, or a product of a manufacturing process that contains meat, intended for use as animal food—Schedule 4.

84 Standards for animal food field depots

An animal food field depot must be operated in a way that complies with the standards specified in *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO, except for clauses 4.1–4.3 of that Standard and as in force from time to time.

85 Standards for animal food vans

An animal food van must, in relation to the transportation of raw meat intended for use as animal food, be operated in a way that complies with the standards specified in *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO, except for clauses 4.1–4.3 of that Standard and as in force from time to time.

86 Standards for animal food field harvesting vans

An animal food field harvesting van must be operated in a way that complies with the standards specified in *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009*, published by CSIRO, except for clauses 4.1–4.3 of that Standard and as in force from time to time.

87 Standards for meat retail premises

A meat retail premises must be operated in a way that complies with the standards specified in the *NSW standard for construction and hygienic operations of retail meat premises* published by the Food Authority, as in force from time to time.

Division 3 Requirements relating to branding and inspecting abattoir meat

88 Prescribed brands for abattoir meat

For this division, the following are prescribed brands for abattoir meat—

- (a) for meat other than lamb or hogget—a brand in accordance with the design specified in Schedule 5, Part 1,
- (b) for lamb meat—brands in accordance with both the designs specified in Schedule 5, Parts 1 and 2,
- (c) for hogget meat—brands in accordance with both the designs specified in Schedule 5, Parts 1 and 3.

89 Removal of meat from abattoir

- (1) The holder of a licence authorising the operation of an abattoir must ensure abattoir meat is not removed from the abattoir unless the carcase or part of the carcase from which the abattoir meat was taken has been branded with a prescribed brand by or under the authority of a meat safety inspector.
- (2) Subsection (1) does not apply to—
 - (a) meat that a meat safety inspector has—
 - (i) passed as fit for use only as animal food, or
 - (ii) condemned as unfit for human consumption or use as animal food, or
 - (b) the carcase of a bird or meat from the carcase of a bird.

90 Marking of carcasses

- (1) If a meat safety inspector passes a carcase or part of a carcase to which section 89(1) applies as fit for human consumption, the meat safety inspector must apply the appropriate prescribed brand, or ensure the brand is applied, to the carcase or part in accordance with section 91.

Maximum penalty—25 penalty units.

- (2) If an abattoir animal is slaughtered in accordance with rules under the [Export Control Act 2020](#) of the Commonwealth and a meat safety inspector passes the carcase as fit

for human consumption, the meat safety inspector must ensure an official mark for that Act is applied to the carcase or covering in accordance with rules made under that Act.

Maximum penalty—25 penalty units.

- (3) This division, except for subsection (2), does not apply in relation to meat from an animal referred to in subsection (2).
- (4) If a meat safety inspector condemns meat at an abattoir as unfit for human consumption and unfit for use as animal food, the meat safety inspector must ensure the meat is handled in accordance with the standards specified in Australian Standard AS 4696:2023, *Hygienic production and transportation of meat and meat products for human consumption*, as in force from time to time.

Maximum penalty—25 penalty units.

- (5) For this section, the standard referred to in subsection (4) is taken to extend to—
 - (a) abattoir meat that is poultry meat, rabbit meat, ratite meat or crocodile meat, and
 - (b) meat products derived from poultry meat, rabbit meat, ratite meat or crocodile meat.

91 Positions and application of brands

- (1) Subject to subsections (2) and (3), a brand applied for section 90 must be applied at the following positions—
 - (a) for the carcase of a bovine, deer, sheep or goat—on each quarter,
 - (b) for the carcase of a swine—on the shoulder, middle and hind leg on each side of the carcase,
 - (c) for the carcase of a rabbit—on the rump,
 - (d) for the carcase of a lamb or hogget—on the lateral aspect of each side of the carcase from—
 - (i) the stifle along the leg and chump, and
 - (ii) parallel with the mid-line of the back over the loins and ribs to the top of the shoulder, and
 - (iii) over the shoulder to the elbow,
 - (e) otherwise—on each quarter.
- (2) If the carcase has been broken into pieces, the brand must be applied to each of the pieces.

- (3) If the carcass has been broken into pieces and the pieces are packed in a covering or container, the brand—
 - (a) must be applied to the covering or container, and
 - (b) does not need to be applied to the pieces.
- (4) A brand must be legible when applied and affixed in a reasonably permanent way.
- (5) Despite the other provisions of this section, if, in the meat safety inspector's opinion, a brand would not be sufficiently visible on meat or a covering of meat if applied in accordance with the provisions of this section, the inspector must ensure the brand is applied in a way the inspector thinks fit.
- (6) In this section—
 - bovine** includes buffalo, bull, calf, cow, heifer, ox and steer.
 - goat** includes kid.
 - sheep** includes ewe, ram and wether.

92 Identification systems for lamb and hogget meat

- (1) The holder of a licence authorising the operation of an abattoir at which sheep are slaughtered must give the Food Authority written details of the identification system to be used to identify meat as lamb meat or hogget meat.
- (2) The identification system must include the following—
 - (a) the method of identification to be used,
 - (b) the point at which the identification will be made,
 - (c) the way of applying the identification,
 - (d) the way of maintaining the identification until a brand identifying the type of meat is applied in accordance with this division.
- (3) The holder of a licence authorising the operation of an abattoir must not commence using an identification system referred to in this section until the Food Authority—
 - (a) is satisfied the proposed system will be functional and will be adequately maintained, and
 - (b) approves the system.
- (4) The holder of a licence authorising the operation of an abattoir must not alter the identification system approved under this section unless the alteration has been approved.

- (5) The holder of a licence authorising the operation of an abattoir must make the following available to an authorised officer as required by the officer to monitor the system—
- (a) animals,
 - (b) carcasses,
 - (c) meat,
 - (d) records.

Division 4 Requirements relating to branding and inspecting game meat

93 Prescribed brand for game meat

For this division, the prescribed brand for game meat is set out in Schedule 6.

94 Removal of meat from game meat primary processing plant

- (1) The holder of a licence authorising the operation of a game meat primary processing plant must ensure game meat is not removed from the game meat primary processing plant unless the carcass or part of the carcass from which the game meat was taken has been branded at the premises with a prescribed brand by or under the authority of a meat safety inspector.
- (2) Subsection (1) does not apply to—
- (a) meat that a meat safety inspector has—
 - (i) passed as fit for use only as animal food, or
 - (ii) condemned as unfit for human consumption or use as animal food, or
 - (b) the carcass of a bird or meat from the carcass of a bird.

95 Marking of carcasses

- (1) If a meat safety inspector passes a carcass or part of a carcass to which section 94(1) applies as fit for human consumption, the inspector must apply the appropriate prescribed brand, or ensure the brand is applied, to the carcass or part in accordance with section 96.

Maximum penalty—25 penalty units.

- (2) If a game animal is slaughtered in accordance with rules under the [Export Control Act 2020](#) of the Commonwealth and a meat safety inspector passes the carcass as fit for human consumption, the inspector must ensure an official mark for that Act is applied to the carcass or covering in accordance with rules made under that Act.

Maximum penalty—25 penalty units.

- (3) This division, other than subsection (2), does not apply in relation to meat from an animal referred to in subsection (2).
- (4) If a meat safety inspector condemns meat at a game meat primary processing plant as unfit for human consumption and unfit for use as animal food, the meat safety inspector must ensure the meat is handled in accordance with the standards specified in AS 4464-2007, *Hygienic production of wild game meat for human consumption*, as in force from time to time, before the meat is removed from the game meat primary processing plant.

Maximum penalty—25 penalty units.

96 Positions and application of brands

- (1) Subject to subsections (2) and (3), a brand applied for section 95 must be applied at the following positions—
 - (a) for the carcase of a deer or goat—on each quarter,
 - (b) for the carcase of a swine—on each shoulder, middle and hind leg on both sides of the carcase,
 - (c) for the carcase of a rabbit—on the midline of the chump,
 - (d) for the carcase of a kangaroo—on the rump on each side of the carcase,
 - (e) otherwise—on each quarter.
- (2) If the carcase has been broken into pieces, the brand must be applied to each of the pieces.
- (3) If the carcase has been broken into pieces and the pieces are packed in a covering or container, the brand—
 - (a) must be applied to the covering or container, and
 - (b) does not need to be applied to the pieces.
- (4) A brand must be legible when applied and affixed in a reasonably permanent way.
- (5) Despite the other provisions of this section, if, in the meat safety inspector's opinion, a brand would not be sufficiently visible on meat or a covering of meat if applied in accordance with the provisions of this section, the inspector must ensure the brand is applied in a way the inspector thinks fit.

Division 5 Sale and storage of meat

97 Sale of meat for human consumption

- (1) A person must not sell, by wholesale or on meat retail premises, meat for human consumption or as an ingredient of processed meat unless—
 - (a) the meat, or the carcase from which the meat was taken, has been supplied from premises that are—
 - (i) authorised by a licence to be operated as an abattoir or game meat primary processing plant, or
 - (ii) an abattoir or game meat primary processing plant that is operating in accordance with the laws of the place in which the premises are situated, and
 - (b) the supplier has indicated that the meat or carcase has been passed as fit for human consumption in accordance with this regulation or the laws of the place from which the meat was supplied—
 - (i) by the packaging or branding of the meat or carcase, or
 - (ii) by documentation accompanying the meat or carcase.
- (2) A person must not sell, on meat retail premises, processed meat for human consumption unless the meat has been produced at premises that are—
 - (a) authorised by a licence to be operated as a meat processing plant or meat retail premises, or
 - (b) a meat processing plant or meat retail premises operating in accordance with the laws of the place in which the premises are situated.
- (3) A person must not sell meat for human consumption, or as an ingredient of processed meat, on retail premises selling meat in a form ready to be consumed, including from a restaurant or take away food shop, unless the meat has been supplied from premises that are—
 - (a) authorised by a licence to be operated as an abattoir, game meat primary processing plant, meat processing plant or meat retail premises, or
 - (b) an abattoir, game meat primary processing plant, meat processing plant or meat retail premises operating in accordance with the laws of the place in which the premises are situated.

98 Sale of meat for use as animal food

A person must not sell, by wholesale or on meat retail premises, meat for use as animal food or as an ingredient of processed animal food unless—

- (a) the meat, or the carcase from which the meat was taken, has been supplied from premises that are—
 - (i) authorised by a licence to be operated as an abattoir, game meat primary processing plant or knackery, or
 - (ii) an abattoir, game meat primary processing plant or knackery that is operating in accordance with the laws of the place in which the premises are situated, or
- (b) the meat is game meat from a kangaroo or feral goat and has been packaged, processed, treated, boned or cut up on premises that are—
 - (i) authorised by a licence to be operated as an animal food processing plant, or
 - (ii) operating as the equivalent of an animal food processing plant in accordance with the laws of the place in which the premises are situated.

99 Storage of meat

- (1) A person must not store meat on meat retail premises, or a meat processing plant, used for the sale of meat for human consumption unless—
 - (a) the meat, or the carcase from which the meat came, has been supplied from premises that are—
 - (i) authorised by a licence to be operated as an abattoir or game meat primary processing plant, or
 - (ii) an abattoir or game meat primary processing plant operating in accordance with the laws of the place in which the premises are situated, and
 - (b) the supplier has indicated that the meat or carcase has been passed as fit for human consumption in accordance with this regulation or the laws of the place from which the meat was supplied—
 - (i) by the packaging or branding of the meat or carcase, or
 - (ii) by documentation accompanying the meat or carcase.
- (2) A person must not store meat for human consumption or as an ingredient of processed meat on retail premises selling meat in a form ready to be consumed, including from a restaurant or take away food shop, unless the meat has been supplied from premises that are—
 - (a) authorised by a licence to be operated as an abattoir, game meat primary processing plant, meat processing plant or meat retail premises, or
 - (b) an abattoir, game meat primary processing plant, meat processing plant or meat retail premises operating in accordance with the laws of the place in which the

premises are situated.

- (3) A person must not store processed animal food intended for sale on meat retail premises unless the animal food has been produced at premises that are—
 - (a) authorised by a licence to be operated as an animal food processing plant, or
 - (b) an animal food processing plant operating in accordance with the laws of the place in which the premises are situated.
- (4) A person must not store, on meat retail premises, meat intended for sale that is for use only as animal food unless—
 - (a) the supplier has indicated, whether by the packaging or branding of the meat or carcase, or by documentation accompanying the meat or carcase, that the meat or carcase has been passed as being fit for use as animal food in accordance with this regulation or the laws of the place from which the meat was supplied and the animal from which the meat came was slaughtered at premises that are—
 - (i) authorised by a licence to be operated as an abattoir or game meat primary processing plant, or
 - (ii) an abattoir or game meat primary processing plant that is operating in accordance with the laws of the place in which the premises are situated, or
 - (b) the animal from which the meat came was slaughtered at premises that are—
 - (i) authorised by a licence to be operated as a knackery, or
 - (ii) a knackery operating in accordance with the laws of the place in which the premises are situated.

Division 6 Issue and use of brands for meat

100 Application for and issue of brands

- (1) The holder of a licence that authorises the operation of an abattoir or a game meat primary processing plant may apply to the Food Authority for the issue to the holder of the prescribed brands referred to in section 88 or 93 that are necessary for the operation of the abattoir or game meat primary processing plant.
- (2) An application under this section must be in writing.
- (3) The fee payable for the issue of the brand is the amount the Food Authority determines is equivalent to the cost to the Food Authority of manufacturing the brand.
- (4) The holder of a licence to whom a brand is issued by the Food Authority under this part must ensure the brand and equipment issued to the holder by the Food Authority to enable the application of the brand is returned to the Food Authority within 7 days

after the licence ceases to be in force, excluding periods of suspension.

Maximum penalty—25 penalty units.

101 Storage of brands

The holder of a licence that authorises the operation of an abattoir or a game meat primary processing plant must ensure that a brand issued to the holder under this part is stored in a place that is—

- (a) locked, and
- (b) accessible only by the holder of the licence and the meat safety inspector for the abattoir or processing plant.

102 Lost, stolen or damaged brands

- (1) The holder of a licence that authorises the operation of an abattoir or a game meat primary processing plant who becomes aware that a brand issued to the holder under this part has been lost or stolen must immediately report the loss or theft to the Food Authority.
- (2) If a brand issued under this part in relation to an abattoir or game meat primary processing plant is lost or stolen, the holder of the licence must return to the Food Authority other brands issued to the holder that have not been lost or stolen.
- (3) If a brand issued under this part is lost, stolen or damaged, the holder of the licence may apply in writing to the Food Authority—
 - (a) for a brand that is lost or stolen—for the issue of new brands for the abattoir or game meat primary processing plant, if the holder has complied with subsections (1) and (2), and
 - (b) for a brand that is damaged—for the issue of a replacement brand.
- (4) On payment of the cost of manufacturing a new brand or a replacement brand, the Food Authority may, if satisfied that this section has been complied with, issue the new brand or the replacement brand to the holder of the licence.

103 Resemblance to prescribed brands

A person must not manufacture or possess a brand which resembles a prescribed brand referred to in section 88 or 93 unless the manufacture or possession is—

- (a) authorised by this regulation, or
- (b) approved by the Food Authority.

Maximum penalty—25 penalty units.

104 Unauthorised branding of meat

A person must not brand, stamp or otherwise mark meat with a mark resembling a prescribed brand referred to in section 88 or 93 unless the person—

- (a) is authorised by this regulation (an **authorised person**), or
- (b) is acting under the direction of an authorised person, or
- (c) is authorised in writing by the Food Authority.

Division 7 Meat safety inspectors

105 Appointment of meat safety inspectors for abattoirs and game meat primary processing plants

The holder of a licence authorising the operation of an abattoir or game meat primary processing plant must not operate the abattoir or processing plant unless—

- (a) there is a person holding the position of meat safety inspector for the abattoir or processing plant, and
- (b) the person's appointment is approved in writing by the Food Authority.

106 Duty of meat safety inspector to report contraventions of regulation

A meat safety inspector for an abattoir or a game meat primary processing plant must report a contravention of this regulation relating to the abattoir or processing plant to the Food Authority as soon as practicable after the inspector becomes aware of the contravention.

107 Revocation of approval of appointment of meat safety inspector

- (1) The Food Authority may revoke the approval of a person to hold the position of meat safety inspector at a particular abattoir or game meat primary processing plant if, in the Food Authority's opinion, the person—
 - (a) has not competently carried out the functions of a meat safety inspector under this regulation, or
 - (b) has failed to report a contravention of this regulation relating to the abattoir or processing plant of which the person was aware or should have been aware.
- (2) A revocation of an approval under this section—
 - (a) may be made only after the Food Authority has given the meat safety inspector an opportunity to be heard, and
 - (b) must be in writing and served on—

- (i) the meat safety inspector, and
- (ii) the holder of the licence for the abattoir or game meat primary processing plant.

Division 8 Sampling and analyses

108 Meat businesses to undertake analyses

- (1) The holder of a licence authorising the operation of an abattoir must, at the holder's own expense, ensure samples of water that has not been supplied through a reticulated water system and is used in connection with the operation of the abattoir are analysed in accordance with this section.

Maximum penalty—25 penalty units.

- (2) The holder of a licence authorising the operation of a meat processing plant must, at the holder's own expense, ensure samples of meat and meat products that are handled by the meat business in the processing plant and required by the NSW Food Safety Schemes Manual to be analysed are analysed in accordance with this section.

Maximum penalty—25 penalty units.

- (3) The holder of a licence authorising the operation of meat retail premises must, at the holder's own expense, ensure samples of ready to eat meat products that are handled by the meat business in the premises and required by the NSW Food Safety Schemes Manual to be analysed are analysed in accordance with this section.

Maximum penalty—25 penalty units.

- (4) The holder of a licence authorising the operation of a rendering plant must, at the holder's own expense, ensure samples of rendered animal by-products that are handled by the meat business in the rendering plant are analysed in accordance with this section.

Maximum penalty—25 penalty units.

- (5) An analysis for this section must be carried out at the following frequencies—
 - (a) if a notice is served on the holder of the licence under subsection (6)—as required by the notice,
 - (b) otherwise—as required by the NSW Food Safety Schemes Manual.
- (6) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
 - (a) specify the frequency at which analyses must be carried out for this section,
 - (b) set out the standards required to be met for the samples being analysed.

109 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 108 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—
 - (a) the National Association of Testing Authorities, Australia,
 - (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence must, in accordance with subsection (4), notify the Food Authority of the details of an analysis carried out by or for the holder for section 108 if the results of the analysis indicate the sample analysed failed to meet—
 - (a) the standards set out in the NSW Food Safety Schemes Manual, or
 - (b) if a notice was given to the holder under section 108(6) setting out the required standards—the required standards.

Maximum penalty—25 penalty units.

- (3) The person in charge of a laboratory in which an analysis is carried out must notify the Food Authority in writing within 24 hours after the analysis is completed of the details of the analysis if the results of the analysis indicate the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

- (4) A notification under subsection (2) must—
 - (a) be made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and
 - (b) be given in writing within 48 hours after the holder becomes aware of the results of the analysis.

Division 9 Miscellaneous

110 Establishment of Meat Industry Consultative Council

- (1) The Food Authority must establish a committee called the Meat Industry Consultative Council (the **Council**) with the following functions—
 - (a) undertaking consultation with the Food Authority for the Act, section 105, in relation to the meat food safety scheme,
 - (b) the ongoing review of the operation of the meat food safety scheme for the Act, section 102(2)(y).

- (2) The Council must consist principally of persons from the meat industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the Council—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a chairperson of the Council from the members of the Council.
- (5) The Food Authority must determine the procedure for the calling and holding of meetings of the Council.

111 Licence fees for meat businesses

- (1) The holder of a licence that authorises the carrying on of one or more of the activities specified in Schedule 3, Part 2 must pay a licence fee each year to the Food Authority equal to the total of the fees applicable to the licence calculated in accordance with the part.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Part 7 Plant products food safety scheme

Division 1 Preliminary

112 Plant products food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme (the ***plant products food safety scheme***)—

- (a) for plant products businesses—
 - (i) Part 4, and
 - (ii) this part, and
 - (iii) Schedule 3, Part 3,
- (b) for micro producers—this part.

113 Definitions

In the plant products food safety scheme—

berries means fresh berries and includes the following—

- (a) blueberries,
- (b) strawberries,
- (c) berries from the genus *Rubus*.

fresh cut fruit means fruit that has been processed, including by trimming, cutting, slicing, peeling or pulling apart, but is still raw.

fresh cut vegetable means any of the following vegetables that have been processed, including by trimming, cutting, slicing, peeling or pulling apart, but are still raw—

- (a) cabbage,
- (b) capsicum,
- (c) carrot,
- (d) celery,
- (e) chinese cabbage,
- (f) leek,
- (g) lettuce,
- (h) mushroom,
- (i) spinach,
- (j) witlof,
- (k) another leafy vegetable not included in paragraphs (a)–(j).

leafy vegetables means vegetables of a leafy nature if the leaf is consumed raw and includes baby leaves, lettuce and leafy herbs, but does not include seed sprouts.

melons means fresh melons and includes the following—

- (a) honeydew melon,
- (b) piel de sapo,
- (c) rockmelon,
- (d) watermelon.

micro producer means a business that grows or harvests the following from a property with a cultivated area less than 2ha—

- (a) berries,
- (b) leafy vegetables,
- (c) melons.

pasteurisation means, in relation to fruit or vegetable juice—

- (a) heating the juice to a temperature of not less than 72°C and keeping the juice at not less than 72°C for at least 15 seconds, or
- (b) treating the juice using a technology or method that produces a lethal effect, equivalent to the method referred to in paragraph (a), on microorganisms present in the juice.

plant product means any of the following—

- (a) berries,
- (b) fresh cut fruit,
- (c) fresh cut vegetables,
- (d) leafy vegetables,
- (e) melons,
- (f) seed sprouts,
- (g) unpasteurised juice,
- (h) vegetables in oil.

plant products business—see section 114.

seed sprouts—

- (a) means—
 - (i) sprouted beans, or
 - (ii) sprouted seeds, and
- (b) does not include wheat grass.

small berry plant products business means a plant products business that grows or harvests berries from a property with a cultivated area of 2ha or more and less than 10ha.

small leafy vegetable plant products business means a plant products business that

grows or harvests leafy vegetables from a property with a cultivated area of 2ha or more and less than 10ha.

small melon plant products business means a plant products business that grows or harvests melons from a property with a cultivated area of 2ha or more and less than 10ha.

unpasteurised juice means fruit or vegetable juice, or a mixture of fruit or vegetable juice, that has not been subject to pasteurisation.

vegetables in oil means the following if immersed wholly or partly in oil—

- (a) fruits, vegetables or herbs,
- (b) parts of fruits, vegetables or herbs,
- (c) a combination of anything in paragraph (a) or (b).

114 Meaning of “plant products business”

- (1) In the plant products food safety scheme, **plant products business** means a business involving the handling of plant products, if any of the following activities are carried out in the operation of the business—
 - (a) extracting juice from vegetables or fruits without pasteurising the juice,
 - (b) processing seed sprouts, fruits or vegetables, excluding berries, leafy vegetables and melons, to produce plant products, including in the following ways—
 - (i) cutting,
 - (ii) peeling,
 - (iii) preserving,
 - (iv) cooking,
 - (c) storing plant products,
 - (d) transporting plant products,
 - (e) packaging plant products,
 - (f) growing or harvesting berries, leafy vegetables or melons from a property with a cultivated area of 2ha or more,
 - (g) processing berries, leafy vegetables or melons in the following ways—
 - (i) washing, trimming, sorting, sanitising,
 - (ii) combining harvested berries,

- (iii) combining harvested leafy vegetables,
 - (iv) combining harvested melons,
 - (v) packing berries, leafy vegetables or melons,
 - (h) storing berries, leafy vegetables or melons in combination with a processing activity listed in paragraph (g),
 - (i) transporting berries, leafy vegetables or melons between primary processing premises in combination with a processing activity listed in paragraph (g).
- (2) A reference to a business or activity in subsection (1) does not include a reference to a business or activity that is the subject of a declaration in force under section 116.
- (3) To avoid doubt, micro producers are not plant products businesses.

115 Application of plant products food safety scheme to retail premises and food not intended for sale

The plant products food safety scheme does not apply to the handling of food—

- (a) on retail premises, or
- (b) in or from a vehicle from which the food is sold by retail, or
- (c) not intended for sale.

116 Application of plant products food safety scheme to fresh cut fruit and vegetables, seed sprouts and juices

- (1) The Food Authority may, on the application of a person or on the Authority's own initiative, declare that the plant products food safety scheme does not apply to a plant products business, or an activity of the plant products business, if the Food Authority is satisfied that the business, or the activity, involves the handling of a plant product, other than vegetables in oil, that will be—
- (a) further processed to convert the plant product from being a plant product and reduce the risk of microbiological contamination in the product before it is supplied to a consumer, or
 - (b) in packaging, when supplied to a consumer, that indicates the plant product is not ready to consume until it is further processed in a way that will reduce the risk of microbiological contamination in the product.
- (2) For this section, the risk of microbiological contamination is taken to be reduced—
- (a) for fresh cut fruit, fresh cut vegetable and seed sprouts—by cooking or a process equivalent in effectiveness, or

(b) for unpasteurised juice—by pasteurisation or a process equivalent in effectiveness.

(3) The Food Authority may require an applicant for a declaration under this section to give information to the Food Authority that the Food Authority considers necessary to determine the application.

(4) The Food Authority may revoke a declaration under this section for a reason the Food Authority considers appropriate, but only after having given written notice of the intention to do so to the proprietor of the plant products business.

116A Application of Food Standards Code to primary production of berries—the Act, s 21(5)

The following provisions of the Food Standards Code apply to a food business that involves the handling of berries and is primary food production—

(a) Standard 4.1.1, clauses 1–3,

(b) Standard 4.2.7.

116B Application of Food Standards Code to primary production of leafy vegetables—the Act, s 21(5)

The provisions of the Food Standards Code apply to businesses as follows—

(a) for a micro producer that grows or harvests leafy vegetables—

(i) Standard 3.2.2, clause 4, for the Act, section 100(1), and

(ii) Standard 4.1.1, clauses 1–3, and

(iii) Standard 4.2.8, as modified under this part,

(b) for a small leafy vegetable plant products business—

(i) Standard 4.1.1, and

(ii) Standard 4.2.8,

(c) for a food business operating from a property with a cultivated area of more than 10ha that involves the handling of leafy vegetables and is primary food production—

(i) Standard 3.2.1, and

(ii) Standard 4.1.1, and

(iii) Standard 4.2.8.

116C Application of Food Standards Code to primary production of melons—the Act, s

21(5)

The provisions of the Food Standards Code apply to businesses as follows—

- (a) for a micro producer that grows or harvests melons—
 - (i) Standard 3.2.2, clause 4, for the Act, section 100(1), and
 - (ii) Standard 4.1.1, clauses 1–3, and
 - (iii) Standard 4.2.9, as modified under this part,
- (b) for a small melon plant products business—
 - (i) Standard 4.1.1, and
 - (ii) Standard 4.2.9,
- (c) for a food business operating from a property with a cultivated area of more than 10ha that involves the handling of melons and is primary food production—
 - (i) Standard 3.2.1, and
 - (ii) Standard 4.1.1, and
 - (iii) Standard 4.2.9.

116D Modification of Food Standards Code

- (1) The Food Standards Code, Standard 4.2.7 is modified, but only in relation to the storing and transporting of berries, by inserting after clause 3(3) the following subclause—
 - (4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested berries.
- (2) The Food Standards Code, Standard 4.2.8 is modified, but only in relation to the storing and transporting of leafy vegetables, by inserting after clause 3(3) the following subclause—
 - (4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested leafy vegetables.
- (3) The Food Standards Code, Standard 4.2.8 is modified, but only in relation to the primary production of leafy vegetables, by inserting after clause 4 the following clause—

4.2.8—4A Minimum cultivated area for general food safety management

requirements

A primary horticulture producer is not required to comply with clause 4 if leafy vegetables are produced on a cultivated area of less than 2ha.

- (4) The Food Standards Code, Standard 4.2.9 is modified, but only in relation to the storing and transporting of melons, by inserting after clause 3(3) the following subclause—

(4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested melons.

- (5) The Food Standards Code, Standard 4.2.9 is modified, but only in relation to the primary production of melons, by inserting after clause 4 the following clause—

4.2.9—4A Minimum cultivated area for general food safety management requirements

A primary horticulture producer is not required to comply with clause 4 if melons are produced on a cultivated area of less than 2ha.

Division 2 Sampling and analyses

117 Plant products business to undertake analyses

- (1) The holder of a licence authorising the operation of a plant products business must, at the holder's own expense, ensure the following are analysed in accordance with this section—
- (a) samples of plant products that are handled by the plant products business authorised by the licence and are required by the NSW Food Safety Schemes Manual to be analysed,
 - (b) samples of seed used for sprouting,
 - (c) samples of spent irrigation water that has been used for seed sprouting,
 - (d) samples of water that—
 - (i) has not been supplied through a reticulated water system, and
 - (ii) is used in connection with the production and processing of plant products by the business.

Maximum penalty—25 penalty units.

- (2) An analysis for this section must be carried out at the following frequencies—

- (a) if a notice is served on the holder of the licence under subsection (3)—as required by the notice,
 - (b) otherwise—as required by the NSW Food Safety Schemes Manual.
- (3) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
 - (a) specify the frequency at which analyses must be carried out for this section,
 - (b) set out the standards required to be met for the samples being analysed.

118 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 117 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—
 - (a) the National Association of Testing Authorities, Australia,
 - (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence authorising the operation of a plant products business must, in accordance with subsection (4), notify the Food Authority of the details of an analysis carried out by or for the holder for section 117 if the results of the analysis indicate—
 - (a) the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual, or
 - (b) if a notice was given to the holder under section 117(3) setting out the required standards—the sample analysed failed to meet the required standards.

Maximum penalty—25 penalty units.

- (3) The person in charge of a laboratory in which an analysis is carried out must notify the Food Authority in writing within 24 hours after the analysis is completed of the details of the analysis if the results of the analysis indicate the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

- (4) A notification under subsection (2) must—
 - (a) be made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and
 - (b) be given in writing within 48 hours after the holder becomes aware of the results of the analysis.

Division 3 Miscellaneous

119 Establishment of Plant Products Industry Consultative Committee

- (1) The Food Authority must establish a committee called the Plant Products Industry Consultative Committee with the following functions—
 - (a) undertaking consultation with the Food Authority for the Act, section 105, in relation to the plant products food safety scheme,
 - (b) the ongoing review of the operation of the plant products food safety scheme for the Act, section 102(2)(y).
- (2) The Committee must consist principally of persons from the plant products industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the Committee—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a chairperson of the Committee from the members of the Committee.
- (5) The Food Authority must determine the procedure for the calling and holding of meetings of the Committee.

120 Licence fees for plant products businesses

- (1) The holder of a licence that authorises the carrying on of one or more of the activities specified in Schedule 3, Part 3 must pay a licence fee each year to the Food Authority equal to the total of the fees applicable to the licence calculated in accordance with the part.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Part 8 Seafood safety scheme

Division 1 Preliminary

121 Seafood safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme for seafood businesses (the **seafood safety scheme**)—

- (a) Part 4,
- (b) this part,
- (c) Schedule 3, Part 4,
- (d) Schedule 7.

122 Definitions

In the seafood safety scheme—

annual local shellfish program levy means the levy payable under Division 7.

depuration means the process using a controlled aquatic environment to reduce the level of pathogenic organisms that may be present in live shellfish.

estuarine waters means waters located within the estuary of a New South Wales river.

growing on means the process of juvenile bivalve molluscs being further grown for a sufficient period to enable the mollusc's development before sale.

local committee means a local shellfish committee appointed under section 139.

local program means a local shellfish program prepared under section 136(3).

NSW Shellfish Committee means the NSW Shellfish Committee established under section 137.

NSW Shellfish Industry Manual means the *NSW Shellfish Industry Manual* published by the Food Authority, as in force from time to time.

Program means the New South Wales Shellfish Program established under section 136(1).

seafood—see section 123.

seafood business—see section 124.

shellfish—

- (a) means bivalve molluscs, including clams, cockles, mussels, oysters, pipis and

scallops, and

(b) does not include the following—

- (i) scallops and pearl oysters, if the only part intended for human consumption is the adductor muscle,
- (ii) the spat of bivalve molluscs.

spat means juvenile bivalve molluscs taken for the sole purpose of growing on.

transshipment means the process of transferring live shellfish between harvest areas.

wet storage means the temporary storage of shellfish in containers or tanks containing natural or artificial seawater for purposes other than depuration and may include de-sanding.

123 Meaning of “seafood”

(1) In the seafood safety scheme, **seafood** means the following if intended for human consumption—

- (a) aquatic vertebrates and aquatic invertebrates,
- (b) a product of, or anything containing a product of, a thing referred to in paragraph (a).

(2) However, seafood does not include the following—

- (a) amphibians, mammals or reptiles,
- (b) aquatic plants,
- (c) a product of, or anything containing a product of, an amphibian, mammal or reptile, or an aquatic plant, that does not also contain another thing referred to in subsection (1)(a) or (b).

124 Meaning of “seafood business”

(1) In the seafood safety scheme, **seafood business** means a business involving the handling of seafood, including the carrying on of any of the following activities—

- (a) cultivating, harvesting or collecting shellfish,
- (b) depuration or wet storage of shellfish,
- (c) cultivating spat,
- (d) processing seafood, including canning, cooking, filleting, gilling and gutting, high pressure processing, shucking, skinning, smoking and preserving,

- (e) packaging seafood,
- (f) storing seafood,
- (g) transporting seafood, except transporting seafood from retail premises to the consumer or in a vehicle from which the seafood will be sold by retail,
- (h) wholesaling seafood.

(2) For the seafood safety scheme, a ***seafood business***—

- (a) does not include—
 - (i) the act of taking or catching fin fish, crustacea or cephalopods, and
 - (ii) handling live lobsters, crayfish, abalone, crabs or sea urchins, and
 - (iii) retail sale of seafood, and
- (b) does include handling of fin fish, crustacea or cephalopods immediately after the fin fish, crustacea or cephalopods are taken or caught, whether the handling occurs on board a vessel or otherwise.

125 Application of seafood safety scheme to retail premises and food not intended for sale

The seafood safety scheme does not apply to the handling of food—

- (a) on retail premises, or
- (b) in or from a vehicle from which the food is sold by retail, or
- (c) not intended for sale.

126 Certain vessels excluded from part

The seafood safety scheme does not apply to a vessel used in the handling of seafood intended for sale if the vessel is only used for one or more of the following purposes—

- (a) the cultivating and handling of live estuarine bivalve molluscs,
- (b) setting and retrieving fishing gear,
- (c) towing.

127 Application of Food Standards Code to primary production of seafood

For the Act, section 21(5), the following provisions of the Food Standards Code apply to a food business that involves the handling of seafood and is primary food production—

- (a) Standard 3.2.1,

- (b) Standard 4.2.1, as modified by this part.

128 Modification of Food Standards Code

Standard 4.2.1 of the Food Standards Code is modified as follows—

- (a) by omitting the definition of **growing on** from clause 15 and by inserting instead—

growing on means the process of juvenile bivalve molluscs being further grown for a sufficient period to enable the mollusc's development before sale.

- (b) by omitting clause 16(3)(a) and by inserting instead—

- (a) the conditions of the ASQAP Manual specified in the Schedule to this Standard;
and

Division 2 Additional licence requirements

129 Application requirements

Without limiting the grounds on which the Food Authority may refuse to grant a licence, the Food Authority must not grant a licence authorising the carrying on of a seafood business unless satisfied the applicant has any necessary authorisation under the [Fisheries Management Act 1994](#) to carry on the activities to which the application relates.

130 Suspension or cancellation of licence

Without limiting the grounds on which the Food Authority may suspend or cancel a licence, the Food Authority may suspend or cancel a licence authorising the carrying on of a seafood business if any relevant authorisation under the [Fisheries Management Act 1994](#) has been suspended or cancelled.

Division 3 Sampling, analyses and records

131 Seafood businesses to undertake analyses

- (1) The holder of a licence that authorises the operation of a seafood business must, at the holder's own expense, ensure the following are analysed in accordance with this section—
 - (a) samples of seafood handled by the seafood business authorised by the licence and required by the NSW Food Safety Schemes Manual to be analysed,
 - (b) samples of shellfish handled by the seafood business authorised by the licence and required by the NSW Shellfish Industry Manual to be analysed,
 - (c) samples of the environments in which seafood handled by the seafood business

authorised by the licence is grown and harvested, which are samples required by the NSW Shellfish Industry Manual to be analysed,

- (d) samples of water that—
 - (i) has not been supplied through a reticulated water system and is used in connection with the production and processing of seafood by the business, and
 - (ii) is required by NSW Food Safety Schemes Manual to be analysed,
- (e) samples of water used for the wet storage of shellfish and required by the NSW Shellfish Industry Manual to be analysed,
- (f) samples of water used for the depuration of shellfish and required by the NSW Shellfish Industry Manual to be analysed.

Maximum penalty—25 penalty units.

- (2) An analysis for this section of samples of the following must be carried out at the frequency required by the NSW Shellfish Industry Manual—
 - (a) shellfish,
 - (b) the environments in which seafood is grown and harvested,
 - (c) water used for the wet storage of shellfish,
 - (d) water used for the depuration of shellfish.
- (3) An analysis for this section not referred to in subsection (2) must be carried out at the following frequencies—
 - (a) if a notice is served on the holder of the licence under subsection (4)—as required by the notice,
 - (b) otherwise—as required by the NSW Food Safety Schemes Manual.
- (4) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
 - (a) specify the frequency at which analyses, other than an analysis referred to in subsection (2), must be carried out for this section,
 - (b) set out the standards required to be met for the samples being analysed.

132 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 131 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—

- (a) the National Association of Testing Authorities, Australia,
- (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence must, in accordance with subsection (3), notify the Food Authority of the details of an analysis carried out by or for the holder for section 131 if the results of the analysis indicate—
- (a) for an analysis referred to in section 131(2)—the sample analysed failed to meet the standards set out in the NSW Shellfish Industry Manual, or
 - (b) otherwise—the sample analysed failed to meet—
 - (i) the standards set out in the NSW Food Safety Schemes Manual, or
 - (ii) if a notice was given to the holder under section 131(4) setting out the required standards—the required standards.

Maximum penalty—25 penalty units.

- (3) A notification under subsection (2) must be—
- (a) made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and
 - (b) given in writing within 48 hours after the holder becomes aware of the results of the analysis.
- (4) The person in charge of a laboratory in which an analysis for section 131 is carried out must lodge a written report to the Food Authority of the results of the analysis within 24 hours after the analysis is completed if the analysis was of samples of—
- (a) shellfish, or
 - (b) the environments in which seafood is grown and harvested, or
 - (c) water used for the wet storage of shellfish, or
 - (d) water used for the depuration of shellfish.

Maximum penalty—25 penalty units.

- (5) The person in charge of a laboratory in which an analysis for section 140(1)(a)(ii) is carried out must lodge a written report to the Food Authority of the results of the analysis within 24 hours after the analysis is completed.

Maximum penalty—25 penalty units.

- (6) The person in charge of a laboratory in which an analysis of a sample of seafood is

carried out must lodge a written report to the Food Authority of the results of the analysis within 24 hours after the analysis is completed if the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

133 Records to be kept

The holder of a licence that authorises the operation of a seafood business must ensure the following records are kept in relation to the business for a period of 2 years from the occurrence of the event to which the records relate—

- (a) for each occasion on which shellfish is harvested—
 - (i) the date and time of harvest, and
 - (ii) the name of the harvest area from which the shellfish was harvested, and
 - (iii) the species of shellfish harvested and quantity of each species harvested,
- (b) for each occasion on which shellfish is collected—
 - (i) the date and time of collection, and
 - (ii) the name of the harvest area from which the shellfish was collected, and
 - (iii) the species of shellfish collected and quantity of each species collected,
- (c) for each occasion on which shellfish is relayed—
 - (i) the name of the harvest area from which the shellfish was relayed, and
 - (ii) the date and time the shellfish was relayed from the harvest area, and
 - (iii) the name of the harvest area to which the shellfish was relayed, and
 - (iv) the date and time the shellfish was relayed to the harvest area, and
 - (v) the species of shellfish relayed and the quantity of each species relayed,
- (d) for each occasion on which shellfish is translocated—
 - (i) the name of the area from which the shellfish was translocated, and
 - (ii) the date the shellfish was translocated from the area, and
 - (iii) the name of the harvest area to which the shellfish was translocated, and
 - (iv) the date the shellfish was translocated to the harvest area, and
 - (v) the species of shellfish translocated and the quantity of each species translocated,

- (e) for the wet storage of each batch of shellfish—
 - (i) the date and time wet storage commenced, and
 - (ii) the date and time wet storage ended, and
 - (iii) if the wet storage was carried out for the seafood business by another food business—the licence number issued to the other business by the Food Authority, and
 - (iv) the name of the operator of the wet storage facility, and
 - (v) the source of the water used for the wet storage,
- (f) for the depuration of each batch of shellfish—
 - (i) the date and time depuration commenced, and
 - (ii) the date and time depuration ended, and
 - (iii) particulars to identify the depuration plant used for the depuration, and
 - (iv) the name of the operator of the depuration facility, and
 - (v) the source of the water used for the depuration, and
 - (vi) a unique identifier of the batch of shellfish.

Maximum penalty—25 penalty units.

134 Labelling of shellfish

The holder of a licence must ensure the packaging containing shellfish ready for wholesale or retail sale bears a label that includes the following—

- (a) the name and address of the seafood business authorised by the licence,
- (b) a unique identifier for the batch of shellfish,
- (c) the name of the harvest area from which the shellfish was harvested,
- (d) the date of the harvest,
- (e) the species and quantity of shellfish,
- (f) a statement indicating the conditions under which the shellfish should be stored.

Maximum penalty—25 penalty units.

135 Depuration of shellfish

- (1) The holder of a licence that authorises the harvesting or collecting of shellfish must

ensure shellfish harvested or collected under the authority of the licence are depurated in accordance with the plan of management referred to in section 136(3)(b).

(2) For subsection (1)—

- (a) the shellfish must be depurated for a minimum period of 36 hours, and
- (b) a method used for the disinfection of depuration water must be capable of achieving a reduction in *Escherichia coli* of 99.9%.

Division 4 New South Wales Shellfish Program

136 Establishment of New South Wales Shellfish Program

(1) The Food Authority must—

- (a) establish, manage and operate the New South Wales Shellfish Program, and
- (b) ensure the Program is maintained and applied to the cultivation, harvest, collection, depuration, transshipment, labelling, identification and tracking of shellfish.

(2) The objective of the Program is to ensure shellfish harvested or collected in New South Wales for sale for human consumption meet food safety requirements by—

- (a) assessing harvest areas to determine appropriate risk-based classifications and required food safety controls, and
- (b) establishing criteria for the harvest, collection and depuration of shellfish, and
- (c) ensuring the criteria are satisfied in the harvest, collection and depuration of shellfish, and
- (d) monitoring and assessing the effectiveness of the criteria.

(3) For each local area in which shellfish is harvested or collected, the Food Authority must prepare a local shellfish program that includes the following—

- (a) the boundaries of harvest areas within the local area,
- (b) plans for the management of harvest areas within the local area that set out the environmental conditions that must be met before shellfish may be harvested, collected or depurated,
- (c) a mechanism by which the Food Authority advises licence holders in the local area who harvest or collect shellfish of a change to the status of a harvest area,
- (d) the identification of sites for taking samples of the environment in which shellfish are harvested or collected,

- (e) a plan for taking the samples referred to in paragraph (d) and a plan for the testing of the samples,
- (f) the identification of pollution sources that may adversely affect the environment in which the shellfish are harvested or collected.

137 Establishment of NSW Shellfish Committee

- (1) The Food Authority must establish a committee called the NSW Shellfish Committee with the following functions—
 - (a) undertaking consultation with the Food Authority for the Act, section 105, in relation to the application of the seafood safety scheme to shellfish,
 - (b) the ongoing review of the operation of the seafood safety scheme in relation to the application of the scheme to shellfish for the Act, section 102(2)(y).
- (2) The NSW Shellfish Committee must consist principally of persons from the shellfish industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the NSW Shellfish Committee—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) In appointing persons from the shellfish industry as members of the NSW Shellfish Committee, the Food Authority must consider the following matters, and may also have regard to other relevant matters—
 - (a) whether or not the person holds a licence to harvest, collect or depurate shellfish,
 - (b) whether or not the person is commercially reliant on the harvesting, collection or depuration of shellfish,
 - (c) whether or not the person has demonstrated previous compliance with the Program,
 - (d) whether or not the person has experience as a member at a local committee level in the Program.
- (5) The Food Authority must appoint a Chairperson of the NSW Shellfish Committee from the members of the NSW Shellfish Committee.
- (6) The Food Authority must determine the procedure for the calling and holding of meetings of the NSW Shellfish Committee.

138 Responsibilities of NSW Shellfish Committee

The NSW Shellfish Committee is responsible for the following—

- (a) advising the Minister and the Food Authority on matters relating to the operation and administration of the Program, including the operation of the Program at a local level,
- (b) communicating with and assisting local committees and industry members on matters relating to the Program,
- (c) providing representatives to other committees dealing with shellfish food safety issues.

139 Appointment of local shellfish committees

- (1) The Food Authority must appoint a local shellfish committee for each area or group of areas of estuarine waters to which the Program relates.
- (2) A local committee must comprise the number of members the Food Authority considers appropriate.
- (3) The Food Authority must arrange for the election of members of a local committee by the persons the Food Authority is satisfied are eligible to be elected.
- (4) A person is eligible to be elected to a local committee if the Food Authority is satisfied the person—
 - (a) is or was the holder of a licence authorising any of the following in the proposed area of operations of the committee—
 - (i) harvesting or collecting shellfish,
 - (ii) operating a depuration plant,
 - (iii) cultivating shellfish or spat, and
 - (b) has complied with the Program.

140 Responsibilities of local shellfish committees

- (1) A local committee is responsible for the following—
 - (a) administering, under the direction of the Food Authority, the local program for the area for which the committee is appointed, including—
 - (i) advising the Food Authority, and licence holders in the local area who harvest, collect or depurate shellfish, when the environmental conditions set out in the local program that must be met before shellfish may be harvested, collected or depurated are not satisfied, and

- (ii) coordinating the collection and analysis, at the expense of the local program, of samples of the environment in which the shellfish are grown, harvested or collected, in accordance with the plan for the management of harvest areas within the local area, and additional sampling requirements of the Food Authority, and
 - (iii) ensuring each analysis carried out for the local program is carried out in a laboratory approved by the National Association of Testing Authorities, or by the Food Authority, for the particular type of analysis to be undertaken,
- (b) communicating and consulting with the NSW Shellfish Committee, the Food Authority and persons who harvest farmed shellfish, collect wild shellfish, cultivate or depurate shellfish or cultivate spat,
- (c) determining annually, in consultation with persons required to comply with the local program, the total projected administration and operational costs of the local program, including the cost of maintaining the local committee,
- (d) advising the Food Authority, before 1 August in each year, of the costs referred to in paragraph (c),
- (e) preparing and lodging to the Food Authority, before 1 August in each year, a report on the local committee's operations, including the following—
 - (i) the level of participation in the local program,
 - (ii) an account of the finances of the committee,
 - (iii) other matters the NSW Shellfish Committee notifies as required for inclusion in the report.
- (2) A local committee must nominate one or more of the committee's members to assist in the day to day operation of the local program under the general direction of the Food Authority.

141 Provisions relating to members and procedure of committees

Schedule 7 applies to each local committee.

142 Funding of committees

- (1) The Food Authority may arrange for the funding of the NSW Shellfish Committee from licence fees and levies payable under Division 6.
- (2) The Food Authority may arrange for the funding of each local committee from money levied under Division 7.
- (3) Each committee funded by the Food Authority must keep accounts of—

- (a) all amounts paid to the committee by the Food Authority to enable the committee to exercise the committee's functions, and
 - (b) all amounts expended by the committee.
- (4) The Food Authority may require a committee funded by the Food Authority under this part to produce the committee's accounts for inspection at a reasonable time.

Division 5 Annual general licence fees

143 Annual general licence fees for seafood businesses

- (1) The holder of a licence that authorises the carrying on of one or more of the activities specified in Schedule 3, Part 4 must pay a licence fee each year to the Food Authority equal to the total of the fees applicable to the licence calculated in accordance with the part.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Division 6 Licence fees and levies for State shellfish program

144 Payment of licence fees for shellfish harvesting, cultivating of shellfish, cultivating of spat or operation of depuration plant

- (1) The holder of a licence that authorises the harvesting of shellfish, cultivating of shellfish, cultivating of spat or the operation of a depuration plant must pay a licence fee each year to the Food Authority.
- (2) The amount of the licence fee is the fee determined by the Food Authority or the fee calculated on the basis determined by the Food Authority.
- (3) The Food Authority may determine a fee, or a basis for calculating a fee, for subsection (2) that applies—
 - (a) generally or is limited in application by reference to specified exceptions or factors, or
 - (b) differently according to different factors of a specified kind.
- (4) Without limiting subsections (2) and (3), the Food Authority may increase a fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.
- (5) The licence fee payable under this section is in addition to another licence fee or levy

payable by the holder under this part.

145 Shellfish area service levy

- (1) The holder of a licence must pay a levy each year to the Food Authority if the holder—
 - (a) is also the holder of a class A aquaculture permit issued under the *Fisheries Management Act 1994*, Part 6, that authorises the carrying on of an activity authorised by the licence, and
 - (b) is the lessee under an aquaculture lease granted under that Act, Part 6.
- (2) The amount of the levy payable under this section by the holder of a licence must be calculated by multiplying the number of hectares, including part of a hectare, of the area of the aquaculture lease granted to the holder by \$31.
- (3) The levy payable under this section is in addition to another licence fee or levy payable by the holder under this part.

146 Purposes for which licence fee or levy to be applied

A licence fee or levy payable under this division must be applied only for the following purposes—

- (a) meeting the costs incurred in maintaining the NSW Shellfish Committee,
- (b) meeting the costs incurred by the NSW Shellfish Committee in carrying out the NSW Shellfish Committee's responsibilities,
- (c) contributing to the operating costs of the Program.

Division 7 Local shellfish program levy

147 Payment of annual local shellfish program levy

- (1) This section applies if there is a local committee appointed for the area in which the activity is carried on.
- (2) An annual local shellfish program levy is payable to the Food Authority by the holder of a licence that authorises—
 - (a) harvesting, cultivating or collecting shellfish, or
 - (b) cultivating spat, or
 - (c) operating a depuration plant.
- (3) The levy must be applied only for the following purposes—
 - (a) meeting the costs incurred in maintaining the local committees,

(b) meeting the costs incurred by the committees in carrying out their responsibilities.

- (4) An annual local shellfish program levy is payable in addition to another levy payable under this part.

148 Calculation of annual local shellfish program levy

- (1) The annual local shellfish program levy payable under section 147 must be calculated in accordance with this section.
- (2) The Food Authority must determine the levy payable under this section, in relation to the holder of a licence, by dividing the total projected administration and operational costs lodged to the Food Authority under section 140(1)(d) for the year by the number of licence holders.
- (3) If the holder of a licence harvests, collects or cultivates shellfish, cultivates spat or operates a depuration plant in more than one area for which a local committee is appointed, the holder is liable to pay a levy under this division for each of the areas.
- (4) Despite another provision of this division, the levy payable by the holder of a licence for an area for which a local committee is appointed must be reduced by half if—
- (a) the only activity carried on in the area under the licence is—
- (i) operating a depuration plant, or
- (ii) cultivating spat, and
- (b) the holder harvests, collects or cultivates shellfish, cultivates spat or operates a depuration plant in at least 1 other area and has paid an unreduced amount of the levy required under this division in relation to at least 1 other area.

Division 8 Miscellaneous

149 Establishment of New South Wales Seafood Industry Forum

- (1) The Food Authority must establish a committee called the New South Wales Seafood Industry Forum (the **Forum**) with the following functions—
- (a) undertaking consultation with the Food Authority for the Act, section 105 in relation to the seafood safety scheme, other than in the application of the seafood safety scheme to shellfish,
- (b) the ongoing review of the operation of the seafood safety scheme, other than in the application of the scheme to shellfish, for the Act, section 102(2)(y).
- (2) The Forum must consist principally of persons from the seafood industry appointed by the Food Authority.

- (3) The Food Authority may also decide to appoint the following as members of the Forum—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a Chairperson of the Forum from the members of the Forum.
- (5) The Food Authority must determine the procedure for the calling and holding of meetings of the Forum.

Part 9 Vulnerable persons food safety scheme

Division 1 Preliminary

150 Vulnerable persons food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme for vulnerable persons food businesses—

- (a) Part 4,
- (b) this part,
- (c) Schedule 3, Part 5.

151 Meaning of “vulnerable persons food business”

In the vulnerable persons food safety scheme, ***vulnerable persons food business*** means a food business to which Standard 3.3.1 of the Food Standards Code applies.

Note—

See section 152, which contains modifications relating to the Food Standards Code, Standard 3.3.1.

152 Modification of Food Standards Code

The Food Standards Code, Standard 3.3.1, is modified by omitting the matter relating to child care centres from the Schedule to the Standard.

Division 2 Sampling and analyses

153 Vulnerable persons food businesses to undertake analyses

- (1) The holder of a licence authorising the operation of a vulnerable persons food business must, at the holder’s own expense, ensure the following are analysed in accordance with this section—

- (a) samples of food handled by the vulnerable persons food business,
- (b) samples of water that—
 - (i) has not been supplied through a reticulated water system, and
 - (ii) is used in connection with the handling of food in the operation of the business.

Maximum penalty—25 penalty units.

- (2) An analysis for this section must be carried out at the following frequencies—
 - (a) if a notice is served on the holder of the licence under subsection (3)—as required by the notice,
 - (b) otherwise—as required by the NSW Food Safety Schemes Manual.
- (3) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
 - (a) specify the frequency at which analyses must be carried out for this section,
 - (b) set out the standards required to be met for the samples being analysed.

154 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 153 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—
 - (a) the National Association of Testing Authorities, Australia,
 - (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence authorising the operation of a vulnerable persons food business must, in accordance with subsection (4), notify the Food Authority of the results of an analysis carried out by or for the holder of the licence for section 153 if the results of the analysis indicate—
 - (a) the sample analysed failed to meet the requirements of the NSW Food Safety Schemes Manual, or
 - (b) if a notice was given to the holder under section 153(3) setting out the required standards—the sample analysed failed to meet the required standards.

Maximum penalty—25 penalty units.

- (3) The person in charge of a laboratory in which an analysis is carried out must notify the

Food Authority, within 24 hours after the analysis is completed, of the details of the analysis if the results of the analysis indicate the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

- (4) A notification under subsection (2) must—
- (a) be made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and
 - (b) be given in writing within 48 hours after the holder becomes aware of the results of the analysis.

Division 3 Miscellaneous

155 Establishment of New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee

- (1) The Food Authority may establish a committee called the New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee with the following functions—
 - (a) undertaking consultation with the Food Authority for the Act, section 105, in relation to the vulnerable persons food safety scheme,
 - (b) the ongoing review of the operation of the vulnerable persons food safety scheme for the Act, section 102(2)(y).
- (2) The Committee must consist principally of persons from the vulnerable persons food industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the Committee—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) employees of the Ministry of Health,
 - (d) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a Chairperson of the Committee from the members of the Committee.
- (5) The Food Authority must determine the procedure for the calling and holding of meetings of the Committee.

156 Licence fees for vulnerable persons food businesses

- (1) The holder of a licence that authorises the carrying on of a vulnerable persons food business must pay a licence fee each year to the Food Authority in accordance with Schedule 3, Part 5.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Part 10 Egg food safety scheme

Division 1 Preliminary

157 Egg food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme (the **egg food safety scheme**)—

- (a) for egg businesses—
 - (i) Part 4, and
 - (ii) this part, and
 - (iii) Schedule 3, Part 6, and
 - (iv) Schedule 8,
- (b) for small egg producers—this part.

158 Definitions

In the egg food safety scheme—

blended egg product mixture means a product consisting of at least 80% by weight of egg white or egg yolk, or both, and other food.

cracked egg means an egg with a cracked shell, where a crack is visible or visible by candling, and includes a broken egg.

egg means the egg of an avian species, other than the egg of a ratite.

egg business—see section 159.

egg producer means a person who produces eggs for sale.

egg product means the whole or a part of the content of an egg with the shell removed and in any form.

small egg producer—see section 160.

159 Meaning of “egg business”

- (1) In the egg food safety scheme, ***egg business*** means a business involving any of the following—
 - (a) producing, washing, grading or dry cleaning more than 240 eggs in a week,
 - (b) examining more than 240 eggs in a week to detect cracks,
 - (c) manufacturing, pasteurising or processing—
 - (i) egg products, or
 - (ii) blended egg product mixtures,
 - (d) transporting the following products or a combination of the products—
 - (i) egg products, other than in dried form,
 - (ii) blended egg product mixtures, other than in dried form,
 - (iii) cracked eggs,
 - (e) storing the following products or a combination of the products on premises other than egg food production premises—
 - (i) egg products, other than in dried form,
 - (ii) blended egg product mixtures, other than in dried form,
 - (iii) cracked eggs.
- (2) For subsection (1)(b), examining eggs to detect cracks does not include the random examination of eggs for the purposes of general quality control.
- (3) In this section—

egg food production premises means premises in connection with a business that undertakes the following on the premises—

- (a) manufacturing or processing egg products or blended egg product mixtures,
- (b) producing food using egg products or blended egg product mixtures, or both.

160 Meaning of “small egg producer”

In the egg food safety scheme, ***small egg producer*** means a business involving only one or both of the following—

- (a) producing, washing, grading or dry cleaning not more than 240 eggs in a week,

- (b) examining not more than 240 eggs in a week to detect cracks.

161 Application of egg food safety scheme to retail premises and food not intended for sale

The egg food safety scheme—

- (a) except sections 164–167—does not apply to the handling of food on retail premises, and
- (b) except sections 164–167—does not apply to the handling of food in or from a vehicle from which the food is sold by retail, and
- (c) does not apply to the handling of food not intended for sale.

162 Application of Food Standards Code to primary production of eggs

For the Act, section 21(5), the following provisions of the Food Standards Code apply to a food business that involves the handling of food that is eggs and is primary food production—

- (a) for a small egg producer—
 - (i) Standard 2.2.2, as modified by this part, and
 - (ii) Standard 3.2.2, clause 4, for the Act, section 100(1), and
 - (iii) Standard 4.1.1, and
 - (iv) Standard 4.2.5, Divisions 1 and 2, as modified by this part,
- (b) for an egg business—
 - (i) Standard 2.2.2, and
 - (ii) Standard 3.1.1, and
 - (iii) Standard 3.2.1, and
 - (iv) Standard 3.2.2, Divisions 1 and 4, and
 - (v) Standard 3.2.3, and
 - (vi) Standard 4.1.1, and
 - (vii) Standard 4.2.5, Divisions 1 and 2.

163 Modification of Food Standards Code

- (1) The Food Standards Code, Standard 2.2.2 is modified by inserting after clause 4—

5 Compliance with clause 4

- (1) A person is not required to comply with clause 4 if—
 - (a) the number of eggs produced by the person per week is not more than 240, and
 - (b) the person sells or supplies the eggs—
 - (i) directly to consumers at the place at which the eggs are produced, or
 - (ii) for charitable fundraising purposes where it is intended that the eggs will be cooked thoroughly and consumed immediately.
- (2) The Food Standards Code, Standard 4.2.5 is modified as follows in relation to the primary production of eggs—
 - (a) by inserting after clause 3(3)—
 - (4) An egg producer is not required to comply with this clause unless the egg producer produces, washes, grades, dry cleans or assesses for cracks more than 240 eggs in any week.
 - (b) by inserting after clause 10—

10A Compliance with clause 10

An egg producer is not required to comply with clause 10(1), (2) and (4) if—

- (a) the number of eggs produced by the producer per week is not more than 240, and
- (b) the egg producer sells or supplies the eggs—
 - (i) directly to consumers at the place at which the eggs are produced, or
 - (ii) for charitable fundraising purposes where it is intended that the eggs will be cooked thoroughly and consumed immediately.

Division 2 Requirements relating to production, handling and sale of eggs, egg products and blended egg product mixtures

164 Sale of unpasteurised egg products and unpasteurised blended egg product mixtures

A person must not sell an unpasteurised egg product or unpasteurised blended egg product mixture except to the holder of a licence that authorises the holder to pasteurise the egg product or blended egg product mixture, or both.

Maximum penalty—25 penalty units.

165 Unpasteurised egg products not to be used in food for sale

- (1) A person must not use an unpasteurised egg product in food other than in the preparation of a blended egg product mixture.

Maximum penalty—25 penalty units.

- (2) This section does not apply to an egg product from an egg that is cracked and broken for the purpose of, and during, the preparation of the food.
- (3) Nothing in this section affects a requirement of the Food Standards Code, Standard 3.2.2, clause 7.

166 Unpasteurised blended egg product mixtures not to be used in food for sale

A person must not use an unpasteurised blended egg product mixture in food for sale.

Maximum penalty—25 penalty units.

167 Sale and use of cracked eggs

- (1) A person must not sell a cracked egg except to the holder of a licence who is authorised to manufacture, pasteurise or process—

- (a) egg products, or
- (b) blended egg product mixtures.

Maximum penalty—25 penalty units.

- (2) A person must not use a cracked egg in the preparation of food unless—
- (a) the cracked egg is used in the preparation of an egg product or blended egg product mixture, or
- (b) the cracked egg was cracked and broken for the purpose of, and during, the preparation of the food.

Maximum penalty—25 penalty units.

168 Sale and processing of dirty eggs

- (1) An egg producer or a person who operates an egg business must ensure that an egg intended for human consumption that has visible faeces, soil or other matter on the shell is dealt with by—
- (a) selling the egg to the holder of a licence that authorises the washing or dry cleaning of eggs, or

- (b) cleaning the egg shell so the visible faeces, soil or other matter is removed from the shell, or
- (c) separating the egg shell from the egg product by using a process that—
 - (i) minimises contact between the outside of the shell and the egg product and does not contaminate the egg product during or after the process of separation, and
 - (ii) pasteurises the egg product.

Maximum penalty—25 penalty units.

- (2) In this section—

other matter does not include labels, stickers or ink stamps.

169 Eggs for sale to be free of chemical contaminants

- (1) An egg producer must not sell eggs for human consumption that have been obtained from a bird that has been administered a veterinary chemical product, within the meaning of the Agvet Code, in contravention of the [Stock Medicines Act 1989](#) or the [Pesticides Act 1999](#) unless the Food Authority has given written approval of the sale of the eggs.

Maximum penalty—25 penalty units.

- (2) The Food Authority must not give approval under subsection (1) unless the egg producer has demonstrated to the satisfaction of the Food Authority that the eggs comply with the Food Standards Code, Standard 1.4.2.

- (3) In this section—

Agvet Code means the provisions applying because of the [Agricultural and Veterinary Chemicals \(New South Wales\) Act 1994](#), section 5.

170 Method of pasteurisation of egg products

A reference in a provision of the egg food safety scheme to the pasteurisation, however expressed, of an egg product is a reference to the pasteurisation of the egg product—

- (a) in accordance with the requirements of the Food Standards Code, Standard 4.2.5 and using equipment in accordance with the requirements of the NSW Food Safety Schemes Manual, or
- (b) by an equivalent heat process using another time and temperature combination of equal or greater lethal effect on pathogens in the egg product as would be achieved by—
 - (i) pasteurising an egg product in accordance with the requirements of the Food

Standards Code, Standard 4.2.5, and

- (ii) using equipment that complies with the requirements of the NSW Food Safety Schemes Manual, or
- (c) by another process that produces an equivalent or greater lethal effect on pathogens in the egg product as would be achieved by—
 - (i) pasteurising in accordance with the Food Standards Code, Standard 4.2.5, and
 - (ii) using equipment approved by the Food Authority that complies with the requirements of the NSW Food Safety Schemes Manual.

171 Method of pasteurisation of blended egg product mixtures

A reference in a provision of the egg food safety scheme to the pasteurisation, however expressed, of a blended egg product mixture is a reference to the pasteurisation of the blended egg product mixture—

- (a) by an equivalent heat process using another time and temperature combination of equal or greater lethal effect on pathogens in the blended egg product mixture as would be achieved by—
 - (i) pasteurising an egg product in accordance with the requirements of the Food Standards Code, Standard 4.2.5, and
 - (ii) using equipment that complies with the requirements of the NSW Food Safety Schemes Manual, or
- (b) by another process that produces an equivalent or greater lethal effect on pathogens in the blended egg product mixture as would be achieved by—
 - (i) pasteurising an egg product in accordance with the Food Standards Code, Standard 4.2.5, and
 - (ii) using equipment approved by the Food Authority that complies with the requirements of the NSW Food Safety Schemes Manual.

Division 3 Sampling and analyses

172 Egg businesses to undertake analyses

- (1) The holder of a licence authorising the operation of an egg business must, at the holder's expense, ensure samples of the following are analysed in accordance with this section—
 - (a) eggs, egg products and blended egg product mixtures—
 - (i) handled by the business, and

- (ii) required by the NSW Food Safety Schemes Manual to be analysed,
- (b) water that has not been supplied through a reticulated water system and is used by the business in connection with the following—
 - (i) the production of eggs,
 - (ii) the processing of eggs, egg products or blended egg product mixtures,
- (c) for an egg business that is primary food production and to which Schedule 8 applies—
 - (i) each individual shed where poultry are kept, and
 - (ii) each individual poultry housing area.

Maximum penalty—25 penalty units.

- (2) An analysis for this section must be carried out at the frequency—
 - (a) if a notice is given to the holder of the licence under subsection (3)—required by the notice, or
 - (b) otherwise—required by the NSW Food Safety Schemes Manual.
- (3) The Food Authority may, by written notice given to the holder of a licence, do either or both of the following—
 - (a) specify the frequency at which analyses must be carried out for this section,
 - (b) set out the standards required to be met for the eggs, egg products, blended egg product mixtures or water being analysed.

173 Reports of analyses

- (1) The holder of a licence must ensure every analysis carried out for section 172 is carried out in a laboratory approved by either of the following, for the particular type of analysis to be undertaken—
 - (a) the National Association of Testing Authorities, Australia,
 - (b) the Food Authority.

Maximum penalty—25 penalty units.

- (2) The holder of a licence must, in accordance with subsection (4), notify the Food Authority of the details of an analysis carried out by or for the holder for section 172 if the results of the analysis indicate—
 - (a) the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual, or

- (b) if a notice was given to the holder under section 172(3) setting out the required standards—the sample analysed failed to meet the required standards.

Maximum penalty—25 penalty units.

- (3) The person in charge of a laboratory in which an analysis is carried out must notify the Food Authority, within 24 hours after the analysis is completed, of the details of the analysis if the results of the analysis indicate the sample analysed failed to meet the standards set out in the NSW Food Safety Schemes Manual.

Maximum penalty—25 penalty units.

- (4) A notification under subsection (2) must be—

- (a) made orally as soon as practicable and not later than 24 hours after the holder becomes aware of the results of the analysis, and

- (b) given in writing within 48 hours after the holder becomes aware of the results of the analysis.

174 Records to be kept in relation to sale of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures

The holder of a licence authorising the operation of an egg business must ensure the following records in relation to the sale, by the egg business, of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are kept for 2 years—

- (a) the names and addresses of the persons or businesses to whom the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are sold,
- (b) the dates on which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are sold,
- (c) the lot identification numbers of the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures sold,
- (d) the quantity of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures sold.

Maximum penalty—25 penalty units.

175 Records to be kept in relation to purchase of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures

The holder of a licence authorising the operation of an egg business must ensure the following records in relation to the purchase, by the egg business, of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are kept for 2 years—

- (a) the names and addresses of the persons or businesses from whom the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are purchased,
- (b) the dates on which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are purchased,
- (c) the lot identification numbers of the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures purchased,
- (d) the quantity of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures purchased.

Maximum penalty—25 penalty units.

176 Records to be kept in relation to transportation of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures

The holder of a licence authorising the operation of an egg business must ensure the following records in relation to the transportation to another person or business, by the egg business, of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are kept for 2 years—

- (a) the names and addresses of the persons or businesses for whom the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are transported and to whom the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are transported,
- (b) if known to the holder of the licence—the names and addresses of the persons or businesses that supplied the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures,
- (c) the addresses of the premises from which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are collected for transportation and to which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are delivered,
- (d) the dates on which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are transported,
- (e) the lot identification numbers of the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures transported,
- (f) the quantity of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures transported.

Maximum penalty—25 penalty units.

177 Records to be kept in relation to storage of cracked eggs, unpasteurised egg products and unpasteurised blended egg product mixtures

The holder of a licence authorising the operation of an egg business must ensure the following records in relation to the storage for another person or business, by the egg business, of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are kept for 2 years—

- (a) the names and addresses of the persons or businesses for whom the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are stored,
- (b) the date on which the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures are first stored,
- (c) the lot identification numbers of the cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures stored,
- (d) the quantity of cracked eggs, unpasteurised egg products or unpasteurised blended egg product mixtures stored.

Maximum penalty—25 penalty units.

Division 4 Miscellaneous

178 Establishment of New South Wales Egg Industry Consultative Committee

- (1) The Food Authority must establish a committee called the New South Wales Egg Industry Consultative Committee with the following functions—
 - (a) undertaking consultation with the Food Authority for the Act, section 105 in relation to the egg food safety scheme,
 - (b) the ongoing review of the operation of the egg food safety scheme for the Act, section 102(2)(y).
- (2) The Committee must consist principally of persons from the egg industry appointed by the Food Authority.
- (3) The Food Authority may also decide to appoint the following as members of the Committee—
 - (a) members of staff of the Food Authority,
 - (b) other employees of the Department,
 - (c) representatives of other bodies or organisations.
- (4) The Food Authority must appoint a chairperson of the Committee from the members

of the Committee.

- (5) The Food Authority must determine the procedure for calling and holding meetings of the Committee.

179 Licence fees for egg businesses

- (1) The holder of a licence authorising the carrying on of one or more of the activities specified in Schedule 3, Part 6 must pay a licence fee each year to the Food Authority equal to the total of the fees applicable to the licence calculated in accordance with the part.
- (2) The Food Authority may increase the amount of a licence fee payable under this section annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.

Part 11 Fees and charges

180 Improvement notice fee

For the Act, section 66AA(1), the prescribed fee is \$565.

181 Payment for sample

For the Act, section 68(a)—

- (a) if the current market value of the sample of food is less than \$10—the amount payable is the current market value of the sample, and
- (b) if the current market value of the sample of food is equal to or more than \$10—the amount payable is \$10.

182 Fee for food safety auditor application

For the Act, section 87(3)(b), the prescribed fee is \$880.

183 Payment of penalties and fines into Food Authority Fund—determination of maximum amount

- (1) For the Act, section 117D(3), definition of **maximum amount** and the Act, section 117D(4), the maximum amount for a financial year must be determined in accordance with the following formula—

$$MA = \$250,000 + F$$

where—

MA is the maximum amount for a financial year.

F is 50% of all fines and monetary penalties paid to the Food Authority in the financial year in proceedings instituted by the Food Authority for offences under the Act or this regulation.

(2) In this section—

fine does not include any costs, including expenses or disbursements, payable by a person under an order made by a court in proceedings for an offence under the Act or this regulation.

proceedings instituted by the Food Authority—

(a) means any proceedings instituted—

- (i) by the Food Authority, or
- (ii) under the direction of the Food Authority, or
- (iii) on behalf of the Food Authority, or
- (iv) for the benefit of the Food Authority, and

(b) does not include the issuing of a penalty notice under the Act.

184 Fee for applications for changes to register

For the Act, section 133F(3)(b), the prescribed fee is \$95.

185 Certificate of clearance fee

For the Act, section 139(1)(a), the prescribed fee for the issuing of a certificate of clearance under the Act, section 60(4) is \$500.

186 Charge for inspection of non-licensed food businesses

- (1) For the Act, section 139(1)(b), the charge payable for an authorised officer to inspect, under the Act, section 37, a food business that is not required to be licensed under the Act is \$370 an hour with a minimum charge of half an hour, excluding time spent travelling.
- (2) A relevant enforcement agency may increase the amount under subsection (1) annually in accordance with the annual percentage increase, if any, in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics.
- (3) The charges under this section are payable—
 - (a) by the person who carries on the food business that is not required to be licensed under the Act, and

(b) to the relevant enforcement agency whose authorised officer carried out the inspection.

(4) The relevant enforcement agency may waive payment of a charge in a particular case or class of cases.

(5) In this section—

relevant enforcement agency means the following—

(a) the Food Authority,

(b) for Kosciuszko National Park—the Secretary of the Department of Climate Change, Energy, the Environment and Water,

(c) for Lord Howe Island—the Lord Howe Island Board constituted by the [Lord Howe Island Act 1953](#),

(d) a local council.

187 Annual administration charge

(1) For the Act, section 139(2B)(d), an enforcement agency may impose an annual administration charge on a person who carries on a food business that is not required to be licensed under the Act.

(2) The charge must be calculated in relation to each of the premises of the food business by reference to the number of full-time equivalent food handlers working at the premises indicated in the table to this section, as at the date the charge is imposed.

(3) The amount of the charge must not be more than the maximum charge indicated in the table for the premises.

(4) A charge may only be imposed by an enforcement agency on a food business under this section if the enforcement agency intends to carry out at least 1 inspection of the premises of the food business during the 12-month period to which the charge relates.

(5) The enforcement agency must give each person liable to pay a charge under this section written notice specifying the following—

(a) the amount of the charge,

(b) the period to which the charge relates,

(c) the period within which the charge must be paid.

(6) The person liable to pay the charge must pay the charge within the period specified in the notice.

(7) If the enforcement agency does not carry out at least 1 inspection of the premises of

the food business during the 12-month period to which the charge relates, the enforcement agency must refund the charge paid by the person who carries on the food business.

- (8) A charge paid under this section by a food business that, after the charge has been paid and before the end of the period to which the charge relates, becomes licensed under the Act must be refunded as an amount proportionate to the remainder of the period to which the charge relates.
- (9) The enforcement agency may, on the application of the person liable to pay a charge under this section—
- (a) extend the time for payment of the charge, or
 - (b) waive payment of the charge.
- (10) This section does not apply to a food business operating for the sole purpose of raising funds for a community or charitable cause.

Number of full-time equivalent food handlers working at premises	Maximum charge for each premises
Up to and including 5	\$570
More than 5 but not more than 50	\$1,170
More than 50	\$5,115

Part 12 Miscellaneous

188 Food safety auditor reports

For the Act, section 95(2)(a), the form in Schedule 1 is prescribed.

189 Delegations

For the Act, section 109E(1)(d), the office of general manager of a local council is prescribed.

190 Offences

A breach of a provision of Parts 4–10 does not constitute an offence against this regulation unless a penalty is given in the provision.

Note—

See the Act, section 104, in relation to breaches of provisions of this regulation that do not have a penalty for the provision.

191 Savings

An act, matter or thing that, immediately before the repeal of the *Food Regulation 2015*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Form

Report of food safety auditor

section 188

Audit details

Licence name—

Licence number—

Facility location—

Facility reference number—

Auditor first name—

Auditor surname—

Auditor number—

Audit date—

Audit duration—

Last audit date—

Audit items

[The information below must be completed for each of the following audit items—

- *food safety program,*
- *construction and maintenance,*
- *hygiene and sanitation,*
- *process control,*
- *product ID and traceability,*
- *analytical and testing,*
- *prerequisite programs,*
- *corrective action.]*

1 Previous Corrective Action Request (CAR)? Yes ☐ No ☐

(a) *If yes to 1, issues to close?* Yes ☐ No ☐

(b) *If yes to (a), for each issue—*

(i) Issue number from previous CAR—

(ii) Close-out comments—

(c) *If yes to 1, issues to reissue?* Yes ☐ No ☐

(d) *If yes to (c), for each issue—*

(i) Issue number from previous CAR—

(ii) Description—

(iii) Rectification date—

2 New issues? Yes ☐ No ☐

(a) *If yes to 2, for each issue—*

(i) Description—

(ii) Rectification date—

Result: CAR issued / Acceptable [*Delete whichever is not applicable*]

CAR issue level: Minor / Major / Critical [*Delete whichever is not applicable*]

Audit results

Audit score—

Audit level—

Audit outcome—

Auditor declarations

I am of the opinion that the food business is being carried on in compliance with the requirements of the regulations relating to food safety programs.

Yes ☐ No ☐

I am of the opinion that the food business is being carried on in compliance with the Food Safety Standards.

Yes ☐ No ☐

Auditor comments

Comments—

Schedule 2 Penalty notice offences

1 Application of schedule

(1) For the Act, section 120—

(a) each offence created by a provision specified in this schedule is an offence for which a penalty notice may be issued, and

(b) the amount payable for the penalty notice is the amount specified opposite the provision.

(2) If the provision is qualified by words that restrict the operation of the provision to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—

(a) the limited kind of offence, or

(b) an offence committed in the limited circumstances.

Provision

Penalty—individuals

Penalty—corporations

Offences under the Act

Section 16(1)	\$1,100	\$2,200
Section 16(2)	\$1,100	\$2,200
Section 17(1)	\$990	\$1,980
Section 17(2)	\$990	\$1,980
Section 18(1)	\$1,100	\$2,200
Section 18(2)	\$1,100	\$2,200
Section 18(3)	\$1,100	\$2,200
Section 19(1)	\$1,100	\$2,200
Section 20(1)(a)	\$1,100	\$2,200
Section 20(1)(b)	\$1,100	\$2,200
Section 20(2)	\$1,100	\$2,200
Section 21(1)	\$660	\$1,980
Section 21(2)	\$660	\$1,980
Section 21(3)	\$660	\$1,980
Section 21(4)	\$660	\$1,980
Section 41	\$1,100	\$2,200
Section 43(2)	\$1,100	—
Section 64	\$1,100	\$2,200
Section 66AA(3)	\$990	\$1,980
Section 77	\$330	\$660
Section 83	\$330	\$660
Section 89(1)	\$330	\$660
Section 99(2)	\$1,100	—
Section 100(1)	\$660	\$1,320
Section 104(1)	\$990	\$1,980
Section 104(2)	\$990	\$1,980
Section 104(3)	\$990	\$1,980
Section 104(4)	\$990	\$1,980
Section 104(5)	\$990	\$1,980
Section 106C(1)	\$440	\$880

Section 106C(2)	\$440	\$880
Section 106D(1)	\$440	\$880
Section 106D(2)	\$440	\$880
Section 106G(1)	\$440	\$880
Section 106G(2)	\$440	\$880
Section 106N(4)	\$440	\$880
Section 106O(2)	\$440	\$880
Section 136(1)	\$660	\$1,320

Offences under this regulation

Section 43(3)	\$440	\$440
Section 44(1)	\$440	\$440
Section 44(2)	\$440	\$440
Section 62(1)	\$990	\$990
Section 62(2)	\$990	\$990
Section 63(1)	\$990	\$990
Section 63(2)	\$990	\$990
Section 63(3)	\$990	—
Section 74(1)	\$990	\$990
Section 74(2)	\$990	\$990
Section 74(3)	\$990	\$990
Section 90(1)	\$990	—
Section 90(2)	\$990	—
Section 90(4)	\$990	—
Section 95(1)	\$990	—
Section 95(2)	\$990	—
Section 95(4)	\$990	—
Section 100(4)	\$990	\$990
Section 103	\$990	\$990
Section 108(1)	\$990	\$990
Section 108(2)	\$990	\$990
Section 108(3)	\$990	\$990

Section 108(4)	\$990	\$990
Section 109(1)	\$990	\$990
Section 109(2)	\$990	\$990
Section 109(3)	\$990	—
Section 117(1)	\$990	\$990
Section 118(1)	\$990	\$990
Section 118(2)	\$990	\$990
Section 118(3)	\$990	—
Section 131(1)	\$990	\$990
Section 132(1)	\$990	\$990
Section 132(2)	\$990	\$990
Section 132(4)	\$990	—
Section 132(5)	\$990	—
Section 132(6)	\$990	—
Section 133	\$990	\$990
Section 134	\$990	\$990
Section 153(1)	\$990	\$990
Section 154(1)	\$990	\$990
Section 154(2)	\$990	\$990
Section 154(3)	\$990	—
Section 164	\$990	\$990
Section 165(1)	\$990	\$990
Section 166	\$990	\$990
Section 167(1)	\$990	\$990
Section 167(2)	\$990	\$990
Section 168(1)	\$990	\$990
Section 169(1)	\$990	\$990
Section 172(1)	\$990	\$990
Section 173(1)	\$990	\$990
Section 173(2)	\$990	\$990
Section 173(3)	\$990	—

Section 174	\$990	\$990
Section 175	\$990	\$990
Section 176	\$990	\$990
Section 177	\$990	\$990

Schedule 3 Licence fees

sections 67, 111, 120, 143, 156 and 179

Part 1 Licence fees for dairy food businesses

Item	Categories of activities authorised by licence		Fee
1	Operation of a dairy primary production business or dairy processing business, or both	For each of the premises where the activities are carried out—	
		(a) 0–5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180
2	Operation of a dairy produce store, other than a dairy produce store operated on the same premises as a dairy processing business	(c) more than 50 food handlers engaged in the activities at the premises	\$5,170
		For each of the premises where the activities are carried out—	
		(a) 0–5 food handlers engaged in the activities at the premises	\$570
3	Operation of a dairy transport business or processed dairy product transport business	(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180
		(c) more than 50 handlers engaged in the activities at the premises	\$5,170
		For each vehicle used for the activities	\$425

4	Operation of a raw milk product manufacturing business	For each of the premises where the activities are carried out—	
		(a) 0-5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180
		(c) more than 50 food handlers engaged in the activities at the premises	\$5,170
5	Operation of a raw milk product collection, transport or delivery business	For each vehicle used for the activities	\$425

Part 2 Licence fees for meat food businesses

Item	Categories of activities authorised by licence		Fee
1	Operation of an abattoir, meat processing plant, meat retail premises or rendering plant, or a combination of the activities	For each of the premises where the activities are carried out—	
		(a) 0-5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180
		(c) more than 50 food handlers engaged in the activities at the premises	\$5,170
2	Operation of a game meat primary processing plant	For each of the premises where the activities are carried out—	
		(a) 0-5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180

		(c) more than 50 food handlers engaged in the activities at the premises	\$5,170
3	Operation of a knackery or animal food processing plant, or both	For each of the premises where the activities are carried out— (a) 0-5 food handlers engaged in the activities at the premises (b) more than 5 but no more than 50 food handlers engaged in the activities at the premises (c) more than 50 food handlers engaged in the activities at the premises	\$570 \$1,180 \$5,170
4	Operation of game meat field depots	For each site where a depot is located	\$570
5	Operation of animal food field depots	For each site where a depot is located	\$425
6	Operation of a meat van, game meat field harvesting van, animal food van or animal food field harvesting van	For each vehicle	\$425
7	Operation of a poultry farm	For each of the premises where the activities are carried out	\$425

Part 3 Licence fees for plant products businesses

Item	Categories of activities authorised by licence	Fee	
1	Operation of a plant products business that carries out processing of fresh cut fruit, fresh cut vegetables, seed sprouts, unpasteurised juice or vegetables in oil	For each of the premises where the activities are carried out— (a) 0–5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180

		(c) more than 50 food handlers engaged in the activities at the premises	\$5,170
2	Storing fresh cut fruit, fresh cut vegetables, seed sprouts, unpasteurised juice or vegetables in oil on premises other than premises where plant products are being processed	For each of the premises where the activities are carried out— (a) 0-5 food handlers engaged in the activities at the premises (b) more than 5 but no more than 50 food handlers engaged in the activities at the premises (c) more than 50 food handlers engaged in the activities at the premises	 \$570 \$1,180 \$5,170
3	Transporting fresh cut fruit, fresh cut vegetables, seed sprouts, unpasteurised juice or vegetables in oil	For each vehicle used for the activities	\$425
4	Operation of a business that carries out growing, harvesting or processing berries, other than a small berry plant products business or a micro producer	For each of the premises where the activities are carried out	\$300
5	Operation of a small berry plant products business that carries out growing or harvesting berries	For each of the premises where the activities are carried out	\$75
6	Operation of a business that carries out growing or harvesting leafy vegetables or melons, other than a small leafy vegetable plant products business, a small melon plant products business or a micro producer	For each of the premises where the activities are carried out	\$570
7	Operation of a small leafy vegetable plant products business or a small melon plant products business that carries out growing or harvesting	For each of the premises where the activities are carried out	\$75
8	Operation of a business that processes leafy vegetables or melons	For each of the premises where the activities are carried out— (a) 0-5 food handlers engaged in the activities at the premises	 \$570

(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises \$1,180

(c) more than 50 food handlers engaged in the activities at the premises \$5,170

Part 4 Annual general licence fees for seafood businesses

Item	Categories of activities authorised by licence	Fee
1	Capturing or collecting wild seafood, or storing, gilling, gutting or cooking only wild seafood the licensee has captured or collected, or a combination of the activities	With or without a vessel \$425
2	Processing finfish or crustacea, including freezing, thawing and preparing sushi, or storing seafood, other than as referred to in item 1, or a combination of the activities	For each of the premises where the activities are carried out— (a) 0-5 food handlers engaged in the activities at the premises \$570 (b) more than 5 but no more than 50 food handlers engaged in the activities at the premises \$1,180 (c) more than 50 food handlers engaged in the activities at the premises \$5,170
3	Transporting of seafood by vehicle on land, except by licensees referred to in item 1 if transporting their own catch of wild seafood to a store or processor	For each vehicle used for the activities \$425

Part 5 Licence fees for vulnerable persons food businesses

Number of full-time equivalent food handlers working at premises	Fee
0-3	\$360
More than 3 but no more than 10	\$460
More than 10 but no more than 30	\$850
More than 30 but no more than 50	\$1,235

More than 50

\$1,625

Part 6 Licence fees for egg businesses

Item	Categories of activities authorised by licence	Fee
1	Producing, washing, grading, dry cleaning or examining eggs or manufacturing or processing, including pasteurising, egg products or blended egg product mixtures, or a combination of the activities, not including premises where fewer than 240 eggs are produced, washed, graded, dry cleaned or examined in a week	For each of the premises where the activities are carried out—
		(a) 0–5 food handlers engaged in the activities at the premises \$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises \$1,180
2	Storing egg products, other than in dried form, blended egg product mixtures, other than in dried form, or cracked eggs or a combination of the products, other than at premises where egg products or blended egg product mixtures are being manufactured or processed or at premises where egg products or blended egg product mixtures are being used in the production of food	(c) more than 50 food handlers engaged in the activities at the premises \$5,170
		For each of the premises where the activities are carried out—
		(a) 0–5 food handlers engaged in the activities at the premises \$570
3	Transporting egg products, other than in dried form, blended egg product mixtures, other than in dried form, or cracked eggs or a combination of the products	(b) More than 5 but no more than 50 food handlers engaged in the activities at the premises \$1,180
		(c) More than 50 food handlers engaged in the activities at the premises \$5,170
3		For each vehicle used for the activities \$425

Schedule 4 Standards for animal food processing plants

section 83(b)

1 General

- (1) The design and layout of the plant and the plant's equipment must facilitate—
 - (a) the hygienic production of animal food and animal food products, and
 - (b) inspections or auditing necessary during or after production.
- (2) There must be adequate working space for the satisfactory performance of animal food processing and auditing operations.
- (3) Chiller and freezer capacity must—
 - (a) be adequate for maximum daily production, and
 - (b) accommodate the total quantity of product likely to be held at the plant at any time.

2 Construction requirements

- (1) The plant must be constructed so all exposed surfaces are made of material that is—
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced, including the floors, and
 - (d) resistant to corrosion or capable of being maintained free of corrosion, and
 - (e) impervious to moisture, and
 - (f) resistant to, or protected from, impact, and
 - (g) easily cleaned and drained to prevent ponding of blood and, if necessary, capable of being dismantled for cleaning, and
 - (h) resistant to chipping, flaking or fraying, and
 - (i) of a finish that makes contamination clearly visible.
- (2) The plant must be constructed so—
 - (a) the joints are effectively sealed, and
 - (b) the accumulation of dust, water, litter or waste materials on ledges and sills is minimised, including by way of adequate coving at wall to floor junctions.

- (3) All equipment and appliances used for processing purposes must be—
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced, and
 - (d) resistant to corrosion or capable of being maintained free of corrosion, and
 - (e) impervious to moisture, and
 - (f) resistant to, or protected from, impact, and
 - (g) easily cleaned and, if necessary, capable of being dismantled for cleaning, and
 - (h) resistant to chipping, flaking or fraying, and
 - (i) of a finish that makes contamination clearly visible.
- (4) Door openings and passageways must be of a size that ensures the product does not come into contact with jambs or walls.
- (5) The plant must be constructed and maintained to exclude—
 - (a) the entrance of animals not intended for use in animal food processing, including dogs, cats, birds, rodents and insects, and
 - (b) harbourage for vermin, and
 - (c) environmental contaminants, including dust.

3 Supply of water

- (1) The plant must be adequately supplied with continuous hot and cold potable water at a volume and pressure to enable hygienic practices and, if ice is used, the ice must be produced from potable water and stored and handled in a way that protects the ice from contamination.
- (2) Non-potable water, used if there is no risk of contamination of meat, for example, refrigeration or fire control, must be supplied in lines separate from the supply of potable water.

4 Lighting

Lighting must be sufficient to enable hygienic processing, inspection and auditing.

5 Ventilation

Ventilation must—

- (a) maintain product wholesomeness, and
- (b) remove excessive heat, steam and condensation, and
- (c) prevent the entry of odours, dust, vapour or smoke.

6 Amenities

Unless the Food Authority otherwise approves, the following must be provided and be readily accessible at appropriate locations for use during processing—

- (a) hand washbasins,
- (b) if necessary—sterilisers.

7 Storage

- (1) To prevent cross-contamination, processing rails and other carcase elevating devices must be of a height sufficient to ensure there is adequate carcase clearance over or from operational equipment and structures not designed for contact.
- (2) Separate areas must be provided for processes that emit heat, steam, smoke and other contaminants to ensure the emissions are controlled and do not jeopardise the hygienic processing of animal food and animal food products.
- (3) If canopies are used, the canopies must be—
 - (a) vented to the outside of the plant, and
 - (b) constructed to prevent drip.
- (4) To prevent contamination of animal food, clearly identified facilities must be provided for storing and removing inedible material.

8 General operational hygiene requirements

- (1) The requirements of the *Standard for the Hygienic Production of Pet Meat: PISC Technical Report 88 - Amended 2009* (the **Standard**), clauses 6.8.1–6.8.17, published by CSIRO and as in force from time to time, must be complied with.
- (2) In applying the Standard, clauses 6.8.1–6.8.17—
 - (a) a reference to pet meat must be read as a reference to animal food, and
 - (b) a reference to pet meat processing must be read as a reference to animal food processing.

Schedule 5 Prescribed brands for abattoir meat

section 88

Part 1 Brand for meat fit for human consumption



1 Characters to be included in brand

The brand must be completed by inserting in the space marked “A” a number allocated to the licensed premises by the Food Authority.

2 Dimensions

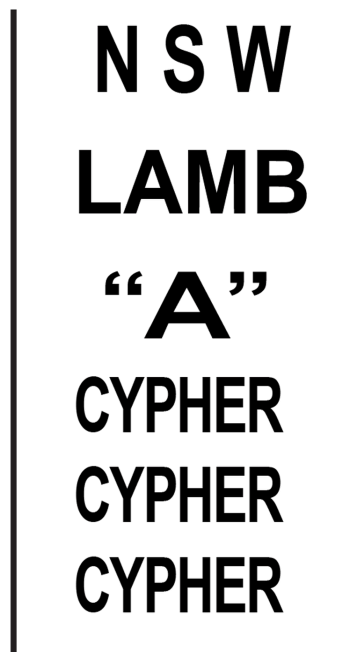
- (1) Unless otherwise approved by the Food Authority, the dimensions of the brand must be 50mm in length and 37mm in height when used on a flat surface.
- (2) The units of measurement referred to in subsection (1) may be subject to a tolerance of plus or minus 2mm.

3 Ink to be used

The ink used must be—

- (a) red in colour, and
- (b) suitable for food application purposes.

Part 2 Brand for lamb



4 Application of brand

The prescribed brand must be applied by repeating the above mark, without a break, as often as is necessary to comply with section 91(1)(d).

5 Characters to be included in mark

The prescribed brand must be completed—

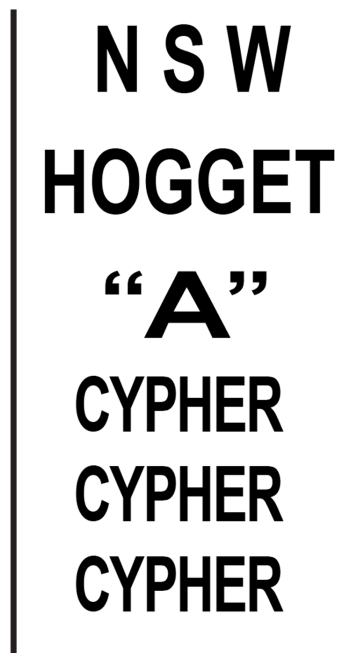
- (a) by inserting in the space marked “A” a number allocated to the licensed premises by the Food Authority, and
- (b) by inserting in one of the spaces marked “CYPHER” one of the following in relation to the owner of the licensed premises to which the number referred to in paragraph (a) relates—
 - (i) the name, or an abbreviation of the name, of the owner,
 - (ii) the trading name, or an abbreviation of the trading name, of the owner,
 - (iii) the logo, or an abbreviation of the logo, of the owner, and
- (c) by inserting in one of the spaces marked “CYPHER” the location or geographical area, or an abbreviation of the location or geographical area, of the licensed premises to which the number referred to in paragraph (a) relates, and
- (d) by inserting in one of the spaces marked “CYPHER” the name or logo, or an

abbreviation of the name or logo, of the person who owns the meat when the branding occurs.

6 Dimensions

- (1) Unless otherwise approved by the Food Authority, the letters used in the brand must be 17mm in height with a space of 9mm between each row of words.
- (2) The units of measurement referred to in subsection (1) may be subject to the following tolerances—
 - (a) for dimensions of 10mm or less—plus or minus 1mm,
 - (b) for dimensions more than 10mm—plus or minus 2mm.

Part 3 Brand for hogget



7 Application of brand

The prescribed brand must be applied by repeating the above mark, without a break, as often as is necessary to comply with section 91(1)(d).

8 Characters to be included in mark

The prescribed brand must be completed—

- (a) by inserting in the space marked “A” a number allocated to the licensed premises by the Food Authority, and
- (b) by inserting in one of the spaces marked “CYPHER” one of the following in relation to

the owner of the licensed premises to which the number referred to in paragraph (a) relates—

- (i) the name, or an abbreviation of the name, of the owner,
 - (ii) the trading name, or an abbreviation of the trading name, of the owner,
 - (iii) the logo, or an abbreviation of the logo, of the owner, and
- (c) by inserting in one of the spaces marked “CYPHER” the location or geographical area, or an abbreviation of the location or geographical area, of the licensed premises to which the number referred to in paragraph (a) relates, and
- (d) by inserting in one of the spaces marked “CYPHER” the name or logo, or an abbreviation of the name or logo, of the person who owns the meat when the branding occurs.

9 Dimensions

- (1) Unless otherwise approved by the Food Authority, the letters used in the brand must be 17mm in height with a space of 9mm between each row of words.
- (2) The units of measurement referred to in subsection (1) may be subject to the following tolerances—
- (a) for dimensions of 10mm or less—plus or minus 1mm,
 - (b) for dimensions more than 10mm—plus or minus 2mm.

Schedule 6 Prescribed brand for game meat

section 93



1 Characters to be included in brand

The brand must be completed by inserting in the space marked “A” a number allocated to the licensed premises by the Food Authority.

2 Dimensions of brand

- (1) The dimensions of the brand must be approved by the Food Authority in relation to the type of game meat to which the brand is applied.
- (2) The units of measurement approved by the Food Authority in relation to the brand may be subject to the following tolerances—
 - (a) for dimensions of 10mm or less—plus or minus 1mm,
 - (b) for dimensions more than 10mm—plus or minus 2mm.

Schedule 7 Provisions relating to members and procedure of local

shellfish committees

section 141

Part 1 General

1 Definitions

In this schedule—

local committee means a local shellfish committee appointed under section 139.

member means a member of a local committee.

Part 2 Constitution

2 Terms of office of members

Subject to this schedule, a member holds office for the term, not exceeding 3 years, specified in the instrument of appointment, but is eligible for re-appointment if otherwise qualified.

3 Deputies

- (1) The Food Authority may, from time to time, appoint a person to be the deputy of a member, and may revoke an appointment.
- (2) In the absence of a member, the member's deputy—
 - (a) may, if available, act in the place of the member, and
 - (b) while acting in the place of the member, has all the functions of the member and is taken to be the member.

4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by written instrument addressed to the Food Authority, or
 - (d) is removed from office by the Food Authority under subsection (2), or
 - (e) is absent from 3 consecutive meetings of the local committee of which reasonable notice has been given to the member unless—
 - (i) the member is on leave granted by the local committee, or
 - (ii) within 4 weeks of the third meeting, the member is excused by the local

committee for having been absent from the meetings, or

(f) becomes personally insolvent, or

(g) becomes a mentally incapacitated person, or

(h) is convicted—

(i) in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or

(ii) outside New South Wales of an offence that, if committed in New South Wales, would be punishable by imprisonment for 12 months or more.

(2) The Food Authority may remove one or more members of a local committee from office.

5 Filling of vacancy in office of member

If the office of a member becomes vacant, a person must, subject to this regulation, be appointed to fill the vacancy.

6 Disclosure of pecuniary interests

(1) This section applies if—

(a) a member of a local committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the local committee, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.

(2) The member must, as soon as possible after becoming aware of the relevant facts, disclose the nature of the interest at a meeting of the local committee.

(3) It is sufficient disclosure of the nature of an interest relating to a specified company, body or person if the member has previously disclosed that the member—

(a) is a member or is in the employment of the company or body, or

(b) is a partner or is in the employment of the person, or

(c) has another specified interest relating to the company, body or person.

(4) Particulars of a disclosure made under this section must be recorded by the members of the local committee and made available to a person for inspection at all reasonable hours on payment of the fee determined by the members of the local committee.

(5) After a member of the local committee has disclosed the nature of an interest in a

matter, the member must not, unless the Food Authority or the other members of the local committee otherwise determine—

(a) be present during a deliberation of the local committee about the matter, or

(b) take part in a decision of the local committee about the matter.

(6) A member who has a direct or indirect pecuniary interest in a matter to which a disclosure relates must not—

(a) be present when the committee is making a determination for subsection (5), or

(b) take part in the making of the determination by the other members of the local committee.

(7) A contravention of this section does not invalidate a decision of the local committee.

(8) A member is taken not to have an interest in a matter for this section merely because the member is the holder of an aquaculture permit or aquaculture lease under the [Fisheries Management Act 1994](#) or is the holder of a licence.

Part 3 Procedure

7 General procedure

The procedure for calling and holding meetings of a local committee must, subject to a direction by the Food Authority, be determined by the local committee.

8 Quorum

The quorum for a meeting of a local committee is a majority of the local committee's members for the time being.

9 Presiding member

(1) The chairperson of a local committee or, in the absence of the chairperson, another member elected to chair the meeting by the members present must preside at a meeting of the local committee.

(2) The person presiding at a meeting of a local committee has a deliberative vote and, if there is an equality of votes, a second or casting vote.

10 Voting

A decision supported by a majority of the votes cast at a meeting of a local committee at which a quorum is present is the decision of the local committee.

Schedule 8 Licence condition for primary production of eggs—control

of *Salmonella Enteritidis*

section 37(2)

Part 1 Preliminary

1 Application

It is a condition of a licence for a food business that involves the handling of food that is eggs and is primary food production that the holder of the licence must comply with the requirements in this schedule.

2 Definitions

In this schedule—

egg packing facility means a facility where eggs are placed into packaging.

grading facility means a facility where eggs are graded and egg crack detection occurs.

network of premises means—

- (a) 2 or more premises owned or managed by the holder of the licence, or
- (b) 2 or more premises operated as part of a single business, or
- (c) a group of premises consisting of—
 - (i) 1 or more premises that have in place an agreement to exclusively supply the same, single premises with eggs, and
 - (ii) the premises to which the eggs are exclusively supplied.

poultry has the same meaning as in the meat food safety scheme.

production area means any of the following—

- (a) an area where eggs are produced on premises required to be licensed under the Act or this regulation,
- (b) an area where poultry are bred, raised or kept for egg production on premises required to be licensed under the Act or this regulation,
- (c) a grading facility on premises required to be licensed under the Act or this regulation,
- (d) an egg packing facility on premises required to be licensed under the Act or this regulation.

property identification code has the same meaning as in the [Biosecurity \(National Livestock Identification System\) Regulation 2017](#), clause 3.

Part 2 Requirements

3 Production area

- (1) A production area must be clearly demarcated from the rest of the premises or properties on which the production area is situated.
- (2) The holder of the licence must, at all entrances to the production area that are available for use as an entrance, display a clearly visible sign indicating the following—
 - (a) that a person must not enter the area unless the person has contacted the holder of the licence,
 - (b) the contact details for the holder of the licence.
- (3) The following information must be made available to all persons entering the production area, before entry—
 - (a) the measures in place on the premises and production area to implement the requirements of this schedule, and
 - (b) the way to follow the measures.
- (4) If a person seeks permission to enter the production area, the holder of the licence may only grant permission if the person agrees to comply with the requirements relating to the premises and production area for this schedule.

4 Boot cleaning, shed boots and boot covers

The holder of the licence must provide at all entrances to a production area that are available for use as an entrance—

- (a) to enable cleaning and disinfection of boots—
 - (i) a device to enable the scraping of soles of boots of all persons entering the area to remove organic matter, and
 - (ii) footbaths—
 - (A) containing a suitable amount of disinfectant to enable effective disinfection of boots and that has been prepared and is used in accordance with the manufacturer's instructions, and
 - (B) that are inspected daily and maintained to ensure effectiveness for disinfection, or

Note—

Footbath maintenance may include removing gross material, topping up the disinfectant or replacing disinfectant before it can deteriorate.

- (b) a sufficient number of shed boots, maintained in a clean condition, to be worn—
 - (i) by all persons entering the production area, and
 - (ii) only within the production area, or
- (c) a sufficient number of single use boot covers, to be worn—
 - (i) by all persons entering the production area, and
 - (ii) only within the production area.

5 Hand washing facilities

The holder of the licence must provide at all entrances to the production area that are available for use as an entrance—

- (a) soap, water and single use paper towels for hand washing, or
- (b) hand sanitiser.

6 Vehicles accessing premises

- (1) The holder of the licence must provide parking separate from, and external to, the production area for vehicles entering the premises but not entering the production area.
- (2) The holder of the licence must provide equipment and materials, including soap or detergent, for washing the wheels, footsteps and wheel arches of vehicles, at a location on the premises for use before and after vehicles access the production area.

7 Requirements for persons entering production area

- (1) The holder of the licence must ensure that all persons who enter a production area comply with the following requirements.
- (2) Before entering the production area, a person must, as far as practicable—
 - (a) obtain permission from the holder of the licence,
 - (b) clean their hands with the provided—
 - (i) soap, water and paper towels, or
 - (ii) hand sanitiser,
 - (c) be familiar with the measures in place on the premises and production area to implement the requirements of this schedule.
- (3) A person entering the production area by foot must, as far as practicable—
 - (a) scrape the person's boots to remove all visible organic matter using the scraping

device provided and then disinfect the boots using the footbaths provided, or

- (b) remove the person's boots and place the shed boots provided at the entrance on the person's feet, and on exiting the production area, remove the shed boots and leave the shed boots at the entrance to the production area, or
 - (c) place the provided single use boot covers over the person's boots.
- (4) A person exiting the production area by foot must, as far as practicable—
- (a) if the person wore shed boots in the production area—remove the shed boots and leave the shed boots at the entrance to the production area, and
 - (b) if the person wore single use boot covers over the person's boots—remove the boot covers and dispose of the covers in a bin provided for the disposal.
- (5) A person entering the production area in a vehicle must wash the wheels, footsteps and wheel arches of the vehicle using the soap or detergent and facilities provided on the premises, to remove all visible organic matter—
- (a) before entering the production area, and
 - (b) after exiting the production area and before exiting the premises.

8 Vermin control

- (1) The holder of the licence must document, develop and implement a vermin control strategy designed to control vermin on the premises.
- (2) The holder of the licence must include requirements relating to the following matters in the vermin control strategy—
 - (a) the taking of all practical measures to prevent rodents entering, or harbourage of rodents in, the area used for poultry housing, egg handling, packaging storage, feed storage or litter storage,
 - (b) requiring rodent bait stations—
 - (i) to be placed at regular intervals around the production area, based on a rodent risk assessment, and
 - (ii) not to be placed in locations potentially accessible by the poultry,
 - (c) requiring sufficient bait stations to control rodent activity,
 - (d) requiring bait stations—
 - (i) to be numbered, and a map kept of their location,
 - (ii) to be checked frequently using a risk-based approach and fresh baits to be laid

as required,

- (e) requiring a record to be kept of each inspection and activity,
- (f) preventing the harbourage of vermin—
 - (i) in the production area, and
 - (ii) in a buffer zone of at least 3m, as far as practicable, by removing vermin habitat,

Examples of vermin habitat—

overgrown grass or dense vegetation

- (g) requiring records to be kept for all actions taken in compliance with the vermin control strategy.
- (3) All poultry housing, egg packing facilities, egg grading facilities, feed storage, packaging storage, litter storage and grading facility buildings in the production area must be constructed and maintained, as far as practicable to—
- (a) prevent the entry of wild birds, and
 - (b) limit the access of vermin, and
 - (c) prevent the harbourage of vermin.
- (4) Dead birds on the premises must be stored and disposed of in a way that prevents vermin and other animals accessing the dead birds.

9 Records for production area

- (1) A written record of the name of all persons entering the production area and the date of entry must be made and kept for 2 years.
- (2) A written record of the following must be made or obtained within 1 month of the date of a delivery or removal, and kept for 2 years after the date of the delivery or removal—
 - (a) for a delivery—
 - (i) the date the delivery was received into the production area,
 - (ii) the nature and contents of the delivery,
 - (iii) the name of the company, or person, responsible for the delivery,
 - (iv) the number plate of the vehicle used to deliver things to the production area,
 - (b) for a removal—

- (i) the date of the removal from the production area,
- (ii) the nature and contents of the thing being removed,
- (iii) the name of the company, or person, responsible for the removal,
- (iv) the number plate of the vehicle used to remove things from the production area.

- (3) A written record must be made of the numbers and dates of all poultry deaths that occur within the production area and kept for 2 years.

10 Records relating to poultry purchase, sale or destocking

- (1) The holder of the licence for an egg business must ensure the following records in relation to the purchase of poultry are kept for 2 years—
- (a) the names and addresses of the persons or businesses from whom the poultry are purchased,
 - (b) the dates on which the poultry are purchased,
 - (c) the quantity of poultry purchased,
 - (d) if the person or business has a property identification code—the code.
- (2) The holder of the licence for an egg business must ensure the following records in relation to the sale or destocking of poultry are kept for 2 years—
- (a) the names and addresses of the persons or businesses to whom the poultry are sold or supplied,
 - (b) the dates on which the poultry are sold or supplied,
 - (c) the quantity of poultry sold or supplied,
 - (d) if the person or business has a property identification code—the code.

11 Egg cartons, flats, fillers and pallets

- (1) Cardboard egg flats and cartons must be heat sanitised before use for transporting or storing eggs unless—
- (a) the flats or cartons are being used on the same premises or within the same network of premises as the flats or cartons were being used on, on the previous use, or
 - (b) the flats or cartons are being used for the first time, taken directly from the packaging.

- (2) Plastic egg flats and fillers must be disinfected before use for transporting or storing eggs unless—
 - (a) the flats or fillers are being used on the same premises or within the same network of premises as the flats or fillers were being used on, on the previous use, or
 - (b) the flats or fillers are being used for the first time, taken direct from the packaging.
- (3) Pallets used for storing or transporting eggs on premises must be cleaned to remove, as far as practicable, all visible organic matter after each use for transporting or storing eggs unless—
 - (a) the pallets are being used on the same premises or within the same network of premises as the pallets were being used on, on the previous use, or
 - (b) the pallets are being used for the first time, taken directly from the packaging.
- (4) Pallets used for storing or transporting eggs on the premises must be stored in a clean area that is not rodent habitat or potential rodent habitat.

Schedule 9 Amendment of **Food Regulation 2025**

[1] **Section 12 Issue of food safety supervisor certificates by approved training organisations—the Act, s 106B(4)**

Omit “5 years” from section 12(b)(ii). Insert instead “6 months”.

[2] **Section 13 Issue of food safety supervisor certificates by Food Authority—the Act, s 106B(4)**

Omit “5 years” from section 13(b). Insert instead “6 months”.

[3] **Section 112**

Omit the section. Insert instead—

112 Plant products food safety scheme

For the Act, section 102, the following provisions are prescribed as a food safety scheme (the ***plant products food safety scheme***)—

- (a) for plant products businesses—
 - (i) Part 4, and
 - (ii) this part, and

(iii) Schedule 3, Part 3,

(b) for micro producers—this part.

[4] Section 113 Definitions

Insert in alphabetical order—

berries means fresh berries and includes the following—

- (a) blueberries,
- (b) strawberries,
- (c) berries from the genus *Rubus*.

melons means fresh melons and includes the following—

- (a) honeydew melon,
- (b) piel de sapo,
- (c) rockmelon,
- (d) watermelon.

micro producer means a business that grows or harvests the following from a property with a cultivated area less than 2ha—

- (a) berries,
- (b) leafy vegetables,
- (c) melons.

small berry plant products business means a plant products business that grows or harvests berries from a property with a cultivated area of 2ha or more and less than 10ha.

small leafy vegetable plant products business means a plant products business that grows or harvests leafy vegetables from a property with a cultivated area of 2ha or more and less than 10ha.

small melon plant products business means a plant products business that grows or harvests melons from a property with a cultivated area of 2ha or more and less than 10ha.

[5] Section 113, definition of “plant product”

Omit the definition. Insert instead—

plant product means any of the following—

- (a) berries,
- (b) fresh cut fruit,
- (c) fresh cut vegetables,
- (d) leafy vegetables,
- (e) melons,
- (f) seed sprouts,
- (g) unpasteurised juice,
- (h) vegetables in oil.

[6] Section 114 Meaning of “plant products business”

Omit section 114(1)(b). Insert instead—

- (b) processing seed sprouts, fruits or vegetables, excluding berries, leafy vegetables and melons, to produce plant products, including in the following ways—
 - (i) cutting,
 - (ii) peeling,
 - (iii) preserving,
 - (iv) cooking,

[7] Section 114(1)(f)-(i)

Omit “products.” from section 114(1)(e). Insert instead—

products,

- (f) growing or harvesting berries, leafy vegetables or melons from a property with a cultivated area of 2ha or more,
- (g) processing berries, leafy vegetables or melons in the following ways—
 - (i) washing, trimming, sorting, sanitising,
 - (ii) combining harvested berries,

- (iii) combining harvested leafy vegetables,
- (iv) combining harvested melons,
- (v) packing berries, leafy vegetables or melons,
- (h) storing berries, leafy vegetables or melons in combination with a processing activity listed in paragraph (g),
- (i) transporting berries, leafy vegetables or melons between primary processing premises in combination with a processing activity listed in paragraph (g).

[8] Section 114(3)

Insert after section 114(2)—

- (3) To avoid doubt, micro producers are not plant products businesses.

[9] Sections 116A-116D

Insert after section 116—

116A Application of Food Standards Code to primary production of berries—the Act, s 21(5)

The following provisions of the Food Standards Code apply to a food business that involves the handling of berries and is primary food production—

- (a) Standard 4.1.1, clauses 1-3,
- (b) Standard 4.2.7.

116B Application of Food Standards Code to primary production of leafy vegetables—the Act, s 21(5)

The provisions of the Food Standards Code apply to businesses as follows—

- (a) for a micro producer that grows or harvests leafy vegetables—
 - (i) Standard 3.2.2, clause 4, for the Act, section 100(1), and
 - (ii) Standard 4.1.1, clauses 1-3, and
 - (iii) Standard 4.2.8, as modified under this part,
- (b) for a small leafy vegetable plant products business—
 - (i) Standard 4.1.1, and
 - (ii) Standard 4.2.8,

- (c) for a food business operating from a property with a cultivated area of more than 10ha that involves the handling of leafy vegetables and is primary food production—
 - (i) Standard 3.2.1, and
 - (ii) Standard 4.1.1, and
 - (iii) Standard 4.2.8.

116C Application of Food Standards Code to primary production of melons—the Act, s 21(5)

The provisions of the Food Standards Code apply to businesses as follows—

- (a) for a micro producer that grows or harvests melons—
 - (i) Standard 3.2.2, clause 4, for the Act, section 100(1), and
 - (ii) Standard 4.1.1, clauses 1–3, and
 - (iii) Standard 4.2.9, as modified under this part,
- (b) for a small melon plant products business—
 - (i) Standard 4.1.1, and
 - (ii) Standard 4.2.9,
- (c) for a food business operating from a property with a cultivated area of more than 10ha that involves the handling of melons and is primary food production—
 - (i) Standard 3.2.1, and
 - (ii) Standard 4.1.1, and
 - (iii) Standard 4.2.9.

116D Modification of Food Standards Code

- (1) The Food Standards Code, Standard 4.2.7 is modified, but only in relation to the storing and transporting of berries, by inserting after clause 3(3) the following subclause—
 - (4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested berries.
- (2) The Food Standards Code, Standard 4.2.8 is modified, but only in relation to the storing and transporting of leafy vegetables, by inserting after clause 3(3) the following subclause—

- (4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested leafy vegetables.
- (3) The Food Standards Code, Standard 4.2.8 is modified, but only in relation to the primary production of leafy vegetables, by inserting after clause 4 the following clause—

4.2.8—4A Minimum cultivated area for general food safety management requirements

A primary horticulture producer is not required to comply with clause 4 if leafy vegetables are produced on a cultivated area of less than 2ha.

- (4) The Food Standards Code, Standard 4.2.9 is modified, but only in relation to the storing and transporting of melons, by inserting after clause 3(3) the following subclause—
- (4) This Standard does not apply to a primary horticulture processor if the only relevant activities are storing or transporting harvested melons.
- (5) The Food Standards Code, Standard 4.2.9 is modified, but only in relation to the primary production of melons, by inserting after clause 4 the following clause—

4.2.9—4A Minimum cultivated area for general food safety management requirements

A primary horticulture producer is not required to comply with clause 4 if melons are produced on a cultivated area of less than 2ha.

[10] Schedule 3 Licence fees

Insert after Part 3, item 3—

4	Operation of a business that carries out growing, harvesting or processing berries, other than a small berry plant products business or a micro producer	For each of the premises where the activities are carried out	\$300
5	Operation of a small berry plant products business that carries out growing or harvesting berries	For each of the premises where the activities are carried out	\$75

6	Operation of a business that carries out growing or harvesting leafy vegetables or melons, other than a small leafy vegetable plant products business, a small melon plant products business or a micro producer	For each of the premises where the activities are carried out	\$570
7	Operation of a small leafy vegetable plant products business or a small melon plant products business that carries out growing or harvesting	For each of the premises where the activities are carried out	\$75
8	Operation of a business that processes leafy vegetables or melons	For each of the premises where the activities are carried out—	
		(a) 0–5 food handlers engaged in the activities at the premises	\$570
		(b) more than 5 but no more than 50 food handlers engaged in the activities at the premises	\$1,180
		(c) more than 50 food handlers engaged in the activities at the premises	\$5,170

[11] Schedule 10 Dictionary

Insert in alphabetical order—

berries, for the plant products food safety scheme—see section 113.

melons, for the plant products food safety scheme—see section 113.

micro producer, for the plant products food safety scheme—see section 113.

small berry plant products business, for the plant products food safety scheme—see section 113.

small leafy vegetable plant products business, for the plant products food safety scheme—see section 113.

small melon plant products business, for the plant products food safety scheme—see section 113.

Schedule 10 Dictionary

section 3

abattoir, for the meat food safety scheme—see section 69(1).

abattoir animal, for the meat food safety scheme—see section 69(1).

abattoir meat, for the meat food safety scheme—see section 69(1).

animal, for the meat food safety scheme—see section 69(1).

animal food, for the meat food safety scheme—see section 69(1).

animal food field depot, for the meat food safety scheme—see section 69(1).

animal food field harvesting van, for the meat food safety scheme—see section 69(1).

animal food processing plant, for the meat food safety scheme—see section 69(1).

animal food van, for the meat food safety scheme—see section 69(1).

annual local shellfish program levy, for the seafood safety scheme—see section 122.

approval, for Part 2, Division 2—see section 16.

approved means approved by the Food Authority.

berries, for the plant products food safety scheme—see section 113.

bird, for the meat food safety scheme—see section 69(1).

blended egg product mixture, for the egg food safety scheme—see section 158.

convenience store, for Part 3—see section 23.

cracked egg, for the egg food safety scheme—see section 158.

dairy building, for the dairy food safety scheme—see section 51.

dairy business, for the dairy food safety scheme—see section 52.

dairy farm, for the dairy food safety scheme—see section 51.

dairy food safety scheme means the provisions of this regulation prescribed as a food safety scheme by section 50.

dairy primary production, for the dairy food safety scheme—see section 51.

dairy primary production business, for the dairy food safety scheme—see section 51.

dairy processing, for the dairy food safety scheme—see section 51.

dairy processing business, for the dairy food safety scheme—see section 51.

dairy produce store, for the dairy food safety scheme—see section 51.

dairy product, for the dairy food safety scheme—see section 51.

dairy transport business, for the dairy food safety scheme—see section 51.

Department means the department in which the Act is administered.

depuration, for the seafood safety scheme—see section 122.

egg, for the egg food safety scheme—see section 158.

egg business, for the egg food safety scheme—see section 159.

egg food safety scheme means the provisions of this regulation prescribed as a food safety scheme by section 157.

egg packing facility, for Schedule 8—see Schedule 8, section 2.

egg producer, for the egg food safety scheme—see section 158.

egg product, for the egg food safety scheme—see section 158.

estuarine waters, for the seafood safety scheme—see section 122.

food business, for Part 4—see section 31.

food handler means—

- (a) for Schedule 3—a full-time equivalent employee of the relevant licensee who directly engages in the handling of food, or
- (b) otherwise—a person who directly engages in the handling of food for a food business.

fresh cut fruit, for the plant products food safety scheme—see section 113.

fresh cut vegetable, for the plant products food safety scheme—see section 113.

game animal, for the meat food safety scheme—see section 69(1).

game meat, for the meat food safety scheme—see section 69(1).

game meat field depot, for the meat food safety scheme—see section 69(1).

game meat field harvesting van, for the meat food safety scheme—see section 69(1).

game meat primary processing plant, for the meat food safety scheme—see section 69(1).

grading facility, for Schedule 8—see Schedule 8, section 2.

growing on, for the seafood safety scheme—see section 122.

hogget, for the meat food safety scheme—see section 69(1).

knackery, for the meat food safety scheme—see section 69(1).

knackery animal, for the meat food safety scheme—see section 69(1).

lamb, for the meat food safety scheme—see section 69(1).

leafy vegetables, for the plant products food safety scheme—see section 113.

licence means a licence granted under Part 4.

licence fee, in relation to a licence, for Part 4—see section 31.

licensed premises, for the meat food safety scheme—see section 69(1).

local committee, for the seafood safety scheme—see section 122.

local program, for the seafood safety scheme—see section 122.

meat, for the meat food safety scheme—see section 69(1).

meat business, for the meat food safety scheme—see section 70.

meat food safety scheme means the provisions of this regulation prescribed as a food safety scheme by section 68.

meat processing plant, for the meat food safety scheme—see section 69(1).

meat retail premises, for the meat food safety scheme—see section 69(1).

meat safety inspector, for the meat food safety scheme—see section 69(1).

meat van, for the meat food safety scheme—see section 69(1).

melons, for the plant products food safety scheme—see section 113.

member, for Schedule 7—see Schedule 7, section 1.

micro producer, for the plant products food safety scheme—see section 113.

milk, for the dairy food safety scheme—see section 51.

milking animal, for the dairy food safety scheme—see section 51.

network of premises, for Schedule 8—see Schedule 8, section 2.

NSW Food Safety Schemes Manual means the *NSW Food Safety Schemes Manual*, published by the Food Authority and as in force from time to time.

NSW Shellfish Committee, for the seafood safety scheme—see section 122.

NSW Shellfish Industry Manual, for the seafood safety scheme—see section 122.

nutrition information panel, for Part 3—see section 23.

pasteurisation—

- (a) for the dairy food safety scheme—see section 51, and
- (b) for the plant products food safety scheme—see section 113, and
- (c) in relation to egg products for the egg food safety scheme—see section 170, and
- (d) in relation to blended egg product mixtures for the egg food safety scheme—see section 171.

plant product, for the plant products food safety scheme—see section 113.

plant products business, for the plant products food safety scheme—see section 114.

plant products food safety scheme means the provisions of this regulation prescribed as a food safety scheme by section 112.

poultry, for the meat food safety scheme—see section 69(1).

poultry farm, for the meat food safety scheme—see section 69(1).

processed animal food, for the meat food safety scheme—see section 69(1).

processed dairy product, for the dairy food safety scheme—see section 51.

processed dairy product transport business, for the dairy food safety scheme—see section 51.

processed meat, for the meat food safety scheme—see section 69(1).

production area, for Schedule 8—see Schedule 8, section 2.

Program, for the seafood safety scheme—see section 122.

property identification code, for Schedule 8—see Schedule 8, section 2.

raw milk, for the dairy food safety scheme—see section 51.

raw milk product, for the dairy food safety scheme—see section 51.

raw milk product business, for the dairy food safety scheme—see section 51.

raw milk product collection, transport or delivery business, for the dairy food safety scheme—see section 51.

raw milk product manufacturing business, for the dairy food safety scheme—see section 51.

rendering plant, for the meat food safety scheme—see section 69(1).

seafood, for the seafood safety scheme—see section 123.

seafood business, for the seafood safety scheme—see section 124.

seafood safety scheme means the provisions of this regulation prescribed as a food safety scheme

by section 121.

seed sprouts, for the plant products food safety scheme—see section 113.

sheepmeat processing language handbook, for the meat food safety scheme—see section 69(1).

shellfish, for the seafood safety scheme—see section 122.

spat, for the seafood safety scheme—see section 122.

small berry plant products business, for the plant products food safety scheme—see section 113.

small egg producer, for the egg food safety scheme—see section 160.

small leafy vegetable plant products business, for the plant products food safety scheme—see section 113.

small melon plant products business, for the plant products food safety scheme—see section 113.

supermarket, for Part 3—see section 23.

the Act means the [Food Act 2003](#).

transhipment, for the seafood safety scheme—see section 122.

unflayed carcass, of an animal, for the meat food safety scheme—see section 69(1).

unpasteurised juice, for the plant products food safety scheme—see section 113.

vegetables in oil, for the plant products food safety scheme—see section 113.

vulnerable persons food business, for the vulnerable persons food safety scheme—see section 151.

vulnerable persons food safety scheme means the provisions of this regulation prescribed as a food safety scheme by section 150.

wet storage, for the seafood safety scheme—see section 122.