

Contents (2014 - 152)

Primary Produce Safety (Meat and Poultry) Regulations 2014

Long Title

Part 1 - Preliminary

1. Short title
2. Commencement
3. Interpretation
4. Meaning of abattoir animal
5. Meaning of diseased
6. Meaning of meat processing
7. Meat and poultry food safety scheme
8. Periodic fees and return
9. Fees generally
10. Application for accreditation to take into account certain offences

Part 2 - Meat and Poultry Food Safety Scheme

11. Application of meat and poultry food safety scheme
12. Standards applying under meat and poultry food safety scheme
13. Requirement to be accredited
14. Requirement for accreditation
15. Requirement to prepare and implement a food safety program
16. Auditing requirements
17. Register of accreditation

Part 3 - Offences

18. Meat, meat product and poultry meat must be lawfully produced
19. Infringement notices

Schedule 1 - Fees

Schedule 2 - Applicable standards

Schedule 3 - Infringement notice offences

Primary Produce Safety (Meat and Poultry) Regulations 2014

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Primary Produce Safety (Meat and Poultry) Regulations 2014

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Primary Produce Safety Act 2011 .

22 December 2014

C. WARNER

Governor

By Her Excellency's Command,

JEREMY ROCKLIFF

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Primary Produce Safety (Meat and Poultry) Regulations 2014 .

2. Commencement

These regulations take effect on the day on which Schedule 4 to the Primary Produce Safety Act 2011 commences.

3. Interpretation

In these regulations –

accredited meat premises means premises on which an accredited meat producer is authorised to carry on a meat processing business;

accredited meat producer means the proprietor of a meat processing business, or a poultry production business, who is an accredited producer;

Act means the Primary Produce Safety Act 2011 ;

food business has the same meaning as in the Food Act 2003 ;

game bird means any bird living in the wild;

full-time meat handler means an individual who directly engages in meat processing –

- (a) as an employee or agent of a meat processing business; and
- (b) for 38 hours in a week;

homekill meat means –

- (a) meat, or poultry meat, from an animal slaughtered –
 - (i) by or on behalf of the owner of the animal; and
 - (ii) on premises where the owner of the animal resides or on other premises that have been approved, in writing, by the Chief Inspector; and
 - (iii) for consumption on those premises or on other premises that have been approved, in writing, by the Chief Inspector; or
- (b) meat, or poultry meat, from any game or game bird slaughtered in the wild –

that is not intended for sale or other commercial use;

homekill processing means meat processing that only involves homekill meat, and does not involve any of the following:

- (a) the supply of meat, meat product or poultry meat to a meat processing business;
- (b) the supply of meat, meat product or poultry meat to a food business;
- (c) the supply of meat, meat product or poultry meat at a market;
- (d) the supply of meat, meat product or poultry meat by way of retail or wholesale;

meat processing business means a primary produce business, or a proposed primary produce business, that consists, in whole or in part, of meat processing other than homekill processing;

meat producer means a producer who engages in, or is proposing to engage in –

- (a) the primary production of meat; or
- (b) meat processing; or

(c) poultry production;

poultry meat means any meat or meat product produced from any poultry or game bird, other than ratites;

poultry production means the rearing, management or transport of live poultry, other than ratites, intended for supply to a meat processing business for the purpose of producing poultry meat;

poultry production business means a primary produce business, or a proposed primary produce business, that consists, in whole or in part, of poultry production;

primary production of meat means –

(a) the rearing, management or transport of abattoir animals intended for supply to a meat processing business for the purpose of producing meat or meat product from the abattoir animals; or

(b) the slaughter of any animal in the wild for the purpose of producing meat, meat product or poultry meat from the animal;

ratite includes any emu, ostrich and cassowary;

ready-to-eat meat means meat, meat product or poultry meat intended to be consumed without further heating or cooking, such as –

(a) cooked or uncooked fermented meat; or

(b) pate; or

(c) dried meat; or

(d) slow-cured meat; or

(e) luncheon meat; or

(f) cooked muscle meat including ham and beef; or

(g) any other meat, meat product or poultry meat that is considered ready-to-eat meat under a standard specified in Schedule 2 ;

relevant food safety auditor means a food safety auditor approved under Part 11 of the Act to audit food safety programs in respect of meat processing or poultry production, whichever is relevant in the circumstances;

relevant food safety program means a food safety program in respect of meat or poultry, whichever is relevant in the circumstances, that is an approved food safety program.

4. Meaning of abattoir animal

(1) For the purposes of paragraph (d) of the definition of *abattoir animal* in the Act, the following animals are prescribed, if the animal is slaughtered for human consumption:

(a) rabbit or hare;

(b) ratite;

(c) any other animal that is not poultry or seafood.

(2) Despite subregulation (1) , an animal referred to in that subregulation that is slaughtered for human consumption is not an abattoir animal if the animal is game, or a game bird, that is slaughtered in the wild.

5. Meaning of diseased

For the purposes of the definition of *diseased* in the Act, a condition, state or abnormality is prescribed in respect of an animal if –

(a) the condition, state or abnormality is specified in a standard referred to in Schedule 2 ; and

(b) an animal would be unsuitable, under a standard referred to in that Schedule, for use in the primary production of meat if it were slaughtered while affected by the condition, state or abnormality.

6. Meaning of meat processing

For the purposes of paragraph (c) of the definition of *meat processing* in the Act, the activity of producing poultry meat from poultry, or game birds slaughtered in the wild, is prescribed as meat processing.

7. Meat and poultry food safety scheme

- (1) These regulations establish, in Part 2, a food safety scheme in respect of meat, meat product and poultry meat.
- (2) In any document, a reference to the meat and poultry food safety scheme is taken to be a reference to Part 2 of these regulations, as amended from time to time.

8. Periodic fees and return

- (1) For the purposes of section 16(1) of the Act, in relation to an accredited meat producer –
 - (a) the period prescribed is the period of 12 months ending on the last day of June in any calendar year; and
 - (b) the date prescribed is the 1 July immediately after the period prescribed under paragraph (a); and
 - (c) the fee prescribed is the relevant annual fee specified in item 4 of Schedule 1.
- (2) For the purposes of section 16(2) of the Act, the fee prescribed as a penalty for default by an accredited meat producer is the penalty for default specified in item 5 of Schedule 1.

9. Fees generally

- (1) In this regulation –

GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.
- (2) The fees specified in Schedule 1 –
 - (a) are, unless otherwise specified, exclusive of GST; and
 - (b) are prescribed as the fees payable in respect of the matters to which they relate.
- (3) The Chief Inspector may exempt a person, or class of persons, from all or any part of a fee payable under these regulations in any of the following circumstances:
 - (a) the meat processing business, or poultry production business, carried on by the person involves the export of meat, to another country, in accordance with a law of the Commonwealth;
 - (b) the meat processing business, or poultry production business, carried on by the person forms part of, or is attached to, a food business registered under the Food Act 2003 that is carried on by that person at the same premises as the meat processing business or poultry production business;
 - (c) the person is an Aboriginal person engaging in a primary production activity of traditional or cultural significance within the Tasmanian Aboriginal community;
 - (d) the person holds, or has applied for, accreditation under 2 or more food safety schemes;
 - (e) the meat processing business, or poultry production business, carried on by the person is carried on by the person primarily for a charitable, educational or other non-commercial purpose;
 - (f) the circumstances are exceptional circumstances in which it would be just and equitable to exempt the person from all or part of the fee.

10. Application for accreditation to take into account certain offences

The following Acts are prescribed Acts for the purposes of section 14(3)(a)(iii) of the Act:

- (a) Agricultural and Veterinary Chemicals (Control of Use) Act 1995 ;
- (b) Agricultural and Veterinary Chemicals (Tasmania) Act 1994 ;
- (c) Animal (Brands and Movement) Act 1984 ;
- (d) Animal Health Act 1995 ;
- (e) Animal Welfare Act 1993 ;
- (f) Environmental Management and Pollution Control Act 1994 ;
- (g) Public Health Act 1997 .

PART 2 - Meat and Poultry Food Safety Scheme

11. Application of meat and poultry food safety scheme

- (1) This meat and poultry food safety scheme applies to –
 - (a) all primary produce comprised, in whole or in part, of –
 - (i) meat; or
 - (ii) meat product; or
 - (iii) poultry meat; and
 - (b) all primary production activities involving poultry production, or meat processing or the primary production of meat, either alone or in combination.
- (2) The following persons must comply with this meat and poultry food safety scheme:
 - (a) a person who supplies primary produce to which this meat and poultry food safety scheme applies;
 - (b) a person who engages in, or proposes to engage in, a primary production activity to which this meat and poultry food safety scheme applies.

12. Standards applying under meat and poultry food safety scheme

A person who is required to comply with this meat and poultry food safety scheme must, when performing a primary production activity set out in Schedule 2 , comply with the standards specified in Schedule 2 in respect of that primary production activity.

13. Requirement to be accredited

- (1) Subject to subregulation (2) , the proprietor of a meat processing business, or poultry production business, is required to be accredited under this meat and poultry food safety scheme.
- (2) The proprietor of a meat processing business, or poultry production business, is not required to be accredited under subregulation (1) if the meat processing business, or poultry production business, is –
 - (a) only involved in –
 - (i) homekill processing; or
 - (ii) the growing, keeping or transporting of live poultry for the purpose of producing homekill meat, or poultry meat that is not intended for sale or commercial use; or
 - (b) a food business, registered under Part 7 of the Food Act 2003 , that does not engage in –
 - (i) the slaughter of animals; or
 - (ii) poultry production; or
 - (iii) the production or manufacturing of ready-to-eat meat for human consumption.

14. Requirement for accreditation

It is a requirement for accreditation under this meat and poultry food safety scheme that the applicant for the accreditation –

- (a) has made appropriate arrangements to comply with the requirements of the Act and this meat and poultry food safety scheme; or
- (b) proposes to make appropriate arrangements to comply with the requirements of the Act and this meat and poultry food safety scheme and has the capacity to make those arrangements before the accreditation is to commence.

15. Requirement to prepare and implement a food safety program

An accredited meat producer must prepare and implement a food safety program in respect of each activity involving meat, meat product or poultry meat, for which the accredited meat producer holds accreditation under this meat and poultry food safety scheme.

16. Auditing requirements

A relevant food safety program must be audited by the relevant food safety auditor –

- (a) at intervals determined by the Chief Inspector in respect of the relevant food safety program, or all relevant food safety programs generally, as notified in writing to the accredited meat producer in respect of the relevant food safety program; or
- (b) if no such intervals are specified, at least once every 12 months.

17. Register of accreditation

- (1) The Chief Inspector is to establish a register of accredited meat producers.
- (2) The register established under this regulation is to contain the following particulars in respect of an accreditation granted to a meat producer:
 - (a) the granting of such an accreditation;
 - (b) any conditions attached to such an accreditation;
 - (c) any variation or revocation of a condition attached to such an accreditation;
 - (d) any suspension of such an accreditation;
 - (e) if such an accreditation is cancelled or revoked, the cancellation or revocation of the accreditation;
 - (f) if such an accreditation is surrendered, the surrender of the accreditation;
 - (g) if such an accreditation is transferred, the transfer of the accreditation.
- (3) The register established under this regulation is to be available for inspection, without charge and during normal business hours, on a written request to the Chief Inspector.
- (4) A person inspecting the register under subregulation (3) may, on payment of any reasonable fee determined by the Chief Inspector that does not exceed 50 fee units, do either or both of the following:
 - (a) obtain an extract of an entry in the register established under this regulation;
 - (b) obtain a copy of anything contained in the register established under this regulation.

PART 3 - Offences

18. Meat, meat product and poultry meat must be lawfully produced

(1) A person must not supply any meat, meat product or poultry meat that has not been lawfully produced for human consumption.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or

(b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(2) An offence against this regulation is an offence of strict liability.

(3) For the purposes of this regulation, meat, meat product or poultry meat is taken to have been lawfully produced for human consumption if –

(a) in the case of meat, meat product or poultry meat that has been produced outside of Australia, it has been lawfully imported into Australia; and

(b) in any other case, to the extent to which the meat, meat product or poultry meat has been produced or processed in Australia, the production or processing has been carried out –

(i) in accordance with the requirements of the Act; or

(ii) in accordance with any applicable corresponding law if the production or processing occurred in another State or a Territory.

19. Infringement notices

(1) The offences that are created by the provisions of these regulations specified in column 2 of the table in Schedule 3 are prescribed offences for the purposes of section 53 of the Act.

(2) The prescribed penalty for each of the prescribed offences is the penalty specified opposite that offence in column 3 of the table in Schedule 3 .

SCHEDULE 1 - Fees

Regulations 8 and 9

		Fee units
1.	Application under section 12 of the Act for accreditation of a meat producer	350
2.	Application under section 18 of the Act for variation of accreditation of a meat producer –	
	(a) if the variation does not involve the approval or variation of a relevant food safety program	250
	(b) if the variation involves the variation of a relevant food safety program for the accreditation	300
	(c) if the variation involves the approval of a new relevant food safety program for the accreditation that is in addition to, or in substitution for, an existing relevant food safety program for the accreditation	300
3.	Application under section 19 of the Act for transfer of accreditation of a meat producer	300
4.	Annual fee for accredited meat producer whose maximum number of persons employed or engaged, by that producer at any point during the 12 months preceding the calculation of the fee, was equivalent to the following:	
	(a) fewer than 5 full-time meat handlers	175
	(b) 5-50 full-time meat handlers	350
	(c) more than 50 full-time meat handlers	750
5.	Penalty for default in respect of an accredited meat producer	75

SCHEDULE 2 - Applicable standards

Regulation 12

1. The primary production of meat must comply with *Standard 4.2.3 – Primary Production and Processing Standard for Meat* in the Food Standards Code.
2. The operation of a meat processing business, or a poultry production business, in respect of poultry production and any meat processing that involves poultry meat must comply with *Standard 4.2.2 – Primary Production and Processing Standard for Poultry Meat* in the Food Standards Code.
3. The operation of a meat processing business that involves meat processing must comply with all of the following standards:
 - (a) *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696:2007)*;
 - (b) *Australian Standard for Hygienic Production of Wild Game Meat for Human Consumption (AS 4464:2007)*;
 - (c) *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption (AS 4466:2007)*;
 - (d) *Australian Standard for Hygienic Production of Ratite (Emu/Ostrich) Meat for Human Consumption (AS 5010:2001)*;
 - (e) *Australian Standard for Hygienic Production of Natural Casings for Human Consumption (AS 5011:2001)*;
 - (f) *Standard 4.2.3 – Primary Production and Processing Standard for Meat* in the Food Standards Code.
4. The identification, processing and storage of any carcass of game, or game birds, before its delivery to accredited meat premises must comply with *Australian Standard for Hygienic Production of Wild Game Meat for Human Consumption (AS 4464:2007)*.
5. The transport of slaughtered game, or game birds, from the place of slaughter to accredited meat premises must comply with *Australian Standard for Hygienic Production of Wild Game Meat for Human Consumption (AS 4464:2007)*.
6. The transport of meat, meat product or poultry meat to, or from or on, accredited meat premises must comply with the following standards:
 - (a) *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696:2007)*;
 - (b) *Australian Standard for Hygienic Production of Natural Casings for Human Consumption (AS 5011:2001)*.

SCHEDULE 3 - Infringement notice offences

Regulation 19

Column 2 Regulation		Column Penalty	3 (penalty units)
		Individual	Body corporate
1.	Regulation 18(1)	5	10

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 31 December 2014

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.