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Food Regulation 2004

Current version as at November 2009



Status information

Currency of version

Current version for 7 August 2009 to date.

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the [Historical notes](#)

Staged repeal status

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2010

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](#).

File last modified 31 August 2009.



Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Food Regulation 2004*.

2 Commencement

This Regulation commences on 23 February 2004.

3 Definitions

(1) In this Regulation:

approved means approved by the Food Authority.

Director-General means the Director-General of the Food Authority.

food safety program means a food safety program certified under clause 19.

licence means a licence granted under Part 3.

the Act means the *Food Act 2003*.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Provisions relating to Food Standards Code

4 Modification of Food Standards Code

(1) A reference in the Food Standards Code:

- (a) to the relevant authority is to be read as a reference to the Director-General, 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 Director-General, and
- (d) to demonstrate is to be read as a reference to demonstrate to the satisfaction of the Director-General.

(2) Standard 3.2.2 of the Food Standards Code is modified by inserting after clause 4 (4) the following subclause:

(5) Subclause (1) does not apply to a food business in relation to food handling operations for fundraising events, that is, events:

- (a) that raise 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 to be consumed immediately after thorough cooking.

(3) Standard 3.3.1 of the Food Standards Code is modified by:

(a) inserting after clause 3 (2):

(3) Despite subclause (1), clause 3 of Standard 3.2.1 is to be read as not requiring a person who is carrying on a food business to which this Standard applies at 5 October 2008 to implement or comply with a food safety program until:

- (a) in the case of a food business that is a same-day aged care establishment (as defined in the Schedule)—1 September 2009 or such later date as is notified in writing to the person by the NSW Food Authority, or
- (b) in any other case—1 March 2009 or such later date as is notified in writing to the person by the NSW Food Authority.

(b) omitting the matter relating to child care centres in the Schedule to that Standard.

5 Notifications of food handling operations

(1) Expressions used in this clause have the same meaning as in Standard 3.1.1 of the Food Standards Code.

(2) The Director-General may make an arrangement with a local council for the council to accept notifications under clause 4 of Standard 3.2.2 of the Food Standards Code on behalf of the Director-General and forward those notifications to the Director-General.

(3) A local council that performs the service of accepting and forwarding a notification under subclause (2) may charge a fee for that service not exceeding the following:

- (a) if the notification relates to 5 food premises or less—\$50,
- (b) if the notification relates to more than 5 food premises—\$10 per premises.

(4) A notification under clause 4 of Standard 3.2.2 of the Food Standards Code may be made:

- (a) in a written form—directly to the Director-General or to the Director-General through a local council (under an arrangement made in accordance with subclause (2)),

or

(b) in an electronic form by way of the Internet—directly to the Director-General.

(5) A notification that is made in a written form directly to the Director-General must be accompanied by a processing fee of:

(a) if the notification relates to 5 food premises or less—\$50, and

(b) if the notification relates to more than 5 food premises—\$10 per premises.

(6) A notification under clause 4 of Standard 3.2.2 of the Food Standards Code is not duly made unless it is accompanied by any fee that is required under this clause.

Part 3 Food safety schemes—general provisions

Division 1 Interpretation

6 Definitions

In this Part:

food business means:

(a) a dairy business within the meaning of Part 4, or

(b) a meat business within the meaning of Part 5, or

(c) a plant products business within the meaning of Part 6, or

(d) a seafood business within the meaning of Part 7, or

(e) a vulnerable persons food business within the meaning of Part 8.

licence fee, in relation to a licence, means the fee determined for the licence in accordance with clause 21.

7 Application of food safety schemes to retail premises and food not intended for sale

(1) This Part and Parts 4–7 do not apply to or in respect of the handling of food on retail premises, other than the handling of meat on meat retail premises.

(2) This Part and Parts 4–7 do not apply to or in respect of the handling of food in or from retail vehicles, other than vehicles used by milk vehicle vendors.

(3) This Part and Parts 4–7 do not apply to or in respect of the handling of food that is not intended for sale, other than the handling of milk and dairy products that are not intended for sale.

(4) In this clause:

meat retail premises means retail premises on which raw meat carcasses are processed in some way (such as boning, slicing or cutting), not being premises where all the meat sold is:

- (a) in a form ready to be consumed (such as is sold at a restaurant or take-away food shop), or
- (b) in a form commonly referred to as cook and chill (that is, cooked packaged meat that requires reheating before consumption).

milk vehicle vendor means a person who delivers milk by vehicle and who sells the milk so delivered.

raw meat carcass includes a part of a raw meat carcass.

Division 2 Licensing of food businesses

8 Food business to be licensed

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

9 Application for licence

- (1) A person may apply to the Food Authority for a licence to carry on a food business.
- (2) An application for a licence must:
 - (a) be made in a form approved by the Food Authority, and
 - (b) be accompanied by an application fee of \$50, and
 - (c) be accompanied by the licence fee (other than a licence fee under Division 7 of Part 7) as calculated by the applicant in accordance with the information provided in the application form, and
 - (d) comply with any other requirements of this Regulation relating to applications for licences in respect of the type of food business concerned, and
 - (e) be accompanied by such information as the Food Authority requires to determine the application.
- (3) The Food Authority may require further information to be provided by the applicant if the Food Authority considers that the information is necessary to determine the application.

10 Issue of licences

- (1) The Food Authority may, after considering an application for a licence:
 - (a) grant the application, with or without conditions, or

(b) refuse the application.

(2) Without limiting the grounds on which the Food Authority may refuse to grant a licence, the Food Authority may refuse to grant a licence if it considers that there should be a food safety program for all or any of the food businesses proposed to be licensed and there is no such food safety program.

(3) If the Food Authority decides to grant a licence but considers that the licence fee accompanying the application has been wrongly calculated by the applicant, the Food Authority must:

(a) refund the amount of any overpayment by the applicant, or

(b) give notice in writing of any additional amount that is required to be paid including a statement that the Food Authority may refuse to issue the licence until that amount is paid.

(4) If the Food Authority grants an application for a licence, it 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 such activities may be conducted,

(c) the conditions to which the licence is subject.

Note. The Act defines **vehicle** to mean any means of transport, whether self-propelled or not, and whether used on land or sea or in the air.

(5) If the Food Authority refuses an application for a licence, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal and informing the applicant of the applicant's rights of review under this Regulation.

(6) If the Food Authority refuses an application for a licence, it is to refund any licence fee that was submitted by the applicant in connection with the application.

11 Duration of licence

(1) A licence has effect for a period of one year after the date on which the licence was issued or last renewed, except during any period of suspension or unless sooner cancelled.

(2) Despite subclause (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 if not suspended or sooner cancelled until the application is finally determined.

12 Additional conditions of licence

In addition to any conditions of a licence imposed by the Food Authority under clause 10, it is a condition of a licence that the holder of the licence ensure that the provisions of the Act, this Regulation and the Food Standards Code are complied with in relation to the carrying on of

any activity authorised by the licence and any premises or vehicle to which the licence relates.

13 Variation of terms and conditions of licence

- (1) The Food Authority may vary any term of a licence or any condition imposed by the Food Authority on a licence.
- (2) The Food Authority may vary a term or condition of a licence only after having given the holder of the licence written notice of its intention to vary the term or condition setting out its reasons.
- (3) The notice must include a statement that the holder of the licence concerned may make submissions to the Food Authority in relation to the proposed variation within 14 days after the date of the notice.
- (4) Subclauses (2) and (3) do not apply to the variation of a term or condition of a licence at the request of the holder of the licence.
- (5) A variation of a term or condition of a licence:
 - (a) must be made by notice in writing, and
 - (b) must be served on the holder of the licence, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (6) The notice referred to in subclause (5) must set out the reasons for the variation and inform the holder of the licence of the rights of review under this Regulation.
- (7) The Food Authority may charge the holder of a licence who applies for a variation of the terms or conditions of the licence:
 - (a) an application fee of not more than \$50, and
 - (b) if the Food Authority considers that any inspection or audit is required to enable it to determine the application properly, a charge for the inspection or audit in accordance with clause 20.
- (8) If the Food Authority varies a term or condition of a licence, it is to issue the holder of the licence with a replacement licence that takes account of the variation.

Note. The holder of a licence will need to apply to the Food Authority for a variation under this clause of a term or condition of the licence if, for example, the holder proposes to change the activities authorised by the licence or the premises or vehicles on or in which such activities are conducted.

14 Suspension or cancellation of licence

- (1) The Food Authority may suspend or cancel a licence:
 - (a) if the Food Authority is satisfied that the suspension or cancellation is necessary to

avert a potential threat to food safety, or

(b) if the Food Authority is satisfied that there has been a contravention of any provision of the Act or this Regulation in relation to the carrying on of the food business authorised by the licence, or

(c) if the Food Authority is satisfied that a condition to which the licence is subject has been contravened, or

(d) if the Food Authority is of the opinion that the food safety program for the food business is inadequate or is not being properly implemented, or

(e) if any amount due to the Food Authority under the Act by the holder of the licence is unpaid, or

(f) if the Food Authority is of the opinion that the holder of the licence, or a person involved in the carrying on of the food business authorised by the licence, does not have the necessary capacity, experience or qualifications to ensure the safety of food for human consumption, or

(g) at the request of the holder of the licence.

(2) The Food Authority may suspend or cancel a licence only after having given the holder of the licence written notice of its intention to suspend or cancel the licence setting out its reasons.

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

(4) Subclauses (2) and (3) do not apply to the suspension or cancellation of a licence at the request of the holder of the licence.

(5) The suspension or cancellation of a licence:

(a) must be made by notice in writing, and

(b) must be served on the holder of the licence, and

(c) takes effect on the day on which the notice is served or on a later day specified in the notice.

(6) The notice referred to in subclause (5) must set out the reasons for the suspension or cancellation and inform the holder of the licence of the rights of review under this Regulation.

(7) If a licence authorises the carrying on of more than one activity, the Food Authority may suspend the licence to the extent to which it authorises a particular activity or activities to be carried on.

(8) If a licence authorises the carrying on of an activity at 2 or more premises or in or on 2

or more vehicles, the Food Authority may suspend the licence to the extent to which it authorises activities to be carried on at particular premises or in or on a particular vehicle.

15 Licence not transferable

A licence is not transferable.

16 Renewal of licence

(1) The holder of a licence is taken to apply for renewal of the licence:

(a) by paying the licence fee and, in the case of a licence that authorises the carrying on of a seafood business, the amount of any applicable levies under Divisions 7 and 8 of Part 7, as notified in writing to the holder by the Food Authority in accordance with clause 21, or

(b) if the holder has been given permission by the Food Authority under that clause to pay the relevant amount by instalments, by paying the appropriate instalment.

(2) The Food Authority may:

(a) renew a 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 a licence, the Food Authority may refuse to renew a licence on any ground on which the Food Authority could have suspended or cancelled the licence.

(4) If the Food Authority renews a licence, the Food Authority is to issue a further licence in a form that sets out the conditions to which the licence is subject.

(5) If the Food Authority refuses to renew a licence, the Food Authority must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

(6) A notice referred to in subclause (5) must inform the applicant of the applicant's rights of review under this Regulation.

(7) If the Food Authority refuses to renew a licence, the Food Authority is to refund any licence fee or levy that was submitted by the applicant in connection with the renewal.

17 Display of licence

(1) The holder of a licence must ensure that, on every premises to which the licence relates, a copy of so much of the licence as is relevant to the premises is displayed.

Maximum penalty: 25 penalty units.

(2) The holder of a licence must ensure that, on every vehicle to which the licence relates, a copy of so much of the licence as is relevant to the vehicle is carried.

Maximum penalty: 25 penalty units.

Division 3 Food safety programs

18 Content of food safety program

A food safety program for a food business referred to in paragraph (a), (b), (c) or (d) of the definition of *food business* in clause 6 must:

(a) comply with:

(i) the principles and guidelines set out in the document entitled *Hazard Analysis and Critical Control Point (HACCP) System and Guidelines For Its Application* published by the Codex Alimentarius Commission, or

(ii) Standard 3.2.1 of the Food Standards Code, and

(b) meet any other requirements notified in writing by the Food Authority to the applicant for a licence or the holder of the licence for the food business concerned.

Note. A vulnerable persons food business within the meaning of Part 8 is required by Standard 3.3.1 of the Food Standards Code to comply with Standard 3.2.1 of that Code which contains requirements for the development and implementation of food safety programs.

19 Certification of food safety program

(1) The Food Authority must certify a food safety program for a food business to which a licence or proposed licence relates if the Food Authority is satisfied that:

(a) in the case of a food business referred to in paragraph (a), (b), (c) or (d) of the definition of *food business* in clause 6, the food safety program complies with clause 18, or

(b) in the case of a vulnerable persons food business, the food safety program complies with Standard 3.2.1 of the Food Standards Code.

(2) For the purposes of determining whether a proposed food safety program for a food business should be certified, the Food Authority may arrange for an authorised officer to conduct an audit of the food safety program.

Division 4 Inspections and audits

20 Charges for inspections and audits

(1) The charge payable for the carrying out by the Food Authority of:

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

(b) any audit of any food safety program or proposed food safety program required by this Regulation,

is \$143.08 per hour with a minimum charge of half an hour (excluding time spent in travelling) plus \$35.77 for travelling expenses.

(2) The Food Authority may increase the amounts referred to in subclause (1) annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

(3) The charges payable under this clause are payable to the Food Authority.

(4) The Food Authority may reduce or waive payment of a charge in a particular case or class of cases.

20A Fee for food safety auditor application

For the purposes of section 87 (3) (b) of the Act, the prescribed fee is \$800.

20B Food safety auditor reports

For the purposes of section 95 (2) (a) of the Act, the form set out in Schedule 1A is prescribed.

20C Inspections and audits of food businesses

(1) The Food Authority may arrange for an authorised officer to carry out an inspection of the premises and equipment involved in a food business, and the activities carried on in the course of the food business, before or after granting a licence in respect of the food business.

(2) The Food Authority may arrange for a food safety auditor to do any of the following, before or after granting a licence in respect of a food business:

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

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

(3) This clause is not intended to limit any powers of an authorised officer to carry out an inspection under Part 4 or 5 of the Act.

20D Approval for a food business to retain food safety auditor

(1) A food business must not, except with the approval of the Food Authority, arrange for a food safety auditor who is not a member of staff of the Food Authority to carry out an audit of the food safety program, or proposed food safety program, for the food business that is required under the Act or the regulations.

(2) An application for approval must be made in a form approved by the Food Authority and must be accompanied by such documents and information as the Food Authority may require.

(3) The Food Authority may grant an approval subject to such conditions as the Food

Authority considers appropriate.

(4) An approval may be granted so as to apply generally to the carrying out of audits on behalf of the applicant or so as to be limited to particular audits or types of audits.

(5) An approval may be revoked by the Food Authority by notice in writing given to the food business.

Division 5 Procedures for payment of licence fees and levies

21 Calculation and notification of licence fees

(1) A licence fee for a licence that authorises the carrying on of:

(a) a dairy business (within the meaning of Part 4) is to be calculated in accordance with clause 58, or

(b) a meat business (within the meaning of Part 5) is to be calculated in accordance with clause 132, or

(c) a plant products business (within the meaning of Part 6) is to be the fee determined from time to time by the Food Authority, or

(d) a seafood business (within the meaning of Part 7) is to be calculated in accordance with clause 161 and, where applicable, clause 162, or

(e) a vulnerable persons food business (within the meaning of Part 8) is to be the fee determined from time to time by the Food Authority.

(2) If a licence authorises the carrying on of more than one food business, the licence fee is to be calculated as the total of the licence fees for each of those food businesses that would be applicable under subclause (1).

(3) The Food Authority is to issue to each holder of a licence who is liable to pay a licence fee or levy under this Regulation a notice in writing before the expiration of the licence:

(a) specifying the amount of the licence fee or levy and the period (being not less than 42 days after the issue of the notice) within which the licence fee or levy must be paid, and

(b) specifying (where relevant) the method of calculating the amount of the licence fee or levy to be paid by that holder.

(4) The holder of a licence may, before the expiration of the licence, apply to the Food Authority for approval to pay the licence fee or levy for a particular year by instalments.

(5) An approval under this clause must be notified in writing to the holder of the licence concerned and must specify the amount of each instalment and the date by which each instalment must be paid.

(6) The holder of a licence who has been given approval by the Food Authority to pay the

licence fee or levy by instalments must pay each instalment in accordance with the terms of the approval.

(7) If there is a failure by the holder of a licence who has approval to pay the licence fee or levy by instalments to pay the amount of an instalment by the date required in the approval, the total unpaid balance of the licence fee or levy may be treated by the Food Authority as an overdue amount even if payment by instalments has commenced.

(8) The Food Authority may reduce or waive payment of a licence fee or levy in a particular case or class of cases.

(9) Without limiting subclause (8), 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 holder of the licence for that year by a proportionate amount.

Division 6 Review of decisions of Food Authority

22 Review of decisions

A person may apply to the Administrative Decisions Tribunal for a review of the following decisions:

- (a) a decision to refuse to issue a licence to the person (other than a decision to refuse to issue the licence for non-payment of the whole or part of the licence fee),
- (b) a decision to issue 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 as to the assessment of the applicable licence fee for a licence held or to be held by the person,
- (f) a decision as to the applicable levy to be paid by the person under this Regulation,
- (g) a decision to revoke an approval as a meat safety officer under clause 128.

Part 4 Dairy food safety scheme

Division 1 Preliminary

23 Definitions

In this Part:

dairy building means:

- (a) a building used for or in connection with the milking of milking animals for the purpose of producing milk that is supplied or to be supplied for sale, or

(b) a building on a dairy farm, that is used for, or in connection with, the packaging of unprocessed goat's milk that is supplied or is to be supplied for sale.

dairy business has the meaning given by clause 25.

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

dairy farmer means a person who carries on the business of producing milk on a dairy farm for human consumption.

Dairy Industry Act means the *Dairy Industry Act 2000*.

dairy produce factory means any building or place at or in which:

- (a) any milk or dairy product is produced or packaged, or
- (b) any milk is treated or processed after its production if the treatment or processing results in a product that is milk or a dairy product, or
- (c) any dairy product is treated or processed after its production if the treatment or processing results in a product that is a dairy product,

but does not include a building or place used solely as a dairy building or dairy farm, or a building on a dairy farm that is used for, or in connection with, the packaging of unprocessed goat's milk.

dairy produce merchant means any person:

- (a) who is the occupier of a milk store, dairy produce factory or dairy produce store, or
- (b) who is a vehicle vendor.

dairy produce store means any building or place at or in which any dairy product is stored, whether in a cold chamber or otherwise, but does not include any premises used solely for retail purposes.

dairy product means a food, not being milk, that contains:

- (a) at least 50 per cent (measured by weight) of either or both of the following:
 - (i) cow's milk,
 - (ii) any substance produced from cow's milk (but disregarding any weight of the substance not attributable to milk), or
- (b) at least 25 per cent (measured by weight) of either or both of the following:
 - (i) milk from a milking animal other than a cow,

- (ii) any substance produced from milk from a milking animal other than a cow (but disregarding any weight of the substance not attributable to that milk), or
- (c) at least 50 per cent (measured by weight) of either or both of the following:
 - (i) milk from any one or more species of milking animal,
 - (ii) any substance produced from milk from any one or more species of milking animal (but disregarding any weight of the substance not attributable to that milk).

farm milk collector means any person who collects milk from a dairy farm for delivery or sale, or both, to a dairy produce merchant.

milk means the mammary secretion of a milking animal obtained from one or more milkings and intended for human consumption as a liquid or for further processing, but does not include colostrums.

milk store means any building or place used solely for the storage of processed milk, and includes any building and place at or from which milk is supplied, but does not include a dairy farm or a dairy building on a dairy farm.

milking animal means a cow, goat or sheep.

NSW Dairy Manual means the publication of that name published by the Food Authority, as in force from time to time.

vehicle vendor means a person who delivers milk by vehicle and who sells the milk so delivered.

24 Dairy food safety scheme

The provisions of Part 3 and this Part are prescribed as a food safety scheme under Part 8 of the Act.

25 Meaning of “dairy business”

In this Part, ***dairy business*** means a business involving any of the following:

- (a) the operation of a dairy farm,
- (b) the operation of a milk store,
- (c) the operation of a dairy produce factory,
- (d) the operation of a dairy produce store,
- (e) the delivery of milk by vehicle and the sale of milk so delivered,
- (f) the collection of milk from a dairy farm for delivery or sale, or both, to a dairy produce merchant.

Division 2 General requirements

26 Milk and cream must be pasteurised

- (1) A person must not supply milk or cream for human consumption unless:
 - (a) the milk or cream has been pasteurised by one of the processes specified in Standard 4.2.4 (Primary production and processing standard for dairy products) of the Food Standards Code, and
 - (b) in the case of cow's milk or cream—the milk or cream does not exhibit a phosphatase activity equivalent to that required to give a reading in excess of 10 µg/mL of p-nitrophenol when tested immediately after pasteurisation by the current standard method in AS 2300, *Methods of chemical and physical testing for the dairying industry*.
- (2) This clause does not apply:
 - (a) to a dairy farmer in respect of the supply of milk or cream by the dairy farmer to a dairy produce factory, or
 - (b) to a dairy produce factory in respect of the supply of milk or cream by the dairy produce factory to another dairy produce factory, or
 - (c) to goat's milk, but only if:
 - (i) the milk has been produced in compliance with a food safety program, and
 - (ii) in the case of milk that is unpasteurised—the milk bears a label that includes an advisory statement in accordance with clause 2 of Standard 1.2.3 of the Food Standards Code, or
 - (d) to the supply of milk or cream by a dairy farmer, or dairy produce merchant, who is the holder of a licence to Dairy Farmers Milk Co-operative Limited (ARBN 108 690 384), or
 - (e) to the supply of milk or cream by Dairy Farmers Milk Co-operative Limited if the conditions set out in subclause (3) are complied with in relation to that supply.
- (3) For the purposes of subclause (2) (e), the following conditions must be complied with:
 - (a) Dairy Farmers Milk Co-operative Limited must obtain the milk or cream from a dairy farmer, or dairy produce merchant, who is the holder of a licence,
 - (b) Dairy Farmers Milk Co-operative Limited must supply the milk or cream to a licensed dairy produce factory,
 - (c) Dairy Farmers Milk Co-operative Limited must not deal with, or handle, the milk or cream except by obtaining it or supplying it in accordance with paragraphs (a) and (b) or disposing of it in a manner that will ensure that it cannot be used for the purposes of human consumption.

27 Protection of milk and dairy products on premises

Milk and dairy products at dairy farms, a milk store, a dairy produce factory or a dairy produce store must be kept, stored and treated in a manner that will protect the milk or dairy products at all times from all conditions or situations that may allow contamination to enter, or cause spoilage or tainting of, the milk or dairy products.

28 Protection of milk and dairy products being transported

The holder of a licence that authorises the transport of milk or dairy products must ensure that the milk or dairy products are transported in a manner that will protect the milk or dairy products at all times from all conditions or situations that may allow contamination to enter, or cause spoilage or tainting of, the milk or dairy products.

29 Requirements for production, manufacturing and storage areas

Products and materials must not be stored in the production area, manufacturing area, milk or dairy products storage area or packaging materials storage area of dairy premises, a milk store, a dairy produce factory or a dairy produce store, except those products and materials that are used:

- (a) in the production or manufacture of milk, dairy products or other foods, or
- (b) in the cleaning and sanitising of buildings and equipment used in connection with the production or manufacture of milk, dairy products or other foods.

Division 3 Requirements for dairy buildings and dairy farms

30 Licence requirements in relation to dairy buildings

(1) The Food Authority must not grant or renew an application for a licence that authorises the carrying on of a dairy business unless it is satisfied that any building proposed to be used by the applicant as a dairy building:

- (a) complies with the requirements set out in the publication *Code of Practice for Dairy Buildings* published by Safe Food, or
- (b) is constructed in a way that is capable of delivering at least an equivalent outcome in terms of safe food production as a building that complies with the requirements referred to in paragraph (a).

(2) If a dairy building used by the holder of a licence is substantially altered, added to or rebuilt after the licence is granted or renewed, the building must not be used as a dairy building except with the approval of the Food Authority and in accordance with any conditions of the approval.

(3) An application for approval must be made in a form approved by the Food Authority and must be accompanied by such documents and information as the Food Authority may require.

(4) The Food Authority may grant an approval subject to such conditions as the Food Authority considers appropriate.

31 Equipment in dairy buildings

A building must not be used as a dairy building unless equipment in the building used for or in connection with the milking of milking animals complies with the requirements set out in the publication *Code of Practice for Dairy Buildings* published by Safe Food, or the Food Authority otherwise approves in the particular case.

32 Maintenance

(1) A dairy building must be maintained in good repair and clean condition.

(2) Equipment in a dairy building used for or in connection with the milking of milking animals must be maintained in a serviceable and hygienic condition.

33 Cooling or packaging of milk

Milk harvested at dairy farms must, within 3 hours and 30 minutes after the commencement of milking:

(a) be processed or packaged, or

(b) be cooled to a temperature that is 4 degrees Celsius or less and must be kept at that temperature during storage at the premises.

34 Sampling and testing

The holder of a licence authorising the operation of a dairy produce factory must ensure that the following requirements are complied with in respect of milk collected from dairy farms for delivery to the dairy produce factory:

(a) milk must be sampled and sensory graded, and a record made of the volume and temperature of the milk and of the results of the sensory grading, by an appropriately qualified person,

(b) samples of milk must be taken, stored, transported and treated in accordance with the requirements of the NSW Dairy Manual,

(c) a sample of milk taken at dairy farms for microbiological testing must be a representative sample and must be taken aseptically,

(d) when a sample is taken for the purpose of testing for the presence of any anti-microbial drug residue, the sample must be a representative sample,

(e) milk received at a dairy produce factory must be tested in accordance with the requirements of the NSW Dairy Manual and a record of the test results kept at the factory and available for inspection for at least 12 months after the test,

(f) milk must not be processed for human consumption and must not be used in the

manufacture of dairy products unless it complies with the requirements of the following standards of the Food Standards Code with respect to metals, chemical residues, drug residues and contaminants:

- (i) Standard 1.4.1 (Contaminants and Natural Toxicants),
- (ii) Standard 1.4.2 (Maximum Residue Limits),
- (iii) Standard 2.5.1 (Milk).

35 Milk collection

The holder of a licence that authorises the operation of a dairy produce factory must ensure that the following requirements are complied with in respect of the collection of milk from dairy farms for delivery to the dairy produce factory:

- (a) the frequency of milk collection from dairy farms must be such as to permit the cleaning and sanitising of the farm vat after emptying and before any more milk is placed in the vat,
- (b) milk is not to be collected from any farm vat unless the temperature has been reduced to 4 degrees Celsius or less, unless specifically authorised in a particular case by the Food Authority,
- (c) milk collection must be in accordance with the requirements of the publication *Code of Practice for Collection of Milk from Dairy Farms* published by Safe Food.

36 (Repealed)

Division 4 Requirements for dairy produce factories, dairy produce stores and milk stores

37 Building not to be used without licence

(1) The Food Authority must not grant or renew an application for a licence that authorises the operation of a dairy produce factory, dairy produce store or milk store unless it is satisfied that any building proposed to be used by the applicant as a dairy produce factory, dairy produce store or milk store complies with the requirements applicable in respect of the building under clause 39.

(2) If a building authorised by a licence to be used as a dairy produce factory, dairy produce store or milk store is substantially altered, added to or rebuilt after the licence is granted or renewed, the building must not be used as a dairy produce factory, dairy produce store or milk store except with the approval of the Food Authority and in accordance with any conditions of the approval.

(3) An application for approval must be made in an approved form and must be accompanied by such documents and information as the Food Authority may require.

(4) The Food Authority may grant an approval subject to such conditions as the Food

Authority considers appropriate.

38 Requirements of Export Control Orders to apply

(1) Such of the requirements of Schedules 3 and 4 to the *Export Control (Milk and Milk Products) Orders 2005* as are applied to this Scheme under the NSW Dairy Manual apply as part of this Scheme to and in respect of a dairy produce factory, dairy produce store or milk store.

(2) Those provisions so apply with such modifications as may be provided for by the NSW Dairy Manual.

(3) In this clause:

Export Control (Milk and Milk Products) Orders 2005 means the *Export Control (Milk and Milk Products) Orders 2005* made under regulation 3 of the *Export Control (Orders) Regulations 1982* of the Commonwealth.

39 Cleaning and repair of buildings and equipment

The following requirements apply in respect of the premises and buildings that comprise a dairy produce factory, milk store or dairy produce store and the equipment used there:

(a) the premises and buildings must be kept clean and in good repair,

(b) equipment must be cleaned immediately after use and kept clean prior to reuse, and must be kept in a clean and sanitary condition and in good repair,

(c) the premises, buildings and equipment must not be used to manufacture, process or pack any product other than food for human consumption, unless the Food Authority otherwise approves in a particular case.

40 (Repealed)

41 Cooling of milk

(1) Milk received at a dairy produce factory must be cooled immediately to and held at a temperature of not more than 5 degrees Celsius until its use in manufacture or dispatch to another dairy produce factory.

(2) This clause does not apply to milk that is processed or packaged within 3 hours and 30 minutes after the commencement of milking.

42 Records to be kept

(1) The holder of a licence that authorises the operation of a dairy produce factory must ensure that a record is kept of the details of:

(a) all milk, cream and other food ingredients received at the dairy produce factory for the manufacture of milk and dairy products, and

(b) all milk and dairy products dispatched by the dairy produce factory to another dairy produce factory, and

(c) the quantity, container type and size, date code or product batch number of each type of dairy product manufactured at and distributed from the dairy produce factory.

(2) A record required by this clause must be kept at the dairy produce factory for not less than 12 months or the accepted shelf-life of the product to which the record relates, whichever is longer.

43 Testing of milk consigned from one dairy produce factory to another

(1) If raw milk is consigned from one dairy produce factory to another, the milk must be tested by the manager of each factory in accordance with the requirements as to test methods, standards and test frequencies specified in the NSW Dairy Manual.

(2) The results of those tests must be advised by the manager of the consignor dairy produce factory to the manager of the consignee dairy produce factory prior to acceptance of the milk at the consignee dairy produce factory.

(3) A record of the results of the tests must be kept at each factory for not less than 12 months.

44 Temperature of milk consigned between dairy produce factories

Milk consigned from a dairy produce factory must not be accepted at another dairy produce factory if the temperature of the milk is more than 5 degrees Celsius on arrival at the other dairy produce factory.

45 Temperature and storage of milk and cream at factories

(1) When milk or cream is stored at a dairy produce factory pending processing, it must be kept at a temperature of not more than 5 degrees Celsius unless it is processed within 3 hours and 30 minutes after the commencement of milking.

(2) When milk or cream is stored at a dairy produce factory where it will be packaged only, it must be kept at a temperature of not more than 5 degrees Celsius prior to packaging unless it is packaged within 3 hours and 30 minutes after the commencement of milking.

(3) After processing of milk or cream at a dairy produce factory and prior to packaging, the milk or cream must be kept at a temperature of not more than 5 degrees Celsius.

(4) Packaged milk and cream (other than commercially sterile products) must be cooled to and kept at a temperature of not more than 5 degrees Celsius after packaging.

(5) In this clause, *commercially sterile product* means a milk or cream product that has been heat treated sufficiently to render it free of:

(a) micro-organisms capable of reproducing in the food under normal non-refrigerated

conditions of storage and distribution, and

(b) viable micro-organisms, including spores, of public health significance.

46 Milk for manufacture

Milk and milk components used for the manufacture of dairy products for human consumption:

(a) must be processed as required by Standard 4.2.4 (Primary production and processing standard for dairy products) of the Food Standards Code, and

(b) in the case of cow's milk or milk components—must not exhibit a phosphatase activity equivalent to that required to give a reading in excess of 10 µg/mL of p-nitrophenol when tested immediately after pasteurisation by the current standard method in AS 2300.1.10—1988, *Methods of chemical and physical testing for the dairying industry—General methods and principles—Determination of phosphatase activity*.

47 Pasteuriser requirements

(1) Equipment used for the pasteurisation of milk or milk components at a dairy produce factory:

(a) must comply with the requirements of the NSW Dairy Manual, and

(b) must be cleaned, sterilised and maintained in accordance with the requirements of the NSW Dairy Manual.

(2) When milk is pasteurised at a dairy produce factory, a record must be made in respect of the pasteurisation as required by the NSW Dairy Manual.

(3) A record required by subclause (2) must be kept at the dairy produce factory for not less than 12 months or the accepted shelf-life of the product to which the record relates, whichever is longer.

48 Standards and testing of milk and dairy products

(1) The holder of a licence that authorises the operation of a dairy produce factory must ensure that finished milk and dairy products produced at the factory for human consumption comply with the standards specified in the Food Standards Code.

(2) The holder of a licence that authorises the operation of a dairy produce factory must ensure that finished milk and dairy products produced at the factory are tested for compliance with the microbiological standards specified in the NSW Dairy Manual.

(3) A failure result in a test for the purposes of subclause (2) must be followed up by testing of all subsequent batches of the same product produced at the dairy produce factory until a satisfactory result is achieved.

49 Control of Salmonella

Measures for the control of Salmonella contamination in dried milk products in a dairy produce factory must be carried out in accordance with the requirements of the publication *Australian Manual for the Control of Salmonella in the Dairy Industry* published by the Australian Dairy Authorities Standards Committee.

50 Control of Listeria

Measures for the control of Listeria contamination in a dairy produce factory must be carried out in accordance with the requirements of the publication *Australian Manual for the Control of Listeria in the Dairy Industry* published by the Australian Dairy Authorities Standards Committee.

51 Product recall procedure

(1) A dairy produce factory must have a documented product recall and retrieval procedure in place at the factory.

(2) The recall procedure must be in accordance with the *Food Industry Recall Protocol* published by Food Standards Australia New Zealand.

52 Use of a milk tanker or vessel used for bulk milk transport

The holder of a licence that authorises the operation of a milk tanker or vessel that is used for the bulk transport of milk must ensure that the tanker or vessel is not used for any purpose except:

(a) the collection of milk from dairy farms, or

(b) the transportation of milk or cream, or

(c) the transportation of clean water or food-grade liquids that will not contaminate or affect the quality of milk or cream or leave residual odours.

53 Cleanliness of a milk tanker or vessel used for bulk milk transport

The holder of a licence that authorises the operation of a milk tanker or vessel that is used for the bulk transport of milk must ensure that the tanker or vessel is not used to transport milk or cream unless the tanker or vessel is in good repair and has been cleaned to ensure that its interior surfaces are free of contaminants and that there are no unusual odours in the tanker or vessel.

54 Standards for milk and dairy produce stores

(1) Packaged milk and cream (other than commercially sterile products) stored at a milk store or dairy produce store must be kept at a temperature of not more than 5 degrees Celsius during storage.

(2) Any other dairy product stored at a milk store or dairy produce store must be kept at a temperature of not more than 5 degrees Celsius during storage or at some other temperature that can be demonstrated to the satisfaction of the Food Authority to not

adversely affect the microbiological safety of the product.

55 Records to be kept by milk and dairy produce stores

(1) The holder of a licence that authorises the operation of a milk store or dairy produce store must ensure that records are kept of the details of all packaged milk, cream or dairy products received at and distributed from the store.

(2) A record required by this clause must be kept at the milk store or dairy produce store for not less than 12 months or the accepted shelf-life of the product to which the record relates, whichever is longer.

Division 5 Requirements for vehicle vendors

56 Handling of milk and dairy products

The holder of a licence that authorises the delivery of milk by vehicle and the sale of the milk so delivered must ensure that:

(a) milk and dairy products in the vehicle are kept at a temperature of not more than 5 degrees Celsius, unless the Food Authority otherwise approves in a particular case or class of cases, and

(b) without limiting paragraph (a), milk and dairy products in the vehicle are not placed or kept in such a manner that the product will be deteriorated whether by heat or injurious smells, or by the proximity of unclean matter or by any other means.

57 (Repealed)

Division 6 Miscellaneous

58 Licence fees

(1) The holder of a licence that authorises the carrying on of a dairy business is liable to pay a licence fee determined in accordance with this clause and section 139 of the Act.

(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 the purposes of subclause (2) that:

(a) applies generally or is limited in its application by reference to specified exceptions or factors, or

(b) applies differently according to different factors of a specified kind.

59 Industry consultation

The following bodies are declared to be consultative bodies for the purposes of the consultation referred to in section 105 of the Act in respect of this Scheme:

(a) in relation to cow's milk and cow dairy products—the New South Wales Dairy Industry Conference constituted by the Dairy Industry Act,

(b) in relation to goat's milk or sheep's milk and goat or sheep dairy products—the New South Wales Goat and Sheep Milk Industry Conference.

Part 5 Meat food safety scheme

Division 1 Preliminary

60 Definitions

(1) In this Part and Schedules 2–11:

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 the slaughtering, handling, drafting or keeping of abattoir animals for human consumption at any premises so used, and

(b) holding yards and the like.

abattoir animal means any of the following animals that is not a game animal:

(a) any bull, ox, steer, cow, heifer, calf, ram, ewe, wether, hogget, lamb, goat, kid, swine, buffalo, crocodile, deer or rabbit,

(b) any bird.

abattoir meat means meat that is from an abattoir animal and that is 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 processing plant means any premises where:

(a) in the course of a business (being a business of preparing or selling animal food) meat or fish or any product of meat or fish is stored, packed, packaged, processed, treated, boned or cut up, or

(b) in the course of a business, processed animal food is produced,

but does not include:

(c) an abattoir, knackery, meat processing plant or game meat processing plant, or

(d) meat retail premises.

animal food van means any vehicle used for the conveyance of meat intended for use as

animal food.

ARMCANZ means the Agricultural Resources Management Council of Australia and New Zealand.

bird includes ratite.

game animal means any of the following animals that is not husbanded in the manner of a farmed animal and is killed in the field:

- (a) any goat, kid, swine, deer, rabbit, camel, donkey, horse, hare or bird,
- (b) any fauna permitted to be taken and killed for the purposes of sale in accordance with a licence under the National Parks and Wildlife Act 1974.

game meat means meat that is from a game animal and that is intended for human consumption.

game meat inspector means:

- (a) in relation to the inspection of game meat for human consumption—a person approved in writing to inspect game animals for human consumption, or
- (b) in relation to the inspection of game meat for use as animal food—a person approved in writing to inspect game animals for use as animal food.

game meat processing plant means any premises where, in the course of a business:

- (a) dead game animals intended for human consumption are, or game meat is, stored, packed, packaged, processed, treated, boned or cut up, or
- (b) processed meat is produced from game meat,

but does not include:

- (c) an abattoir, or
- (d) meat retail premises.

game meat van means any vehicle that is used for the conveyance of meat that is game meat.

hogget means an ovine animal that has cut at least one, but no more than 2, permanent incisor teeth.

knackery means premises used for or in connection with the slaughtering of knackery animals for use as animal food, or for or in connection with the destruction of animals, and includes:

- (a) buildings used in or in connection with the slaughtering, destruction, handling,

drafting or keeping of any such animals at any premises so used, and

(b) holding yards and the like.

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

knackery meat means meat that is from a knackery animal and that is intended for use as animal food.

lamb means an ovine animal that has not cut a permanent incisor tooth.

licensed premises means premises in respect of which a licence is in force.

licensed vehicle means a vehicle in respect of which a licence is in force.

meat means the whole or any part of the carcass of an animal, but does not include processed meat or processed animal food.

meat business has the meaning given by clause 62.

meat processing plant means any premises where, in the course of a business:

- (a) abattoir meat is stored, packed, packaged, processed, treated, boned or cut up, or
- (b) processed meat is produced from abattoir meat,

but does not include:

- (c) an abattoir, or
- (d) meat 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 (such as boning, slicing or cutting), not being premises where, in any week during the preceding calendar year, more than one tonne of meat was sold by wholesale or where all the meat sold is:

- (a) in a form ready to be consumed (such as is sold at a restaurant or take-away food shop), or
- (b) in a form commonly referred to as cook and chill (that is, cooked packaged meat that requires reheating before consumption).

meat safety officer, in relation to an abattoir, means the meat safety officer appointed for the abattoir in accordance with clause 126.

meat van means any vehicle used for the conveyance of meat that is abattoir meat.

minimum standards means, in relation to:

- (a) an abattoir—the minimum standards specified in clause 66, or
- (b) a meat processing plant—the minimum standards specified in clause 70, or
- (c) a game meat processing plant—the minimum standards specified in clause 74, or
- (d) a meat van—the minimum standards specified in clause 79, or
- (e) a game meat van—the minimum standards specified in clause 84, or
- (f) a knackery—the minimum standards specified in clause 88, or
- (g) a rendering plant—the minimum standards specified in clause 91, or
- (h) an animal food processing plant—the minimum standards specified in clause 95, or
- (i) an animal food van—the minimum standards specified in clause 99, or
- (j) meat retail premises—the minimum standards specified in clause 101.

operational standards means, in relation to:

- (a) an abattoir—the operational standards specified in clause 67, or
- (b) a meat processing plant—the operational standards specified in clause 71, or
- (c) a game meat processing plant—the operational standards specified in clause 75, or
- (d) a meat van—the operational standards specified in clause 80, or
- (e) a game meat van—the operational standards specified in clause 85, or
- (f) a knackery—the operational standards specified in clause 89, or
- (g) a rendering plant—the operational standards specified in clause 92, or
- (h) an animal food processing plant—the operational standards specified in clause 96,
or
- (i) meat retail premises—the operational standards specified in clause 102.

processed animal food means any product of a manufacturing process that contains meat that is intended for use as animal food.

processed meat means any product of a manufacturing process that contains abattoir meat or game meat and that is intended for human consumption, but does not include any such product that is cooked and requires reheating in order to be ready to eat.

rendering plant means any premises where animal by-products are rendered or boiled down, but does not include an abattoir or a knackery.

(2) A reference in this Part to premises or a vehicle used for a purpose includes a reference

to premises or a vehicle intended to be used for the purpose.

61 Meat food safety scheme

The provisions of Part 3, this Part and Schedules 2–11 are prescribed as a food safety scheme under Part 8 of the Act.

62 Meaning of “meat business”

In this Part, *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 processing plant,
- (d) a meat van, other than solely for the purpose of conveying abattoir meat from retail premises that has been sold by retail,
- (e) a game meat van,
- (f) a knackery,
- (g) a rendering plant,
- (h) an animal food processing plant,
- (i) an animal food van,
- (j) meat retail premises.

Division 2 Classes of licence

63 Classes of licence

A licence authorising the carrying on of a meat food business may authorise any of the following classes of activity:

- (a) the operation of an abattoir,
- (b) class 1, 2 or 3 meat processing,
- (c) class 1, 2, 3, 4 or 5 game meat processing,
- (d) the operation of a class 1, 2 or 3 meat van,
- (e) the operation of a class 1, 2, 3, 4, 5 or 6 game meat van,
- (f) the operation of a knackery,
- (g) the operation of a rendering plant,

- (h) class 1, 2, 3 or 4 animal food processing,
- (i) the operation of a class 1, 2 or 3 animal food van,
- (j) the operation of meat retail premises.

Division 3 Abattoirs

64 Additional requirements for applications for abattoir licences

(1) An application for a licence authorising the operation of an abattoir must be accompanied by:

- (a) a copy of any consent required by or under the *Environmental Planning and Assessment Act 1979*, and
- (b) a site plan showing:
 - (i) the location and dimensions of the site, and
 - (ii) the fall, if any, of the land comprising the site, and
 - (iii) the location of any watercourse adjacent to or passing through the site, and
 - (iv) the names and widths of any roads adjacent to the site, and
 - (v) the location of any railway lines adjacent to or passing through the site, and
 - (vi) the location of all existing and proposed buildings or other structures on the site, and
 - (vii) the direction of true north, and
- (c) a floor plan showing the dimensions of all floor areas and the location of all appliances proposed to be used in connection with the slaughtering of animals or the dressing and processing of carcasses, and
- (d) a drainage plan showing proposals for floor drainage and effluent disposal and the location of hot and cold water outlets, hand-washing facilities and carcase-washing facilities, and
- (e) a roof plan showing details of the roof structure of all existing and proposed buildings and the location of any existing or proposed skylights or vents, and
- (f) longitudinal and cross-sectional drawings of all existing and proposed buildings, indicating the finish to be provided for walls, floors and partitions, the heights above floor level of all rails proposed to be used for the carriage of carcasses or meat and the location of all appliances proposed to be used in connection with the slaughtering of animals or dressing and processing of carcasses, and
- (g) elevation drawings of each side of all existing and proposed buildings, showing

the sizes and positions of all doorways, windows and other openings, and

(h) written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with the slaughtering of animals or dressing and processing of carcasses.

(2) The drainage plan referred to in subclause (1) may be incorporated with the site plan or floor plan referred to in that subclause.

(3) Any thing required to be shown on a plan or drawing referred to in subclause (1) may be shown on a separate plan or drawing.

(4) Plans and drawings must be prepared in a professional manner.

65 Applications to alter abattoir premises

(1) An application to the Food Authority for its permission in respect of any structural alterations or additions to the premises to which a licence that authorises the operation of an abattoir relates is to be made in an approved form.

(2) The applicant must furnish to the Food Authority:

(a) such plans and drawings relating to the structural alterations or additions as the Food Authority may require, and

(b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in those buildings or structures as the Food Authority may require.

(3) Plans and drawings must be prepared in a professional manner.

66 Minimum standards for abattoirs

The minimum standards for an abattoir are as follows:

(a) in relation to an abattoir at which the slaughtering of meat (other than poultry meat, rabbit meat, ratite meat or crocodile meat) is authorised by the licence—the standards specified in the publication titled AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time,

(b) in relation to an abattoir at which the slaughtering of poultry meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Poultry Meat for Human Consumption* published by ARMCANZ, as in force from time to time,

(c) in relation to an abattoir at which the slaughtering of rabbit meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption* published by ARMCANZ, as in force from time to time,

(d) in relation to an abattoir at which the slaughtering of ratite meat is authorised by the licence—the standards specified in the publication titled *New South Wales Code of Practice for Hygienic Production of Ratite (Emu/Ostrich) Meat for Human Consumption* published by the Food Authority, as in force from time to time,

(e) in relation to an abattoir at which the slaughtering of crocodile meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Crocodile Meat for Human Consumption* published by ARMCANZ, as in force from time to time,

(f) in relation to an abattoir at which the slaughtering of more than one type of meat referred to in the preceding paragraphs is authorised by the licence—the minimum standards specified in each of the relevant paragraphs.

67 Operational standards for abattoirs

The operation of an abattoir must comply with the requirements of:

(a) each of the following:

(i) an approved hazard analysis critical control point program,

(ii) the publication titled AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time,

(iii) the publication specified in clause 66 in relation to an abattoir of the same type,

(iv) clause 9 of Standard 1.6.2 of the Food Standards Code, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 4 Meat processing plants

68 Additional requirements for applications for licences in respect of meat processing

(1) An application for a licence that authorises the operation of a meat processing plant must be accompanied by:

(a) such plans and drawings as the Food Authority may require, and

(b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with any proposed meat processing operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

69 Classes of meat processing licence

The Food Authority may issue:

- (a) a licence that authorises class 1 meat processing in respect of a meat processing plant comprising premises where processed meat in the form of ham, bacon, sausages or cooked meat, or salted, smoked, pickled or cured abattoir meat is produced, or
- (b) a licence that authorises class 2 meat processing in respect of a meat processing plant comprising premises where abattoir meat is stored or packed for the purpose of being stored, but not packaged, processed, treated, boned or cut up, or
- (c) a licence that authorises class 3 meat processing in respect of a meat processing plant comprising premises other than premises referred to in paragraph (a) or (b).

70 Minimum standards for meat processing plants

The minimum standards for meat processing plants are as follows:

- (a) in relation to a meat processing plant at which the processing of meat (other than poultry meat, rabbit meat, ratite meat or crocodile meat) is authorised by the licence—the standards specified in the publication titled AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time,
- (b) in relation to a meat processing plant at which the processing of poultry meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Poultry Meat for Human Consumption* published by ARMCANZ, as in force from time to time,
- (c) in relation to a meat processing plant at which the processing of rabbit meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption* published by ARMCANZ, as in force from time to time,
- (d) in relation to a meat processing plant at which the processing of ratite meat is authorised by the licence—the standards specified in the publication titled *New South Wales Code of Practice for Hygienic Production of Ratite (Emu/Ostrich) Meat for Human Consumption* published by the Food Authority, as in force from time to time,
- (e) in relation to a meat processing plant at which the processing of crocodile meat is authorised by the licence—the standards specified in the publication titled *Australian Standard for Hygienic Production of Crocodile Meat for Human Consumption* published by ARMCANZ, as in force from time to time,
- (f) in relation to a meat processing plant at which the processing of more than one type of meat referred to in the preceding paragraphs is authorised by the licence—the minimum standards specified in each of the relevant paragraphs.

71 Operational standards for meat processing plants

The operation of a meat processing plant must comply with the requirements of:

(a) each of the following:

(i) an approved hazard analysis critical control point program,

(ii) the publication titled AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time,

(iii) the publication specified in clause 70 in relation to a meat processing plant of the same type,

(iv) clause 9 of Standard 1.6.2 of the Food Standards Code, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 5 Game meat processing plants

72 Additional requirements for applications for game meat processing licences

(1) An application for a licence that authorises the operation of a game meat processing plant must be accompanied by:

(a) such plans and drawings as the Food Authority may require, and

(b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with any proposed game meat processing operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

73 Classes of game meat processing licence

The Food Authority may issue:

(a) a licence that authorises class 1 game meat processing in respect of a game meat processing plant comprising premises where processed game meat in the form of sausages or cooked meat, or salted, smoked, pickled or cured game meat is produced, or

(b) a licence that authorises class 2 game meat processing in respect of a game meat processing plant comprising premises where game meat (except in the form of unflayed game meat carcasses) is stored or packed for the purpose of being stored, but not packaged, processed, treated, boned or cut up, or

(c) a licence that authorises class 3 game meat processing in respect of a game meat processing plant comprising premises other than premises referred to in paragraph (a), (b), (d) or (e), or

(d) a licence that authorises class 4 game meat processing in respect of a game meat

processing plant comprising premises where game meat in the form of unflayed carcasses is stored but not packaged, processed, treated, boned or cut up, or

(e) a licence that authorises class 5 game meat processing in respect of a game meat processing plant comprising premises where game meat is treated, boned or cut up.

74 Minimum standards for game meat processing plants

The minimum standards for game meat processing plants are the standards specified in the publication titled *Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing, as in force from time to time.

75 Operational standards for game meat processing plants

The operation of a game meat processing plant must comply with the requirements of:

(a) each of the following:

(i) an approved hazard analysis critical control point program,

(ii) the publication specified in clause 74 in relation to a game meat processing plant of the same type,

(iii) clause 9 of Standard 1.6.2 of the Food Standards Code, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 6 Meat vans

76 Applicants to present meat vans for inspection

The Food Authority may require an applicant for the issue of a licence that authorises the operation of a meat van to present the vehicle in respect of which the application is made for inspection by the Food Authority at such time and place as the Food Authority may determine.

77 Meat van labels

(1) The Food Authority is to issue to the holder of a licence that authorises the operation of a meat van a licensing label in respect of the vehicle to which the licence relates.

(2) The licensing label issued by the Food Authority must be displayed in an approved position on the vehicle in respect of which it is issued whenever the vehicle is being operated as a meat van in the course of carrying on a business.

78 Issue of licence in respect of class 1, 2 or 3 meat van

The Food Authority may issue:

(a) a licence that authorises the operation of a class 1 meat van in respect of a meat van fitted with rails from which abattoir meat conveyed in the van is to be suspended, or

(b) a licence that authorises the operation of a class 2 meat van in respect of a vehicle that is not a meat van referred to in paragraph (a) or (c), or

(c) a licence that authorises the operation of a class 3 meat van in respect of a vehicle that is used in the course of a business as a meat van, solely on journeys that in normal circumstances do not exceed 1 hour for the conveyance of:

(i) frozen abattoir meat from a cold store to a port, or

(ii) abattoir meat, that has been packed in cartons and secured to pallets, from the point of preparation to a cold store.

79 Minimum standards for meat vans

The minimum standards for meat vans are:

(a) for a class 1 or class 2 meat van—the standards specified in Part 8 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, and

(b) for a class 3 meat van—the standards specified in Schedule 2.

80 Operational standards for meat vans

The operation of a meat van must comply with the requirements of:

(a) Part 8 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 7 Game meat vans

81 Applicants to present game meat vans for inspection

The Food Authority may require an applicant for the issue of a licence that authorises the operation of a game meat van to present the vehicle in respect of which the application is made for inspection by the Food Authority at such time and place as the Food Authority may determine.

82 Game meat van labels

(1) The Food Authority is to issue to the holder of a licence that authorises the operation of a class 1, 2, 3, 4, 5 or 6 game meat van a licensing label in respect of the vehicle to which the licence relates.

(2) The licensing label issued by the Food Authority must be displayed in an approved position on the vehicle in respect of which it is issued whenever the vehicle is being operated as a game meat van in the course of carrying on a business.

83 Issue of licence in respect of class 1, 2, 3, 4, 5 or 6 game meat van

The Food Authority may issue:

- (a) a licence that authorises the operation of a class 1 game meat van in respect of a game meat van fitted with rails from which flayed game meat carcasses conveyed in the van are to be suspended, or
- (b) a licence that authorises the operation of a class 2 game meat van in respect of a vehicle that is not a game meat van referred to in paragraph (a), (c), (d), (e) or (f), or
- (c) a licence that authorises the operation of a class 3 game meat van in respect of a vehicle that is used in the course of a business as a game meat van, solely on journeys that in normal circumstances do not exceed 1 hour for the conveyance of game meat, that has been packed in cartons and secured to pallets, from the point of preparation to a cold store, or
- (d) a licence that authorises the operation of a class 4 game meat van in respect of a game meat van that is used in the course of a business for the conveyance of any game meat (other than rabbit or duck) from the point of harvest to a class 4 game meat processing plant, or
- (e) a licence that authorises the operation of a class 5 game meat van in respect of a game meat van that is used in the course of a business for the conveyance of rabbit game meat from the point of harvest to a class 4 game meat processing plant, or
- (f) a licence that authorises the operation of a class 6 game meat van in respect of a game meat van that is used in the course of a business for the conveyance of duck game meat from the point of harvest to a class 4 game meat processing plant.

84 Minimum standards for game meat vans

The minimum standards for:

- (a) a class 1, class 2 or class 3 game meat van are the standards specified in the publication titled AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, and
- (b) a class 4, class 5 or class 6 game meat van are the standards specified in the publication titled *Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing, as in force from time to time.

85 Operational standards for game meat vans

The operation of a game meat van must comply with the requirements of:

- (a) the publication titled *Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing, as in force from time to time, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 8Knackeries

86 Additional requirements for applications for knackery class licences

(1) An application for a licence that authorises the operation of a knackery must be accompanied by:

- (a) a copy of any consent required by or under the *Environmental Planning and Assessment Act 1979*, and
- (b) a site plan showing:
 - (i) the location and dimensions of the site, and
 - (ii) the fall, if any, of the land comprising the site, and
 - (iii) the location of any watercourse adjacent to or passing through the site, and
 - (iv) the names and widths of any roads adjacent to the site, and
 - (v) the location of any railway lines adjacent to or passing through the site, and
 - (vi) the location of all existing and proposed buildings or other structures on the site, and
 - (vii) the direction of true north, and
- (c) a floor plan showing the dimensions of all floor areas and the location of all appliances proposed to be used in connection with the slaughtering of animals or the dressing and processing of carcasses, and
- (d) a drainage plan showing proposals for floor drainage and effluent disposal and the location of hot and cold water outlets, hand-washing facilities and carcase-washing facilities, and
- (e) a roof plan showing details of the roof structure of all existing and proposed buildings and the location of any existing or proposed skylights or vents, and
- (f) longitudinal and cross-sectional drawings of all existing and proposed buildings, indicating the finish to be provided for walls, floors and partitions, the heights above floor level of all rails proposed to be used for the carriage of carcasses or meat and the location of all appliances proposed to be used in connection with the slaughtering of animals or dressing and processing of carcasses, and
- (g) elevation drawings of each side of all existing and proposed buildings, showing the sizes and positions of all doorways, windows and other openings, and
- (h) written specifications of materials to be used in the construction of all proposed

buildings and other structures and of all appliances proposed to be used in connection with the slaughtering of animals or dressing and processing of carcasses.

- (2) The drainage plan may be incorporated with the site plan or the floor plan.
- (3) Any thing required to be shown on a plan or drawing may be shown on a separate plan or drawing.
- (4) Plans and drawings must be prepared in a professional manner.

87 Applications to alter knackery premises

- (1) An application to the Food Authority for its permission in respect of any structural alterations or additions to premises authorised by a licence to be operated as a knackery is to be in an approved form.
- (2) The applicant must furnish to the Food Authority:
 - (a) such plans and drawings relating to the structural alterations or additions as the Food Authority may require, and
 - (b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in those buildings or structures as the Food Authority may require.
- (3) Plans and drawings must be prepared in a professional manner.

88 Minimum standards for knackeries

The minimum standards for knackeries are the standards specified in Schedule 3.

89 Operational standards for knackeries

The operation of a knackery must comply with the requirements of:

- (a) Schedule 4, or
- (b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 9 Rendering plants

90 Additional requirement for applications for licences in respect of rendering plants

- (1) An application for a licence that authorises the operation of a rendering plant must be accompanied by:
 - (a) such plans and drawings as the Food Authority may require, and
 - (b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in

connection with any proposed rendering operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

91 Minimum standards for rendering plants

The minimum standards for a rendering plant are the standards specified in the publication titled AS 5008—2001, *Hygienic rendering of animal products* published by Standards Australia, as in force from time to time.

92 Operational standards for rendering plants

The operation of a rendering plant must comply with the requirements of:

- (a) the publication specified in clause 91, or
- (b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 10 Animal food processing plants

93 Additional requirements for applications for licences in respect of animal food processing plants

(1) An application for a licence that authorises the operation of an animal food processing plant must be accompanied by:

- (a) such plans and drawings as the Food Authority may require, and
- (b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with any proposed animal food processing operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

94 Issue of licences in respect of class 1, 2, 3 or 4 animal food processing

The Food Authority may issue:

- (a) a licence that authorises class 1 animal food processing in respect of an animal food processing plant comprising premises where meat, poultry or fish or any product of poultry is stored or packed for the purpose of being stored, but not packaged, processed, treated, boned or cut up, or
- (b) a licence that authorises class 2 animal food processing in respect of an animal food processing plant comprising premises other than premises referred to in paragraph (a), (c) or (d), or
- (c) a licence that authorises class 3 animal food processing in respect of an animal food processing plant comprising premises where kangaroos or feral goats slaughtered in the

field are dressed, packaged, processed, treated, boned or cut up, or

(d) a licence that authorises class 4 animal food processing in respect of an animal food processing plant comprising premises where any unflayed carcass of a game animal is stored or packed for the purpose of being stored, but not packaged, processed, treated, boned or cut up.

95 Minimum standards for animal food processing plants

The minimum standards for:

(a) a class 1 animal food processing plant are the standards specified in Part 1 of Schedule 5, and

(b) a class 2 animal food processing plant are the standards specified in Part 2 of Schedule 5, and

(c) a class 3 animal food processing plant are the standards specified in Part 3 of Schedule 5, and

(d) a class 4 animal food processing plant (field depot) are the standards specified in Part 4 of Schedule 5.

96 Operational standards for animal food processing plants

The operation of an animal food processing plant must comply with the requirements of:

(a) Schedule 6, or

(b) an approved quality assurance program that incorporates the principles of a hazard analysis critical control point program.

Division 11 Animal food vans

97 Applicants to present animal food vans for inspection

The Food Authority may require an applicant for the issue of a licence that authorises the operation of an animal food van to present the vehicle in respect of which the application is made for inspection by the Food Authority at such time and place as the Food Authority may determine.

98 Issue of class 1, 2 or 3 animal food van licence

The Food Authority may issue:

(a) a licence that authorises the operation of a class 1 animal food van in respect of an animal food van (other than an animal food van referred to in paragraph (c)) fitted with rails from which meat intended for use as animal food and conveyed in the van is suspended, or

(b) a licence that authorises the operation of a class 2 animal food van in respect of a

vehicle that is not an animal food van referred to in paragraph (a) or (c), or

(c) a licence that authorises the operation of a class 3 animal food van in respect of an animal food van in which unflayed carcasses of game animals intended for use as animal food are conveyed from the point of harvest to a class 4 animal food processing plant.

99 Minimum standards for animal food vans

The minimum standards for:

- (a) a class 1 animal food van are the standards specified in Part 1 of Schedule 7, and
- (b) a class 2 animal food van are the standards specified in Part 2 of Schedule 7, and
- (c) a class 3 animal food van (field harvester) are the standards specified in Part 3 of Schedule 7.

Division 12 Meat retail premises

100 Additional requirements for applications for meat retail premises class licences

(1) An application for a licence that authorises the operation of meat retail premises must be accompanied by:

- (a) such plans and drawings as the Food Authority may require, and
- (b) such written specifications of materials to be used in the construction of all proposed buildings and other structures and of all appliances proposed to be used in connection with any proposed meat retail operations as the Food Authority may require.

(2) Plans and drawings must be prepared in a professional manner.

101 Minimum standards for meat retail premises

The minimum standards for meat retail premises are the standards specified in the publication titled *New South Wales Standard for Construction and Hygienic Operation of Retail Meat Premises* published by the Food Authority, as in force from time to time.

102 Operational standards for meat retail premises

The operation of meat retail premises must comply with the requirements of:

- (a) each of the following:
 - (i) a food safety program,
 - (ii) the publication specified in clause 101,
 - (iii) clause 9 of Standard 1.6.2 of the Food Standards Code, or
- (b) an approved quality assurance program that incorporates the principles of a hazard

analysis critical control point program.

Division 13 Requirements relating to branding and inspection of abattoir meat

103 Removal of meat from abattoir

(1) The holder of a licence that authorises the operation of an abattoir must ensure that abattoir meat is not removed from the abattoir unless the carcass or part of the carcass from which it came has been branded with a prescribed brand by or under the authority of a meat safety officer.

(2) Subclause (1) does not apply to:

(a) meat that is:

(i) passed as fit for use only as animal food, or condemned as unfit for human consumption or for use as animal food, by a meat safety officer, and

(ii) is identified as such in accordance with this Part, or

(b) the carcass of a bird or meat from the carcass of a bird.

104 Prescribed brands for abattoir meat

For the purposes of this Division, the following are prescribed brands for abattoir meat:

(a) in the case of meat other than lamb or hogget—a brand in accordance with the design specified in Part 1 of Schedule 8,

(b) in the case of lamb meat—brands in accordance with both the designs specified in Parts 1 and 2 of Schedule 8,

(c) in the case of hogget meat—brands in accordance with both the designs specified in Parts 1 and 3 of Schedule 8.

105 Marking of carcasses

(1) If a meat safety officer passes a carcass or part of a carcass as fit for human consumption, the meat safety officer must cause the appropriate prescribed brand to be applied to the carcass or part in accordance with clause 106.

Maximum penalty: 25 penalty units.

(2) If an abattoir animal is slaughtered in accordance with orders under the *Export Control Act 1982* of the Commonwealth and a meat safety officer passes the carcass as fit for human consumption, the meat safety officer must cause an official mark for the purposes of that Act to be applied to the carcass or covering, as the case may be, in accordance with orders made under that Act.

Maximum penalty: 25 penalty units.

(3) The provisions of this Division apart from subclause (2) do not apply in relation to meat from an animal referred to in that subclause.

(4) If a meat safety officer condemns meat at an abattoir as unfit for human consumption and unfit for use as animal food, the meat safety officer must ensure that the meat is handled in accordance with section 7.13 of the *Australian Standard for Hygienic Production of Meat for Human Consumption* published by ARMCANZ, as in force from time to time.

106 Positions and manner in which brands are to applied

(1) Subject to subclauses (2) and (3), a brand applied for the purposes of clause 105 must be applied at the following positions:

(a) in the case of a carcass of a bovine, deer, sheep or goat—on each quarter or, if a bovine or deer hindquarter has been divided into portions being a butt, rump, loin or any combination of those, on each portion,

(b) in the case of a carcass of a swine—on each of the shoulder, middle and hind leg on both sides of the carcass,

(c) in the case of a carcass of a rabbit—on the rump,

(d) in the case of a carcass of a lamb or a carcass of a hogget—on the lateral aspect of each side of the carcass 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.

(2) If the carcass 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 those pieces are packed in a covering or container, the brand must be applied to the covering or container and need not be applied to the pieces themselves.

(4) A brand must be legible when applied and affixed in a reasonably permanent manner.

(5) Despite the other provisions of this clause, if a meat safety officer is of the opinion that a brand would not be sufficiently visible on meat or a covering of meat if applied in accordance with those provisions, the meat safety officer must cause the brand to be applied in such manner as he or she thinks fit.

(6) In this clause:

bovine includes bull, ox, steer, cow, heifer, calf and buffalo.

goat includes kid.

sheep includes ram, ewe and wether.

107 Unauthorised removal of meat from chiller prohibited

A person must not remove meat from a chiller at an abattoir without the consent of a meat safety officer.

108 Identification systems for lamb and hogget meat

(1) The holder of a licence that authorises the operation of an abattoir at which sheep are slaughtered must provide to the Food Authority details, in writing, of the identification system to be used for identifying whether meat is 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 means of applying the identification,

(d) the means of maintaining that identification until such time as a mark identifying the type of meat is applied in accordance with this Division.

(3) The holder of a licence that authorises the operation of an abattoir must not commence using an identification system referred to in this clause until the Food Authority:

(a) is satisfied that the proposed system will be functional and will be adequately maintained, and

(b) approves the system.

(4) The holder of a licence that authorises the operation of an abattoir must not alter the system of identification approved under this clause unless the alteration has been approved.

(5) The holder of a licence that authorises the operation of an abattoir must make available to an authorised officer any records, animals, carcasses or meat that the officer may require to monitor the system.

109 Production of processed meat

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:

(a) that is abattoir meat, and

(b) that has been passed by a meat safety officer as being fit for human consumption.

Division 14 Requirements relating to branding and inspection of game meat

110 Removal of meat from game meat processing plant

(1) The holder of a licence that authorises the operation of a game meat processing plant must ensure that game meat is not removed from the game meat processing plant unless the carcass or part of the carcass from which it came has been branded with a prescribed brand by or under the authority of a game meat inspector.

(2) Subclause (1) does not apply to:

(a) meat that is:

(i) passed as fit for use only as animal food, or condemned as unfit for human consumption or for use as animal food, by a game meat inspector, and

(ii) is identified as such in accordance with this Part, or

(b) the removal of meat from a class 4 game meat processing plant.

111 Prescribed brands for game meat

For the purposes of this Division, the prescribed brand for game meat is the brand set out in Schedule 9.

112 Marking of carcasses

(1) If a game meat inspector passes a carcass or part of a carcass as fit for human consumption, the inspector must cause the appropriate prescribed brand to be applied to the carcass or part in accordance with clause 113.

Maximum penalty: 25 penalty units.

(2) If a game animal is slaughtered in accordance with orders under the *Export Control Act 1982* of the Commonwealth and a game meat inspector passes the carcass as fit for human consumption, the game meat inspector must cause an official mark for the purposes of that Act to be applied to the carcass or covering, as the case may be, in accordance with orders made under that Act.

Maximum penalty: 25 penalty units.

(3) The provisions of this Division other than subclause (2), do not apply in relation to meat from an animal referred to in that subclause.

(4) If a game meat inspector condemns meat as unfit for human consumption and unfit for use as animal food, the meat safety officer must ensure that the meat is handled in accordance with *Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption* published by CSIRO Publishing, as in force from time to time, before it is removed from the game meat processing plant.

Maximum penalty: 25 penalty units.

113 Positions and manner in which brands are to applied

- (1) Subject to subclauses (2) and (3), a brand applied for the purposes of clause 112 must be applied at the following positions:
- (a) in the case of a carcass of a deer or goat—on each quarter,
 - (b) in the case of a carcass of a swine—on each shoulder, middle and hind leg on both sides of the carcass,
 - (c) in the case of a carcass of a rabbit—on the midline of the chump,
 - (d) in the case of a carcass of a kangaroo—on the rump on each side of the carcass.
- (2) If the carcass 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 those pieces are packed in a covering or container, the brand must be applied to the covering or container and need not be applied to the pieces themselves.
- (4) A brand must be legible when applied and affixed in a reasonably permanent manner.
- (5) Despite the other provisions of this clause, if a game meat inspector is of the opinion that a brand would not be sufficiently visible on meat or a covering of meat if applied in accordance with those provisions, the game meat inspector must cause the brand to be applied in such manner as he or she thinks fit.

114 Production of processed game meat

The holder of a licence that authorises the operation of a game meat processing plant must, in producing processed meat, use only meat, or things containing meat:

- (a) that is game meat, and
- (b) that has been passed, or has come from an animal that has been passed, by a game meat inspector as being fit for human consumption.

Division 15 Requirements for branding and inspection of meat for use as animal food

115 Marking of carcasses as fit for animal food

- (1) The holder of a licence that authorises the operation of an abattoir, game meat processing plant or animal food processing plant must ensure that any meat passed as fit for use only as animal food by a meat safety officer or a game meat inspector is stained before it is removed from the abattoir, game meat processing plant or animal food processing plant with an aqueous solution of Brilliant Blue FCF, not more dilute than 1 in 500, or an approved dye solution so that, where the meat consists of:

- (a) a piece of meat weighing 2 kilograms or more, the dye is visible on all exposed surfaces of the meat, and
- (b) a piece of meat weighing less than 2 kilograms, the dye is visible on at least one surface of the meat, and

(c) diced or minced meat, there are appearances of dye throughout,

and is packed in accordance with subclauses (2)–(6).

(2) The meat must be packed in a clean container that:

(a) is fitted with a clean leak-proof liner (unless it is made of a leak-proof material), and

(b) has printed or otherwise marked on it:

(i) the name, or other identification, and address of the packer of the meat, and

(ii) the day, month and year on which the meat was packed in the container.

(3) The container must also have the words specified in subclause (4) printed or otherwise marked:

(a) on both the base and the lid of the container (in the case of a container having a separate lid that fits over or into the base of the container), and

(b) on the top (in any other case).

(4) The words are:

(a) “ANIMAL FOOD MEAT—NOT FIT FOR HUMAN CONSUMPTION”, or

(b) “INEDIBLE MEAT—NOT FIT FOR HUMAN CONSUMPTION”, or

(c) “PET FOOD—NOT FIT FOR HUMAN CONSUMPTION”,

in letters not less than 10 millimetres high on a contrasting background.

(5) The container must also have a continuous yellow band at least 50 millimetres wide applied in accordance with subclause (6) around the centre of the exterior of the container.

(6) The band required to be applied around the centre of a container by subclause (5):

(a) must be applied around the exterior of both the lid and the base (if the container has a separate lid that fits over or into the base of the container), and

(b) must be applied around the lesser circumference of the covering (in all other cases).

(7) Subclause (1) does not apply to:

(a) meat passed as fit for use as animal food if it is packed in containers of 1 kilogram or less in accordance with subclauses (2)–(6) and is handled in accordance with an

approved program, or

(b) the removal of meat from a class 4 game meat processing plant.

(8) In this clause, *Brilliant Blue FCF* means the dye identified as such in the publication entitled *Specifications for identity and purity of food colours* and prepared for the 28th session of the Joint Food and Agriculture Organisation and World Health Organisation expert committee on food additives.

116 Exception in case of heat-sterilised meat

Clause 115 does not apply to or in relation to the removal from an abattoir or game meat processing plant of meat if the meat is:

- (a) heat-sterilised or has been thoroughly frozen and is intended to be heat-sterilised at an animal food processing plant after removal from the abattoir or game meat processing plant, and
- (b) to be sorted, packed and frozen at an intermediate establishment after removal from the abattoir or game meat processing plant and intended to be heat-sterilised at an animal food processing plant after removal from the intermediate establishment under approved conditions that must apply at the abattoir, game meat processing plant or the intermediate establishment, and
- (c) packed in accordance with clause 115 (2)–(6), and
- (d) accompanied by a certificate in an approved form completed and signed by a meat safety officer in the case of an abattoir or a game meat inspector in the case of a game meat processing plant.

117 Production of animal food

The holder of a licence that authorises the operation of an animal food processing plant must, in producing animal food, use only meat, or things containing meat:

- (a) that is abattoir meat that has been passed by a meat safety officer as being fit for use as animal food, or
- (b) that is game meat that has been passed, or that has come from an animal that has been passed, by a game meat inspector as being fit for use as animal food.

Division 16 Sale and storage of meat

118 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 it came, has been supplied from premises that are:

(i) authorised by a licence to be operated as an abattoir or game meat processing plant, or

(ii) an abattoir or game meat 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, 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 human consumption in accordance with this Regulation or the laws of the place from which the meat was supplied.

(2) A person must not sell, by wholesale or on meat retail premises, processed meat for human consumption if it has been condemned as unfit for human consumption in accordance with this Regulation or the laws of the place from which the meat was supplied.

(3) A person must not sell, on meat retail premises, processed meat for human consumption unless it has been produced at premises that are:

(a) authorised by a licence to be operated as a meat processing plant, or

(b) an abattoir or game meat processing plant that is operating in accordance with the laws of the place in which the premises are situated.

119 Sale of meat for use as animal food

(1) 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 it came, has been supplied from premises that are:

(i) authorised by a licence to be operated as an abattoir or game meat processing plant, or

(ii) an abattoir or game meat processing plant 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 a class 3 animal food processing plant, or

(ii) operating as the equivalent of a class 3 animal food processing plant in accordance with the laws of the place in which the premises are situated,

and 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 human consumption in accordance with this Regulation or the laws of the place from which the meat was supplied.

(2) A person must not sell, by wholesale or on meat retail premises, processed animal food if it has been condemned in accordance with this Regulation or the laws of the place from which the meat was supplied as unfit for use as animal food.

120 Storage of meat

(1) A person must not store any meat on meat retail premises used for the sale of meat for human consumption unless:

(a) the meat, or the carcase from which it came, has been supplied from premises that are:

(i) authorised by a licence to be operated as an abattoir or game meat processing plant, or

(ii) an abattoir or game meat 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, 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 human consumption in accordance with this Regulation or the laws of the place from which the meat was supplied.

(2) A person must not store any processed meat on meat retail premises used only for the sale of meat for use as animal food unless the meat 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.

Maximum penalty: 25 penalty units.

(3) A person must not store any meat on meat retail premises used only for the sale of meat for use as animal food unless:

(a) the animal from which the meat came was slaughtered at premises that are:

(i) authorised by a licence to be operated as an abattoir, knackery or game meat processing plant, and

(ii) an abattoir, knackery or game meat 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, 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.

Maximum penalty: 25 penalty units.

Division 17 Issue and use of brands for meat

121 Application for and issue of brands

- (1) The holder of a licence that authorises the operation of an abattoir or a game meat processing plant may apply to the Food Authority for the issue to the holder of such of the prescribed brands as are necessary for the operation of the abattoir or game meat processing plant concerned.
- (2) An application under this clause must be in writing.
- (3) The fee payable for the issue of the brand is the amount that the Food Authority determines is equivalent to the cost to the Food Authority of the manufacture of the brand.

122 Storage of brands

The holder of a licence that authorises the operation of an abattoir or a game meat processing plant must ensure that any brand issued to the holder under this Part is stored in a place which is locked and to which access is available only to:

- (a) the holder of the licence, and
- (b) in the case of an abattoir—the meat safety officer, and
- (c) in the case of a game meat processing plant—a game meat inspector.

123 Lost, stolen or damaged brands

- (1) The holder of a licence that authorises the operation of an abattoir or a game meat processing plant who becomes aware that a brand issued to the holder under this Part has been lost or stolen must immediately report that fact to the Food Authority.
- (2) If a brand issued under this Part in relation to an abattoir or game meat processing plant is lost or stolen, the holder of the licence concerned must return any other brand so issued that has not been lost or stolen to the Food Authority.
- (3) If a brand issued under this Part in relation to an abattoir or game meat processing plant is lost, stolen or damaged, the holder of the licence concerned may apply in writing to the Food Authority:
 - (a) in the case of a brand that is lost or stolen—for the issue of new brands for the abattoir or game meat processing plant, but only if the holder has complied with subclauses (1) and (2), and
 - (b) in the case of a brand that is damaged—for the issue of a replacement brand.
- (4) On payment of the cost of manufacture of a new brand or a replacement brand (as the case requires), the Food Authority may, if satisfied that the provisions of this clause have been complied with, issue the new brand or the replacement brand to the holder of the licence concerned.

124 Resemblances of prescribed brands

A person must not manufacture or possess a brand which resembles a prescribed brand referred to in clause 104 or 111 unless the manufacture or possession is authorised by this Regulation or has been approved.

Maximum penalty: 25 penalty units.

125 Unauthorised branding of meat

A person must not brand, stamp or otherwise mark any meat with a mark resembling a prescribed brand referred to in clause 104 or 111 unless:

- (a) the person is authorised by this Regulation to do so or is acting under the direction of a person so authorised, or
- (b) the person is authorised in writing by the Food Authority.

Division 18 Meat safety officers

126 Appointment of meat safety officers for abattoirs

The holder of a licence that authorises the operation of an abattoir must not operate the abattoir to which the licence relates unless there is a person holding the position of meat safety officer for the abattoir whose appointment has been approved in writing by the Food Authority.

127 Duty of meat safety officer to report contraventions of Regulation

A meat safety officer for an abattoir is to report, as soon as practicable, to the Food Authority any contravention of this Regulation relating to the abattoir of which the officer becomes aware.

128 Revocation of approval of appointment of meat safety officer

- (1) The Food Authority may revoke the approval of a person to hold the position of meat safety officer at a particular abattoir if the Food Authority is of the opinion that the person:
 - (a) has not competently carried out any function of a meat safety officer under this Regulation, or
 - (b) has failed to report any contravention of this Regulation relating to the abattoir of which the officer was aware or should have been aware.
- (2) A revocation of approval under this clause:
 - (a) may be made only after the Food Authority has given the meat safety officer an opportunity to be heard, and
 - (b) must be in writing served on the meat safety officer and the holder of the licence

for the abattoir concerned.

Division 19 Miscellaneous

129 Establishment of Meat Industry Consultative Council

(1) The Minister is to establish a committee to be called the Meat Industry Consultative Council for the purposes of the consultation referred to in section 105 of the Act in relation to the food safety scheme prescribed under this Part.

(2) The Council is to consist of the following members appointed by the Minister:

- (a) one member appointed to be Chairperson,
- (b) one member appointed to be Deputy Chairperson,
- (c) one member who is the Director-General of the Department of Primary Industries, or a nominee of the Director-General,
- (d) one member who is the Director-General of the Food Authority, or a nominee of the Director-General,
- (e) 3 members who are representatives of livestock producers,
- (f) 2 members who are representatives of meat processors (other than poultry processors or game meat processors),
- (g) one member who is a representative of poultry processors,
- (h) one member who is a representative of game meat processors,
- (i) one member who is a representative of smallgoods manufacturers,
- (j) one member who is a representative of meat retailers,
- (k) one member who is a representative of consumers of meat,
- (l) one member who is a representative of meat industry employees,
- (m) such other members as the Minister considers have appropriate expertise, qualifications or experience as will enable them to make a valuable contribution to the Council.

(3) When appointing the members of the Council, the Minister is to call for nominations as follows and is to specify a time within which the nominations must be received:

- (a) from the NSW Farmers' Association in relation to the members referred to in subclause (2) (e),
- (b) from the Australian Meat Industry Council in relation to the members referred to in subclause (2) (f), (i) and (j),

(c) from the NSW Chicken Meat Council in relation to the member referred to in subclause (2) (g),

(d) from the Australian Game Meat Producers Association in relation to the member referred to in subclause (2) (h).

(4) The Minister is to consider any nomination made in accordance with subclause (3), but need not appoint a person so nominated.

(5) Schedule 10 has effect with respect to the constitution and procedure of the Meat Industry Consultative Council.

130 Functions of Council

The Meat Industry Consultative Council has the function of consulting with the Food Authority on food safety schemes under the Act relating to the meat industry.

131 (Repealed)

132 Licence fees for licences in respect of meat businesses

(1) The holder of a licence who carries on one or more of the activities specified in Column 1 of Schedule 11 is to pay a licence fee each year to the Food Authority calculated in accordance with this clause.

(2) If the licence authorises the carrying on of an activity specified in Column 1 of the Table in Schedule 11, the licence fee payable by the holder of the licence is the fee specified in Column 3 of that Schedule that is applicable to the number of employees (if any) involved in the handling of meat, processed meat or animal food at the premises or in the vehicle where the relevant activity is carried out.

(3) If more than one activity specified in Column 1 of the Table in Schedule 11 applies to a meat business, the amount of the licence fee payable by the holder of the licence is the total of each amount payable by the holder under subclause (2) in respect of each of those activities.

(4) If more than one premises or vehicle are authorised by the licence to be used for an activity specified in Column 1 of the Table in Schedule 11, the licence fee in respect of those activities is payable in relation to each of those premises and vehicles.

(5) The Food Authority may increase the amount of any licence fee payable under this clause annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Part 6 Plant products food safety scheme

Division 1 Preliminary

133 Definitions

In this Part:

fresh cut fruit means any fruit that has been processed in some way such as by trimming, cutting, slicing, peeling or pulling apart, but is still raw.

fresh cut vegetable means any vegetable that has been processed in some way such as by trimming, cutting, slicing, peeling or pulling apart, but is still raw.

pasteurisation means, in relation to fruit or vegetable juice:

- (a) heating the juice to a temperature of not less than 72 degrees Celsius and retaining the juice at that temperature for no less than 15 seconds, or
- (b) treating the juice using a technology or method that produces an equivalent lethal effect on microorganisms present in the juice as that provided by the method referred to in paragraph (a).

plant product means fresh cut fruit, fresh cut vegetable, vegetables in oil, unpasteurised juice or seed sprouts.

plant products business is defined in clause 136.

Plant Products Safety Manual means the document of that name published by the Food Authority, as in force from time to time.

seed sprouts means sprouted seeds or beans.

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

vegetables in oil means fruits, vegetables or herbs, or a combination of any of those, immersed in oil, whether in whole or in part.

134 Plant products food safety scheme

The provisions of Part 3 and this Part are prescribed as a food safety scheme under Part 8 of the Act.

135 Application of Part to fresh cut fruit and vegetable, seed sprouts and juices

(1) This Part does not apply to the carrying on of a plant products business to the extent to which the business involves the handling of a plant product (other than vegetables in oil) that the person carrying on the business reasonably believes:

- (a) will be further processed in a way that will convert it from being a plant product and reduce the risk of microbiological contamination in it before it is supplied to a consumer, or
- (b) will be in packaging, when supplied to a consumer, that indicates that 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 it.

(2) For the purposes of subclause (1), the risk of microbiological contamination is taken to be reduced:

(a) in fresh cut fruit, fresh cut vegetable and seed sprouts by cooking or by a process equivalent in its effectiveness, or

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

136 Meaning of “plant products business”

In this Part, *plant products business* means a business involving the handling of plant products, but only if any of the following activities are carried out in the course of that business:

(a) the extraction of juice from vegetables or fruits without pasteurising the juice,

(b) the processing of seed sprouts, fruits or vegetables to produce plant products, including (but not limited to) cutting, peeling, preserving and cooking,

(c) the storage of plant products,

(d) the distribution of plant products,

(e) the transportation of plant products,

(f) the packaging of plant products.

Division 2 Additional licence requirements

137 Plant products business to be licensed to carry out activities

(1) Clause 8 does not apply to a plant products business if the Food Authority has issued an exemption in writing from the operation of that clause in relation to that business and the exemption has not been revoked by the Food Authority.

(2) The Food Authority may issue an exemption under subclause (1) only if it is of the opinion that the plant products business concerned is of a class identified in the Plant Products Safety Manual as not requiring licensing.

Division 3 Sampling and analyses

138 Plant products business to undertake analyses of plant products

(1) The holder of a licence must, at the holder’s own expense, ensure that samples of plant products handled in the course of the plant products business authorised by the licence are analysed:

(a) except as provided by paragraph (b), in accordance with the requirements of the Plant Products Safety Manual, or

(b) in accordance with the terms of a notice served on the holder of the licence under subclause (2).

Maximum penalty: 25 penalty units.

(2) The Food Authority may, by notice in writing served on the holder of a licence, specify the frequency at which analyses are to be carried out for the purposes of this clause and the manner in which they are to be carried out.

139 Reports of analyses

(1) The holder of a licence must ensure that every analysis carried out for the purposes of clause 138 is carried out in a laboratory approved by the National Association of Testing Authorities, Australia, or by the Food Authority, for the particular type of analysis to be undertaken.

Maximum penalty: 25 penalty units.

(2) The person in charge of a laboratory in which an analysis for the purposes of clause 138 is carried out must, within 24 hours after the analysis is completed, submit a written report to the Food Authority of the results of the analysis if any pathogen or substance specified in the Plant Products Safety Manual is detected, unless the analysis is the subject of an exemption under subclause (7).

Maximum penalty: 25 penalty units.

(3) The holder of a licence must, in accordance with subclause (4), notify the Food Authority of the results of any analysis carried out by or on behalf of the holder of the licence (other than an analysis the subject of an exemption under subclause (7)) if:

- (a) any pathogen specified in the Plant Products Safety Manual is detected, or
- (b) the results indicate that any plant product analysed contained a substance at a level in excess of that allowed for that substance by the Food Standards Code or the Plant Products Safety Manual.

Maximum penalty: 25 penalty units.

(4) A notification under subclause (3) must:

- (a) be made orally as soon as possible after the holder becomes aware of the results of the analysis, and
- (b) be made in writing within 7 days after the holder becomes aware of the results of the analysis.

(5) A person is not excused from a requirement to notify the Food Authority under

subclause (3) on the ground that the information provided in the notification might incriminate the person or make the person liable to a penalty.

(6) However, any information furnished in such a notification is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subclause (3).

(7) The Food Authority may exempt analyses carried out for the purposes of clause 139 from the operation of subclause (2) or (3) in a particular case or class of cases.

(8) An exemption must be in writing and notified to each laboratory or holder of a licence that is affected or, if the exemption affects or may affect a number of laboratories or holders of licences, may instead be published in the Gazette.

140 Charges for analyses

(1) The charge payable for the carrying out by the Food Authority of any analysis for the purposes of the Act or this Regulation in relation to a plant products business is the amount determined by the Food Authority to be the reasonable costs incurred by the Food Authority in carrying out the analysis or having the analysis carried out on its behalf.

(2) The charges payable under this clause are payable to the Food Authority.

(3) The Food Authority may reduce or waive payment of a charge in a particular case or class of cases.

Division 4 Miscellaneous

141 New South Wales Plant Products Industry Committee

(1) The Food Authority is to establish a body to be known as the New South Wales Plant Products Industry Committee (*the Industry Committee*) for the purposes of the consultation referred to in section 105 of the Act in relation to the food safety scheme prescribed under this Part.

(2) The Industry Committee is to be comprised principally of persons nominated by the plant products industry, and endorsed by the Food Authority, to represent the major sectors of the industry.

(3) The Industry Committee may also comprise such officers of the Food Authority and the Department of Health, and representatives of other bodies or industry organisations and of consumers, as the Food Authority allows.

(4) The Industry Committee may establish subcommittees to assist it in the exercise of its functions.

(5) The Food Authority is to appoint a Chairperson and Secretary of the Industry Committee.

(6) The procedure for the calling and holding of meetings of the Industry Committee is to

be as determined by the Food Authority in consultation with the plant products industry.

142 (Repealed)

Part 7 Seafood safety scheme

Division 1 Preliminary

143 Definitions

In this Part:

annual local shellfish program levy means the levy payable under Division 9.

class A permit means a class A aquaculture permit under the *Fisheries Management Act 1994*.

Code of Practice for Oyster Depuration in NSW means the document of that title published by the Food Authority as in force from time to time.

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

local committee means a local shellfish committee appointed under clause 157.

local program means a local shellfish program prepared under clause 154.

NSW Shellfish Committee means the New South Wales Shellfish Committee appointed under clause 155.

NSW Shellfish Program Operations Manual means the document of that title published by Safe Food on 31 December 2001, including any amendments of that document as a result of a review under clause 154.

Program means the New South Wales Shellfish Program established under clause 154.

Program Manager means the person appointed by the Food Authority to be Program Manager of the Program.

seafood has the meaning given by clause 146.

seafood business has the meaning given by clause 147.

shellfish means estuarine or oceanic bivalve molluscs.

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

144 Seafood safety scheme

The provisions of Part 3, this Part and Schedules 12 and 13 are prescribed as a food safety scheme under Part 8 of the Act.

145 Certain vessels excluded from Part

This Part does not apply to a vessel that is used in the handling of seafood intended for sale if

the vessel is used for one or more of the following purposes only:

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

146 Meaning of “seafood”

(1) In this Part, *seafood* means any of the following intended for human consumption:

- (a) marine, estuarine or freshwater fish or other aquatic animal life,
- (b) any aquatic organisms,
- (c) any product of, or anything containing a product of, fish, animal life or aquatic organisms referred to in paragraphs (a) and (b).

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

- (a) crocodile,
- (b) aquatic plant life,
- (c) any product of, or anything containing a product of, crocodile or aquatic plant life that does not also contain any other thing referred to in subclause (1) (a)–(c).

147 Meaning of “seafood business”

(1) In this Part, *seafood business* means a business involving the handling of seafood, including (but not limited to) the carrying on of any of the following activities:

- (a) the culture, harvesting and collecting of shellfish and gastropods,
- (b) the depuration of shellfish,
- (c) aquaculture,
- (d) the processing of seafood, including (but not limited to) skinning, gill and gutting, filleting, shucking, cooking, smoking, preserving and canning,
- (e) the packaging of seafood,
- (f) the storage of seafood,
- (g) the transportation of seafood,
- (h) the wholesaling of seafood.

(2) For the purposes of this Part, a *seafood business*:

- (a) does not include the act of taking or catching marine fin fish, crustacea or

cephalopod but includes any handling of such seafood immediately after it is taken or caught, whether the handling occurs on board a vessel or otherwise, and

(b) does not include the retail sale of seafood.

Division 2 Handling of seafood

148 Temperature at which certain seafood to be kept

A person must not store or transport seafood at a temperature:

(a) subject to paragraph (b), that contravenes the requirements of Standard 3.2.2 of the Food Standards Code, or

(b) if a requirement relating to the storage or transportation of a particular type of shellfish is specified in the NSW Shellfish Program Operations Manual, that contravenes that requirement.

Division 3 Additional licence requirements

149 Application requirements

Without limiting the grounds on which the Food Authority may refuse a licence, the Food Authority must not grant a licence for a seafood business unless satisfied that the applicant has any necessary authorisation under the *Fisheries Management Act 1994* to carry on the activities to which the application relates.

150 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 for a seafood business if any relevant authorisation under the *Fisheries Management Act 1994* has been suspended or cancelled.

151 Additional conditions of licence

In addition to any conditions of a licence imposed by the Food Authority under clause 10, it is a condition of a licence for a seafood business that the holder of the licence ensure that the requirements specified in Schedule 12 in relation to a particular activity authorised by the licence are complied with in respect of the carrying on of the activity and the premises or vehicles used in the carrying on of the activity.

Division 4 Sampling and analyses

152 Seafood businesses to undertake analyses of seafood

(1) The holder of a licence must, at the holder's own expense, ensure that samples of seafood handled in the course of the seafood business authorised by the licence are analysed:

(a) except as provided by paragraph (b):

- (i) in the case of shellfish—in accordance with the requirements of the NSW Shellfish Program Operations Manual, or
 - (ii) in the case of any other seafood or of any materials used in the handling of any seafood—in accordance with the requirements of the Food Standards Code, or
- (b) in accordance with the terms of a notice served on the holder of the licence under subclause (2).

Maximum penalty: 25 penalty units.

(2) The Food Authority may, by notice in writing given to the holder of a licence, specify the frequency at which analyses are to be carried out for the purposes of this clause and the manner in which they are to be carried out.

153 Reports of analyses

(1) The holder of a licence must ensure that every analysis carried out for the purposes of clause 152 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.

Maximum penalty: 25 penalty units.

(2) The person in charge of a laboratory in which an analysis for the purposes of clause 152 is carried out must submit a written report to the Food Authority on the results of the analysis within 24 hours after the analysis is completed, unless the analysis is the subject of an exemption under subclause (3).

Maximum penalty: 25 penalty units.

(3) The Food Authority may exempt analyses carried out for the purposes of clause 152 from the operation of subclause (2) in a particular case or class of cases.

(4) An exemption must be in writing and notified to each laboratory that is affected or, in a case where the exemption affects or may affect a number of laboratories, may instead be published in the Gazette.

(5) The holder of a licence must, in accordance with subclause (6), notify the Food Authority of the details of any analysis carried out by or on behalf of the holder for the purposes of clause 152 if the results of the analysis indicate that the seafood analysed contained a substance at a level in excess of that allowed by the Food Standards Code.

Maximum penalty: 25 penalty units.

(6) A notification under subclause (5) must:

- (a) be made orally as soon as possible after the holder becomes aware of the results of

the analysis, and

(b) be made in writing within 7 days after the holder becomes aware of the results of the analysis.

(7) A person is not excused from a requirement to notify the Food Authority under subclause (5) on the ground that the information provided in the notification might incriminate the person or make the person liable to a penalty.

(8) However, any information furnished in such a notification is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subclause (5).

Division 5 New South Wales Shellfish Program

154 Establishment of New South Wales Shellfish Program

(1) The Food Authority is required:

(a) to establish, manage and operate a program to be called the New South Wales Shellfish Program, and

(b) to ensure that the Program is maintained and applied to the harvest, collection, depuration, transshipment, labelling, identification and tracking of shellfish.

(2) The objective of the Program is to ensure that 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 that those criteria are satisfied in the harvest, collection and depuration of shellfish, and

(d) monitoring and assessing the effectiveness of those criteria.

(3) The operational parameters of the Program are to be contained in a document to be called the NSW Shellfish Program Operations Manual, that includes the following:

(a) minimum requirements for management plans for each area where shellfish are harvested or collected,

(b) standards that are to apply to shellfish and harvest areas,

(c) requirements relating to the depuration of shellfish,

(d) requirements relating to the transshipment of shellfish,

(e) requirements relating to the labelling and identification of transhipped and harvested shellfish,

- (f) requirements relating to the keeping of records of shellfish that have been transhipped, harvested, depurated or packaged for human consumption,
- (g) provisions for the collection of data for the purposes of the Program,
- (h) other methods or operational parameters of a food safety nature to be applied to the harvest or collection of shellfish.

(4) The NSW Shellfish Program Operations Manual may be reviewed from time to time by the Food Authority and the NSW Shellfish Committee.

(5) For each area in which shellfish is harvested or collected, the Food Authority is to prepare a local shellfish program that complies with the objectives and operational parameters set out in the NSW Shellfish Program Operations Manual.

155 Appointment of NSW Shellfish Committee

(1) The Food Authority is required to appoint a committee to be called the NSW Shellfish Committee.

(2) The NSW Shellfish Committee is to have 8 members of whom:

(a) 4 are to be persons who are holders of a licence that authorises the harvesting of farmed shellfish, and

(b) 1 is to be a person who is the holder of a licence that authorises the collection of wild shellfish from near-shore oceanic areas, and

(c) 1 is to be a person who is the holder of a licence that authorises the collection of wild shellfish from estuarine areas, and

(d) 1 is to be the Director-General of the Food Authority, or a nominee of the Director-General who is a member of staff of the Food Authority, and

(e) 1 is to be the Program Manager.

(3) The members of the NSW Shellfish Committee referred to in subclause (2) (a), (b) and (c) are to be appointed by the Food Authority for a period, not exceeding 3 years, specified in their instruments of appointment and are to be selected by a panel established by the Food Authority comprising:

(a) the Director-General of the Food Authority, and

(b) an independent person appointed by the Food Authority, and

(c) 1 industry representative who is a member of, and nominated by, the Oyster Farmers Association of NSW Pty Ltd, and

(d) 1 industry representative who is a member of, and nominated by the NSW Farmers Association Oyster Growers Committee.

(4) The panel is to apply the following selection criteria in determining the persons who are to be members of the NSW Shellfish Committee, but may have regard to other relevant matters:

- (a) possession of a licence to harvest, collect or deurate shellfish,
- (b) commercial reliance on harvesting, collection or depuration of shellfish,
- (c) demonstration of experience at a local committee level in the Program conducted under this Regulation, the former Food Production (Seafood Safety Scheme) Regulation 2001 or the New South Wales Shellfish Quality Assurance Program conducted under the Fisheries Management Act 1994,
- (d) demonstration of previous compliance with those Programs.

(5) The NSW Shellfish Committee is to elect one of its members as chairperson of the Committee.

156 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 its operation at a local level,
- (b) communicating with and assisting local committees and industry members on matters relating to the Program,
- (c) providing, where appropriate, representatives to other committees dealing with shellfish food safety issues,
- (d) assisting the Program Manager in the preparation of an annual report on the operation and finances of the Program.

157 Appointment of local shellfish committees

- (1) The Food Authority is required to appoint a local shellfish committee for each area or group of areas of estuarine waters to which the Program relates.
- (2) A local committee is to comprise such number of members as the Food Authority considers appropriate.
- (3) The Food Authority is to arrange for the election of members of a local committee by such persons as the Food Authority is satisfied are holders of licences that authorise the harvesting or collection of shellfish, or the operation of a depuration plant, in the proposed area of operations of the committee.
- (4) A person is eligible to be elected to a local committee if the Food Authority is satisfied that the person:
 - (a) is the holder of a licence that authorises the harvesting or collection of shellfish in

the proposed area of operations of the committee, and

(b) has previously complied with the Program conducted under this Regulation, the former *Food Production (Seafood Safety Scheme) Regulation 2001* or the New South Wales Shellfish Quality Assurance Program conducted under the *Fisheries Management Act 1994*.

158 Responsibilities of local shellfish committees

(1) A local committee is responsible for the following:

- (a) administering, under the direction of the Program Manager, the local program for the area for which the committee is appointed,
- (b) communicating and consulting with the NSW Shellfish Committee, the Program Manager and persons who harvest farmed shellfish or collect wild shellfish in the area,
- (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 submitting to the Food Authority, before 1 August in each year, a report on the local committee's operations, including the level of participation in the local program, an account of the finances of the committee and any other matter that the NSW Shellfish Committee notifies as being required for inclusion in the report.

(2) A local committee is to nominate one or more of its members to assist in the day to day operation of the local program under the general direction of the Program Manager.

159 Provisions relating to members and procedure of committees

Schedule 13 applies to the NSW Shellfish Committee and to each local committee.

160 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 7.
- (2) The Food Authority may arrange for the funding of each local committee from money levied under Division 8.
- (3) Each committee funded by the Food Authority is to keep accounts of:
 - (a) all amounts paid to the committee by the Food Authority for the purposes of enabling the committee to exercise its functions, and
 - (b) all amounts expended by the committee.

(4) A local committee is to establish and maintain at an authorised deposit-taking institution located in New South Wales a trust account for the operation of the relevant local program into which all amounts referred to in subclause (3) (a) are to be paid.

(5) The Food Authority may require a committee funded by the Food Authority under this Part to produce its accounts for inspection at any reasonable time.

Division 6 Annual general licence fees

161 Payment of annual general licence fee

(1) The holder of a licence who carries on one or more of the activities specified in Column 1 of the Table in Schedule 14 is to pay a licence fee each year to the Food Authority calculated in accordance with this clause.

(2) The licence fee payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

(3) If a category specified in Column 2 of the Table in Schedule 14 applies to a seafood business (that is, because the business carries on the activity specified in Column 1 of that Table in respect of that category and employs the number of persons, if any, indicated in Column 3 of that Table in respect of that category), the amount specified in Column 4 of that Table in respect of that category is payable by the holder of the licence authorising the carrying on of the seafood business.

(4) If more than one category specified in Column 2 of the Table in Schedule 14 applies to a seafood business, the amount of the licence fee payable by the holder of the licence is the total of each amount payable by the holder under subclause (2) in respect of each of those categories.

(5) If more than one premises are authorised by the licence to be used for finfish or crustacean aquaculture, or processing or storing seafood (or both), the licence fee in respect of those activities is payable in relation to each of those premises.

(6) A reference in subclause (3) to an employee of a seafood business is a reference to an employee of the business involved in the handling of seafood on the vessel or at the premises where the relevant activity is carried out.

(7) The Food Authority may increase the amount of any licence fee payable under this clause annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Division 7 Licence fees and levies for State shellfish program

162 Payment of licence fees for shellfish harvesting or operation of depuration plant

(1) The holder of a licence that authorises the harvesting of shellfish or the operation of a depuration plant is to 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 the purposes of subclause (2) that:

(a) applies generally or is limited in its application by reference to specified exceptions or factors, or

(b) applies differently according to different factors of a specified kind.

(4) The licence fee payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

163 Shellfish area service levy

(1) The holder of a licence is to 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 Part 6 of the *Fisheries Management Act 1994* that authorises the carrying on of any activity authorised by the licence, and

(b) is the lessee under an aquaculture lease granted under Part 6 of that Act.

(2) The amount of the levy payable under this clause by the holder of a licence is to be calculated by multiplying the number of hectares (including any part of a hectare) of the area of the aquaculture lease granted to the holder by \$31.

(3) The levy payable under this clause is in addition to any other licence fee or levy payable by the holder under this Part.

164 Purposes for which licence fee or levy to be applied

A licence fee or levy payable under this Division is to be applied only for the following purposes:

(a) meeting the costs incurred in maintaining the NSW Shellfish Committee,

(b) meeting the costs incurred by that Committee in carrying out its responsibilities,

(c) contributing to the operating costs of the Program.

Division 8 Local shellfish program levy

165 Payment of annual local shellfish program levy

(1) An annual local shellfish program levy is payable to the Food Authority, in addition to any other levy payable under this Part, by the holder of a licence that authorises any of the following activities if there is a local committee appointed for the area in which the activity is carried on:

(a) the harvesting or collection of shellfish,

(b) the operation of a depuration plant.

(2) The levy is to be applied only for the following purposes:

(a) meeting the costs incurred in maintaining the local committees,

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

166 Calculation of annual local shellfish program levy

(1) The annual local shellfish program levy payable by the holder of a licence is to be calculated in accordance with this clause.

(2) The Food Authority is to determine the levy payable under this clause in relation to the holder of a licence who harvests or collects shellfish, or operates a depuration plant, in an area for which a local committee is appointed by dividing the total projected administration and operational costs submitted to the Food Authority under clause 158 (1)

(c) for the year concerned by the number of such licence holders.

(3) If the holder of a licence harvests or collects shellfish, 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 those areas.

(4) Despite any other provision of this Division, the levy payable by the holder of a licence in respect of an area for which a local committee is appointed is to be reduced by half if:

(a) the only activity carried on in that area under the licence is:

(i) the operation of a depuration plant, or

(ii) the harvesting of shellfish that are required to be on-grown in another area before being sold for human consumption, and

(b) the holder harvests or collects shellfish, or operates a depuration plant, in at least one other such area and has paid an unreduced amount of levy required under this Division in relation to at least one other such area.

Division 9 Miscellaneous

167 New South Wales Seafood Industry Conference

(1) The Food Authority is to establish a body to be known as the New South Wales Seafood Industry Conference for the purposes of the consultation referred to in section 105 of the Act in relation to this Regulation (except Divisions 5, 7 and 8).

(2) The Industry Conference is to be comprised principally of persons nominated by the seafood industry, and endorsed by the Food Authority, to represent the major sectors of the industry.

(3) The Industry Conference may also comprise such officers of the Food Authority and the Department of Health, and representatives of other bodies or industry organisations, as the Food Authority allows.

(4) The Industry Conference may establish subcommittees to assist it in the exercise of its functions.

(5) The Food Authority is to appoint a Chairperson and Secretary of the Industry Conference.

(6) The procedure for the calling and holding of meetings of the Industry Conference is to be as determined by the Food Authority in consultation with the seafood industry.

168 Industry consultation on shellfish

The NSW Shellfish Committee is established as the consultative body for the purposes of the consultation referred to in section 105 of the Act in respect of Divisions 5, 7 and 8 of this Part.

Note. The NSW Shellfish Committee has other functions under Division 5.

169 (Repealed)

Part 8 Vulnerable persons food safety scheme

Division 1 Preliminary

170 Definitions

In this Part:

licence means a licence granted under Part 3 that authorises the carrying on of a vulnerable persons food business.

vulnerable persons food business is defined in clause 172.

Vulnerable Persons Food Safety Scheme Manual means the document of that name published by the Food Authority, as in force from time to time.

171 Vulnerable persons food safety scheme

The provisions of Part 3 and this Part are prescribed as a food safety scheme under Part 8 of the Act.

172 Meaning of “vulnerable persons food business”

In this Part, *vulnerable persons food business* means a food business to which Standard 3.3.1 of the Food Standards Code will apply when inserted into that Code (as modified by this Regulation).

Note. See clause 4 which contains modifications relating to Standard 3.3.1 of the Food Standards Code.

Division 2 Sampling and analyses

173 Vulnerable persons food business to undertake analyses of food

(1) The holder of a licence must, at the holder's own expense, ensure that samples of food handled in the course of the vulnerable persons food business authorised by the licence are analysed:

- (a) except as provided by paragraph (b), in accordance with the requirements of the Vulnerable Persons Food Safety Scheme Manual, or
- (b) in accordance with the terms of a notice served on the holder of the licence under subclause (2).

Maximum penalty: 25 penalty units.

(2) The Food Authority may, by notice in writing served on the holder of a licence, specify the frequency at which analyses are to be carried out for the purposes of this clause and the manner in which they are to be carried out.

174 Reports of analyses

(1) The holder of a licence must ensure that every analysis carried out for the purposes of clause 173 is carried out in a laboratory approved by the Food Authority for the particular type of analysis to be undertaken.

Maximum penalty: 25 penalty units.

(2) The holder of a licence must, in accordance with subclause (3), notify the Food Authority of the results of any analysis carried out by or on behalf of the holder of the licence for the purposes of clause 173 if the results of the analysis indicate that:

- (a) the sample analysed failed to meet any applicable requirements of the Food Standards Code, or
- (b) the sample analysed failed to meet any applicable requirements of the Vulnerable Persons Food Safety Scheme Manual.

Maximum penalty: 25 penalty units.

(3) A notification under subclause (2) must:

- (a) be made orally as soon as possible after the holder becomes aware of the results of the analysis, and
- (b) be made in writing within 7 days after the holder becomes aware of the results of the analysis.

Division 3 Miscellaneous

175 New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee

- (1) The Food Authority is to establish a body to be known as the New South Wales Vulnerable Persons Food Safety Scheme Consultative Committee (*the Consultative Committee*) for the purposes of the consultation referred to in section 105 of the Act in relation to the food safety scheme prescribed under this Part.
- (2) The Consultative Committee is to be comprised principally of persons nominated by the relevant industry, and endorsed by the Food Authority, to represent the main sectors of the industry.
- (3) The Consultative Committee may also comprise such officers of the Food Authority and the Department of Health, and representatives of other bodies or industry organisations and of consumers, as the Food Authority allows.
- (4) The Consultative Committee may establish subcommittees to assist it in the exercise of its functions.
- (5) The Food Authority is to appoint a Chairperson and Secretary of the Consultative Committee.
- (6) The procedure for the calling and holding of meetings of the Consultative Committee is to be as determined by the Food Authority in consultation with the relevant industry.

176 (Repealed)

Part 9 Administration

177 Enforcement agencies

- (1) For the purposes of the definition of *enforcement agency* in section 4 (1) of the Act, the Lord Howe Island Board constituted by the *Lord Howe Island Act 1953*, but only in respect of Lord Howe Island, is prescribed.
- (2) The Food Authority is prescribed as the appropriate enforcement agency for the purposes of sections 93, 95 and 100 of the Act.

178 Delegations

For the purposes of section 109E (1) (d) of the Act, the following offices are prescribed:

- (a) (Repealed)
- (b) the general manager of a local council.

Part 10 Miscellaneous

179 Payment for samples

For the purposes of section 68 of the Act, if the current market value of a sample of food

exceeds \$10, the amount payable for the sample concerned is \$10.

180 Fee for application for approval as analyst

For the purposes of section 81 (3) (b) of the Act, the prescribed fee to accompany an application for an approval under Division 4 of Part 6 of the Act is \$50.

181 Improvement notice fee

For the purposes of section 66AA (1) of the Act, the prescribed fee is \$330.

182 Charges for inspections of non-licensed food business

(1) The charge payable for the carrying out by a relevant enforcement agency of any inspection of a food business under section 37 of the Act (other than an inspection in relation to a licence or application for a licence) is \$143.08 per hour with a minimum charge of half an hour (excluding time spent in travelling) plus \$35.77 for travelling expenses.

(2) The relevant enforcement agency may increase the amounts referred to in subclause (1) annually in accordance with the annual percentage increase (if any) in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

(3) The charges payable under this clause are payable to the relevant enforcement agency that carried out the inspection under this clause.

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

(5) In this clause, *relevant enforcement agency* means any of the following:

(a) the Food Authority,

(b) in respect of the Kosciuszko National Park, the Director-General of the Department of Environment and Climate Change,

(c) in respect of Lord Howe Island, the Lord Howe Island Board constituted by the *Lord Howe Island Act 1953*,

(d) a local council, but only in respect of an area that is not within a local government area.

183 Annual administration charge

(1) An enforcement agency may impose an administration charge for a 12 month period on a person who carries on a food business that is not required to be licensed under the Act.

(2) The charge is to 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 Column 1 of the Table to this clause, as at the date the charge is imposed.

- (3) The amount of the charge must not exceed the maximum charge indicated in Column 2 of the Table to this clause.
- (4) A charge may only be imposed by an enforcement agency on a food business under this clause if the enforcement agency intends to carry out at least one inspection of the premises of the food business during the 12 month period to which the charge relates.
- (5) The enforcement agency is to issue each person who is liable to pay a charge under this clause with a notice in writing that specifies the following:
- (a) the amount of the charge,
 - (b) the period for which the charge relates,
 - (c) the period within which the charge must be paid.
- (6) The person liable to pay a charge under this clause must pay the charge within the period specified in the notice.
- (7) If the enforcement agency does not carry out at least one 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 (if any) by the person who carries on the food business.
- (8) Any charge paid under this clause in respect of a food business that, after the charge has been paid and before the expiration of the period to which the charge relates, becomes licensed under the Act, is to 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 clause, extend the time for payment of the charge or reduce or waive payment of the charge.
- (10) This clause does not apply to a food business that operates for the sole purpose of raising funds for a community or charitable cause.
- (11) In this clause, *food handler* means a person who directly engages in the handling of food for a food business.

Table

| Number of full-time equivalent food handlers working at premises | Maximum charge per premises |
|---|------------------------------------|
| Up to and including 5 | \$250 |
| More than 5 but not more than 50 | \$500 |
| More than 50 | \$2,000 |

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

(1) For the purposes of the definition of *maximum amount* in section 117D (3) of the Act, the maximum amount for a financial year is to be calculated 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 that financial year in proceedings instituted by the Food Authority in respect of offences under the Act or this Regulation.

(2) In this clause:

proceedings instituted by the Food Authority means any proceedings instituted:

- (a) by the Food Authority, or
- (b) under the direction of the Food Authority, or
- (c) on behalf of the Food Authority, or
- (d) for the benefit of the Food Authority,

but does not include the issuing of a penalty notice under the Act.

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.

183B Fee for application for change to register

For the purposes of section 133F (3) (b) of the Act, the prescribed fee to accompany an application for a change to the register kept under Part 10A of the Act is \$55.

184 Offences

(1) A breach of a provision of Parts 3–8 does not constitute an offence against this Regulation unless a penalty is provided in the provision.

(2) Subclause (1) does not affect the operation of section 104 of the Act in relation to the provisions of this Regulation.

Note. Section 104 of the Act makes it an offence (among other things):

- (a) for a person to handle food in a manner that contravenes a provision of a food safety scheme, and
- (b) for a person who carries on a food business or activity for which a licence is required by the regulations to carry on that food business or activity without such a licence, and
- (c) for the holder of a licence granted under the regulations to contravene or fail to comply with a condition of a licence.

185 Penalty notices

For the purposes of section 120 of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is:
 - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of Schedule 1, and
 - (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of Schedule 1.

186 Savings and transitional provisions

- (1) A notification relating to a food business that was duly made for the purposes of Standard 3.2.2 of the Food Standards Code before the commencement of section 100 of the Act is taken to be a written notice in the approved form for the purposes of that section.
- (2) Schedule 15 has effect.

Schedule 1A Forms

Form 1 Report of food safety auditor

(Clause 20B)

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 is to be completed in respect of each of the following audit items:

- *food safety program,*
- *construction and maintenance,*
- *hygiene and sanitation,*
- *process control,*
- *product ID and traceability,*
- *analytical and testing,*
- *pre-requisite 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 provisions of the Food Safety Standards.

Yes No

Auditor comments

Comments:

Schedule 1 Penalty notices

(Clause 185)

Part 1 Offences against the Act

| Column 1 Provision of the Act | Column 2 Penalty for an individual | Column 3 Penalty for a corporation |
|--|---|---|
| Section 16 (1) | \$660 | \$1320 |
| Section 16 (2) | \$660 | \$1320 |
| Section 17 (1) | \$550 | \$1100 |
| Section 17 (2) | \$550 | \$1100 |
| Section 18 (1) | \$660 | \$1320 |
| Section 18 (2) | \$660 | \$1320 |
| Section 18 (3) | \$660 | \$1320 |
| Section 19 (1) | \$660 | \$1320 |
| Section 20 (1) (a) | \$660 | \$1320 |
| Section 20 (1) (b) | \$660 | \$1320 |
| Section 20 (2) | \$660 | \$1320 |
| Section 21 (1) | \$330 | \$660 |
| Section 21 (2) | \$330 | \$660 |
| Section 21 (3) | \$330 | \$660 |
| Section 21 (4) | \$330 | \$660 |
| Section 35 (a) | \$1320 | \$2640 |
| Section 35 (b) | \$1320 | \$2640 |
| Section 35 (c) | \$1320 | \$2640 |
| Section 41 | \$660 | \$1320 |
| Section 42 | \$660 | \$1320 |
| Section 43 (2) | \$660 | |
| Section 43 (3) in respect of assaulting an authorised officer only | \$1320 | |
| Section 64 | \$660 | \$1320 |
| Section 66AA (3) | \$330 | \$660 |
| Section 77 | \$110 | \$220 |
| Section 83 | \$110 | \$220 |
| Section 89 (1) | \$110 | \$220 |

| | | |
|-----------------|-------|-------|
| Section 99 (2) | \$660 | |
| Section 100 (1) | \$330 | \$660 |
| Section 104 (1) | \$330 | \$660 |
| Section 104 (2) | \$330 | \$660 |
| Section 104 (3) | \$330 | \$660 |
| Section 104 (4) | \$330 | \$660 |
| Section 104 (5) | \$330 | \$660 |
| Section 136 (1) | \$330 | \$660 |

Part 2 Offences against this Regulation

Table

| Column 1 Provision | Column 2 Penalty units |
|-----------------------|---------------------------|
| Clause 17 (1) | 2 |
| Clause 17 (2) | 2 |
| Clause 105 (1) | 5 |
| Clause 105 (2) | 5 |
| Clause 112 (1) | 5 |
| Clause 112 (2) | 5 |
| Clause 112 (4) | 5 |
| Clause 120 (2) | 5 |
| Clause 120 (3) | 5 |
| Clause 124 | 5 |
| Clause 138 (1) | 2 |
| Clause 139 (1) | 2 |
| Clause 139 (2) | 2 |
| Clause 139 (3) | 2 |
| Clause 152 (1) | 5 |
| Clause 153 (1) | 5 |
| Clause 153 (2) | 5 |
| Clause 153 (5) | 5 |
| Clause 173 (1) | 5 |
| Clause 174 (1) | 5 |
| Clause 174 (2) | 5 |

Schedule 2 Minimum standards for class 3 meat vans

(Clause 79)

1 Construction of meat van

The part of the vehicle in which abattoir meat is conveyed must:

- (a) be completely separated from any part of the vehicle used for the carriage of the driver

or passengers, and

(b) be constructed in a professional manner, and

(c) have a floor constructed of an approved material, and

(d) if it is not completely enclosed, be provided with a cover made of an approved material.

2 External surfaces of meat van

The external surfaces of the meat van must, at all times, be maintained in good order and condition.

Schedule 3 Minimum standards for knackeries

(Clause 88)

1 General

(1) The knackery must:

(a) be situated on land that is well drained and capable of absorbing liquid effluent without run-off, and

(b) have paddock areas of adequate size, with adequate supplies of drinking water, for all stock likely to be held at the knackery, and

(c) have a supply of potable water of a quantity and under a pressure sufficient for all operating needs, and

(d) have a permanent supply of electricity.

(2) The buildings must be in good condition and the surrounding areas must be in a clean and sanitary condition.

2 Stock pens

Pens and races must be provided and the pens must be:

(a) of sufficient area to hold, at any one time, all animals likely to be slaughtered on any one day, and

(b) graded and paved and drained to an adjoining settling pit of concrete construction, and

(c) provided with shelter for the animals against heat and rain, and

(d) provided with water under sufficient pressure for adequate cleaning.

3 Slaughtering and dressing areas

(1) The slaughter building must:

- (a) have a room or rooms in which animals are to be slaughtered and dressed, and
- (b) have a separate room or area into which unusable and condemned materials, hides and skins are to be received, and
- (c) have floors of heavy, impervious, non-skid material that are graded and drained to enable the easy removal of water, and
- (d) have walls of smooth, impervious, approved material, and
- (e) have coves at wall and floor junctions of sufficient radius for adequate sanitation, and
- (f) have ceilings constructed of approved materials and of adequate height to permit the efficient conduct of operations, and
- (g) have all openings to the exterior effectively screened to prevent the entry of insects, rodents, birds and pests of any kind, and
- (h) have internal doors constructed of, or lined with, approved impervious material and all doors to the exterior constructed of, or with internal surfaces lined with, approved impervious material, and
- (i) be adequately ventilated by artificial or natural means, or both, and
- (j) be adequately illuminated by artificial or natural means, or both.

(2) Provision must be made for hot water to be available under adequate pressure and at a temperature of not less than 82 degrees Celsius at all places in the slaughter building where it is required for the operations that take place there.

(3) Hand-washing facilities and facilities for the sterilisation of equipment must be provided in every room in the knackery in which carcasses are to be dressed and, except where the Food Authority otherwise approves, in every room in the knackery in which unusable or condemned material is to be handled.

(4) A room in which animals are to be slaughtered and dressed must:

- (a) have adequate floor space, platforms, cradles, hoists, tables, sinks and other facilities so arranged as to enable the sanitary conduct of slaughtering and dressing operations and the efficient conduct of inspections by meat inspectors, and
- (b) have an approved restraining device for the stunning of small stock, and
- (c) be fitted with equipment enabling animals to be bled in a hanging position in an approved area, and
- (d) have hanging rails set at a height sufficient to ensure that the lowest point of a suspended carcase does not touch the floor, and
- (e) have equipment that is used only for handling heads, viscera and offal.

(5) A knocking box for the stunning of large stock must be so located as to open on to a dry landing area on the slaughtering floor.

(6) A room into which unusable and condemned material, hides and skins are to be received must:

(a) adjoin and be easily accessible by means of a chute or doorway to the room in which animals are to be slaughtered and dressed, and

(b) have approved equipment for the purpose of handling only unusable and condemned material, hides and skins.

(7) Equipment referred to in subclause (6) (b) must be identified in an approved manner.

(8) Provision must be made for paunch contents:

(a) to be conveyed from the slaughter building to a remote part of the premises in a suitable container or vehicle or by other means approved for the purpose, and

(b) to be disposed of in a manner that does not create any kind of nuisance, provide harbourage for vermin or become a breeding place for flies.

4 Chilling facilities

A room under refrigeration must be provided having:

(a) refrigeration equipment of a type and capacity adequate for the needs of the knackery, and

(b) sufficient capacity to hold the maximum number of animals likely to be slaughtered on any one day, and

(c) rails set at a height to prevent any part of a carcase touching the floor.

5 Hygiene and sanitation

(1) Provision must be made for the disposal of unusable and condemned material in an approved manner.

(2) Provision must be made for liquid effluent, except blood collected in a metal container, to be conducted from the slaughter building by means of impervious drains to an adequately constructed save-all that is located outside the building in an approved position.

(3) Provision must be made for any material that may be kept on the premises to be treated in a manner to prevent offensive conditions arising from the material or the attraction of flies, cockroaches, rats or other vermin.

(4) Where skins or hides are to be stored or treated on the premises, approved facilities must be provided.

(5) The premises must have adequate ablution, closet and staff amenities facilities.

Schedule 4 Operational standards for knackeries

(Clause 89)

Part 1 Slaughter and destruction

1 Prohibition on slaughter

A person must not slaughter for animal food an animal that has been condemned for use as animal food by:

- (a) an authorised officer, or
- (b) the person undertaking the ante-mortem examination in accordance with clause 2 (1) (a).

2 Slaughter

(1) A person must not slaughter an animal at a knackery unless:

- (a) it has been subjected to an ante-mortem examination for signs of sickness or abnormality by the owner of the knackery, or an employee of the owner, and
- (b) the owner of the knackery maintains a system of records that detail the following in respect of the animal:
 - (i) the species,
 - (ii) the breed and colour,
 - (iii) the sex,
 - (iv) the approximate age,
 - (v) the property of origin including, in the case of bovines, the tail tag number and, in the case of porcines, the tattoo number,
 - (vi) any symptoms of disease or abnormality noted at the ante-mortem examination or during dressing.

(2) If the person undertaking the ante-mortem examination in accordance with subclause (1) (a) detects signs of sickness or abnormality that renders the animal unfit for use as animal food, the person must reject that animal for slaughter for animal food purposes.

(3) The records maintained pursuant to subclause (1) (b) must be:

- (a) retained for a period of not less than 6 months, and
- (b) made available to an authorised officer on request.

3 Stunning or killing

Before being bled, an equine animal, bovine animal, deer, pig, sheep or goat must first be

humanely:

- (a) rendered unconscious with an electric stunner, or
- (b) rendered unconscious with a captive bolt stunner, or
- (c) killed outdoors with a firearm.

4 Post-mortem inspection of bovines

In the case of bovines:

- (a) the carcass, sides or quarters together with the head, tongue, lungs and heart must be held correlated, and
- (b) the tail tag attached to the bovine must remain attached to the carcass, and
- (c) the details recorded in accordance with clause 2 (1) (b) must remain correlated with the carcass,

until an authorised officer has carried out a post-mortem inspection.

5 Handling of animals not fit for animal food

If an animal has been condemned for use as animal food or rejected for slaughter for animal food as referred to in clause 1 or 2, the animal:

- (a) must be destroyed at the knackery where the animal is suffering, or
- (b) may be processed over the slaughter floor after all other animals suitable for animal food have been slaughtered,

and the carcass must be handled in accordance with clause 7 (2).

6 Destruction of animals at knackeries

- (1) A person must not destroy an animal at a knackery unless it is stunned or killed in accordance with clause 3.
- (2) Records must be maintained for any such animal in accordance with clause 2 (1) (b) and (3).

7 Restrictions on salvaging meat from dead or destroyed animals

(1) A person must not:

- (a) salvage meat from a dead or destroyed animal, or
- (b) bring an animal to a dressing floor,

at a knackery if the animal was not slaughtered at the knackery unless:

- (c) the live animal was examined for signs of sickness or abnormality by the owner of

the knackery, or an employee of the owner, and

(d) records are maintained for the animal in accordance with clause 2 (1) (b) and (3).

(2) Despite subclause (1), where a dead or destroyed animal was not slaughtered at the knackery and was not subject to an examination for signs of sickness or abnormality before its death or destruction, that animal may be brought onto the slaughter floor at a knackery if:

(a) the dressing of such a carcass occurs after the dressing of carcasses to be used as animal food, and

(b) no portion of the carcass is salvaged for animal food, and

(c) records are maintained for the animal in accordance with clause 2 (1) (b) and (3).

8 Meat to be chilled

Only meat that is intended for use as animal food may be placed in a chiller or freezer used at a knackery for meat that is fit for use as animal food.

9 Knackeries to be kept clean

A knackery must be kept in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if it were an abattoir.

10 Clothing

(1) Subject to this clause, a person at a knackery must wear clothes in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if the person were at an abattoir.

(2) A person who is working at a knackery in a place where knackery animals are slaughtered, carcasses are dressed or meat is handled or stored or who is handling meat at a knackery is not required to wear headwear but must, if the person chooses to use headwear, use clean headwear which complies with section 5 of that Standard.

(3) A person is not prevented from entering that part of a knackery where meat is handled or stored if he or she is not using headwear but must, if he or she chooses to use headwear, use clean headwear which complies with section 5 of that Standard.

(4) Subject to subclause (2), a person who, at a knackery, is:

(a) working in an area in which meat is prepared, handled or stored, or

(b) working in an area that handles raw by-products of the knackery, or

(c) penning up animals or running animals through a race, or

(d) employed by the knackery and required by his or her employer to be, at any time, in an area in which meat is handled or stored or in a part of a knackery that handles raw by-products of the knackery,

must, while so engaged, wear clothes in accordance with section 5 of that Standard as if he or she were at an abattoir.

11 Personal conduct and hygiene

A person at a knackery must conduct and keep himself or herself in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if the person were at an abattoir.

12 Decontamination requirements

A person at a knackery must decontaminate his or her clothes, skin and kit, steel or other equipment in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if the person were at an abattoir.

Part 2 Prohibition of introduction of meat into and removal of meat from knackeries

13 Prohibition of introduction of meat

A person must not bring meat that is not fit for use as animal food into a knackery.

14 Removal of meat for use as animal food

A person must not remove meat that is intended for use as animal food from a knackery if the meat is not fit for use as animal food.

15 Meat to be chilled

Meat passed by a meat safety officer as fit for use as animal food must not be removed from a knackery unless it has been well chilled.

16 Animal food required to be stained

Subject to the other provisions of this Schedule, a person must not place meat into a chiller or freezer at a knackery or remove meat from a knackery unless the meat has been stained in accordance with clause 115 of this Regulation.

17 Exception in case of heat-sterilised meat

Clause 16 does not apply to or in relation to the removal from a knackery of meat if the meat complies with clause 116 of this Regulation.

Part 3 Miscellaneous

18 Dogs and cats prohibited in knackeries

- (1) A person must not bring a dog into, or permit a dog to remain at, a knackery except in order to work knackery animals before their slaughter.
- (2) A person must not bring a dog into, or permit a dog to remain at, places in a knackery where knackery animals are slaughtered, carcasses are dressed or meat is handled, treated or stored.
- (3) A person who keeps a dog at a knackery must, when not using the dog to work knackery animals before their slaughter, keep it:
 - (a) within a dog-proof fence, or
 - (b) tied at a kennel, provided for the purpose by the owner of the knackery.
- (4) A person must not at a knackery feed a dog any meat not passed as fit for use as animal food.
- (5) A person must not bring a cat into, or permit a cat to remain at, a knackery.

19 Identification tags not to be removed

Any identifier that is attached to or placed on an animal, or the carcase of an animal, pursuant to the *Stock Diseases Regulation 2004* must not be removed from the animal or carcase except with the permission of a meat safety officer.

Schedule 5 Minimum standards for animal food processing plants

(Clause 95)

Part 1 Standards for class 1 animal food processing plants

1 Services

The plant must be adequately supplied with continuous hot and cold potable water of a quantity and under a pressure to enable hygienic practice.

2 Construction requirements

- (1) The plant must be constructed so that all exposed surfaces are of material that is:
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced and, in the case of floors, 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 drained to prevent ponding of blood and, where necessary, capable of being dismantled for cleaning, and
 - (h) resistant to chipping, flaking or fraying, and
 - (i) of a finish which makes contamination clearly visible.
- (2) The plant must be constructed so that:
- (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 means 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, where 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) Chiller and freezer capacity must accommodate the total quantity of product likely to be held on the premises at any one time.
- (5) There must be provided, for the delivery of unwrapped meat to the plant, an approved entrance.
- (6) The loading bay must:
- (a) have a floor that is paved with concrete and drained, and
 - (b) be under cover.

3 Lighting

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

4 Storage facilities

A store room must be provided for the storage of cleaning materials and equipment.

5 Amenities

Amenities must be constructed and located so that their use does not provide a source of contamination.

Part 2 Standards for class 2 animal food processing plants

6 General

- (1) The design and layout of the plant and its equipment must facilitate the hygienic production of animal food and animal food products and any inspection 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 be adequate for maximum daily production and accommodate the total quantity of product likely to be held on the plant at any one time.

7 Construction requirements

- (1) The plant must be constructed so that all exposed surfaces are of material that is:
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced and, in the case of floors, 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 drained to prevent ponding of blood and, where 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 that:
 - (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 means 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, where 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 passage-ways must be of a size ensuring that the product does not come into contact with jambs or walls.

(5) The plant must be constructed and maintained so as to exclude:

- (a) the entrance of any animals not intended for use in animal food processing including dogs, cats, birds, rodents and insects, and
- (b) any harbourage for vermin, and
- (c) environmental contaminants, including dust.

8 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 practice and, if ice is used, it must be produced from potable water and stored and handled in a manner that protects it from contamination.

(2) Non-potable water, used where 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.

9 Lighting

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

10 Ventilation

Ventilation must maintain product wholesomeness and remove excessive heat, steam and condensation and prevent the entry of odours, dust, vapour or smoke.

11 Amenities

Unless the Food Authority otherwise approves, hand wash-basins and, where necessary, sterilisers, must be provided and be readily accessible and at appropriate locations for use during processing.

12 Storage

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

Part 3 Standards for class 3 animal food processing plants

13 Site and services

- (1) The processing plant must:
 - (a) be situated on land that is of adequate size for the immediate needs of the plant, and
 - (b) have a supply of potable water of a quantity and under a pressure sufficient for all operating needs.
- (2) The processing plant must be situated so as not, in the opinion of the Food Authority, to be likely to create a nuisance to inhabitants in the immediate vicinity of the plant.

14 General

- (1) The buildings must be in a good state of repair and plant surroundings must be in a clean and sanitary condition at all times.
- (2) Provision must be made for any material or substance that is kept on the premises to be treated in such a manner as to prevent any offensive effluvia arising from the material or substance.
- (3) Provision must be made for any bones on the premises to:
 - (a) be stored in a manner not likely to create a nuisance or to attract flies, cockroaches, rats or other vermin, and
 - (b) be disposed of at regular intervals in an approved manner.

15 Rooms to be provided

The processing plant must have:

- (a) a separate area for the skinning and washing of animals, and

- (b) a separate room or rooms for the packing, packaging, processing, boning or cutting up of animals, and
- (c) a separate room or area for the receipt of condemned materials, bones, hides and skins, and
- (d) a separate room under refrigeration with sufficient capacity to hold the maximum number of carcasses likely to be processed on the one day, and
- (e) a separate room under refrigeration with sufficient capacity for the storage of meat obtained from processing operations on the one day.

16 Construction requirements—general

All buildings must:

- (a) have floors of heavy duty non-skid material that are impervious to moisture and that are graded and drained to facilitate the removal of water, and
- (b) have walls of approved smooth material that is impervious to moisture, and
- (c) have coves at wall and floor junctions of adequate radii to promote sanitation, and
- (d) have ceilings, constructed of approved material, of adequate height to permit the efficient conduct of operations, and
- (e) have all openings effectively screened to prevent the entry of insects, rodents, birds and other pests, and
- (f) have internal door surfaces clad with an approved material that is impervious to moisture, and
- (g) have approved artificial or natural means of ventilation, and
- (h) have approved artificial or natural means of illumination, and
- (i) have both hot and cold water distributed throughout the plant under adequate pressure and in quantities sufficient for all operating needs, and
- (j) have a heating plant capable of furnishing hot water at a temperature of not less than 82 degrees Celsius at all hot water outlets, and
- (k) have hand washing implements and equipment and sterilising facilities provided in every room in the processing plant in which animal food is handled and, except where otherwise approved, in every room in which condemned or unusable material is to be handled, and
- (l) have provision for liquid effluent to be conducted by means of drains that are impervious to moisture to an adequately constructed save-all for that liquid effluent in an approved location outside the building, and

(m) where connection between the save-all and a public sewer is not made, have provision for drainage to be conveyed by drains that are impervious to moisture or other approved means to an approved location and an adequately prepared and maintained absorption area for that drainage, and

(n) if the premises are drained by connection with a public sewer, have provision for the drain to be properly trapped and protected by a grating, the bars of which must be not more than 10 millimetres apart.

17 Construction requirements—processing areas

A room or areas in which animals are flayed and processed must have:

- (a) adequate floor space so arranged as to facilitate the sanitary conduct of operations, and
- (b) adequate facilities and approved equipment for all flaying and processing operations, and
- (c) hanging rails set sufficiently high above the floor to prevent any part of a carcass from contacting the floor, and
- (d) facilities that provide for the rapid and frequent removal of all inedible material from the processing area during operations.

18 Construction requirements—condemned material room

A room or area into which inedible and condemned material, bones, hides and skins are received must:

- (a) adjoin and be easily accessible by means of chutes or doorways to the room in which animals are processed, and
- (b) have approved equipment for handling condemned material, hides and skins, and
- (c) have facilities for the disposal of inedible and condemned material in an approved manner.

19 Construction requirements—cold rooms

A room under refrigeration must have:

- (a) refrigeration equipment of a type and capacity adequate for the needs of the establishment, and
- (b) in the case of a room used for the refrigeration of carcasses—hanging rails set sufficiently high above the floor to prevent any part of a carcass from contacting the floor.

20 Construction requirements—skin and hide treatment

If hides are treated on the premises, a shed with a concrete floor adequately drained must be provided for the storage and salting of hides.

21 Construction requirements—amenities

The premises must contain the following amenities for employees unless the Food Authority otherwise approves:

- (a) toilet facilities that are physically separated from other facilities,
- (b) hand wash basins,
- (c) change rooms,
- (d) a locker for each employee.

Part 4 Standards for class 4 animal food processing plants (field depots)

22 General

The plant must be supplied with water that is:

- (a) potable, and
- (b) derived from an approved source, and
- (c) of a quantity and under a pressure sufficient for all operating needs.

23 Construction requirements

- (1) The plant must be constructed so that all exposed surfaces are of material that is:
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced and, in the case of floors, anti-slip, and
 - (d) resistant to corrosion or capable of being maintained free of corrosion (for example, in the case of hanging rails, by the application of edible oils), and
 - (e) impervious to moisture, and
 - (f) resistant to or protected from impact, and
 - (g) easily cleaned and drained to prevent ponding of water and blood and, where 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 that:
 - (a) the joints are effectively sealed, and
 - (b) accumulation of dust, water, litter or waste materials is minimised.

24 Hanging rails etc

The plant must be provided with suitable means of hanging carcasses.

25 Refrigeration requirements

The plant must be provided with adequate refrigeration to chill the carcasses placed in it.

26 Lighting

The plant must be provided with lighting that is adequate to ensure the carrying out of operations at night in a hygienic manner.

27 Disposal of waste

The plant must be provided, if the Food Authority so directs, with an approved method of disposing of solid and liquid waste.

28 Loading facilities

The plant must be provided with approved facilities for the loading and unloading of the plant.

Schedule 6 Operational standards for animal food processing plants

(Clause 96)

Part 1 Prohibition of processing of meat for use as animal food

1 Meat unfit for use as animal food

A person must not process for use as animal food meat that is not fit for use as animal food.

2 Meat to be inspected by authorised officer

The owner of an animal food processing plant must not, in processing meat for use as animal food, use any meat of an animal other than a game animal unless the meat or the animal from which it came has been inspected and passed as fit for use as animal food.

3 Animal food processing plants to be kept clean

An animal food processing plant must be kept in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if it were a meat processing plant.

4 Clothing—general requirements

(1) Subject to subclause (2), a person who is working at an animal food processing plant must wear clothes in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if the

person were working at a meat processing plant.

(2) A person who is working at an animal food processing plant in a place where meat is handled, treated or stored or who is handling meat at an animal food processing plant is not required to use headwear but must, if the person chooses to use headwear, use clean headwear that complies with section 5 of that Standard.

(3) Subject to subclause (4), a person must not enter that part of an animal food processing plant where meat is handled, treated or stored unless the person is clothed in accordance with section 5 of that Standard as if he or she were at a meat processing plant.

(4) A person is not prevented from entering that part of an animal food processing plant where meat is handled, treated or stored if the person is not using headwear but must, if he or she chooses to use headwear, use clean headwear that complies with section 5 of that Standard.

5 Personal conduct and hygiene

A person at an animal food processing plant must conduct and keep himself or herself in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if he or she were at a meat processing plant.

6 Decontamination requirements

A person at an animal food processing plant must decontaminate his or her clothes, skin and kit, steel or other equipment in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if he or she were at a meat processing plant.

7 Treatment of processed meat for animal consumption

A person must place meat intended for use as animal food in a hermetically sealed glass or metal covering or an approved covering at an animal food processing plant in accordance with section 5 of AS 4696—2002, *The hygienic production and transportation of meat and meat products for human consumption* published by Standards Australia, as in force from time to time, as if the meat were intended for human consumption and as if the person were at a meat processing plant.

Part 2 Prohibition of introduction of meat to, and removal of meat from, animal food processing plants

8 Introduction of meat

A person must not bring meat that is not fit for use as animal food into an animal food processing plant.

9 Removal of meat

A person must not remove meat that is intended for use as animal food from an animal food processing plant if the meat is not fit for use as animal food.

10 Removal of meat in hermetically sealed covering

A person at an animal food processing plant at which meat is canned must not remove meat not required to be kept under refrigeration from such premises unless:

- (a) representative samples of each batch of meat are tested by incubating such samples for not less than 10 days at a temperature within the range 25 degrees Celsius to 45 degrees Celsius, and
- (b) the testing of the representative samples is completed and found to be satisfactory.

11 Animal food required to be stained

(1) Subject to the other provisions of this Schedule, a person must not remove from any animal food processing plant meat that has been:

- (a) dressed, packed or stored at the animal food processing plant, and
- (b) passed by an authorised officer as fit for use as animal food,

unless it has been stained in accordance with clause 115 of this Regulation.

(2) Subclause (1) does not apply to or in respect of the removal from animal food processing plant of a macropod carcase with the skin intact.

Part 3 Animals and meat condemned as unfit for use as animal food or rejected

12 Permitted dealing in animals

An animal that is unfit for meat for use as animal food may be dealt with for use other than as animal food.

13 Permitted dealing in meat

Meat that is not fit for use as animal food may be dealt with for use other than as animal food.

Part 4 Miscellaneous

14 Dogs and cats prohibited in animal food processing plants

- (1) A person must not bring a dog into, or permit a dog to remain at, an animal food processing plant.
- (2) A person must not bring a cat into, or permit a cat to remain at, an animal food processing plant.

15 Identification tags not be removed

Any identifier that is attached to or placed on an animal, or the carcase of an animal, pursuant

to the *Stock Diseases Regulation 2004* must not be removed from the animal or carcass except with the permission of a meat safety officer.

Schedule 7 Minimum standards for animal food vans

(Clause 99)

Part 1 Standards for class 1 animal food vans

1 Construction

The part of the animal food van in which meat intended for use as animal food is conveyed must:

- (a) be completely separated from any part of the vehicle used for the carriage of the driver or passengers, and
- (b) be completely enclosed and fitted with dust-proof doors or lids, and
- (c) be constructed in a professional manner, and
- (d) have a floor constructed of approved plate steel, approved aluminium checker plate, approved fibreglass or other approved material and the flooring material must be covered to the satisfaction of the Food Authority, and
- (e) be lined on the internal surfaces (other than the floor) with stainless steel, corrosion-resistant aluminium, fibreglass or other approved material and the joints (if any) in the lining material must be effectively sealed and, where the joints run horizontally, the top sheet must overlap the exposed surface of the bottom sheet at the join by not less than 40 millimetres, and
- (f) not have a ramp, step or tail board forming part of any internal surface.

2 Rails

- (1) The rails from which meat intended for use as animal food is to be suspended in the van are to be suspended from rail supports.
- (2) The rails must be set at such a height that, in the opinion of the Food Authority, any meat intended for use as animal food that is likely to be suspended from them will have a free space of at least 80 millimetres below the meat.
- (3) The rail supports must be of an approved material.

3 Refrigeration

If the animal food van is, in the opinion of the Food Authority, likely to be used to convey meat intended for use as animal food for journeys lasting 3 hours or more, it must, if required by the Food Authority, be fitted with an approved refrigeration system.

4 External surfaces

The external surfaces of the animal food van must, at all times, be maintained in good order and condition.

Part 2 Standards for class 2 animal food vans

5 Construction

The part of the animal food van in which meat intended for use as animal food is conveyed must:

- (a) be completely separated from any part of the vehicle used for the carriage of the driver or passengers, and
- (b) be completely enclosed and fitted with dust-proof doors or lids, and
- (c) be constructed in a professional manner, and
- (d) have a floor constructed of approved plate steel, approved aluminium checker plate, approved fibreglass or other approved material, and
- (e) be lined on the internal surfaces (other than the floor) with stainless steel, corrosion-resistant aluminium, fibreglass or other approved material and the joins (if any) in the lining material must be effectively sealed, and
- (f) not have a ramp, step or tail board forming part of any internal surface.

6 Refrigeration

If the animal food van is, in the opinion of the Food Authority, likely to be used to convey meat intended for use as animal food for journeys lasting 3 hours or more, it must, if required by the Food Authority, be fitted with an approved refrigeration system.

7 External surfaces

The external surfaces of the animal food van must, at all times, be maintained in good order and condition.

Part 3 Standards for class 3 animal food vans (field harvester)

8 Construction

- (1) The hanging frame, floor and equipment must be of material that is:
 - (a) durable, and
 - (b) non-toxic, and
 - (c) smooth-surfaced, and
 - (d) in the case of surfaces that do not come into contact with exposed meat—resistant to corrosion or capable of being maintained free of corrosion (for example, mild steel is acceptable if maintained rust free), and

- (e) in the case of surfaces that come into contact with exposed meat such as pelvic racks, spikes, hooks and the like—resistant to corrosion (for example, hot dip galvanised or stainless steel), and
 - (f) impervious to moisture, and
 - (g) resistant to or protected from impact, and
 - (h) easily cleaned and drained to prevent ponding of water and blood and, where necessary, capable of being dismantled for cleaning, and
 - (i) resistant to chipping, flaking or fraying, and
 - (j) of a finish that makes contamination clearly visible.
- (2) The hanging frame must be constructed so that:
- (a) sufficient space is provided between carcasses to allow effective cooling, being a minimum space of 270 millimetres in any direction, and
 - (b) the hanging rails are set at a height that, in the opinion of the Food Authority, enables the meat carried in the van to be suspended with adequate clearance from the floor surface, and
 - (c) sufficient racks are provided to enable all eviscerated carcasses to be transported within the hanging frame.

9 Facilities

The animal food van must be provided with:

- (a) a sufficient supply of potable water equipped with taps to enable hands and equipment to be washed throughout the whole of any period of harvesting, and
- (b) an adequate supply of a suitable agent for sanitising hands, and
- (c) if hands require drying during harvesting, hand drying facilities of a type that do not contaminate the washed hands, and
- (d) lighting that is adequate to ensure the carrying out of operations at night in a hygienic manner.

Schedule 8 Prescribed brands for abattoir meat

(Clause 104)

Part 1 Brand for meat fit for human consumption



1 Characters to appear on 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 50 millimetres in length and 37 millimetres in height when used on a flat surface.

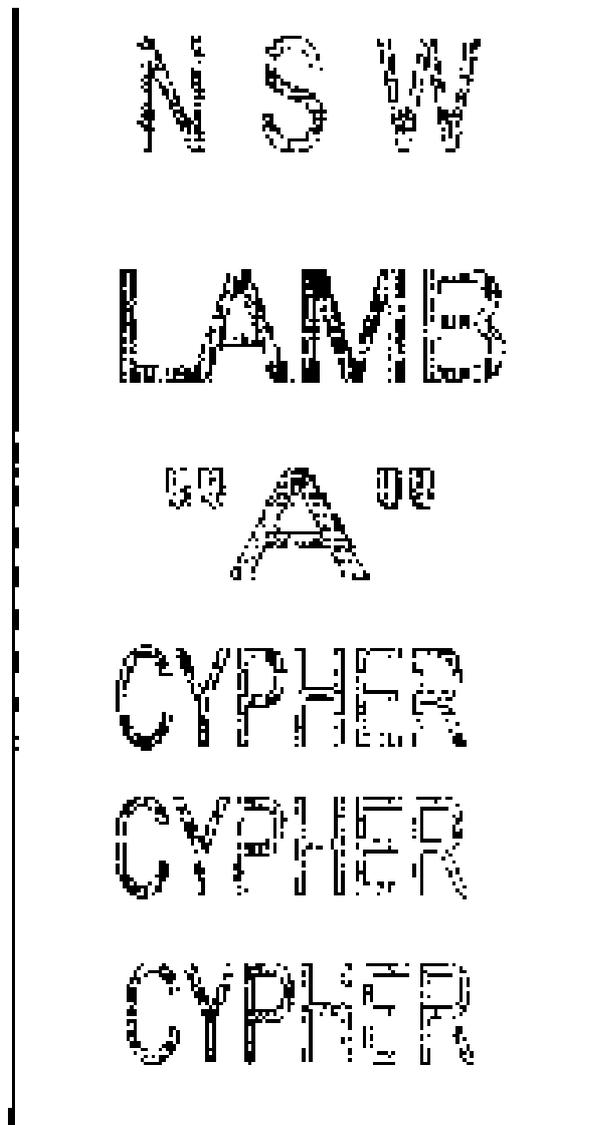
(2) The units of measurement referred to in subclause (1) may be subject to a tolerance of plus or minus 2 millimetres.

3 Ink to be used

The ink to be used must be:

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

Part 2 Brand for lamb



4 Application of the brand

The prescribed brand must be applied by repeating the above mark, without any break, as often as is necessary to comply with clause 106 (1) (d) of this Regulation.

5 Characters to be included in the mark

The prescribed brand must be completed:

- (a) by inserting in the space marked “A” a number allocated to the 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 area, or an abbreviation of the location area, where the licensed premises to which the number referred to in paragraph (a) is located, 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 at the time of branding.

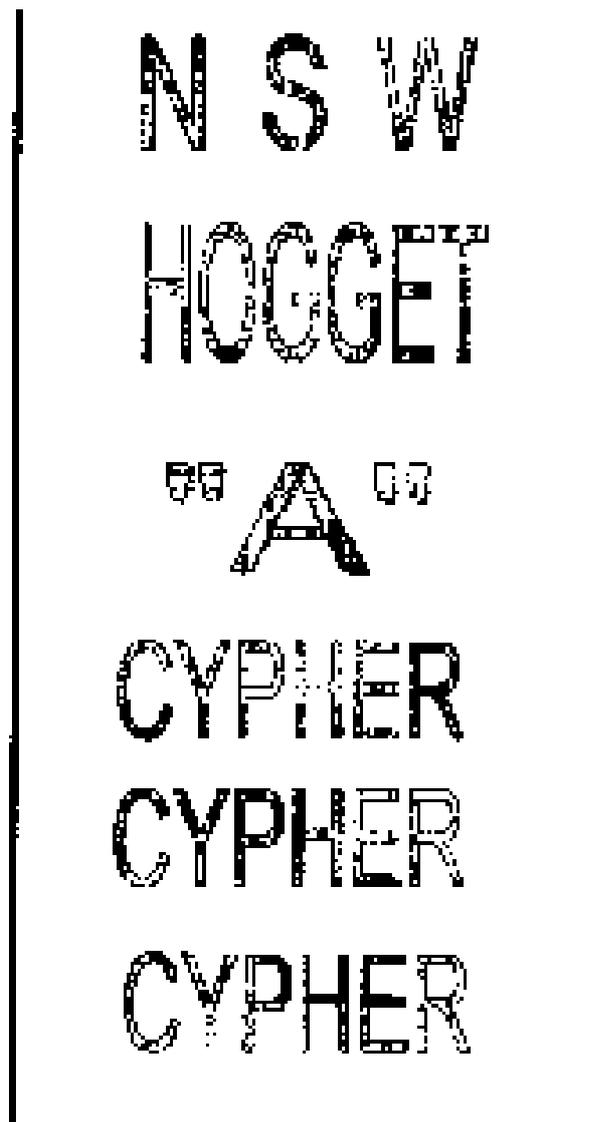
6 Dimensions

(1) Unless otherwise approved by the Food Authority, the letters used in the brand must be 17 millimetres in height with a space of 9 millimetres between each row of words.

(2) The units of measurement referred to in subclause (1) may be subject to the following tolerances:

- (a) for dimensions not exceeding 10 millimetres—plus or minus 1 millimetre,
- (b) for dimensions greater than 10 millimetres—plus or minus 2 millimetres.

Part 3 Brand for hogget



7 Application of the brand

The prescribed brand must be applied by repeating the above mark, without any break, as often as necessary to comply with clause 106 (1) (d) of this Regulation.

8 Characters to be included in the mark

The prescribed brand must be completed:

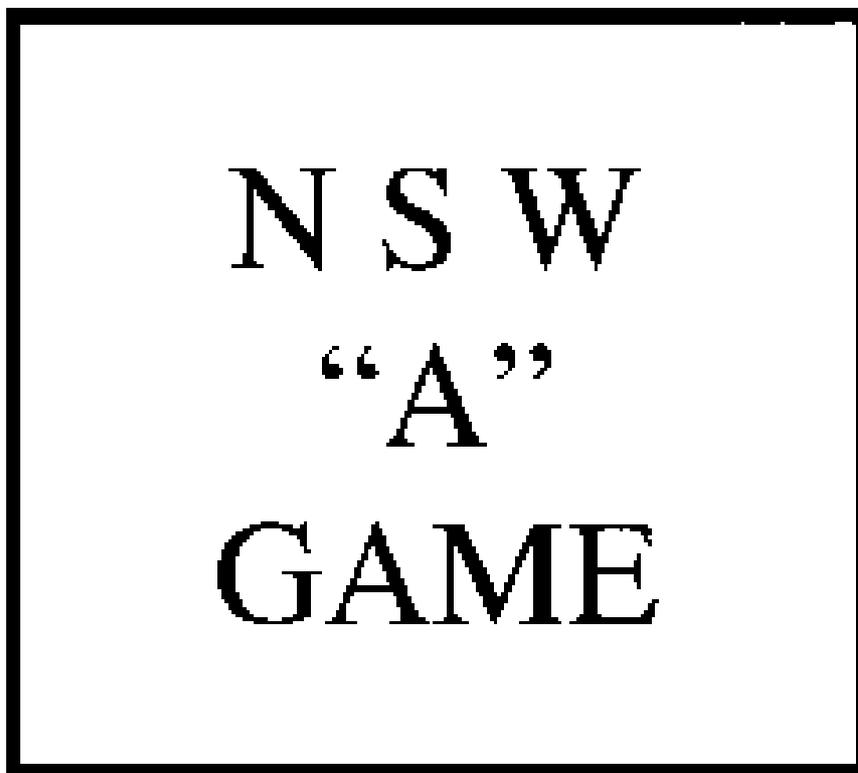
- (a) by inserting in the space marked “A” a number allocated to the premises by the Food Authority, and
- (b) by inserting in one of the spaces marked “CYPHER” one of the following in relation to the owner of the licensed premises to which the number referred to in paragraph (a) relates:
 - (i) the 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 area, or an abbreviation of the location area, where the licensed premises to which the number referred to in paragraph (a) is located, 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 at the time of branding.

9 Dimensions

- (1) Unless otherwise approved by the Food Authority, the letters used in the brand must be 17 millimetres in height with a space of 9 millimetres between each row of words.
- (2) The units of measurement referred to in subclause (1) may be subject to the following tolerances:
 - (a) for dimensions not exceeding 10 millimetres—plus or minus 1 millimetre,
 - (b) for dimensions greater than 10 millimetres—plus or minus 2 millimetres.

Schedule 9 Prescribed brands for game meat

(Clause 111)



1 Characters to be included in brand

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

2 Dimensions of brand

(1) The dimensions of the brand are those approved by the Food Authority in relation to the type of game meat to which the brand is to be 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 not exceeding 10 millimetres—plus or minus 1 millimetre,
- (b) for dimensions greater than 10 millimetres—plus or minus 2 millimetres.

Schedule 10 Constitution and procedure of Meat Industry Consultative Council

(Clause 129 (5))

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Council.

Council means the Meat Industry Consultative Council established under clause 129 of this Regulation.

Deputy Chairperson means the Deputy Chairperson of the Council.

member means any member of the Council.

Part 2 Constitution

2 Terms of office of members

Subject to this Schedule, a member holds office for such period (not exceeding 2 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

3 Remuneration

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

4 Deputies

(1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.

(2) In the absence of a member, the member's deputy may, if available, act in the place of the member.

(3) While acting in the place of a member, a person:

(a) has all the functions of the member and is taken to be a member, and

(b) is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

5 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 instrument in writing addressed to the Minister, or

(d) is removed from office by the Minister under this clause, or

(e) is absent from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or

(f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

(g) becomes a mentally incapacitated person, or

(h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may at any time remove a member from office.

6 Filling of vacancy in office of member

If the office of any member becomes vacant, a person is, subject to this Regulation, to be appointed to fill the vacancy.

7 Chairperson and Deputy Chairperson

(1) In the absence of the Chairperson, the Deputy Chairperson may, if available, act in the place of the Chairperson.

(2) While acting in the place of the Chairperson, the Deputy Chairperson has all the functions of the Chairperson and is taken to be the Chairperson.

(3) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person:

(a) is removed from office by the Minister, or

(b) ceases to be a member.

8 Disclosure of pecuniary interests

(1) If:

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

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council.

(2) A disclosure by a member at a meeting of the Council that the member:

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

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

(c) has some other specified interest relating to a specified company or other body or

to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Council in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Council.

(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Council otherwise determines:

- (a) be present during any deliberation of the Council with respect to the matter, or
- (b) take part in any decision of the Council with respect to the matter.

(5) For the purposes of the making of a determination by the Council under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

- (a) be present during any deliberation of the Council for the purpose of making the determination, or
- (b) take part in the making by the Council of the determination.

(6) A contravention of this clause does not invalidate any decision of the Council.

Part 3 Procedure

9 General procedure

The procedure for the calling of meetings of the Council and for the conduct of business at those meetings is, subject to this Schedule, to be as determined by the Council.

10 Quorum

The quorum for a meeting of the Council is a majority of its members, of whom one must be the Chairperson or Deputy Chairperson.

11 Presiding member

(1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson) is to preside at a meeting of the Council.

(2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

12 Voting

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

13 Transaction of business outside meetings or by telephone or other means

(1) The Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Council.

(2) The Council may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purposes of:

(a) the approval of a resolution under subclause (1), or

(b) a meeting held in accordance with subclause (2),

the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Council.

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Council.

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

14 First meeting

The Minister may call the first meeting of the Council in such manner as the Minister thinks fit.

Schedule 11 Licence fees in relation to meat food businesses

(Clause 132)

Fees prescribed for the issue or renewal of a licence

| Activities authorised by licence | Number of employees | Fee \$ |
|---|---------------------------------|--------|
| Abattoir, class 1,2 or 3 meat processing, operation of meat retail premises or operation of rendering plant | 0 to 5 | 250 |
| | More than 5 but no more than 50 | 500 |
| | More than 50 | 2,000 |
| Class 1, 2, 3, 4 or 5 game meat processing | 0 to 5 | 310 |
| | More than 5 but no more than 50 | 605 |
| | More than 50 | 2,355 |
| Operation of knackery or class 1, 2 or 3 animal food processing | 0 to 5 | 605 |
| | More than 5 but no more than 50 | 895 |

More than 50 2,650

Class 4 animal food processing 185

Operation of meat van, game meat
van or animal food van 185

Schedule 12 Additional requirements relating to licences for seafood businesses

(Clause 151)

| Activity | General operating conditions | Premises conditions | Vehicle conditions |
|--|--|--|---|
| Processing of seafood | Complies with Standard 3.2.2 of Food Standards Code | Complies with Standard 3.2.3 of Food Standards Code | Complies with Standard 3.2.3 of Food Standards Code |
| Storage of seafood | Complies with Standard 3.2.2 of Food Standards Code | Complies with Standard 3.2.3 of Food Standards Code | Complies with Standard 3.2.3 of Food Standards Code |
| Transportation of seafood | Complies with Standard 3.2.2 of Food Standards Code | | Complies with Standard 3.2.3 of Food Standards Code |
| Wholesaling of seafood | Complies with Standard 3.2.2 of Food Standards Code | Complies with Standard 3.2.3 of Food Standards Code | |
| Harvesting or collecting of bivalve molluscs | Complies with NSW Shellfish Program Operations Manual | | |
| Depuration of bivalve molluscs | Complies with NSW Shellfish Program Operations Manual Complies with Code of Practice for Oyster Depuration in NSW | Complies with NSW Shellfish Program Operations Manual Complies with Code of Practice for Oyster Depuration in NSW | |

Schedule 13 Provisions relating to members and procedure of committees

(Clause 159)

Part 1 General

1 Definitions

In this Schedule:

committee means:

- (a) the NSW Shellfish Committee, or
- (b) a local committee.

member means a member of a committee.

Part 2 Constitution

2 Terms of office of members

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

3 Allowances for member

A member is entitled to be paid such allowances as the Food Authority from time to time determines in respect of the member.

4 Deputies

- (1) The Food Authority may, from time to time, appoint a person to be the deputy of a member, and may at any time revoke any such 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 so acting, has all the functions of the member and is to be taken to be the member.
- (3) A person while acting in the place of a member is entitled to be paid such allowances as the Food Authority may from time to time determine in respect of the person.

5 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 instrument in writing addressed to the Food Authority, or
 - (d) is removed from office by the Food Authority under subclause (2), or
 - (e) is absent from 3 consecutive meetings of the committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the committee for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or

(h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Food Authority may at any time remove from office all or any of the members of a committee.

6 Filling of vacancy in office of member

If the office of a member becomes vacant, a person is, subject to this Regulation, required to be appointed to fill the vacancy.

7 Disclosure of pecuniary interests

(1) If:

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

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the committee.

(2) A disclosure by a member of a committee at a meeting of the committee that the member:

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

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

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause.

(3) Particulars of any disclosure made under this clause must be recorded by the members of the committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the members of the committee.

(4) After a member of the committee has disclosed the nature of an interest in any matter, the member must not, unless the Food Authority or the other members of the committee otherwise determines or determine:

(a) be present during any deliberation of the committee with respect to the matter, or

(b) take part in any decision of the committee with respect to the matter.

(5) For the purposes of the making of a determination by the members of the committee under subclause (4), a member of the committee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

(a) be present during any deliberation of the other members of the committee for the purpose of making the determination, or

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

(6) A contravention of this clause does not invalidate any decision of the committee.

(7) A member is taken not to have an interest in a matter for the purposes of this clause 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

8 General procedure

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

9 Quorum

The quorum for a meeting of a committee is a majority of its members for the time being.

10 Presiding member

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

(2) The person presiding at a meeting of a committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

11 Voting

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

Schedule 14 Annual general licence fees for seafood businesses

(Clause 161)

| Column 1 | Column 2 | Column 3 | Column 4 |
|-------------------------------------|-----------------|----------------------------|----------------------------|
| Activity of seafood business | Category | Number of employees | Amount payable (\$) |

| | | | |
|---|---|--|-----|
| Fishers with or without a vessel who do any of the following activities: | 1 | | 310 |
| (a) capture or collect any wild seafood, | | | |
| (b) store, gill, gut or cook only wild seafood that they have captured or collected themselves. | | | |

| | | | |
|---|---|--------------|-----------------|
| Finfish or crustacea aquaculture. | 2 | 0 to 10 | 250 |
| | 3 | 11 to 50 | 500 |
| | 4 | More than 50 | 2,000 |
| Transportation of seafood by vehicle on land (except by fishers referred to in Category 1 if transporting their own catch of wild seafood to a store or processor). | 5 | | 160 per vehicle |
| Businesses that process seafood (including freezing, thawing and preparing sushi) or store seafood (other than as referred to in Category 1) or that do both. | 6 | 0 to 10 | 250 |
| | 7 | 11 to 50 | 500 |
| | 8 | More than 50 | 2,000 |

Schedule 15 Savings and transitional provisions

(Clause 186)

Division 1 Provisions consequent on enactment of Food Amendment (Food Safety Schemes) Regulation 2005

1 Definition

In this Schedule, *former Regulation* means any of the following Regulations:

- (a) *Food Production (Dairy Food Safety Scheme) Regulation 1999*,
- (b) *Food Production (Meat Food Safety Scheme) Regulation 2000*,
- (c) *Food (Plant Products Food Safety Scheme) Regulation 2005*,
- (d) *Food Production (Seafood Safety Scheme) Regulation 2001*.

2 Licences

(1) A person holding a licence under a former regulation immediately before 2 September 2005 is taken to hold a licence under this Regulation that authorises the same matters and is subject to the same terms and conditions.

(2) A licence referred to in subclause (1) is taken to remain in force for the period for which it was originally granted or renewed (as the case may be) but may be suspended or cancelled in accordance with the provisions of this Regulation.

- (3) A person who is taken to be the holder of a licence under this Regulation and who:
- (a) was carrying on a plants products business at the commencement of the former *Food (Plant Products Food Safety Scheme) Regulation 2005*, and
 - (b) made an application as referred to in clause 1 of Schedule 2 of that Regulation that has not been determined at the commencement of this Regulation,

is taken to be the holder of a licence under this Regulation that authorises the carrying on of the business until the Food Authority determines the application.

(4) If a person is taken to be the holder of a licence under this clause in respect of more than one activity, the Food Authority may vary a licence issued to the person, under this Regulation to include authorisations for those activities. The provisions of clause 13 (2) and (3) of this Regulation do not apply to any such variation.

3 Applications

An application for a licence made under a former Regulation is taken to have been made under this Regulation.

4 Industry consultation bodies

A council, committee or other body established under a provision of a former Regulation is taken to have been established under the corresponding provision of this Regulation.

5 Fees

A fee that was unpaid under a former Regulation immediately before 2 September 2005 is taken to be a fee that is unpaid under this Regulation.

6 Existing authorisations

Any act, matter or thing that, immediately before the repeal of a former Regulation had effect under that Regulation and is not dealt with in another provision of this Schedule continues to have effect under this Regulation.

7 Review of decisions

A provision of a former Regulation that enabled a person to make an application to the Administrative Decisions Tribunal for a review of a decision made under that Regulation is taken to continue to apply in respect of any such decision.

Division 2 Provisions consequent on enactment of Food Amendment (Vulnerable Persons Food Safety Scheme) Regulation 2008

8 Licensing of existing vulnerable persons food businesses

If a person who is carrying on a vulnerable persons food business (within the meaning of Part 8) on 18 August 2008 makes an application to the Food Authority:

(a) in accordance with this Regulation, and

(b) before 18 October 2008,

for a licence to carry on the business, the person is taken to be the holder of a licence authorising the carrying on of the business until the Food Authority determines the application.

9 Development of food safety programs for existing vulnerable persons food businesses

Despite clause 10 (2), the Food Authority may grant a licence to an applicant who is carrying on a vulnerable persons food business (within the meaning of Part 8) on 18 August 2008, being a business for which the Food Authority considers there should be a food safety program, even though the applicant has not prepared a proposed food safety program.

Historical notes

The following abbreviations are used in the Historical notes:

| | | | | | |
|------|--------------------|------|---------------------|---------|--------------|
| Am | amended | LW | legislation website | Sch | Schedule |
| Cl | clause | No | number | Schs | Schedules |
| ClI | clauses | p | page | Sec | section |
| Div | Division | pp | pages | Secs | sections |
| Divs | Divisions | Reg | Regulation | Subdiv | Subdivision |
| GG | Government Gazette | Regs | Regulations | Subdivs | Subdivisions |
| Ins | inserted | Rep | repealed | Subst | substituted |

Table of amending instruments

Food Regulation 2004 published in Gazette No 42 of 20.2.2004, p 712 and amended as follows:

Food Amendment Regulation 2004 (GG No 69 of 2.4.2004, p 1805)

Food Amendment (Penalty Notices) Regulation 2004 (GG No 195 of 3.12.2004, p 8904)

2005 (122) Food Amendment (Analysts) Regulation 2005. GG No 38 of 1.4.2005, p 956.
Date of commencement, on gazettal.

(525) Food Amendment (Food Safety Schemes) Regulation 2005. GG No 110 of 1.9.2005, p 6628.
Date of commencement, 2.9.2005, cl 2.

No 98 Statute Law (Miscellaneous Provisions) Act (No 2) 2005. Assented to 24.11.2005.
Date of commencement of Sch 2.25, assent, sec 2 (2).

2008 (47) Food Amendment Regulation 2008. GG No 26 of 29.2.2008, p 1255.
Date of commencement, 1.3.2008, cl 2.

(342) Food Amendment (Vulnerable Persons Food Safety Scheme) Regulation 2008. GG No 97 of 15.8.2008, p 7586.
Date of commencement, 18.8.2008, cl 2.

(474) Food Amendment (Dairy and Meat Food Safety Schemes) Regulation 2008. GG No 138 of 31.10.2008, p 10510.
Date of commencement, on gazettal.

- 2009** (271) Food Amendment (Food Authority Maximum Amount and Application Fee) Regulation 2009. LW 26.6.2009.
Date of commencement, on publication on LW, cl 2.
- (388) Food Amendment (Food Safety Auditors) Regulation 2009. LW 7.8.2009.
Date of commencement, on publication on LW, cl 2.

Table of amendments

| | |
|---------------------------|---|
| Cl 3 | Am 2.4.2004; 2005 (525), Sch 1 [1]; 2005 No 98, Sch 2.25. |
| Cl 4 | Am 2008 (342), Sch 1 [1]. |
| Part 3 | Ins 2005 (525), Sch 1 [2]. |
| Part 3, Div 1 | Ins 2005 (525), Sch 1 [2]. |
| Cl 6 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [2]. |
| Cl 7 | Ins 2005 (525), Sch 1 [2]. |
| Part 3, Div 2 (cll 8–17) | Ins 2005 (525), Sch 1 [2]. |
| Part 3, Div 3 | Ins 2005 (525), Sch 1 [2]. |
| Cl 18 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [3] [4]. |
| Cl 19 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [5]. |
| Part 3, Div 4 | Ins 2005 (525), Sch 1 [2]. |
| Cl 20 | Ins 2005 (525), Sch 1 [2]. Am 2008 (47), Sch 1 [1]. |
| Cll 20A–20D | Ins 2009 (388), Sch 1 [1]. |
| Part 3, Div 5 | Ins 2005 (525), Sch 1 [2]. |
| Cl 21 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [6]. |
| Part 3, Div 6 | Ins 2005 (525), Sch 1 [2]. |
| Cl 22 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [7]. |
| Part 4 | Ins 2005 (525), Sch 1 [2]. |
| Part 4, Div 1 (cll 23–25) | Ins 2005 (525), Sch 1 [2]. |
| Part 4, Div 2 | Ins 2005 (525), Sch 1 [2]. |
| Cl 26 | Ins 2005 (525), Sch 1 [2]. Am 2008 (474), Sch 1 [1] [2]. |
| Cll 27–29) | Ins 2005 (525), Sch 1 [2]. |
| Part 4, Div 3 | Ins 2005 (525), Sch 1 [2]. |
| Cll 30–35 | Ins 2005 (525), Sch 1 [2]. |
| Cl 36 | Ins 2005 (525), Sch 1 [2]. Rep 2009 (388), Sch 1 [2]. |
| Part 4, Div 4 | Ins 2005 (525), Sch 1 [2]. |
| Cl 37 | Ins 2005 (525), Sch 1 [2]. |
| Cl 38 | Ins 2005 (525), Sch 1 [2]. Am 2008 (47), Sch 1 [2] [3]. |
| Cl 39 | Ins 2005 (525), Sch 1 [2]. |
| Cl 40 | Ins 2005 (525), Sch 1 [2]. Rep 2009 (388), Sch 1 [2]. |
| Cll 41–45 | Ins 2005 (525), Sch 1 [2]. |
| Cl 46 | Ins 2005 (525), Sch 1 [2]. Am 2008 (474), Sch 1 [1]. |
| Cll 47–55 | Ins 2005 (525), Sch 1 [2]. |
| Part 4, Div 5 | Ins 2005 (525), Sch 1 [2]. |

| | |
|----------------------------------|---|
| Cl 56 | Ins 2005 (525), Sch 1 [2]. |
| Cl 57 | Ins 2005 (525), Sch 1 [2]. Rep 2009 (388), Sch 1 [2]. |
| Part 4, Div 6 (cll 58, 59) | Ins 2005 (525), Sch 1 [2]. |
| Part 5 | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Divs 1–4 (cll 60–71) | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Div 5 | Ins 2005 (525), Sch 1 [2]. |
| Cll 72, 73 | Ins 2005 (525), Sch 1 [2]. |
| Cl 74 | Ins 2005 (525), Sch 1 [2]. Am 2008 (474), Sch 1 [3]. |
| Cl 75 | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Div 6 (cll 76–80) | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Div 7 | Ins 2005 (525), Sch 1 [2]. |
| Cll 81–83 | Ins 2005 (525), Sch 1 [2]. |
| Cll 84, 85 | Ins 2005 (525), Sch 1 [2]. Am 2008 (474), Sch 1 [3]. |
| Part 5, Divs 8–13 (cll 86–109) | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Div 14 | Ins 2005 (525), Sch 1 [2]. |
| Cll 110, 111 | Ins 2005 (525), Sch 1 [2]. |
| Cl 112 | Ins 2005 (525), Sch 1 [2]. Am 2008 (474), Sch 1 [4]. |
| Cll 113, 114 | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Divs 15–18 (cll 115–128) | Ins 2005 (525), Sch 1 [2]. |
| Part 5, Div 19 | Ins 2005 (525), Sch 1 [2]. |
| Cll 129, 130 | Ins 2005 (525), Sch 1 [2]. |
| Cl 131 | Ins 2005 (525), Sch 1 [2]. Am 2008 (342), Sch 1 [8]. Rep 2009 (388), Sch 1 [2]. |
| Cl 132 | Ins 2005 (525), Sch 1 [2]. |
| Part 6 | Ins 2005 (525), Sch 1 [2]. |
| Part 6, Divs 1–3 (cll 133–140) | Ins 2005 (525), Sch 1 [2]. |
| Part 6, Div 4 | Ins 2005 (525), Sch 1 [2]. |
| Cl 141 | Ins 2005 (525), Sch 1 [2]. |
| Cl 142 | Ins 2005 (525), Sch 1 [2]. Rep 2009 (388), Sch 1 [2]. |
| Part 7 | Ins 2005 (525), Sch 1 [2]. |
| Part 7, Divs 1–8 (cll 143–166) | Ins 2005 (525), Sch 1 [2]. |
| Part 7, Div 9 | Ins 2005 (525), Sch 1 [2]. |
| Cll 167, 168 | Ins 2005 (525), Sch 1 [2]. |
| Cl 169 | Ins 2005 (525), Sch 1 [2]. Rep 2009 (388), Sch 1 [2]. |
| Part 8 | Ins 2008 (342), Sch 1 [9]. |
| Part 8, Divs 1, 2 (cll 170–174) | Ins 2008 (342), Sch 1 [9]. |
| Part 8, Div 3 | Ins 2008 (342), Sch 1 [9]. |
| Cl 175 | Ins 2008 (342), Sch 1 [9]. |

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| Cl 176 | Ins 2008 (342), Sch 1 [9]. Rep 2009 (388), Sch 1 [2]. |
| Part 9 (previously Part 8; previously Part 3) | Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Cl 177 (previously cl 170; previously cl 6) | Am 2.4.2004. Renumbered 2005 (525), Sch 1 [3]. Am 2008 (47), Sch 1 [4]. Renumbered 2008 (342), Sch 1 [10]. |
| Cl 178 (previously cl 171; previously cl 7) | Am 2.4.2004. Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Part 10 (previously Part 9; previously Part 4) | Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Cl 179 (previously cl 172; previously cl 8) | Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Cl 180 (previously cl 173; previously cl 8A) | Ins 2005 (122), Sch 1. Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Cll 181–183 (previously cll 173A–173C) | Ins 2008 (47), Sch 1 [5]. Renumbered 2008 (342), Sch 1 [10]. |
| Cll 183A, 183B | Ins 2009 (271), Sch 1. |
| Cl 184 (previously cl 174) | Ins 2005 (525), Sch 1 [4]. Renumbered 2008 (342), Sch 1 [10]. Am 2008 (342), Sch 1 [11]. |
| Cl 185 (previously cl 175; previously cl 9) | Rep 2.4.2004. Ins 3.12.2004. Renumbered 2005 (525), Sch 1 [3]; 2008 (342), Sch 1 [10]. |
| Cl 186 (previously cl 176; previously cl 10) | Am 2.4.2004. Renumbered 2005 (525), Sch 1 [3]. Am 2005 (525), Sch 1 [5]. Renumbered 2008 (342), Sch 1 [10]. |
| Sch 1A | Ins 2009 (388), Sch 1 [3]. |
| Sch 1 | Ins 3.12.2004. Am 2005 (525), Sch 1 [6]–[8]; 2008 (47), Sch 1 [6]; 2008 (342), Sch 1 [12] [13]. |
| Schs 2–14 | Ins 2005 (525), Sch 1 [9]. |
| Sch 15 | Ins 2005 (525), Sch 1 [9]. Am 2008 (342), Sch 1 [14]–[16]. |