

# FREQUENTLY ASKED QUESTIONS

## SEAFOOD FOOD SAFETY SCHEME

### Primary Produce Safety (Seafood) Regulations 2014

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#### **Q. 1 What primary produce or class of primary produce and what primary production activities or class of primary production activities does the scheme apply to?**

The Scheme will apply to the “**primary production of Seafood**” which means any of the following activities undertaken to supply seafood to a food business, within the meaning of the *Food Act 2003*, or a seafood business:

- a) the growing, cultivating, picking, harvesting, collecting or catching of seafood;
- b) the growing on of seafood;
- c) the transportation or delivery of seafood;
- d) the holding of live seafood;
- e) seafood processing;

#### **Q. 2 Who must be accredited under the Scheme and who must comply with the Scheme?**

The proprietor of a seafood business that is involved in the primary production of any regulated fish must be accredited under this Seafood Food Safety Scheme.

For the purposes of the Seafood Food Safety Scheme, regulated fish are, Cockles, clams, mussels, oysters, pipis, scallops, and abalone. In the future, the Chief Inspector may determine that other species, or class of fish should be regulated.

#### **Q. 3 Who must prepare and implement a food safety program under the Scheme?**

An accredited seafood producer must prepare and implement a food safety program, for each activity which the accredited seafood producer holds an accreditation under this Seafood Food Safety Scheme.

The Chief Inspector may exempt an accredited seafood producer from the requirement to prepare and implement an approved seafood food safety program, if the Chief Inspector is satisfied that

- a) the accredited seafood producer –
  - (i) farms regulated fish under a marine farming licence; and
  - (ii) moves any regulated fish so farmed to the marine farm of another accredited seafood producer (who has prepared and implemented an approved seafood food safety program) for growing on before the regulated fish are sold or supplied for human consumption; or
- b) the accredited seafood producer –
  - (i) takes wild regulated fish under a commercial fishing licence; and
  - (ii) supplies any regulated fish so taken to another accredited seafood producer (who has prepared and implemented an approved seafood food safety program) for processing or additional primary production before the regulated fish are sold or supplied for human consumption.

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#### **Q. 4 What are the auditing requirements under the Scheme?**

The Seafood Food Safety Scheme will require audits of food safety programs to be conducted at least once annually unless a different interval is required by the Chief Inspector.

The Act allows for audits to be carried out by private third party auditors. To avoid unnecessary audit duplication, an audit carried out by an approved third party auditor for commercial QA (Quality Assurance) purposes, or for export purposes, can satisfy the Scheme's audit requirements, providing DPIPWE receives an audit report.

A publicly-accessible register will allow seafood businesses to check whether an auditor is approved and holds the appropriate accreditation to audit seafood businesses under the Scheme. It will be a requirement of approval for the auditor that they supply a copy of audit reports to the Department.

#### **Q. 5 How are accredited producers registered under the Scheme?**

The Seafood Food Safety Scheme will establish a register of accreditations which can be accessed by any person on written request.

A publicly-accessible register will allow retailers, wholesalers and consumers to check whether a producer holds the appropriate accreditation.

On lodgement of the annual return and payment of the annual accreditation fee, an accredited producer will also be issued a certificate of currency for their accreditation.

#### **Q. 6 What is the role of DPIPWE, the Chief Inspector and other agencies in administering the Scheme?**

The Act establishes the position of Chief Inspector of Primary Produce Safety (located in DPIPWE) to centrally administer the Act's accreditation, auditing and compliance system.

The Scheme largely reflects the following division of regulatory responsibility among State Government agencies and local government (in respect to the primary production of seafood)

- DPIPWE, through the Chief Inspector, is responsible for promoting seafood safety and integrity (i.e. quality assurance systems) in primary production and processing under the *Primary Produce Safety Act 2011* and *Primary Produce Safety (Seafood) Regulations 2014* (the Scheme)
- Department of Health and Human Services (DHHS), through the Director of Public Health, and local councils are responsible for promoting the safe handling and sale of seafood by food businesses in the public realm (in the retail and food service sectors) under the *Food Act 2003*.

There will still be some overlap of responsibility between State Government agencies, local councils, and, (for exporting businesses) the Commonwealth. Effective cooperation will minimise duplication and ensure optimal regulatory outcomes for industry and the community.

#### **Q. 7 How does the Scheme interact with other legislation?**

Although the Scheme will provide a comprehensive legal framework for regulating seafood safety and integrity, it will be in addition to (and cannot derogate from) other legislation.

An accreditation under the Scheme cannot authorise something that is prohibited under another Act.

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The Scheme will enable the Chief Inspector to take into account a person's compliance history with other biosecurity and product integrity related legislation in determining the person's suitability for accreditation.

#### **Q. 8 What are the annual accreditation fees?**

The following standard schedule of annual accreditation fees is to be applied across all food safety schemes on commencement of the Act:

<b>Business size (maximum number of full time equivalent (FTE) produce handlers engaged)</b>	<b>Annual accreditation fee 2014/15 (fee unit = \$1.48)</b>
Small (less than 5 FTE)	175 = \$259
Medium (5 – 50 FTE)	350 = \$518
Large (more than 50 FTE)	750 = \$1110

For further information, please refer to information sheet [“Primary Produce Safety Act 2011 - Accreditation Fees and Charges”](#) available on the DPIPWE website.

#### **Q. 9 How will the Scheme affect general audit and compliance costs for seafood producers?**

Generally compliance costs for all producers should be reduced under the new legislation because it allows private third party auditors (who already do commercial quality assurance audits) to conduct regulatory audits.

Accredited producers will not be charged for basic DPIPWE advice and extension relating to accreditations, or for random inspections or check audits (audits to check the performance of a third party auditor).

For further information, please contact:

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