

**27 May 2014**

**[09–14]**

Approval Report – Proposal P1014

Primary Production & Processing Standard for Meat & Meat Products

Food Standards Australia New Zealand (FSANZ) has assessed a proposal it prepared to examine food safety management in the primary production and processing stages of the meat supply chain.

On 8 October 2013, FSANZ sought submissions on a draft variation to the Australia-only Standards 1.6.2 – Processing Requirements and 4.2.3 – Primary Production and Processing Standard for Meat and published an associated report. FSANZ received 11 submissions.

FSANZ approved the draft variations on 14 May 2014. The COAG Legislative and Governance Forum on Food Regulation[[1]](#footnote-1) (Forum) was notified of FSANZ’s decision on

26 May 2014.

This Report is provided pursuant to paragraph 63(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

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**Supporting documents**

The following documents which informed the assessment of this Proposal are available on the FSANZ website at <http://www.foodstandards.gov.au/code/proposals/Pages/proposalp1014primary5331.aspx>

SD1 Membership of Meat Advisory Committees

SD2 Assessment of Microbiological Hazards Associated with the Four Main Meat Species (at Approval)

SD3 Assessment of the Microbiological Hazards Associated with the Minor and Wild Game Meat Species

SD4 A Chemical Risk Profile of Meat and Meat Products

SD5 Food Safety Management in the Meat Industry

SD7 Compliance Plan for the Primary Production and Processing Standard for Meat and Meat Products

There have been no changes to SD1, SD3, SD4, SD5 and SD7 following the second round of consultation.

SD6 is superseded by Attachment D (Regulation Impact Statement) to this Report.

# Executive summary

Food Standards Australia New Zealand (FSANZ) has examined food safety management in the primary production and processing stages of the meat supply. During the first round of consultation, FSANZ commenced the work under two proposals, Proposal P1005 (covering cattle, sheep, goats, pigs) and Proposal P1014 (covering other animals and wild game). These two Proposals were subsequently consolidated into one Proposal, P1014. P1014 also considered rendered products for human consumption and natural casings.

The Proposal was assessed under the Major Procedure.

The current Australia-only production and processing Standard for meat in the *Australia New Zealand Food Standard Code* (the Code), 4.2.3, includes requirements for producing ready-to-eat meat only and does not include primary production requirements. Standard 1.6.2 (another Australia-only standard) contains requirements relevant to the processing of crocodile meat.

FSANZ has approved a draft variation to Standard 4.2.3 to include requirements on primary producers in relation to traceability and managing inputs and waste. These primary production requirements do not apply to wild game animals. An editorial note has been included to explain that state and territory laws require people involved in the slaughter and processing of animals for human consumption to comply with the existing Australian Standards. FSANZ has also approved a consequential amendment to Standard 1.6.2 to delete the processing requirements for crocodile meat as these are addressed under current Australian Standards.

Primary production and processing standards do not apply in New Zealand.

Currently, food-specific regulatory powers in the meat sector are limited to processing environments only. The draft variation to Standard 4.2.3 enables food safety regulators to investigate through the entire meat supply chain, should a food safety incident arise. State and territory legislation includes offences related to failure to comply with a requirement of the Code. The inclusion of these requirements provides a basis for appropriate enforcement action that is currently unavailable.

Stakeholder submissions generally:

* supported regulatory requirements for primary production
* identified the opportunity to improve the system through integrating producer and processor requirements into the one document
* supported the making of a standard that restates the obligations that producers supplying animals for slaughter for human consumption must currently meet (e.g. managing inputs, traceability)
* highlighted the importance of implementing a standard that would impose little or no new costs on producers

Overall, stakeholder comments supported the draft variation to Standard 4.2.3 to articulate the requirements on primary producers in relation to traceability and managing inputs and waste. These changes will not alter the regulatory costs for the vast majority of farmers or substantially reduce risks as the meat industry is already managing risk well through a combination of existing state and territory laws and industry production assurance programs.

# 1 Introduction

## 1.1 The Proposal

At the request of the Council of Australian Governments (COAG) Legislative and Governance Forum on Food Regulation[[2]](#footnote-2), Food Standards Australia New Zealand (FSANZ) is considering food safety throughout all parts of the food supply chain for all industry sectors in Australia. In this context, and in accordance with the *Overarching Policy Guideline on Primary Production and Processing Standards* (Ministerial Guideline)[[3]](#footnote-3), FSANZ has examined food safety management in the primary production and processing stages of the meat supply chain. Primary production and processing standards (which only apply in Australia) aim to strengthen food safety and traceability throughout the food supply chain from paddock to plate.

During the first round of consultation, FSANZ progressed the work under two separate proposals, Proposal P1005 (covering cattle, sheep, goats, pigs) and Proposal P1014 (covering other animals and wild game). These two Proposals were consolidated into the one Proposal, P1014, for the second round of public consultation. P1014 also considered rendered products for human consumption and natural casings.

## 1.2 The current Standard

The current Australia-only production and processing Standard for meat in the *Australia New Zealand Food Standard Code* (the Code), 4.2.3, includes requirements for producing ready-to-eat meat only and does not include primary production requirements. Standard 1.6.2 (another Australia-only standard) contains requirements relevant to the processing of crocodiles.

The safety of meat and meat products in Australia is currently implemented through reference to Australian Standards under various state and territory Acts and Regulations.

The Code currently does not contain requirements that address hazards and traceability during primary production[[4]](#footnote-4) for the major and minor meat species. Managing inputs, such as the use of agricultural and veterinary chemicals (including in feed and water) and animal/property identification are, however, controlled under various state and territory Acts and Regulations and supported, in a number of cases, by sector-specific production assurance programs.

The processing of meat and meat products in Australia is currently implemented through reference to Australian Standards*.* All states and territories have legislation that require businesses operating abattoirs/meat slaughtering facilities to be licensed or accredited and to operate in accordance with approved systems to manage meat safety and suitability. The processing of the major and minor meat species is covered by the following Australian Standards:

AS 4696 – 2007 *Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*

AS 4466 – 1998 *Hygienic Production of Rabbit Meat for Human Consumption*

AS 4467 – 1998 *Hygienic Production of**Crocodile Meat for Human Consumption*

AS 5010 – 2001 *Hygienic Production of Ratite Meat for Human Consumption*

The harvesting and primary processing of wild game animals is addressed by a specific Australian Standard, AS 4464-2007 *Hygienic Production of Wild Game Meat for Human Consumption*, and covers the harvesting[[5]](#footnote-5) of wild game animals and holding of carcases at field depots.

## 1.3 Reasons for preparing Proposal

The Inter-Governmental Food Regulation Agreement seeks to have a national “whole of chain” approach to food safety regulation i.e. responsibility for food safety is shared between producer and processor with corrective actions applied at the appropriate point in the supply chain. The Proposal was prepared to address this gap in statutory powers in a nationally consistent manner, without requiring each jurisdiction to amend its own Food Act to provide this coverage. Primary production and processing Standards have been introduced into seafood, egg, poultry, dairy and seed sprouts industries, providing powers to food regulators to investigate appropriate food safety matters in primary production and processing as they arise.

One of the principal limitations of current food safety regulatory arrangements in states and territories is the inability to investigate food safety issues in the primary production sector without activating emergency powers. Currently, food-specific regulatory powers in the meat sector are limited to processing environments only. There have been incidents over the years where events have occurred in the meat supply chain that have been traced back to primary production environments. Only for those incidents where emergency powers have been activated have state and territory regulators been able to investigate e.g. nitrofurans in pork. The burden of proof required of a regulator to activate such powers may result in delays in investigation and response. It would be more effective and efficient to have a national mechanism (i.e. a standard) in place that empowers food safety regulators to investigate food safety issues in primary production as and when necessary, without recourse to emergency powers.

## 1.4 Procedure for assessment

The Proposal was assessed under the Major Procedure.

## 1.5 Decision

The draft variation as proposed following assessment was approved without change. The variation takes effect 12 months after the date of gazettal.

The approved draft variation is at Attachment A. The explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislative Instruments.

# 2 Summary of the findings

## 2.1 Summary of issues raised in submissions

The majority of submissions (nine of the 11 submissions received) supported the draft variation to Standards 4.2.3 and 1.6.2.

Stakeholders generally:

* supported regulatory requirements for primary production
* identified the opportunity to improve the system through integrating producer and processor requirements into the one document
* supported the making of a standard that restates the obligations that producers supplying animals for slaughter for human consumption must currently meet (e.g. managing inputs, traceability)
* highlighted the importance of implementing a standard that would impose little or no new costs on producers

The consultation process also indicated there was little support for maintaining the status quo (Option1). One submission (from the Victorian Department of Environment and Primary Industries and the Victorian Department of Health) did not support the draft variation and questioned its value, because it does not impose legal obligations on processors. The Departments considered that the introduction of on-farm requirements would deliver little, if any, improvement of food safety outcomes. However, incidents still occur, and could be expected to occur in future, which warrant follow up at the primary production level. In the event of an incident, there is a jurisdictional gap at the primary production level in food regulatory coverage for agencies with public health functions operating under the Food Acts. Further issues raised in this submission are included in Table 1.

The remaining submission raised the issue of halal labelling of meat products which was not relevant to this Proposal.

Table 1: Summary of issues

| Issue | Raised by | FSANZ response |
| --- | --- | --- |
| Definition of “meat” and “meat product”. | A submission noted that the proposed variation to Standard 4.2.3 introduces a definition of “meat product” and a definition of “meat” that is different to that in Standard 2.2.1. | Definitions of “meat” and “meat product” were included in Standard 4.2.3 to clarify the scope of that particular Standard and provide consistency with the current Australian Standards for meat processing. The definitions in Standard 4.2.3 do not apply to Standard 2.2.1.  Clause 1 of Standard 2.2.1 provides that the term ‘meat’, as used in that Standard, means “the whole or part of the carcass of”:   1. any of the following animals slaughtered other than in a wild state: buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep: 2. *any other animal* that is permitted for human consumption under a law of a State, Territory or New Zealand. (emphasis added)   The above definition would also include the animals covered under the definition of ‘meat’ in Standard 4.2.3:   1. animals covered under P1014 (e.g. deer, camel, buffalo, emu, ostrich, crocodile, rabbit horse) 2. wild game that is permitted for human consumption under and in accordance with a law of a state/territory. |
| Introduction of requirements for primary production | A submitter raised that existing obligations on farmers to provide information on National Vendor Declarations are sufficient. | It is established industry practice for meat primary producers to provide declarations of evidence to meat processors on animals provided for processing regarding acceptability, e.g. withholding periods followed for any agricultural/veterinary chemicals administered to animals so that unacceptable levels of contaminants do not occur in the resultant meat. However, there are no obligations on producers in food safety legislation.  Regulators do not have statutory powers to investigate arrangements implemented by meat producers to substantiate statements made on such declarations should meat processors be concerned with animals received. |
| Implications for meat exports | A submitter questioned whether the absence of legal requirements on processors in Standard 4.2.3 (i.e. duplicating the existing regulatory processing requirements embodied in Australian Standards) would have implications for exporting meat. | The safety of meat and meat products in Australia is currently implemented through reference to Australian Standards*.* All states and territories have legislation that requires businesses operating abattoirs/meat slaughtering facilities to be licensed or accredited and to operate in accordance with approved systems to manage meat safety and suitability. The latter refer to Australian Standards.  The Department of Agriculture, which is responsible for the export and import of meat products, provided a submission supporting the variation to Standard 4.2.3. |
| Responding to food safety incidents | A submitter questioned whether there was any gap in existing arrangements for responding to food safety incidents. | There have been incidents over the years where events have occurred in the meat supply chain that have been traced back to primary production environments. Information provided by state and territory meat regulators advise that only for those incidents where emergency powers have been activated have state and territory regulators been able to investigate those incidents. These include nitrofurans in pork and nicarbazins in poultry feed. These incidents related to inputs provided to meat animals in primary production environments and caused significant threat to established export markets. Regulators were not able to investigate these matters until routine testing results from export markets revealed positive detections. Standard 4.2.3 will provide state and territory regulators with the ability to investigate primary production food safety matters with a view to facilitating industry compliance on an educative basis. |
| Regulation Impact Statement (RIS) | A submitter stated that the RIS:   * is not based on evidence of a food safety risk * includes non-validated nor internationally agreed theoretical costs (“averting costs” and “macroeconomic costs”) | FSANZ’s evaluation of the hazards and current management practices in Australia indicates there are no identified unmanaged food safety risks for the meat sectors. The main regulatory problem being addressed is the inability to investigate food safety issues in the primary production sector without activating emergency powers and the consequential extensive government resources required to establish the burden of proof under these existing powers and subsequent cost to both industry and government. Lack of visibility of food safety requirements for meat primary producers is the other matter that is being addressed.  While providing qualitative information, submissions provided little by way of empirical evidence on the impact of the variation to Standards 4.2.3 and 1.6.2. Due to this, and the inherent limitations of data and difficulties in quantifying the specific costs and benefits of the proposed standard, the specific overall impact of the variation to the two Standards has not been quantified. However, the potential costs and benefits of the variation have been identified and weighed in this RIS. |

## 2.2 Risk assessment

FSANZ investigated hazards (microbiological and chemical), production and processing risk factors (including control measures) and any foodborne illness associated with the production and consumption of meat from major and minor meat species and wild game.

The key findings from the assessment of the major meat species (cattle, sheep, goats and pig) were that:

* evidence suggests that Australian meat from these species has a low microbial load and generally low prevalence of pathogens
* a lack of epidemiological evidence available suggests the likelihood of potential hazards causing illness from consumption of meat is quite low
* during the animal production phase, there are a number of steps at which control may be applied
* the above findings are consistent with the existing significant body of evidence suggesting meat processed under existing conditions presents a low risk to public health.

In regard to the minor meat species and wild game, FSANZ evaluated whether there were any risk factors in production and processing not identified in SD2. Key findings were that:

* limited published data are available on the type, prevalence and levels of microorganisms present on animals before slaughter, or on carcasses   
  post-processing. This was particularly evident in the Australian context.
* little published evidence exists, either domestically or internationally, that foodborne illness is associated with consumption of meat from minor and wild game species
* no substantial differences exist in the production and processing risk factors for minor and wild game meats compared to those of the major meat species
* microbiological hazards associated with minor and wild game species are consistent with those identified for other meat animals commonly consumed in Australia and are controlled by current meat processing requirements.

The key findings from the chemical risk profile were that:

* extensive regulatory and non-regulatory measures are in place along the meat industry primary production chain resulting in minimal public health and safety concerns regarding the use or presence of chemicals in meat and meat products
* extensive monitoring of chemical residues in meat over many years has demonstrated a high level of compliance with the regulations
* continuation of the current management practices, particularly monitoring programs for chemicals along the primary production chain, will ensure that the meat industry continues to maintain a high standard of public health and safety

FSANZ’s evaluation of the hazards and current management practices in Australia indicates there are no identified unmanaged food safety risks for the meat sectors. Further detail is available in SDs 2–4.

## 2.3 Risk management

Following consideration of the assessment findings, the cost-benefit analysis and the issues raised during consultation, FSANZ has approved the draft variation to Standard 4.2.3 to include primary production requirements for traceability, inputs and management of waste for the major and minor meat species e.g. cattle, sheep, goats, pigs, buffalo, camels, alpacas, llamas, deer, horses, donkeys, rabbits, crocodiles, ostrich and emu. These primary production requirements do not apply to wild game animals. An editorial note has been included to explain that state and territory laws require people involved in the slaughter and processing of animals for human consumption, to comply with the existing Australian Standards. The processing requirements for crocodile meat in Standard 1.6.2 (clause 6) have been deleted as these are included in the existing Australian Standard for the *Hygienic Production of**Crocodile Meat for Human Consumption*. FSANZ acknowledges the role the Australian Standards for processing have played in ensuring the safety of meat in Australia. Consequently, the food safety elements in the Australian Standards do not need to be duplicated or incorporated into Standard 4.2.3 as the standards (including their animal welfare provisions) will be retained and applied under state and territory legislation.

The draft variation to Standard 4.2.3 provides food safety regulators with the legislative power to investigate throughout the entire meat supply chain, should a food safety incident arise.

## 2.4 Risk communication

FSANZ developed and applied a basic communication strategy to this Application. All calls for submissions are notified through the FSANZ Notification Circular, media release and through FSANZ’s social media tools and the Food Standards News.

The process by which FSANZ considers standard development matters is open, accountable, consultative and transparent. Public submissions are called to obtain the views of interested parties on issues raised by the proposal and the impacts of proposed options.

### 2.4.1 Consultation

Consultation is a key part of FSANZ’s standards development process. The FSANZ process has been consultative and transparent, and sought to engage with the industry sectors concerned, state and territory government agencies and consumers from the commencement of this Proposal.

FSANZ used public and targeted consultation throughout the development of the variation to Standards 1.6.2 and 4.2.3 to identify and understand potential problems and in developing better regulation.

FSANZ acknowledges the time taken by individuals and organisations to make submissions on this Proposal. The call for submissions on a draft variation to the Code was from 8 October 2013 to 3 December 2013 and 11 submissions were received. Every submission was considered by the FSANZ Board. All comments are valued and contribute to the rigour of our assessment. Where relevant, the submissions and responses have been discussed in the body of this report and a summary of all the submissions and the response to these submissions is provided in Table 1.

FSANZ also undertook a number of industry visits to better understand the current production and processing practices for the animals being assessed and to identify any specific issues with this Proposal particularly for the minor meat species and wild game industries.

FSANZ also acknowledges the expertise of members of the Meat Standard Development Committee and the Minor Meat Species and Wild Game Working Group.

## 2.5 FSANZ Act assessment requirements

### 2.5.1 Section 59

#### 2.5.1.1 Cost benefit analysis

The RIS examines the effects of amending Standard 4.2.3 to include primary production requirements for traceability, inputs and management of waste for the major and minor meat species e.g. cattle, sheep, goats, pigs, buffalo, camels, alpacas, llamas, deer, horses, donkeys, rabbits, crocodiles, ostrich and emu.

Currently, food-specific regulatory powers in the meat sector are limited to processing environments only. The draft variation to Standard 4.2.3 enables food safety regulators to investigate through the entire meat supply chain, should a potential food safety incident arise. State and territory legislation includes offences related to failure to comply with a requirement of the Code. The inclusion of these requirements provides a basis for appropriate enforcement action that is currently unavailable without recourse to the use of Food Act emergency powers.

Considerable consultation with key stakeholders on these options has been undertaken by FSANZ. Formal submissions were received addressing the RIS and direct consultation was undertaken with industry, state and territory regulatory agencies and the Department of Agriculture. No alternative options were identified. The results of these consultations are reflected in the Decision RIS (Attachment D).

While providing qualitative information, submissions provided little by way of empirical evidence on the impact of the variation to Standard 4.2.3. Due to this, and the inherent limitations of data and difficulties in quantifying the specific costs and benefits of the proposed standard, the specific overall impact of the variation to Standard 4.2.3 has not been quantified.

However, it has been concluded that on the balance of probabilities a net benefit most likely exists in proceeding with the draft variation. This conclusion has principally been reached as a result of the fact that no or little cost will be incurred by industry as a result of this legislative change. This is because virtually all industry members are already in compliance with industry schemes which means they will already be in compliance with the proposed new regulation. However, the standard will provide regulators with a clearer and less qualified legislative basis to mitigate risks or more quickly manage food safety incidents on a needs basis potentially avoiding significant costs for consumers and industry. It may also allow more targeted regulatory action to be taken in some instances that will be less costly to industry.

The current set of regulatory and voluntary measures largely serve to manage risks well, however present legislation may cause a ‘timing gap’ which could result in food enforcement agencies delaying going on-farm to investigate identified or potential food safety risks unless they have the voluntary agreement of producers or there is sufficient evidence to trigger their Food Act emergency powers. Such a delay could result in more people becoming unnecessarily sick and additional costs to industry. While Australia has not had a large scale, severe outbreak of meat related foodborne illness with an on-farm origin in recent times, outbreaks of this kind have been experienced in other western countries and it is important that Australia has the regulatory and other arrangements in place to enable an outbreak to be traced and managed as quickly as possible.

Therefore, if a large scale outbreak were to occur, the benefits of this regulation may greatly outweigh the costs. However, in the absence of any outbreaks, while the costs are minimal, the benefits may also be small.

Overall, stakeholder comments supported the draft variation to Standard 4.2.3 to include requirements on primary producers in relation to traceability and managing inputs and waste.

#### 2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the Proposal.

#### 2.5.1.3 Any relevant New Zealand standards

Primary production and processing standards do not apply in New Zealand.

#### 2.5.1.4 Any other relevant matters

The Cattle Council of Australia provided a late submission supporting the draft variation on the basis that it did not impose any additional obligations on primary producers.

### 2.5.2. Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

#### 2.5.2.1 Protection of public health and safety

FSANZ remains satisfied that current meat processing requirements control microbiological and chemical hazards associated with major and minor meat species and wild game species. FSANZ is unaware of any evidence to suggest the contrary. Further, inclusion of food safety obligations for meat primary producers in a national standard will remove an identified regulatory gap and may lead to a minor further improvement in public health and safety from an already high base.

#### 2.5.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

The provision of adequate information relating to food to enable consumers to make informed choices was not relevant to the assessment of P1014.

#### 2.5.2.3 The prevention of misleading or deceptive conduct

The prevention of misleading or deceptive conduct was not relevant to the assessment of P1014.

**2.5.3 Subsection 18(2) considerations**

FSANZ has also had regard to:

* **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ’s risk analysis relied on the best available scientific evidence. See the supporting documents.

* **the promotion of consistency between domestic and international food standards**

There are relevant international standards. The draft variations are consistent with the principles of meat hygiene applying to primary production articulated in the *Codex Code of Hygienic Practice for Meat* (CAC/RCP 58-2005). Therefore, the draft variation is unlikely to have a significant effect on international trade.

* **the desirability of an efficient and internationally competitive food industry**

The draft variation to Standard 4.2.3 enables management of hazards through the entire meat supply chain thereby integrating the producer and processor requirements to provide a national “whole of chain” approach to food safety regulation that is clearly visible to the market.

* **the promotion of fair trading in food**

This was not applicable to P1014.

* **any written policy guidelines formulated by the Ministerial Council[[6]](#footnote-6).**

The draft variations are consistent with the *Overarching Policy Guideline on Primary Production and Processing Standards* principles that standards address food safety across the entire food chain where appropriate and deliver a consistent regulatory approach across the primary production and processing standards.

# 3 Implementation

The variations to Standards 1.6.2 and 4.2.3 come into effect twelve months after the date of gazettal.

State and territory regulatory agencies and the Commonwealth Department of Agriculture are responsible for implementing the variation. The Meat Implementation Working Group, a national working group with membership from these agencies, has developed a national compliance plan for the draft variations to Standards 1.6.2 and 4.2.3. The key principle underpinning the compliance arrangements is that if businesses are currently complying with existing legal requirements, and continue to do so, they will comply with the future meat standard. The full compliance plan is available in SD7.

**Attachments**

A. Approved draft variation to the *Australia New Zealand Food Standards Code*

B. Explanatory Statement

C. Draft variation to the *Australia New Zealand Food Standards Code* in March 2015 following P1025

D. Decision Regulation Impact Statement (separate document)

## Attachment A – Approved draft variation to the *Australia New Zealand Food Standards Code*



**Food Standards (Proposal P1014 – Primary Production & Processing Standard for Meat & Meat Products) Variation**

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on the date specified in clause 3 of this variation.

Dated [To be completed by Standards Management Officer]

Standards Management Officer

Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Proposal P1014 – Primary Production & Processing Standard for Meat & Meat Products) Variation*.

2 Variation to Standards in the *Australia New Zealand Food Standards Code*

The Schedule varies the Standards in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on a date 12 months after the date of gazettal.

SCHEDULE

**[1]** **Standard 1.6.2** is varied by omitting clause 6 and the Editorial Note to clause 6

**[2] Standard 4.2.3** is varied by

[2.1] omitting Divisions 1 and 2 and substituting

“

Division 1 – Preliminary

1 Interpretation

(1) In this Standard –

**meat product** means a food containing no less than 300 g/kg of meat.

(2) Unless the contrary intention appears, the definitions in Chapter 3 of this Code apply for the purposes of this Standard.

Division 2 – Primary production of meat

2 Definitions

In this Division –

**meat** means any part of a slaughtered animal for human consumption.

**meat producer** means a business, enterprise or activity that involves the growing, supply or transportation of animals for human consumption.

2A Animals covered by this Division

(1) In this Division, a reference to an animal means an animal of a species listed in Column 2 of the Table.

(2) However, a reference to an animal does not include an animal of a species listed in Column 2 of the Table if that animal was slaughtered in the wild.

Table to clause 2A

|  |  |
| --- | --- |
| Column 1 | Column 2 |
| Item | Species |
| 1 | Bovine |
| 2 | Caprine |
| 3 | Ovine |
| 4 | Porcine |
| 5 | Bubaline |
| 6 | Camelidae |
| 7 | Cervidae |
| 8 | Crocodylidae |
| 9 | Lagomorph |
| 10 | Ratite |
| 11 | Soliped |

2B Application of Division to retail sale activities

This Division does not apply to the retail sale activities of a meat producer.

2C Inputs

A meat producer must take all reasonable measures to ensure that inputs do not adversely affect the safety or suitability of meat or meat products.

2D Waste disposal

A meat producer must store, handle and dispose of waste in a manner that will not adversely affect the safety or suitability of meat or meat products.

2E Traceability

A meat producer must have a system to identify the persons –

(a) from whom animals were received; and

(b) to whom animals were supplied.

**Editorial Note:**

State and Territory laws govern the slaughter and processing of animals for human consumption, including of animals in the wild, and the preparation, packing, transportation or storage of meat or meat products. These laws require persons involved in such activities to comply with the following Australian Standards:

AS 4464:2007 -- *Hygienic Production of Wild Game Meat for Human Consumption*

AS 4466:1998 -- *Hygienic Production of Rabbit Meat for Human Consumption*

AS 4467:1998 -- *Hygienic Production of**Crocodile Meat for Human Consumption*

AS 4696: 2007 -- *Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*

AS 5008: 2007 -- *Hygienic rendering of animal products*

AS 5010: 2001 -- *Hygienic Production of Ratite Meat for Human Consumption*

AS 5011: 2011 -- *Hygienic productions of natural casings for human consumption*.

”

[2.2] updating the Table of Provisions to reflect these variations.

## Attachment B – Explanatory Statement

**1. Authority**

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

FSANZ prepared Proposal P1014 to develop an Australia-only primary production and processing standard for meat and meat products from minor species and wild game to provide a nationally consistent approach to the management of meat safety. The development of a standard for the farmed major species (cattle, sheep, pigs and goats) undertaken under Proposal P1005, has been incorporated into P1014.

The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft Standard.

Following consideration by the COAG Legislative and Governance Forum on Food Regulation[[7]](#footnote-7), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunsetting under the *Legislative Instruments Act 2003*.

**2. Purpose**

The Authority developed Standard 4.2.3 to ensure food safety is addressed throughout all parts of the meat supply chain (i.e. from paddock to plate). Currently, regulatory food safety measures are only applied to the processing of meat and meat products. Variations have now been developed to amend Standard 4.2.3 to include obligations on primary producers in relation to traceability and managing inputs and waste. A consequential amendment has been made to Standard 1.6.2 to delete the processing requirements for crocodile meat as these are covered in an existing Australian Standard for processing.

**3. Documents incorporated by reference**

The variations to food regulatory measures do not incorporate any documents by reference.

**4. Consultation**

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority’s consideration of Proposal P1014 included two rounds of public comment following an assessment and the preparation of a draft Standard and associated reports.

A Standard Development Committee (SDC) was established with representatives from the industry sector, the Department of Agriculture, the relevant State and Territory government agencies and consumer organisations to provide ongoing advice to the Authority throughout the standard development process. The SDC contributed a broad spectrum of knowledge and expertise covering industry, government, research and consumers. A Working Group was also established with representatives from the relevant minor meat species and wild game industry sectors and State and Territory government agencies to provide ongoing advice to the Authority throughout the standard development process.

**5. Statement of compatibility with human rights**

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

**6. Variations**

***6.1 Standard 1.6.2.***

Item [1] omits clause 6 and the Editorial Note relating to that clause from Standard 1.6.2.

***6.2 Standard 4.2.3***

Item [2] varies Standard 4.2.3 by omitting Divisions 1 and 2 and replacing them with a new Division 1 and 2.

*Division 1*

Clause 1 defines the term ‘meat product’ for the purposes of Standard 4.2.3. The clause also provides that the definitions in Chapter 3 of the Code apply to the Standard subject to any contrary intention.

*Division 2*

Clause 2 defines the following terms for the purposes of Division 2 of Standard 4.2.3: meat; and meat producer

Clause 2 defines the term ‘meat producer’ to mean a business, enterprise or activity that involves the growing, supply or transportation of animals for human consumption. This definition is intended to encompass businesses, enterprises and activities involved: in the rearing of animals for human consumption; the operation of feedlots and sale yards for such animals; and the transportation of such animals to and from sale yards, between properties, or to an abattoir. This definition of ‘meat producer’ applies only to Division 2 of Standard 4.2.3.

Clause 2 also defines the term ‘meat’ to mean any part of a slaughtered animal for human consumption. This definition applies only to Division 2 of Standard 4.2.3.

Clause 2A provides that a reference to an animal in Division 2 of Standard 4.2.3 is only to an animal of a species that is listed in Column 2 of the Table in that clause and which is not slaughtered in the wild. The clause’s restriction relating to animals slaughtered in the wild does not to apply Division 3 of Standard 4.2.3 and to producers of ready-to-eat meats subject to that Division.

Clause 2B provides that Division 2 of Standard 4.2.3 does not apply to retail sale activities of a meat producer. These activities are covered by Chapter 3 of the Code.

Clause 2C requires ameat producer to take all reasonable measures to ensure that inputs do not adversely affect the safety or suitability of meat or meat products. Inputs can include animal feed (such as pasture, grains, silage and concentrate supplements), water (including recycled water), chemicals or other substances used in connection with the primary production activities.

Clause 2D requires a meat producer to store, handle and dispose of waste in a manner that will not adversely affect the safety or suitability of meat or meat products. This requirement is intended to prevent the transmission to animals of pathogens from environmental sources. For example, the clause would require meat producers to ensure that the safety or suitability of meat or meat products is not adversely affected by waste contaminating the relevant animals’ water supply or feed. The term ‘waste’ as used in clause 2D is intended to include: solid or liquid waste; animal carcasses; garbage; chemical residues; and seepage or runoff from drains, septic systems or manure pits.

Clause 2E requires a meat producer to have a system in place that can identify the persons from whom the meat producer received an animal and to whom the meat producer supplied an animal. This requirement is intended to ensure that an animal can be traced in the event of a food safety problem.

Division 2 contains an editorial note to explain that State and Territory laws require persons involved in the slaughter and processing of animals for human consumption, including of animals in the wild, and in the preparation, packing, transportation or storage of meat or meat products to comply with the Australian Standards listed in the editorial note.

Item [2.2] updates the Table of Provisions in Standard 4.2.3 to reflect the above variations.

## Attachment C – Draft variation to the *Australia New Zealand Food Standards Code* in March 2015 following P1025

**Background**

Draft variation to the *Australia New Zealand Food Standards Code* in March 2015 following P1025 FSANZ is reviewing the Australian New Zealand Food Standards Code in order to improve its clarity and legal efficacy. This review is being undertaken through Proposal P1025. FSANZ released a draft revision of the Code for public comment in May 2013. The draft revision has changed the Code’s structure and format. The draft instrument below reflects those changes. A further draft revision of the Code and call for submissions will be released in the near future.

The FSANZ Board is expected to consider P1025 and the proposed changes to the Code in late 2014. If approved, it expected that the new Code will commence in 2015 and will repeal and replace the current Code. The new Code will then need to be amended to incorporate any outstanding changes made to the current Code, such as the variation to Standard 1.6.2 proposed by P1014. This is the rationale for the draft variation below. The variations to Standard 4.2.3 proposed by P1014 will be automatically incorporated into the new Code on its commencement. As such, those variations do not require transitional provisions.

This draft variation is provided for background only. Its content and structure may change as P1025 progresses.

**Draft instrument**

Food Standards Code—Variation

Made under the Food Standards Australia New Zealand Act 1991

1 Name of instrument

This instrument is the *Food Standards Australia New Zealand Code — Revocation and Transitional Variation 2015 (No. 1)*.

2 Commencement

This instrument commences on the day after it is registered.

3 Variation of Standard 1.6.2

Schedule 1 varies the Australia New Zealand Food Standards Code – Standard 1.6.2 – Processing requirements for meat.

Schedule 1 Variation of Standard 1.6.2

(section 3)

[1] Omit section 1.6.2—2.

1. Previously known as the Australia and New Zealand Food Regulation Ministerial Council [↑](#footnote-ref-1)
2. Formerly known as the Australia and New Zealand Food Regulation Ministerial Council [↑](#footnote-ref-2)
3. The Ministerial Guidelines are available at <http://www.foodstandards.gov.au/code/fofr/fofrpolicy/pages/default.aspx> [↑](#footnote-ref-3)
4. Primary production includes the rearing of animals for human consumption, feedlots, saleyards and transporters of animals (to saleyards, between properties, and to the abattoir). [↑](#footnote-ref-4)
5. Harvesting includes the killing of wild game animals, their identification, bleeding, field dressing, cooling, hygienic storage and transport up to the point of their presentation for inspection at a wild game meat processing premises. [↑](#footnote-ref-5)
6. Now known as the COAG Legislative and Governance Forum on Food Regulation [↑](#footnote-ref-6)
7. Previously known as the Australia and New Zealand Food Regulation Ministerial Council [↑](#footnote-ref-7)