

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 Legislative and Governance Forum on Food Regulation¹, 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 sunseting 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.

¹ Previously known as the Australia and New Zealand Food Regulation Ministerial Council

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 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 a meat 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.