

TASMANIA

**PRIMARY PRODUCE SAFETY (GENERAL)
REGULATIONS 2023**

STATUTORY RULES 2023, No. 90

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**PRIMARY PRODUCE SAFETY (GENERAL)
REGULATIONS 2023**

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

Dated 19 December 2023.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Primary Produce Safety (General) Regulations 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Primary Produce Safety Act 2011*.

4. Application fee for food safety auditors

For the purposes of section 58(6)(b) of the Act, the prescribed fee for an application for approval to be a food safety auditor is 175 fee units.

5. Infringement notices

For the purposes of section 53 of the Act –

- (a) an offence against a provision of the Act specified in column 1 of the table in Schedule 1 is prescribed as an offence for which an infringement notice may be served; and
- (b) a penalty specified in column 2 of the table in Schedule 1 is prescribed as the penalty for a natural person for the corresponding offence specified in column 1 of the table; and
- (c) a penalty specified in column 3 of the table in Schedule 1 is prescribed as the penalty for a body corporate for the corresponding offence specified in column 1 of the table.

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6. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES
 Regulation 5

| | Provision of Act | Penalty – Individual (Penalty units) | Penalty – Body corporate (Penalty units) |
|-----|-------------------------|---|---|
| 1. | Section 15(3) | 5 | 10 |
| 2. | Section 27 | 5 | 10 |
| 3. | Section 28 | 4 | 8 |
| 4. | Section 29 | 5 | 10 |
| 5. | Section 30(2) | 1 | 5 |
| 6. | Section 31 | 5 | 10 |
| 7. | Section 39 | 5 | 10 |
| 8. | Section 40 | 5 | 10 |
| 9. | Section 41 | 5 | 10 |
| 10. | Section 42(1) | 5 | 10 |
| 11. | Section 42(2) | 5 | - |
| 12. | Section 43 | 5 | 5 |
| 13. | Section 44(2) | 5 | 10 |
| 14. | Section 49(5) | 5 | 10 |
| 15. | Section 50(12) | 5 | 10 |

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| | Provision of Act | Penalty – Individual (Penalty units) | Penalty – Body corporate (Penalty units) |
|-----|-------------------------|---|---|
| 16. | Section 54(3) | 5 | 10 |
| 17. | Section 68(1) | 5 | 10 |
| 18. | Section 68(2) | 5 | - |
| 19. | Section 69 | 5 | 5 |
| 20. | Section 84 | 2 | 5 |

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 6

Primary Produce Safety (General) Regulations 2014 (No. 24
of 2014)

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

Notified in the *Gazette* on 20 December 2023.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, for the purposes of the *Primary Produce Safety Act 2011* –
 - (i) the application fee for an application for approval to be a food safety auditor; and
 - (ii) infringement notice offences and the penalties payable for those infringement notice offences; and
- (b) rescind the *Primary Produce Safety (General) Regulations 2014*.