

TASMANIA

PRIMARY PRODUCE SAFETY (EGG) REGULATIONS 2024

STATUTORY RULES 2024, No. 86

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PRIMARY PRODUCE SAFETY (EGG) REGULATIONS 2024

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 2 December 2024.

B. BAKER
Governor

By Her Excellency's Command,

J. HOWLETT
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Primary Produce Safety (Egg) Regulations 2024*.

2. Commencement

These regulations take effect on
31 December 2024.

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3. Interpretation

In these regulations –

accredited egg producer means an egg producer that is an accredited producer;

Act means the *Primary Produce Safety Act 2011*;

approved egg food safety program means a food safety program in respect of egg or egg product that is an approved food safety program;

egg business means a primary produce business, or a proposed primary produce business, that consists, in whole or in part, of egg production or egg processing, either alone or in combination, other than home egg production;

egg food safety scheme – see regulation 6;

egg-laying bird means a female bird that has reached a stage of growth where the bird is capable of laying eggs;

egg processing means –

- (a) pulping, separating, grading, packing, washing, candling, assessing for cracks or oiling eggs that are intended for supply to an egg business or food business; and

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- (b) treating, through pasteurisation or other similar processes, egg product that is intended for supply to an egg business or food business; and
 - (c) storing or transporting egg or egg product when undertaken as a result of an activity specified in paragraph (a) or (b);

egg producer means a producer who engages in, or is proposing to engage in, egg production or egg processing, either alone or in combination;

egg product means the content of an egg, in part or in whole, in liquid, frozen or dried form;

egg production means the collection of eggs –

- (a) produced by egg-laying birds that are kept or managed for that purpose; and
- (b) for the purposes of human consumption;

food business has the same meaning as in the *Food Act 2003*;

full-time egg handler means an individual who directly engages in egg production or egg processing –

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- (a) as an employee or agent of an egg business; and
- (b) for 38 hours in a week;

home egg production means egg production carried on at residential premises that does not involve any of the following:

- (a) the keeping or management of more than 20 egg-laying birds at any one time;
- (b) the supply of eggs to an egg business;
- (c) the supply of eggs to a food business;
- (d) the supply of eggs at a market;
- (e) the supply of eggs by way of wholesale.

4. Prescribed primary production activity

For the purposes of paragraph (j) of the definition of *primary production activity* in section 5(1) of the *Primary Produce Safety Act 2011*, egg production and egg processing are prescribed as primary production activities.

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5. Meaning of *primary production activity*

For the purposes of section 5(2)(c) of the Act, home egg production is prescribed as an activity that is not a primary production activity.

6. Egg food safety scheme

- (1) These regulations establish, in Part 2, a food safety scheme in respect of egg and egg product.
- (2) In any document, a reference to the egg food safety scheme is taken to be a reference to the egg food safety scheme, established in Part 2 of these regulations, as amended from time to time.

7. Periodic fees and returns

- (1) For the purposes of section 16(1) of the Act, in relation to an accredited egg producer –
 - (a) the period prescribed is the period of 12 months ending on the last day in June in any calendar year; and
 - (b) the date prescribed is the 1 July immediately after the period prescribed under paragraph (a); and
 - (c) the fee prescribed is the annual fee set out in item 4 of Schedule 1.
- (2) For the purposes of section 16(2) of the Act, the fee prescribed as a penalty for default by an accredited egg producer is the penalty for default set out in item 5 of Schedule 1.

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8. Fees generally

(1) In this regulation –

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

(2) The fees specified in Schedule 1 –

(a) are, unless otherwise specified, exclusive of GST; and

(b) are prescribed as the fees payable in respect of the matters to which they relate.

(3) The Chief Inspector may exempt a person, or class of persons, from liability for all or any part of a fee payable under the Act in one or more of the following circumstances:

(a) the egg business carried on by the person involves the export of egg or egg product, to another country, under a law of the Commonwealth;

(b) the egg business carried on by the person forms part of, or is attached to, a food business registered under the *Food Act 2003* that is carried on by that person at the same premises as the egg business;

(c) the person is an Aboriginal person engaging in a primary production activity of traditional or cultural significance

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within the Tasmanian Aboriginal community;

- (d) the person holds, or has applied for, accreditation under 2 or more food safety schemes;
- (e) the egg business carried on by the person is carried on by the person primarily for a charitable, educational or other non-commercial purpose;
- (f) the circumstances are exceptional circumstances in which it would be just and equitable to exempt the person from all or part of the fee.

9. Application for accreditation to take into account certain offences

The following Acts are prescribed Acts for the purposes of section 14(3)(a)(iii) of the Act:

- (a) *Agricultural and Veterinary Chemicals (Control of Use) Act 1995*;
- (b) *Agricultural and Veterinary Chemicals (Tasmania) Act 1994*;
- (c) *Animal (Brands and Movement) Act 1984*;
- (d) *Animal Health Act 1995*;
- (e) *Animal Welfare Act 1993*;
- (f) *Biosecurity Act 2019*;

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- (g) *Environmental Management and
Pollution Control Act 1994;*
- (h) *Public Health Act 1997.*

PART 2 – EGG FOOD SAFETY SCHEME

10. Application of egg food safety scheme

- (1) The egg food safety scheme applies to –
 - (a) all primary produce comprised, in whole or in part, of egg and egg product; and
 - (b) all primary production activities involving egg production, or egg processing, either alone or in combination.
- (2) The following persons must comply with the egg food safety scheme:
 - (a) a person who supplies primary produce to which the egg food safety scheme applies;
 - (b) a person who engages in, or proposes to engage in, a primary production activity to which the egg food safety scheme applies.

11. Standard applying under egg food safety scheme

- (1) A person who is required to comply with the egg food safety scheme must comply with *Standard 4.2.5 – Primary Production and Processing Standard for Eggs and Egg Product* in the Food Standards Code, as amended from time to time.

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- (2) Subregulation (1) is in addition to, and does not remove or replace, a requirement within another food safety scheme or standard that applies to a person referred to in subregulation (1).

12. Accreditation

- (1) Subject to subregulation (2), the proprietor of an egg business involved in egg production or egg processing is required to be accredited under the egg food safety scheme.
- (2) The proprietor of an egg business is not required to be accredited under the egg food safety scheme if the egg business carried on by the proprietor, whether alone or in association with others –
 - (a) supplies less than 20 dozen eggs in each calendar week; and
 - (b) does not supply egg product other than whole raw eggs with intact shells.
- (3) For the purposes of subregulation (2)(a), an egg business is taken to, in the absence of proof to the contrary, supply 20 dozen eggs or more in each calendar week if the egg business keeps or manages 50 egg-laying birds or more at any one time.
- (4) The proprietor of an egg business who, under subregulation (2), is not required to be accredited under the egg food safety scheme must –

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- (a) notify the Chief Inspector, in a form approved by the Chief Inspector, of information with respect to –
- (i) the proprietor's name and address; and
 - (ii) the number, and type, of egg-laying birds being kept by the proprietor for the purposes of egg production; and
 - (iii) the address of the premises at which the egg-laying birds are being kept; and
- (b) apply a unique identifying mark or stamp, that has been approved by the Chief Inspector for use by the proprietor, to eggs that are to be sold or supplied by that person for human consumption.

Penalty: Fine not exceeding 5 penalty units.

- (5) If a proprietor gives notification of information to the Chief Inspector in accordance with subregulation (4)(a), the proprietor must notify the Chief Inspector of any change to that information so notified as soon as practicable after the change occurs.

Penalty: Fine not exceeding 5 penalty units.

13. Requirement for accreditation

It is a requirement for accreditation under the egg food safety scheme that the applicant for the accreditation –

- (a) has made appropriate arrangements to comply with the requirements of the Act and the egg food safety scheme; or
- (b) proposes to make appropriate arrangements to comply with the requirements of the Act and the egg food safety scheme and has the capacity to make those arrangements before the accreditation is to commence.

14. Register

- (1) The Chief Inspector must establish a public register of the persons holding an accreditation under the egg food safety scheme.
- (2) The register established under subregulation (1) is to contain the particulars in respect of the following relevant matters as they relate to an accreditation granted to an egg producer in relation to egg or egg product:
 - (a) granting of accreditations;
 - (b) conditions attached to accreditations;
 - (c) variation or revocation of a condition attached to accreditations;
 - (d) suspension of accreditations;

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- (e) cancellation or revocation of accreditations;
 - (f) surrender of accreditations;
 - (g) transfer of accreditations.
- (3) The register established under subregulation (1) is to contain the information specified in subregulation (4) with respect to persons that are –
- (a) proprietors of an egg business; and
 - (b) not required, under regulation 12(2), to be accredited under the egg food safety scheme.
- (4) The register established under subregulation (1) is to contain the following particulars in respect of a person referred to in subregulation (3):
- (a) the name and address of the proprietor;
 - (b) the number, and type, of egg-laying birds being kept by the proprietor for the purposes of egg production;
 - (c) the address of the premises at which the egg-laying birds are being kept;
 - (d) the unique identifying mark, or stamp, being used by the proprietor as required under regulation 12(4)(b).
- (5) The register established under subregulation (1) is to be available for inspection, without charge

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Part 2 – Egg Food Safety Scheme

and during normal business hours, upon a written request to the Chief Inspector.

- (6) A person inspecting the register under subregulation (5) may, on payment of any reasonable fee determined by the Chief Inspector that does not exceed 50 fee units, do one or more of the following:
 - (a) obtain an extract of an entry in the register;
 - (b) obtain a copy of anything contained in the register.

15. Requirement to prepare and implement egg food safety program

An accredited egg producer must prepare and implement a food safety program in respect of each activity involving egg or egg product for which the accredited egg producer holds accreditation under the egg food safety scheme.

16. Auditing requirements

- (1) In this regulation –

approved egg food safety auditor means a food safety auditor approved under Part 11 of the Act to audit food safety programs in respect of egg or egg product.

- (2) An approved egg food safety program must be audited by an approved egg food safety auditor –

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- (a) at intervals determined and notified by the Chief Inspector in respect of –
 - (i) the approved egg food safety program; or
 - (ii) approved egg food safety programs generally; or
 - (b) if no intervals are determined and notified under paragraph (a), at least once every 12 months.
- (3) A notification by the Chief Inspector under subregulation (2)(a) is to be made in writing to the accredited egg producer of the approved egg food safety program.

PART 3 – OFFENCES

17. Egg or egg product must be lawfully produced

- (1) A person must not supply egg or egg product that have not been lawfully produced for human consumption.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues; or
 - (b) an individual, a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
- (2) For the purposes of this regulation, an egg or egg product is taken to have been lawfully produced for human consumption if –
- (a) in the case of an egg or egg product that has been produced outside of Australia, it has been imported lawfully into Australia; and

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- (b) in the case of, and to the extent that, an egg or egg product has been produced or processed, or both, within Australia, the production or processing, or both, has been carried out –
 - (i) if within Tasmania, in accordance with the requirements of the Act; or
 - (ii) if within a State or Territory of Australia other than the State of Tasmania, in accordance with any applicable corresponding law of that State or Territory.
 - (3) An offence against this regulation is an offence of strict liability.

18. Infringement notices

For the purposes of section 53 of the Act –

- (a) an offence specified in column 1 of the table in Schedule 2 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 2 is prescribed as the penalty for an individual for the corresponding offence specified in column 1 of the table; and
- (c) a penalty specified in column 3 of the table in Schedule 2 is prescribed as the

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penalty for a body corporate for the
corresponding offence specified in
column 1 of the table.

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SCHEDULE 1 – FEES

		Regulations 7 and 8 Fee units
1.	Application under section 12 of the Act for accreditation of an egg producer	350
2.	Application under section 18 of the Act for variation of accreditation of an egg producer –	
	(a) if the variation does not involve the approval or variation of an egg food safety program	250
	(b) if the variation involves the variation of an approved egg food safety program for the accreditation	300
	(c) if the variation involves the approval of a new egg food safety program for the accreditation that is in addition to, or in substitution of, an existing egg food safety program for the accreditation	300
3.	Application under section 19 of the Act for transfer of accreditation of an egg business	300

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		Fee units
4.	Annual fee for accredited egg producer whose maximum number of egg handlers employed, by that producer, at any point during the period of 12 months immediately preceding the calculation of the fee was equivalent to the following: (a) less than 5 full-time egg handlers; (b) 5-50 full-time egg handlers; (c) more than 50 full-time egg handlers	 175 350 750
5.	Penalty for default in respect of an accredited egg producer	70

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SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES

Regulation 18

	Column 1	Column 2	Column 3
	Regulation	Penalty – Individual (penalty units)	Penalty – Body corporate (penalty units)
1.	Regulation 12(4)	0.5	1
2.	Regulation 12(5)	0.5	1
3.	Regulation 17(1)	5	10

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

Notified in the *Gazette* on 11 December 2024.

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) for the purposes of the *Primary Produce Safety Act 2011* –
 - (i) establish a food safety scheme in respect of egg and egg product; and
 - (ii) establish a register of –
 - (A) persons holding an accreditation under that scheme; and
 - (B) persons that are proprietors of an egg business but are not required to be accredited under that scheme; and
 - (iii) prescribe the accreditation requirements in respect of the

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- production and processing of egg
and egg product; and
- (iv) prescribe certain fees that are
payable under that Act; and
- (v) prescribe infringement notice
offences and the penalties
payable for those infringement
notice offences; and
- (b) are made consequentially on the repeal of
the *Primary Produce Safety (Eggs)*
Regulations 2014 under section 11 of the
Subordinate Legislation Act 1992.