

TASMANIA

**PRIMARY PRODUCE SAFETY (PET FOOD)
REGULATIONS 2024**

STATUTORY RULES 2024, No. 88

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PRIMARY PRODUCE SAFETY (PET FOOD) 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 (Pet Food) Regulations 2024*.

2. Commencement

These regulations take effect on
31 December 2024.

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3. Interpretation

In these regulations –

accredited pet food producer means the proprietor of a pet food business who is an accredited producer;

Act means the *Primary Produce Safety Act 2011*;

approved pet food food safety program means a food safety program in respect of pet food that is an approved food safety program;

full-time pet food handler means an individual who directly engages in the primary production of pet food –

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

game bird means a living bird in the wild;

homekill pet food means pet food sourced from –

- (a) an animal that has been lawfully slaughtered –
 - (i) by, or on behalf of, the owner of the animal; and
 - (ii) on premises –

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- (A) where the owner of the animal resides; or
 - (B) that have been approved, in writing, by the Chief Inspector; and
 - (iii) for consumption by a pet on either of the premises referred to in subparagraph (ii); and
 - (iv) for a non-commercial purpose; or
 - (b) game or a game bird that has been lawfully slaughtered –
 - (i) in the wild; and
 - (ii) for a non-commercial purpose;

home pet food production – see regulation 4;

pet food business – see regulation 5;

pet food food safety scheme – see regulation 6;

pet food producer means a producer who engages in, or is proposing to engage in, pet food production.

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4. Meaning of *home pet food production*

- (1) In these regulations, *home pet food production* means pet food production that only involves homekill pet food.
- (2) For the avoidance of doubt, home pet food production does not include any of the following:
 - (a) the supply of pet food to a pet food business;
 - (b) the supply of pet food to a retail business that sells pet food;
 - (c) the supply of pet food at a market;
 - (d) the supply of pet food by way of retail or wholesale.

5. Meaning of *pet food business*

- (1) In these regulations, *pet food business* means a primary produce business, or a proposed primary produce business, that consists, in whole or in part, of pet food production that is undertaken for a commercial purpose.
- (2) For the avoidance of doubt, pet food business does not include home pet food production.

6. Pet food food safety scheme

- (1) These regulations establish, in Part 2, a food safety scheme in respect of pet food.

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- (2) In any document, a reference to the pet food food safety scheme is taken to be a reference to the pet food 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 pet food producer –
- (a) the period prescribed is the period of 12 months ending on the last day of 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 relevant annual fee specified 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 pet food producer is the penalty for default specified in item 5 of Schedule 1.

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 –

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- (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 part of a fee payable under the Act in one or more of the following circumstances:
 - (a) the pet food business carried on by the person involves the export of pet food, to another country, in accordance with a law of the Commonwealth;
 - (b) the pet food 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 pet food business;
 - (c) the person is an Aboriginal person engaging in a primary production activity of traditional or cultural significance within the Tasmanian Aboriginal community;
 - (d) the person holds, or has applied for, accreditation under 2 or more food safety schemes;
 - (e) the pet food business carried on by the person is carried on by the person

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

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Part 2 – Pet Food Food Safety Scheme

PART 2 – PET FOOD FOOD SAFETY SCHEME

10. Application of pet food food safety scheme

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

11. Standard applying under pet food food safety scheme

- (1) A person who is required to comply with the pet food food safety scheme must comply with the *Standard for the Hygienic Production of Pet Meat PISC Technical Report 88 – Amended 2009*, by the Primary Industries Standing Committee, as amended or substituted 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. Requirement to be accredited

The proprietor of a pet food business is required to be accredited under the pet food food safety scheme.

13. Requirement for accreditation

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

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

14. Register of accreditation

- (1) The Chief Inspector must establish a public register of the persons holding an accreditation under the pet food food safety scheme.

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- (2) The register established under subregulation (1) is to contain particulars in respect of the following relevant matters as they relate to an accreditation granted to a pet food producer in relation to pet food:
 - (a) granting of accreditations;
 - (b) conditions attached to accreditations;
 - (c) variation or revocation of a condition attached to accreditations;
 - (d) suspension of accreditations;
 - (e) cancellation or revocation of accreditations;
 - (f) surrender of accreditations;
 - (g) transfer of accreditations.
- (3) The register established under subregulation (1) is to be available for inspection, without charge and during normal business hours, on a written request to the Chief Inspector.
- (4) A person inspecting the register under subregulation (3) may, on payment of any reasonable fee determined by the Chief Inspector that does not exceed 50 fee units, do either or both 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 pet food food safety program

- (1) An accredited pet food producer must prepare and implement a food safety program in respect of each activity involving pet food for which the accredited pet food producer holds accreditation under the pet food food safety scheme.
- (2) Subregulation (1) does not apply to an activity for which an accredited pet food producer holds accreditation if that activity does not involve, in part or in whole, the lawful slaughter of animals for the production of pet food.

16. Auditing requirements

- (1) In this regulation –
 - approved pet food food safety auditor* means a food safety auditor approved under Part 11 of the Act to audit food safety programs in respect of pet food.
- (2) An approved pet food food safety program must be audited by an approved pet food food safety auditor –
 - (a) at intervals determined and notified by the Chief Inspector in respect of –
 - (i) the approved pet food food safety program; or
 - (ii) approved pet food food safety programs generally; or

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Part 2 – Pet Food Food Safety Scheme

- (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 pet food producer of the approved pet food food safety program.

PART 3 – OFFENCE

17. Pet food must be lawfully produced

- (1) A person must not supply pet food that has not been lawfully produced for consumption by a pet.

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, pet food is taken to have been lawfully produced for consumption by a pet if –
- (a) in the case of pet food that has been produced outside of Australia, it has been imported lawfully as pet food into Australia; and

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- (b) in the case of, and to the extent that, pet food 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 that 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 a pet food producer	250
2.	Application under section 18 of the Act for variation of accreditation of a pet food producer –	
	(a) if the variation does not involve the approval or variation of a pet food food safety program	175
	(b) if the variation involves the variation of an approved pet food food safety program for the accreditation	200
	(c) if the variation involves the approval of a new pet food food safety program for the accreditation that is in addition to, or in substitution for, an existing approved pet food food safety program for the accreditation	200
3.	Application under section 19 of the Act for transfer of accreditation of a pet food producer	200

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

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SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES

			Regulation 18
	Column 1 Regulation	Column 2 Penalty – Individual (penalty units)	Column 3 Penalty – Body corporate (penalty units)
1.	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 pet food; and
 - (ii) establish a public register of persons holding an accreditation under that scheme; and
 - (iii) prescribe the accreditation requirements in respect of the production and processing of pet food; and
 - (iv) prescribe certain fees that are payable under that Act; and
 - (v) prescribe an infringement notice offence and the penalty payable for that infringement notice offence; and

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- (b) are made consequentially on the repeal of the *Primary Produce Safety (Pet Food) Regulations 2014* under section 11 of the *Subordinate Legislation Act 1992*.