Mr Chris Lyall
Chief Inspector of Primary Produce Safety
Biosecurity Tasmania
Department of Natural Resources and Environment Tasmania
165 Westbury Road
Prospect TAS 7250

7 July 2023

Dear Chris,

Thank you for the opportunity to comment on the draft Guide to Primary Production and Processing of Bivalve Molluscs in Tasmania.

Our comments on the draft guide are set out below. We appreciate the opportunity to discuss these comments at a near term workshop and to provide further written comments soon thereafter.

We would also appreciate near terms decisions on the existing applications before you, and consider that existing applicants should not have to reapply, or resupply information already supplied, simply because of the preparation and finalisation of the guide.

Yours sincerely,

Duncan Spender
CEO, Oysters Tasmania

Contents

Regulation as a minimum

A guide from the Chief Inspector of Primary Produce Safety naturally sets out the requirements to comply with food safety law. But this is a minimum and each participant in the industry can institute food safety practices that go beyond the requirements of food safety law. This is important as food safety regulation is a necessary but insufficient condition to achieve best practice food safety. Such best practice arises from businesses taking responsibility for food safety and embedding a culture of food safety, something that cannot be imposed by regulation.

The guide should make clear that the requirements it sets out are a minimum.

Limiting accreditation to the *Primary Produce Safety Act 2011*

The draft guide states that, in order to apply for accreditation to engage in primary production activities under the *Primary Produce Safety Act 2011*, documentary evidence of statutory approvals from other government agencies is required to be submitted for review by the Primary Produce Safety Program. The draft guide also states an alternative requirement to submit documentary evidence from other government agencies that approvals are not required.

Such requirements for accreditation exceed the scope of power given to the Chief Inspector of Primary Produce Safety under the *Primary Production Safety Act 2011*. As such, any refusal of an application for accreditation, or failure to make a decision regarding an application for accreditation, that is based on the absence of documentary evidence from other government agencies that satisfies the Primary Produce Safety Program, would be invalid. Legal challenges would be costly for both government and industry.

There is no legal requirement that accreditation under the *Primary Production Safety Act 2011* must be the final regulatory approvals obtained by a business. There is as much basis for a planning, building, plumbing, lease, licence, environmental, or biosecurity authority to assert that its approvals must be the final approvals. If two or more authorities each asserted that its approvals need to be the final approvals, it would be logically impossible for a business to obtain overall approval to commence operations.

The draft guide's requirement relating to documentary evidence from other government agencies that approvals are *not* required ignores the fact that no government agency is obliged to provide written advice that none of its approval processes apply in a correspondent's circumstances, and many government agencies would be reluctant to do so voluntarily.

The draft guide does not specify the approvals that need to be shown to *not* apply. This indicates that the requirement is near infinite, covering every approval of every agency at the local, state, and federal level.

A requirement to advise the Chief Inspector of Primary Produce Safety of the applicability or non-applicability of these approvals outside of the *Primary Produce Safety Act 2011* would likely represent a breach of the *Personal Information Protection Act 2004* and other privacy legislation.

Section 6 of the *Primary Produce Safety Act 2011* makes explicit that the *Primary Produce Safety Act 2011* 'is in addition to and does not limit or derogate from any other Act'. Subsection 11(2) of the *Primary Produce Safety Act 2011* also states at subsection 11(2) that 'accreditation does not authorise the accredited producer to do anything prohibited under another Act'. The draft guide

refers to subsection 11(2) but then makes the non sequitur: 'therefore the application must acknowledge that requirements of other applicable legislation (through other Government agencies) have been approved and provided'. There is no provision in the *Primary Produce Safety Act 2011* that states that the Chief Inspector of Primary Produce Safety's responsibilities regarding accreditation, or any other provision of the Act, only apply when provisions in other Acts are complied with.

Given the above argument, the guide should not require the provision of documentary evidence, or any other assurance, from other government agencies.

National Construction Code

The draft guide includes a note on the *Building Act 2016*. The note states 'the construction and/or fit out of 'special use buildings' will require a Form 10 referral from your building surveyor to the Chief Inspector of Primary Produce Safety to assess compliance of your plans against the National Construction Code and suitability for the production, processing, and handling of food'.

The *Building Act 2016* does not require the Chief Inspector of Primary Produce Safety to make assessments against the National Construction Code.

- Sections 98A and 132A of the *Building Act 2016* require a building surveyor in certain circumstances to provide the Chief Inspector of Primary Produce Safety with certain documents relating to certain proposed work, and empower the Chief Inspector of Primary Produce Safety to make recommendations to the relevant building surveyor for alterations to be made to the proposed work, or the premises where the work is to be performed, to ensure that the work or premises comply 'with this Act or any other Act'. The 'or' means that the Chief Inspector of Primary Produce Safety is not required to ensure compliance against the *Building Act 2016* and can instead ensure compliance with just the Pri*mary Produce Safety Act 2011*.
- Sections 98, 132 and 134 of the *Building Act 2016* then require a building surveyor to take into account any such recommendation from the Chief Inspector of Primary Produce Safety, and empower a building surveyor to issue of certificate of likely compliance even when the work is not likely to comply with the *Building Act 2016* or the National Construction Code, as long as this non-compliance is not detrimental to any future occupant's safety and health, and as long as the work is to be performed in accordance with the recommendation of the Chief Inspector of Primary Produce Safety.

Given the above argument, the guide should not refer to the Chief Inspector of Primary Produce Safety making assessments against the National Construction Code.

Advice on other agencies' Acts

The draft guide's note on the *Building Act 2016* states that 'the installation of plumbing fixtures and fittings including water treatment and storage systems (i.e. wet storage and depuration systems) are considered plumbing installations under the *Building Act 2016* and will require you to seek advice from your Council in relation to any approvals that may be required'. The draft guide also advises when a grower would need to consult a building surveyor.

While such advice may indeed by the case, **any inclusion of advice on other agencies' Act should be accompanied by references to provisions that back up this advice, or by a citation or confirmation from the relevant agency**. Note that the definition of 'plumbing installation' in section 4 of the *Building Act 2016* makes no reference to any of the terms in 'plumbing fixtures and fittings including water treatment and storage systems (i.e. wet storage and depuration systems)'.

Limiting Food Safety Programs to significant food safety hazards

The draft guide refers 'potential food safety hazards' and 'identified' hazards on page 7, 'all possible hazards' on page 12, 'all possible hazards' on page 23, and 'all process steps and hazards' on page 37. The draft guide also refers, on page 12, to Food Standards Code 3.2.1, which states that a business's Food Safety Management System identifies 'potential hazards that may reasonably be expected to occur in all food handling operations of the food business'.

The draft guide implies that this is the only acceptable scope for a business's Food Safety Management System.

However neither of the two legal foundations for the requirement to have a Food Safety Management System rely solely on Food Standards Code 3.2.1.

The first legal basis for the requirement to have a Food Safety Management System is Section 11 of the *Primary Produce Safety (Seafood) Regulations 2014*, which requires compliance with the Food Standards Code 4.2.1, which in turn requires, at subsection 16(2), compliance with Food Standards Code 3.2.1 **or** a range of other authorities defining Food Safety Management Systems. These alternative authorities consist of:

- federal export law, which limits the control requirement of a Food Safety Management System to 'significant' hazards, with a significant hazard being a hazard that is of such a nature that its elimination, or control or reduction to an acceptable level, is 'essential' for operations to prepare fish or fish products that are fit for human consumption;
- CAC/RCP 1-1969, which also focuses on hazards that are of such a nature that their elimination, or reduction to acceptable levels, is 'essential' to the production of a safe food; and
- any other Hazard Analysis and Critical Control Point based food safety management system recognised by the State Authority.

The second legal basis for the requirement to have a Food Safety Management System is Section 14 of the *Primary Produce Safety (Seafood) Regulations 2014*, which requires certain businesses to prepare and implement a food safety program, which must, according to section 54 of the parent Act, identify all 'significant' food safety hazards.

The 'or' in subsection 16(2) of Food Standards Code 4.2.1, and the reference to 'significant' in Section 54 of the *Primary Produce Safety Act 2011*, means that the legal requirement for a Food Safety Management System is the control of 'significant' hazards.

Moreover, Food Standards Code 4.2.1 limits the concept of 'hazard' to an agent in or condition of food ('biological, chemical, or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans'), as opposed to a broader range of risks in a food business, such as biosecurity risks, chemical risks, workplace health and safety risks, etc.

Given the above, the guide should make clear that references to 'hazard' are limited to an agent in or condition of food detrimental to human health, and only 'significant' hazards, the control of which is 'essential' to the production of safe food, need to have associated monitoring and control measures set out in a business's Food Safety Management System.

Seeking and approving only relevant details

The draft guide states that PPSP require applications for approval or variation of a Food Safety Program to include the provision of considerable information about a business's operations. The implication is that each element of the information sought could potentially sway PPSP's decision on a business's accreditation.

However some of the information sought would not relate to the monitoring or control of significant food safety hazards.

This means that requiring the provision of this information generates unnecessary administrative and compliance costs and unnecessarily discloses private, potentially commercial-in-confidence, information.

It also means that the subsequent accreditation will be tied to that broad swathe of information provided. This means that a business will be discouraged from changing anything relating to that broad swathe of information, even where such change would have no impact on the monitoring or control of a significant food safety hazard. It also means that if a business does change something relating to that broad swathe of information, the business will need to seek a variation in its accreditation. Varying an accreditation requires written approval of the Chief Inspector and the payment of a variation fee - so involves fee, administrative, and compliance costs, as well as uncertainty regarding whether the variation will be approved.

An example of the broad swathe of information required is:

> 'a locality map and premises plan to show:
> a. Site plan including boundaries, buildings, and structures
> b. Floor plan of the processing and storage areas
> c. Water supply and storage
> d. Wastewater treatment (if applicable)
> e. Plumbing and drainage
> f. Handwash stations
> g. Amenities
> h. Packaging and hazardous substances storage
> i. Refrigeration
> j. Fixtures and fittings'

A requirement to provide a premises plan would be a new requirement, not referred to on the Form 12 'Application for Accreditation of a Primary Producer', and not required under the *Primary*

Produce Safety (Seafood) Regulations 2014, the *Primary Produce Safety Act 2011*, or any Standard referred to therein.

Each of the elements from 'a' to 'j' would include information that does not relate to significant food safety hazards. It may even be that some of the elements would provide no information with the potential to sway an accreditation decision. For example, it is difficult to imagine a configuration of 'boundaries, buildings and structures' that could reasonably prompt PPSP to refuse to accredit a business.

The guide should not include a requirement to provide broad swathes of information such as a locality map and premises plan. Instead information should be sought about specific elements of a business's operations that are fundamental to monitoring or controlling significant food safety hazards.

Specific criteria to maximise guidance and accountability

A further concern from the draft guide's requirement for broad swathes of information is that this approach provides no guidance or accountability regarding what PPSP considers to be food safe and what it does not. Under this approach, multiple businesses would send in their broad swathes of information, businesses would be advised of the accreditation decision, and the industry would end up none the wiser as to what the rules are.

Similarly, it is concerning that, where guidance goes beyond stating the topics of interest (e.g. water supply, wastewater, amenities) to the criteria to be used, those criteria are often vague (e.g. 'appropriate'). This generates a risk that a difference in interpretation between a business and PPSP is realised only once an inspection occurs, after considerable expenses have been incurred.

Much of the vagueness arises from the Food Standards Code and thus cannot be avoided. However, if and when PPSP do have specific criteria in mind, the guide should be explicit about those criteria.

To maximise guidance and accountability, the guide should:

- **specify those design features, if any, that would always prevent a business being accredited, and require businesses to declare whether those design features are present; and**
- **specify those design features, if any, that would always give rise to a business being accredited, and invite businesses to declare whether those design features are present.**

For example, a ban on pets is clear, and guidance that water from TasWater will always represent acceptable water supply is clear.

No requirements unrelated to significant food safety hazards

Requirements should only relate to the monitoring or control of significant food safety hazards, or reflect requirements of the Food Standards Code.

As such, numerous requirements in the draft guide, with no basis in the Food Standards Code, should be dropped, including the requirements:

- to store product and packaging off the floor,
- on business's surrounds (i.e. treated entries, and no shell waste, vegetation, or disused equipment),
- on 'amenities' other than toilets (i.e. kitchens, offices, cleaning facilities),
- on toilets (other than the requirement for adequate toilets to be available for the use of food handlers, and for hand-washing facilities to be immediately adjacent),
- for lighting to not be a contamination risk, e.g. shatter proof globes,
- for the regular disposal of solid waste through an approved disposal system,
- for the treatment of diseased waste (being a matter of biosecurity not food safety),
- for the clear labelling of chemicals,
- on personal protective equipment,
- for other items to not be transported adjacent to product unless effectively segregated,
- for wet storage and depuration sheds and equipment to comply with the Plumbing Code of Australia (although specific requirements on such sheds and equipment should be retained),
- for wet storage and depuration sheds and equipment to have adequate security to prevent unauthorised entry while in operation (which is not a control of a significant food safety hazard).

No requirement to update, and no case for certificate expiry

The draft guide refers to the regular review and update of a business's Food Safety Program.

However, while there is indeed a legislative requirement for a business to periodically review its Food Safety Program, there is no legislative requirement for a business to update its Food Safety Program at any frequency.

As such, the draft guide's references to the regular updating of a business's Food Safety Program should be removed.

The lack of a legislative requirement for a business to update its Food Safety Program is understandable given that any update requires a variation of the business's accreditation, which requires the written approval of the Chief Inspector of Primary Produce Safety, involves the payment of a variation fee, and thus involves fee, compliance, administrative, and uncertainty costs.

Given these costs, the need for updating should be limited by limiting Food Safety Programs to the monitoring and control of significant food safety hazards, and fee waivers should be offered for accreditation variation applications consisting of an update to a Food Safety Program.

The draft guide also refers to expiry dates on certificates of accreditation.

Provided that periodic fees are paid and returns lodged, an accreditation is open-ended.

As such, a certificate of accreditation should either be open-ended, or a replacement certificate of accreditation should be sent automatically to an accredited business that has paid its fees and lodged its returns upon the expiry of an earlier certificate.

Food Safety Program exemption

The draft guide states that “Accredited producers engaged in the cultivation of spat for the purposes of growing on are not permitted to direct harvest bivalves for supply into the human consumption market.”

This is not correct. Numerous businesses legally cultivate spat for the purposes of growing on and also direct harvest bivalves for supply in the human consumption market.

The statement appears to be a confused interpretation of section 14 of the *Primary Produce Safety (Seafood) Regulations 2014*. This section allows an accredited oyster grower to be exempted from the requirement to prepare and implement a food safety program, on the proviso that the grower only grows oysters for the purpose of transferring those oysters to another accredited oyster grower that has prepared and does implement a food safety program.

The erroneous statement should be removed.

Audit frequency

The draft guide does not discuss the required frequency of audits. Section 15 of the *Primary Produce Safety (Seafood) Regulations 2014* sets out that the Chief Inspector of Primary Produce Safety can specify the intervals, and that in the absence of specification the interval is at least once every 12 months.

We request that intervals of greater than 12 months be specified for businesses whose previous audit reports indicated no instances of non-compliance.

Distinct regulation for distinct risks - wet storage and depuration

The draft guide generally outlines one set of requirements applying to both wet storage and depuration. This does not recognise that wet storage involves lower risk than depuration given that they involve distinct sources of shellfish. Moreover, in some instances the requirements applying to wet storage and depuration unnecessarily deviate from requirements on oyster farm facilities generally.

Requirements on both wet storage and depuration are imposed on:

- the design and construction of systems,
- the water for the systems,
- the source of shellfish,
- prior washing and culling,
- prior transport, storage, and handling,
- tray loading and tank loading and filling,
- the period of wet storage or depuration,
- drain down,
- equipment cleaning and maintenance,
- subsequent handling, packing, labelling, and despatch, and
- monitoring and recording.

The draft guide's requirements relating to malfunction implicitly apply on with respect to depuration.

Source of shellfish

In the discussion on the source of shellfish (#3 above), the draft guide states that, for wet storage or depuration, 'shellfish harvested must be harvested in accordance with authorisation conditions and requirements of the harvest area management plan'.

The general wording of such a requirement is fine with respect to wet storage. However, it could defeat the purpose of depuration, which is to transfer shellfish from a closed approved area or an open restricted area.

The draft guide should make explicit that wet storage involves shellfish transferred from an open approved area and that depuration involves shellfish transferred from a closed approved area or an open restricted area.

The guide should make explicit that, notwithstanding the harvest area management plan, authorised depuration allows the transfer of shellfish from a closed approved area or an open restricted area.

Culling

The draft guide states that dead, unhealthy, and damaged shellfish and other species must be removed as soon as practicable before loading into wet storage or depuration.

The ASQAP manual, in its discussion of wet storage, refers to dead and damaged shellfish, but not to unhealthy shellfish. The same applies with respect to the NSW manual.

Unhealthy shellfish cannot be readily distinguished in all instances from healthy shellfish.

As such, the guide should not require unhealthy shellfish to be removed before loading into wet storage or depuration.

Tray loading and tank loading and filling

The draft guide states that tray and tank loading must conform with one maximum stock capacity for both wet storage and depuration.

The draft guide also states that water quality parameters must be measured before loading to ensure minimal shock to shellfish when filling, for both wet storage and depuration.

These requirements do not recognise that more is required of shellfish during depuration than during wet storage to control for significant food safety hazards.

To control for significant food safety hazards, shellfish undertaking depuration require conditions that encourage constant feeding. As such, low maximum stocking rules and rules to limit stress are reasonable with respect to depuration.

In contrast, a failure to provide conditions that encourage constant feeding during wet storage does not represent a failure to control for significant food safety hazards. There may also be husbandry reasons to not minimise stress for shellfish in wet storage.

Given the above, the draft guide's stock limits and stress-reducing requirements should apply only to depuration, and less stringent requirements should apply to wet storage.

The maximum stocking rule for wet storage should be set to satisfy the ASQAP requirement for the free flow of water to all shellstock within the container.

The period of wet storage or depuration

The draft guide requires for both wet storage and depuration that the time of first immersion must be defined, the immersion must be continuous, and the immersion must continue for a defined period.

No period of continuous immersion of shellfish in wet storage is required to control for significant food safety hazards.

As such, the guide should apply requirements with regards to the commencement, continuity, and duration of immersion to depuration, not wet storage.

The draft guide also outlines requirements on wet storage following depuration, on the documenting of the use of biofilters, filters, ozone, UV, and other methods of disinfection, and on adjustments to this equipment.

These requirements relate specifically to depuration, as implied by the guide's references to '(if applicable)'.

The guide should make explicit that requirements relating specifically to depuration, including with respect to biofilters, filters, ozone, UV, and other methods of disinfection, do not apply to wet storage.

Drain down

The draft guide states that, for both wet storage and depuration, stock must be in place prior to tanks being filled with water, despite the FAO document outlining instances where this should not occur even for depuration. The draft guide also states that, for both wet storage and depuration, stock can be removed only after any foam or scum on the water surface is removed and the water is drained.

The potential food safety hazard relating to tank water, the water surface, and the movement of stock is lower in the case of wet storage compared to depuration, given that depuration inherently involves the purging of contaminants.

Imposing a requirement to drain water for each movement of oysters in wet storage would make wet storage economically unviable. An economically-viable wet storage system would allow different batches of oysters to be placed in the one tank at different times, and different batches, or parts thereof, to be removed at different times, without the water being drained on each occasion (and with all movements being recorded).

The food safety of wet storage would be assured through a requirement for periodic water replacement, particularly in the presence of any filtration or vacuuming in the system.

A periodic water replacement requirement could be differentiated according to how much biomass has been in the tank.

Requirements should draw on long-standing wet storage arrangements for abalone.

As such, the guide should not require that stock must be in place prior to tanks being filled with water, should limit the per-movement drain-down requirement to depuration, and should outline a periodic water replacement requirement for wet storage.

Equipment cleaning and maintenance

The draft guide states that water used for cleaning of wet storage and depuration equipment must be potable or from an approved water source, and that the cleanliness of water must be verifiable by test results if not from TasWater.

In contrast, the draft guide, in general discussion not tied to wet storage and depuration, states that water for washing bivalves or containers or for hand washing must be potable or equivalent to approved area open status.

The guide should make explicit that, for the cleaning of wet storage and depuration equipment, water can be potable or from an open approved area, and that water from an open approved area need not be tested.

The draft guide states that cleaning chemicals for wet storage and depuration equipment must be source from approved suppliers.

In contrast, the draft guide, in general discussion not tied to wet storage and depuration, outlines no requirement for cleaning chemicals to be sourced from approved suppliers.

The draft guide does not explain who the approvers of cleaning chemicals would be.

As such, the guide should not require that cleaning chemicals for wet storage and depuration equipment be source from approved suppliers.

The draft guide provides an example cleaning schedule that applies to depuration but is excessive for wet storage.

Basing cleaning requirements on 'cycles' and the discarding of water is relevant for depuration but less so for wet storage, which is not bound by the 36-hour rule, can involve different batches of oysters in the same tank, and should not be bound to the same draining requirements as depuration.

The frequency of cleaning set out in the example, and the requirement for chlorine-based cleaning, is excessive for wet storage given the lower food safety hazards involved.

The draft guide provides an example maintenance schedule that lists pump checks before every cycle, and thus does not serve as a useful example for wet storage. It also refers to UV bulb replacement, which may not be relevant for wet storage.

Given the above, the guide should set out separate examples of equipment cleaning and maintenance schedules for wet storage and for depuration, with the example schedules relating to wet storage being more modest.

Duration

The section of the draft guide relating to malfunction is the only section that depuration must persist for 36 hours.

The guide should make explicit the required 36-hour period for depuration and make explicit that there is no required period for wet storage.

Study of recirculation

The guide states that a validation study must be done prior to authorisation of any recirculating wet storage or depuration system.

However ASQAP allows for daily sampling and testing as an alternative to a validation study.

The guide should note the option for daily sampling and testing as an alternative to a validation study, however impractical this may be.

Foundations for wet storage and depuration prescriptions

The appendices of the draft guide sems to suggest that, for both wet storage and depuration:

- the minimum flow rate should be twice the net tank volume per hour,
    - The FAO depuration paper implies a lower minimum rate for large scale multi-layer, vertical stack, and bulk bin systems.
    - The NSW manual requires a minimum flow rate of twice the net tank volume per hour for depuration, but not for wet storage.
- the maximum flow rate should be five times the net tank volume per hour,
    - The FAO depuration paper includes no quantitative references but states that maximum flow rate affects filtration and UV treatment, indicating that this factor relates more to depuration than wet storage.
- the stock displacement volume must be around a quarter of gross tank capacity, dissolved oxygen must be greater than 5 mg per litre, salinity must be greater than 20.5 parts per thousand, and water temperature must be between 8 and 18 degrees Celsius, and
    - These requirements align with the discussion in the FAO depuration paper, but this discussion does not relate to wet storage.
- turbidity must not exceed 20 NTUs.
    - The ASQAAP requirement for turbidity not exceeding 20 NTUs relates only to water that is not from an open approved area and is disinfected by ultraviolet treatment.

The guide should base each prescription on an external foundation, apply prescriptions relating to depuration to depuration only, and include exceptions for manufacturer specifications.

Water testing

Appendix 2 states that water used for depuration sampled at the spray bar outlet must be tested monthly, and at validation and as required by the Authority.

The NSW manual states that water used for depuration sampled at the spray bar outlet must be tested as required by the Authority. This is sufficient in light of the requirement for a validation study, or in the absence of such a study, daily testing.

The guide should not require monthly testing of water used for depuration at the spray bar.

Commitments by regulator

The draft guide outlines requirements on businesses to monitor and control significant food safety hazards, and to outline this in applications for accreditation and the variation of accreditation.

However, the draft guide is silent on how the regulator will respond to such applications and the regulator's role after product has left oyster growing businesses.

The guide should set out:

- **timetables within which a decision on an application will be made or further information will be called for;**
- **that if the listed conditions are met then an application will be approved and if the listed conditions are not met then the application will be refused;**
- **a commitment to the periodic review of the guidance provided;**
- **what action is taken upon receipt of an audit identifying non-compliance; and**
- **what action is taken to ensure traceability after product has left oyster growing businesses.**

Delegations from the Chief Inspector of Primary Produce Safety

The draft guide states that PPSP:

- are the contact points for Food Safety Program process changes, receive the Food Safety Program of businesses applying for accreditation or a variation of accreditation, and undertake associated site inspections,
- review audits,
- may initiate check audits of auditors,
- are the contact points for wet storage and depuration authorisations.

The draft guide states that PPSP refer to ShellMAP for relay authorisations, but notes that relay authorisations nonetheless involve a variation of accreditation and thus still involve PPSP.

ShellMAP staff undertake food safety responsibilities under a delegation from the Chief Inspector of Primary Produce Safety, just as PPSP staff do.

The delegation of shellfish food safety responsibilities to ShellMAP furthers the objects of the *Primary Produce Safety Act 2011*. These objects include the application of the Food Standards Code, reducing risks to consumers associated with unsafe or unsuitable primary produce, promoting consumer confidence in the safety and integrity of Tasmanian primary produce, and the facilitation of trade by ensuring that food safety standards are met. This furthering of the objects of the *Primary Produce Safety Act 2011* is reflected in the absence of food safety incidents under the delegation and in the support of industry of the delegation. This furthering of the objects reflects the idiosyncrasies and details of shellfish food safety and the capacity of ShellMAP, as a dedicated shellfish program in the Marine Resources branch of the Department, to make the investments to develop expertise with respect to these idiosyncrasies and details.

As such, the shellfish food safety functions currently resting with PPSP, including the assessment of shellfish Food Safety Programs, the review of shellfish business audits, and shellfish wet storage and depuration authorisations, should be transferred to ShellMAP.

The shellfish relay authorisation function should remain with ShellMAP.