

Department of Natural Resources and Environment Tasmania

BIOSECURITY TASMANIA

Hobart GPO Box 44, Hobart, Tasmania, 7001

Launceston PO Box 46, Kings Meadows, Tasmania, 7249

Devonport PO Box 303, Devonport, Tasmania, 7310

Ph 1300 368 550

Web nre.tas.gov.au



16 August 2023

Mr Duncan Spender
Chief Executive Officer
Oysters Tasmania
117 Sandy Bay Road
Sandy Bay TAS 7005
ceo@oysterstasmania.org

Dear Duncan

Guide to Production and Processing of Bivalve Molluscs in Tasmania – Second Draft

Thank you for taking the time to provide a written submission for the subsequent draft Guide to Production and Processing of Bivalve Molluscs in Tasmania (the 'Guide').

During the course of the virtual workshop held on 20 July 2023 and our subsequent conversations, and through the feedback summary Biosecurity Tasmania (BT) circulated in relation to the workshop, the content of both written submissions from Oysters Tasmania (OT) has been addressed with context provided by BT on the basis for certain matters requested by OT not being adopted into the subsequent version of the Guide.

The following is provided as further clarification and has been grouped, where possible, to assist with the ordering of our feedback to you.

Section 11(2) of the *Primary Produce Safety Act 2011*

Your query also relates to section 12(1)(b) of the Act which states "An application for an accreditation must conform to the requirements of the Chief Inspector about its form, contents and the manner in which it is made." In considering an application for accreditation, the Chief Inspector will seek information from applicants around other statutory approvals as there is an interface between elements such as management of liquid and solid waste, the type and layout of premises proposed and their potential impact on the production of safe food that are not mutually exclusive.

The granting of an accreditation for the use of a premises that has not undergone the applicable planning, building and plumbing statutory approvals has the potential to imply to a producer that they can commence operations. This is not the case and may result in costly retrospective approvals and remedial works for producers and potentially regulatory action by other agencies such as Local Government.

Reproduction of TAS I4P2 from Schedule 9 of the National Construction Code (NCC)

The exclusion of live shellfish premises where live shellfish are being packed or handled for transport or

transferral to a shellfish processing premises under the NCC does not consider that the *Primary Produce Safety (Seafood) Regulations 2014* define 'seafood processing' as:

"seafood processing, other than the cooking or handling of seafood to prepare a meal for a person or the sale or service of seafood by way of retail, includes –

- (a) the killing, cutting or gutting of seafood; and
- (b) the depuration of seafood; and
- (c) the shucking or peeling of seafood; and
- (d) the cooking, including steaming or boiling, of seafood; and
- (e) the brining of seafood; and
- (f) the smoking of or crumbing of, or addition of other food to, seafood; and
- (g) the packing, treating, washing, freezing, refrigerating, canning or storing of seafood."

As the definition includes depuration, washing, packing or storing of seafood, the exclusion from the NCC is not applicable. This exclusion would apply to premises where stock is landed from a lease and transported, without storage and delay, to another premises for packing, grading and sorting prior to packaging and/or further processing such as depuration or shucking.

Building Act 2016 and plumbing fixtures, fittings and installations

Plumbing installations are defined in the *Building Act 2016* as systems of supply, drainage or disposal of water which may include water and waste water.

The Director of Building Control has produced a range of guidance material and Determinations that outline the specific requirements under this Act (see www.cbos.tas.gov.au) which when read in conjunction with the Act and Regulations provide further context in addition to the definitions contained in the Interpretation section of the Act.

Council are the permit authorities under this Act and are the point of contact for proponents to seek advice on plumbing risk categories, applications and approvals. This advice is included in the Guide as a mechanism to inform bivalve producers and to assist them in conducting their own due diligence.

Australia New Zealand Food Standards Code 'hazard' definition

The Food Standards Code defines a hazard as a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

The intent of a food safety program, food safety management system or hazard analysis and critical control point (HACCP) based food safety management system is to ensure the hazards relevant to the commodity are identified, controlled and monitored.

The hazards identified will vary between businesses and commodities and so the application of clause

16(2) of Standard 4.2.1 does not limit the scope of hazards to be considered by a primary producer or processor under the Food Standards Code or the *Primary Produce Safety Act 2011*.

Direct harvest of shellfish for human consumption (page 22)

Additional explanatory text has been included in response to OT's comment so as to expand on the requirements for producers who may undertake both spat and human consumption production activities and to confirm that this is reflected in conditions of accreditation.

Wet storage

Your concern about incongruity in this section has been addressed by removing the statement that physiological conditions are to be optimised from page 24. We have retained “**may** also assist by **improving the condition**” on page 23 and “**must** also **allow** shellfish to ... facilitate the removal of sand and **improve condition** of shellfish” on page 24 as while wet storage may improve product quality through the removal of physical elements such as sand, it is still subject to the food safety outcome that product must be safe and fit for human consumption after the process. Therefore, allow the shellfish to improve condition as opposed to deteriorate.

However, if this aspect appears not to be fully understood by industry, we can review this part of the Guide after working with proponents in relation to their applications.

Source water for wet storage may include water that is subject to treatment (see page 25 Water Source and Quality). Similarly, wet storage systems may utilise UV treatment, depending on the source water and system design.

An outcome of both wet storage and depuration is that product must not be contaminated or re-contaminated by the process utilised. The methods of removal and management of contamination risk will be assessed with individual applications and should be included in operational procedures that form part of an application.

The information outlined in the 'Malfunction' section on page 31 for depuration is based on the use of a 36 hour depuration cycle. If break down interrupts this cycle for less than 6 hours it is an industry and regulator accepted view that resumption of depuration within this window has been shown to not adversely impact the depuration process whereas the impact of breakdowns greater than 6 hours is not known. Hence, the restart of the time to zero hours for breakdowns greater than 6 hours.

For wet storage, the corrective action in the event of a water treatment process breakdown will differ from that required if water treatment processes are not utilised. The information provided is to inform producers that the quality of the tank water needs to be verified if a recirculation system is utilised to achieve the outcome of shellfish that is safe and fit for human consumption. The Guide does not contain regulatory requirements.

The specifications included in Appendix I - Application Checklist have been adopted from previous

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ShellMAP policies on Wet Storage and Depuration utilised for the assessment and issue of authorisations for existing bivalve producers.

Depuration

The NSW requirements and frequency for water monitoring are based on data collected over an extensive period of time that relate specifically to NSW producers and their practices.

Tasmania will set and review monitoring frequencies and requirements for individual producers based on system design and performance.

In closing and as shared with yourself and other stakeholders, the Guide is a living document aimed to assist producers, existing and new, to gain a greater understanding of the food regulation system and ways to work towards developing and implementing a robust food safety culture and management system.

The document will be reviewed and updated as needed and I look forward to continued participation and feedback from industry in that regard.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Lyall", with a long horizontal flourish extending to the right.

Chris Lyall

CHIEF INSPECTOR OF PRIMARY PRODUCE SAFETY