

Regulatory Impact Statement

Draft Food Regulation 2025

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Executive Summary

The Food Regulation 2015 (2015 Regulation) is due for automatic repeal on 1 September 2025 under the *Subordinate Legislation Act 1989*.

The 2015 Regulation supports the *Food Act 2003* (the Act), which establishes coordinated management of the handling and sale of food to ensure it is safe and suitable for human consumption. The Act also applies the Australia New Zealand Food Standards Code in NSW.

The NSW Food Authority, a statutory body within the Department of Primary Industries and Regional Development, is responsible for regulating and monitoring food safety across the entire food industry supply chain.

Effective food safety and food quality management gives confidence in Australia's food industry. Foodborne illness is a significant health issue with around 4.68 million cases of foodborne illness nationally each year, costing Australia \$2.81 billion per year¹. This costs the people of NSW, the public health system and economy approximately \$879 million annually² in medical expenses and lost productivity.

The food sector is a major part of the NSW economy:

- Gross value of production (GVP) for NSW primary industries was \$21.2 billion in 2022-23³, approximately 27% of Australia's agricultural GVP⁴
- NSW food processing sector income was \$38 billion in 2021-22⁵
- NSW retail food turnover for supermarkets, grocery stores, liquor stores, cafes, restaurants, and takeaway food services was \$70 billion in 2022-23⁶
- Food primary industry exports from NSW were \$13.1 billion in 2022-23⁷. The largest two food exports were wheat (\$3.3 billion) and beef (\$1.9 billion)⁸
- Food and beverage manufacturing exports from NSW were \$6.9 billion in 2021-22⁹.

NSW has close to 15,000 licensed food businesses and over 54,500 unlicensed retail food service sector premises¹⁰. The NSW agriculture and food sectors directly employ 116,000 people, with another almost 70,000 people in food and beverage manufacturing¹¹ and 500,000 jobs in food wholesale and retail businesses¹².

The NSW Government takes a pro-active role in protecting consumers and the community against foodborne illness from food produced and sold in NSW through the Act and the 2015 Regulation.

The 2015 Regulation requires best practice food safety arrangements across high-risk supply chains and promotes food handler understanding of food safety, leading to production and sale of safe, reliable, and high-quality food in NSW. The 2015 Regulation gives businesses operating in high-risk sectors confidence that all participants in these supply chains produce food to the same high level of safety by requiring the food safety arrangements of businesses to be independently verified. This allows businesses to operate freely and innovate, as food safety of all market participants is a prerequisite to trade. Regulation of the food sector is necessary as major foodborne illness outbreaks may impact all businesses in a supply chain – consumers may avoid all products in the same category, not just the supplier implicated, especially when the outbreak is from fresh produce¹³.

A well-designed and effectively implemented regulatory framework delivers long-term benefits for industry, consumers, and the broader community. Industry benefits from food regulation through the strong reputation of the NSW food industry, high demand for NSW food products and fewer products recalls. Food regulation offers market protection by setting minimum food safety standards for businesses, resulting in greater access and premium prices in domestic and international markets.

Consumers and the broader community benefit from food regulation as fewer people get ill from eating food produced and sold in NSW and consumers have information to make healthier food choices. Regulation increases consumer confidence in the NSW food supply chain and contributes to healthier and productive communities.

While the 2015 Regulation allows government to effectively manage food safety of food produced and sold in NSW, Food Authority consultation with industry has identified potential amendments that would improve clarity, effectiveness and further improve food safety.

This Regulatory Impact Statement (RIS) assesses two options against the Base Case (Option 1): Remake the Food Regulation 2015 without amendments. The two options are:

- Option 2: Make the draft Food Regulation 2025
- Option 3: Take no action (allow the Food Regulation 2015 to lapse).

Under the base case, the Food Regulation 2015 would be remade with no amendments on 1 September 2025.

Making the draft Regulation (Option 2) under the Act is the preferred option, as it generates the greatest net benefits to the community, businesses, and government. Option 2 retains most existing provisions while making amendments to establish a simpler and more modern food system while increasing protection from foodborne illnesses for consumers (relative to Option 1 the base case). Option 2 also applies new national food safety standards to NSW stakeholders, under obligations in the Act to implement the national Food Standards Code in NSW.

The lapse of the Food Regulation (Option 3) would reduce powers that protect consumers from foodborne illnesses and reduce consumer information enabling healthy food choices, which are provided by Options 1 and 2. Allowing the 2015 Regulation to lapse and relying on food businesses to implement sufficient food safety practices and sufficient information provision would result in increased foodborne illness outbreaks and less informed consumers, with increased costs to consumers, food businesses and government. Food businesses would also face reduced access to many domestic and international food markets, as NSW food businesses would no longer maintain a reputation of producing safe food, oversighted and verified by government.

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1. About this Regulatory Impact Statement

Why is the Food Regulation 2015 being remade?

The Food Regulation 2015 is due for staged repeal on 1 September 2025. A regulation that is due for repeal may be:

- allowed to lapse
- maintained and the staged repeal process postponed
- remade with or without amendments.

The staged repeal of Food Regulation 2015 has been postponed on four occasions.

Why has this RIS been prepared?

Section 5 of the *Subordinate Legislation Act 1989* (SL Act) requires that before a regulation is made, a Regulatory Impact Statement (RIS) is prepared to cover substantive matters dealt with by the regulation and public consultation.

What will this RIS consider?

Under Schedule 2 of the SL Act, a RIS must contain:

- a statement of the **objectives sought** to be achieved and the reasons for them
- an identification of the **alternative options** by which those objectives can be achieved (whether wholly or substantially)
- an assessment of the **costs and benefits of the proposed statutory rule**, including the costs and benefits relating to resource allocation, administration, and compliance
- an assessment of the **costs and benefits of each alternative option** to the making of the statutory rule (including the option of not proceeding with any action), including the costs and benefits relating to resource allocation, administration, and compliance
- an assessment as to which of the alternative options involves the **greatest net benefit or the least net cost** to the community
- a statement of the **consultation program** to be undertaken.

The NSW Government Guide to Better Regulation ([TPP19-01](#)) principles are also applied when designing and developing a regulatory proposal.

Section 103 of the *Food Act 2003* requires additional matters related to food safety schemes to be considered. Appendix C considers these matters in detail.

Will the public have a say on the draft Food Regulation and RIS?

Yes. The draft Regulation and RIS will be open for consultation from Monday 25 November until Sunday 22 December 2024.

The draft Regulation and RIS are available at:

- The Food Authority website: www.foodauthority.nsw.gov.au/foodreg2025
- The NSW Have your say website: www.nsw.gov.au/have-your-say/food-regulation-2025

We want to know what you think about any matter relevant to the draft Regulation. Submissions can be provided by our online survey, by email or mail. Survey responses are considered a submission.

Online: Survey at www.foodauthority.nsw.gov.au/foodreg2025

Email: food.legislation@dpird.nsw.gov.au

Mail: Food Regulation submissions
NSW Food Authority
PO Box 6682
Silverwater NSW 1811

The closing date for submissions is Sunday 22 December 2024 at 11:59 pm.

What will the government do with your submission?

The Food Authority will review and consider all submissions received by the closing date. The Minister for Agriculture is required to consider submissions and actions arising from the submissions.

The Food Authority will provide a copy of all submissions to the Legislation Review Committee of the NSW Parliament with the final version of the Regulation. The Committee will also be provided with a report on the outcomes of consultation, matters raised in submissions and how these have been addressed.

The draft Regulation may be amended following consideration of comments made in submissions.

Is it possible to make a confidential submission?

The Food Authority may place submissions, or summaries of submissions received, on its website. Please let us know if you do not want your submission published or if you want part of it to be kept confidential, for example your name. There may be times where we are required by law to disclose this information, for example under the provisions of the *NSW Government Information (Public Access) Act 2009*.

Who will be consulted on the draft Regulation and RIS?

We are seeking input from food businesses, the community, stakeholder groups and government agencies. Appendix A has a list of stakeholders advised that the draft Regulation and RIS are available for comment.

How has the draft Food Regulation 2025 and RIS been advertised?

A notice of the draft Regulation and RIS has been published in the [NSW Government Gazette](#) and in the following NSW newspapers:

- Sydney Morning Herald
- The Daily Telegraph
- The Land.

A notice has also been placed on these websites:

- Food Authority www.foodauthority.nsw.gov.au/foodreg2025
- Have your say www.nsw.gov.au/have-your-say/food-regulation-2025

2. Key terms

Term	Definition/description
CPI	Consumer Price Index
E.coli	<i>Escherichia coli</i> bacteria are found in the gastrointestinal tracts of humans and warm-blooded animals. Most strains are harmless and are part of normal intestinal flora, but there are a few strains that are pathogenic and cause gastrointestinal diseases. Problem strains are most often transmitted via contaminated food or water.
Foodborne illness	Any illness resulting from the consumption of contaminated food, pathogenic bacteria, viruses, or parasites that contaminate food.
Food safety scheme	A food safety scheme under the Food Regulation 2015.
Food safety standards	The standards set out in Chapter 3 of the Food Standards Code.
Food Safety Supervisor (FSS)	A person who has obtained a Food Safety Supervisor Certificate.
Food Standards Code	The Australia New Zealand Food Standards Code as defined in the <i>Food Standards Australia New Zealand Act 1991</i> of the Commonwealth. The Food Standards Code provides authoritative standards for food labelling, composition, safety standards, maximum residue limits, primary production and processing and a range of other policies.
FSANZ	Food Standards Australia New Zealand
FSS	Food safety supervisor – a person who has obtained a Food Safety Supervisor Certificate.
Listeria	Listeria are species found in natural and manmade environments. <i>Listeria monocytogenes</i> (<i>L. monocytogenes</i>) is a foodborne pathogen capable of causing human illness. <i>L. monocytogenes</i> is a major concern because listeriosis has a high mortality rate in high-risk groups including pregnant women, children, immunocompromised adults and the elderly.
Pathogen	A disease-producing organism
Provision	A provision is a component of a regulation or Act. Provisions may provide powers to persons or require a person to undertake a specific activity.
RIS	Regulatory Impact Statement
RTO	A Registered Training Organisation approved by the Food Authority to train and assess students for a Food Safety Supervisor Certificate.
Salmonella	In the natural environment, <i>Salmonella</i> is transmitted through domestic and wild animals, birds, rodents and humans and is spread easily through water and soil. <i>Salmonella</i> can be found in various environments that have been exposed to faecal contamination. Well-known strains include <i>S. Typhimurium</i> and <i>S. Enteritidis</i> . Gastroenteritis is the most common form of salmonellosis linked to contaminated foods.
SE	<i>Salmonella</i> Enteritidis
SL Act	<i>Subordinate Legislation Act 1989</i>

3. The need for government intervention

About food safety

Food and food production systems

Food is vital to life - it contributes to our health and wellbeing and has a major impact on the growth and development of children. Access to safe food is essential to enable the Australian population to live healthy productive lives. Unsafe food can have detrimental impacts on people, causing illness, lost productivity and sometimes death.

Food production systems across Australia and NSW include businesses involved in primary production, processing, storage, transport, wholesale, and retail operations. Food safety throughout the supply chain is important to minimise the risks of foodborne illnesses for consumers.

Costs of foodborne illness

Foodborne illnesses result from consumption of contaminated food, pathogenic bacteria, viruses, or parasites that contaminate food. Foodborne illness is a serious problem causing around 4.67 million cases of foodborne gastroenteritis per year¹⁴ in Australia, with some cases developing longer-term health effects such as irritable bowel syndrome and reactive arthritis. While for most people foodborne gastroenteritis is not serious, collectively it costs Australia \$2.81 billion per year, with an estimated 47,900 hospitalisations and 38 deaths due to foodborne illness per year¹⁵.

Based on population data¹⁶, the Food Authority estimates that NSW and its public health system bear \$675 million of the foodborne illness costs. Between 2014-2019 there were an average of 52 foodborne illness outbreaks in NSW each year¹⁷. The costs to industry and government due to foodborne illness outbreaks are in addition to these cost estimates.

The annual \$2.81 billion cost of foodborne illness in Australia is primarily due to lost productivity of workers, followed by direct healthcare costs, premature mortality, and reduced quality of life^{18 19}. After the initial gastroenteritis experienced by most people, some foodborne illness causes ongoing health issues. These people experience lower quality of life, with reactive arthritis resulting in lost productivity and irritable bowel syndrome resulting in pain and suffering²⁰. The largely preventable costs of foodborne illness highlight the need for continued improvements in food safety.

Costs to industry from pathogen contaminated food can be significant and are in addition to the social costs. Industry costs include product tracing costs to find contaminated food, product recalls, packing facility closure and cleaning, product liability, lost markets, loss of consumer demand, litigation, company closures and prolonged market effects (i.e., consumer avoidance) due to reputational damage²¹. Food recalls are often precautionary to remove potentially harmful products, such as contaminated food or food with mis-labelled allergen information, from the market rapidly to protect consumers from health impacts. Product recall costs to industry may be large²².

Costs of obesity and related chronic illness

The food system is part of the complex set of factors that influence preventable diseases in the population. Obesity occurs due to an energy imbalance between kilojoules consumed and expended, increasing the risk of preventable chronic diseases including heart disease, type 2 diabetes and at least thirteen forms of cancer²³. There are many drivers and causes of obesity, including social, genetic, biological and environmental influences that are often outside of the control of people²⁴. Unhealthy food and drinks are often more convenient, and sometimes cheaper than healthy food²⁵ making it more difficult for people to make healthy food choices.

In 2015, it was estimated that obesity cost Australia \$8.6 billion dollars (using 2011-12 estimates of body-mass index of the population) through direct and indirect costs²⁶. The Obesity Collective estimated the cost of obesity for Australia in 2017-18 at \$11.8 billion²⁷. While these cost estimates are dated, the NSW Population Health Survey and the Australian Bureau of Statistics' National Health Survey show an increasing trend in the number of overweight and obese adults. Over the last

15 years, the proportion of NSW adults who are overweight or obese has increased from 50.9% in 2007 to 58% in 2022²⁸. In addition, 23% of NSW children were overweight or obese in 2022²⁹.

Identification of the problem

The need for government intervention

Consumers expect that food sold in Australia is safe to consume. For many NSW consumers, food safety is more important than nutritional value and potential health benefits³⁰.

Food production systems are complex, involving many small and large businesses. Keeping food safe requires commitment from businesses throughout the supply chain, from the farm to the consumer. Due to market failures (Table 1) food businesses often implement insufficient food safety measures.

Table 1 Market failures in the food production system

Market failures in the food production system
Information asymmetry: where some parties in a market have possession of more or better information than others and they use this information to their own advantage.
Information deficiency: where all parties in a transaction lack information on key aspects of the transaction.
Externalities: where an action by one business affects an unrelated business.

Market failures arising from information asymmetry in the food production system:

- The **principal-agent problem** leads to information asymmetry for consumers as they cannot see the production and processing of their food. Consumers have imperfect information about food safety measures implemented by food producers³¹, while food producers know this information and may not provide all reasonable food safety measures. Food businesses may also have an incentive to underinvest in food safety if there are industry-wide reputational externalities or if regulations are imperfectly enforced³².
- Food businesses further up the supply chain face asymmetric information³³ related to the **principal-agent problem** and **moral hazard**, as foodborne hazards are often not detectable within the supply chain³⁴, leading some producers to implement less food safety measures than is desirable.
- Consumers face **information asymmetry** when eating outside the home. Increased purchase of food from cafes, restaurants, and takeaway shifts responsibility for safety to the food industry³⁵. Consumers have less information than the food business about cleanliness and food safety practices, health and hygiene practices of food handlers and the source of food inputs, as most retail food production occurs out of sight of the consumer³⁶.
- Consumers face information asymmetry if there is a **lack of disclosure** of allergens in a food product. Accurate ingredient labelling is an essential part of food safety for consumers with allergen issues. Deaths from food anaphylaxis are preventable and strict avoidance of the food a person is allergic to is the only way to prevent an allergic reaction³⁷.

Market failures arising from **information deficiency** in the food production system impact producers and consumers. Unlike food attributes such as colour, firmness or smell, food safety is not a product attribute that can be observed³⁸ or tasted³⁹. While food that is damaged or rotten can be avoided by producers and consumers, common contaminants causing foodborne illnesses such as *E.coli*, *Salmonella* and *Campylobacter* are not obvious by sight, smell, or taste⁴⁰.

- For consumers, information deficiency means that food safety is known only after purchase and consumption of the food (an experience good). If a consumer becomes ill, it is where a specific food is identified as the source of the illness through laboratory analysis⁴¹. However, food safety may also be a credence good for consumers, where food safety is not perfectly identified even after food purchase and consumption. This occurs when a consumer becomes ill, but it is difficult to know if or which food was the cause.
- For producers, information deficiency occurs as laboratory analysis of samples may be the only way to become aware of the presence of pathogens impacting food safety. The information costs of laboratory analysis may be high for the producer and may be slow to provide

information⁴². In the absence of government regulation, many businesses may avoid sampling and testing costs. These features are common in cases of foodborne illness and may justify government intervention in food safety⁴³.

Food safety may be considered a public good with food safety problems due to externalities⁴⁴. Market failures arising from **externalities** in the food production system include:

- **Negative externality** – poor or insufficient food safety practices by food businesses generate negative externalities for society when food causes illness or other health issues⁴⁵. The large health costs of these problems are not paid by the businesses that caused the problems.
- **Positive externality** – the food safety measures undertaken by some firms improve the quantity of “safer” food for sale in the market. This spillover effect (positive externality) allows other businesses to free ride by not implementing food safety measures. Poor traceability of foods throughout the supply chain increases the ability of businesses to free ride on the safer food production of other businesses. If the risk of being identified as the cause of a foodborne illness outbreak is low, there is likely to be an under-provision of food safety measures in the food production industry.
- **Negative externality** – underinvestment in food safety by businesses creates a negative externality when the origin of a foodborne illness outbreak cannot be traced to a particular business or farm. The reputation (domestically and internationally) of the food product is a public good with negative externalities imposed on the whole industry. All businesses suffer reputational and financial impacts while the business that caused the problem does not pay the full cost. When the origin of an outbreak is quickly determined, negative impacts on the broader industry are smaller as media and recalls can be highly targeted⁴⁶. However, even when an outbreak is traced to an individual business, consumers may react strongly with reduced demand. For example, the 2018 Listeria outbreak in rockmelons impacted all Australian growers through reduced consumer demand although only one grower was implicated in the outbreak. Industry-wide reputational externalities may incentivise food businesses to underinvest in food safety⁴⁷. Incomplete traceability creates an incentive for food businesses to free ride on producers of safer food. In a food safety incident, incomplete traceability adds considerable time to find and remove affected products from sale.

Benefits of food industry regulation to address market failure

Government intervention to address food safety market failures can reduce the high public health costs of foodborne illness outbreaks. Managing the production and handling of high-risk foods improves food safety.

In NSW, although there are some private incentives for food businesses to invest in food safety and most food businesses seek to provide safe food for consumers, there is a wide range of understanding and commitment to food safety across the food industry. Government intervention is required to improve food safety. **Government intervention** focuses on oversight of high-risk food sectors and activities through risk-based food safety programs, requiring pathogen testing and product traceability, inspections and improving access to information.

Risk based **food safety programs** for high-risk food products require food businesses to systematically analyse their food handling activities and take all reasonable steps to reduce food safety hazards. Audits and inspections provide government oversight.

Traceability helps to address information asymmetry and negative externalities (health costs and market reputational impacts). Traceability of food from farm to consumer enables fast traceback to the source and removal of contaminated or incorrectly labelled food from the supply chain to reduce the number of people impacted by that food⁴⁸. Government intervention to mandate traceability of high-risk food products limits the impact of food safety incidents and reduces social, industry⁴⁹ and government costs associated with a foodborne illness outbreak⁵⁰.

Pathogen testing helps to address information deficiencies and negative externalities (health and market reputational impacts) by increasing the probability of identifying contaminated food before sale and consumption.

Mandatory **labelling** helps to address information asymmetry. For consumers with allergy issues mandatory labelling ensures producers disclose ingredient information. For the broader population, menu labelling helps to inform and educate consumers about the energy content of food items to assist with multi-pronged strategies to halt the rise in the number of people obese.

In the absence of food regulation, the standard of food safety and information provision would decrease, leading to a range of negative consequences including:

- reduced consumer confidence in the safety of food produced and sold in NSW
- reduced ability for consumers to make healthier food choices
- more contaminated food sold
- increased foodborne illness
- increased costs to the NSW public health and judicial systems
- reduced consistency in national food regulation
- reputational damage to industry with reduced demand for NSW food products domestically and internationally.

State and Commonwealth Government objectives

State and territory jurisdictions together with the Commonwealth Government have agreed to a national approach to food regulation, through the Inter-Governmental Food Regulation Agreement. Some objectives of the Food Regulation Agreement are to: provide safe food controls to protect public health and safety; and provide a consistent regulatory approach across Australia⁵¹.

The overarching objectives of remaking the Food Regulation are to maintain and improve:

- minimisation of foodborne illness to consumers and businesses
- application of the Food Standards Code to NSW food businesses
- harmonisation of national food regulation
- access to international markets by requiring businesses to implement food safety systems.

4. Legislative framework

This chapter outlines the role of the Regulation within the existing legislative framework. A summary of 5. The draft Food Regulation 2025 is provided later in chapter 5.

The *Food Act 2003* (the Act) is the primary legislation for strategic and coordinated management of the handling and sale of food and applies the Food Standards Code in NSW. The Act is supported by the Food Regulation 2015.

The Food Regulation Agreement commits all Australian states and territories to a national food regulatory system with a single set of national standards – the Food Standards Code.

The Food Standards Code has four chapters:

- Chapter 1 contains 22 standards that apply to all foods such as labelling, contaminants, and microbiological limits.
- Chapter 2 contains 36 standards for specific foods such as milk, honey, and infant formula.
- Chapter 3 contains six food safety-related standards:
 - Standard 3.1.1 Interpretation and Application
 - Standard 3.2.1 Food Safety Programs
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.2A Food Safety Management Tools
 - Standard 3.2.3 Food Premises and Equipment
 - Standard 3.3.1 Food Safety Programs for Food Service to Vulnerable Persons.
- Chapter 4 contains nine primary production and processing standards:
 - Standard 4.2.1 Primary Production and Processing Standard for Seafood

- Standard 4.2.2 Primary Production and Processing Standard for Poultry Meat
- Standard 4.2.3 Primary Production and Processing Standard for Meat
- Standard 4.2.4 Primary Production and Processing Standard for Dairy Products
- Standard 4.2.5 Primary Production and Processing Standard for Eggs and Egg Product
- Standard 4.2.6 Production and Processing Standard for Seed Sprouts
- Standard 4.2.7 Primary Production and Processing Standard for Berries
- Standard 4.2.8 Primary Production and Processing Standard for Leafy Vegetables
- Standard 4.2.9 Primary Production and Processing Standard for Melons.

Other legislation that applies to food and its promotion and packaging is the:

- Fair Trading Act 1987 (NSW)

and Commonwealth legislation:

- *Competition and Consumer Act 2010* - enforced by the Australian Competition and Consumer Commission
- *National Measurement Act 1960* - enforced by the National Measurement Institute.

Food Act 2003

The Act provides the legal foundation to ensure safe handling and sale of food and applies the Food Standards Code in NSW.

The Act objectives include:

- Ensure food for sale is both safe and suitable for human consumption.
- Prevent misleading conduct in connection with the sale of food.
- Apply the Food Standards Code in NSW.

The Act (s.21) automatically applies the Food Standards Code to all NSW food businesses. However, s.21(5) exempts primary production food businesses from complying with the Food Standards Code, unless compliance is required by a food safety scheme in the Food Regulation.

Food Regulation 2015

The 2015 Regulation is the operational regulatory tool in NSW to implement the Act. The 2015 Regulation, through the food safety schemes, makes it mandatory to apply best practice food safety arrangements across high-risk supply chains, promoting production of safe, reliable, and high-quality food in NSW.

The 2015 Regulation (see Table 2) gives businesses operating in high-risk sectors confidence that all participants in these supply chains produce food safely. Independent verification of the food safety arrangements of all market participants creates certainty in the market, allowing businesses to operate freely and innovate, as food safety is required by all market participants.

Table 2 Summary of the Food Regulation 2015

Part 1 Preliminary	Preliminary matters such as the name of the Regulation, commencement date, and definitions.
Part 2 Miscellaneous	Miscellaneous matters, including enforcement agencies, industry manual, auditor reports, delegations, offences, penalty notice offences and amounts payable.
Part 3 Fees and charges	Sets out fees and charges and sets the method for calculating the maximum amount of penalties and fines that can be paid into the Food Authority Fund.
Part 4 Food safety supervisors	Establishes a regulatory framework for issuing food safety supervisor certificates and the requirements and conditions of approval for registered training organisations. This part lists businesses exempt from food safety supervisor requirements.

Part 5 Display of nutritional information	Sets out which retail businesses must display nutritional information, the information to be displayed, and how it must be displayed. This part lists businesses that are exempt from displaying nutritional information.
Part 6 Provisions relating to the Food Standards Code	Modifies the Food Standards Code to reference the Food Authority and the Act, exempt food handling at fundraising events from the requirement to notify, allows written or electronic notification, exempts licensed businesses and food for fundraising from some food handling requirements and allows extra time for compliance for certain other businesses, and applies the NSW food safety supervisor requirements in place of similar national requirements.
Part 7 Food safety schemes – general provisions	Sets out general requirements including licensing of food businesses, content of food safety programs and inspections and audits by food safety auditors. This part lists decisions made by the Food Authority that may be reviewed by the Civil and Administrative Tribunal.
Part 8 Dairy food safety scheme	This part identifies dairy businesses that must be licensed, application of the Food Standards Code to dairy products, and control measures for raw milk. This part sets testing requirements, requires payment of licence fees, and establishes the Dairy Industry Consultative Committee.
Part 9 Meat food safety scheme	This part identifies meat businesses that must be licensed and prescribes Australian Standards for meat businesses. The part outlines requirements for businesses that brand abattoir and game meat, for sale and storage of meat, and the appointment and responsibilities of meat safety inspectors. It sets testing requirements, requires payment of licence fees, and establishes the Meat Industry Consultative Council.
Part 10 Plant products food safety scheme	This part identifies plant product businesses that must be licenced, sets testing requirements, requires payment of licence fees, and establishes industry consultation processes.
Part 11 Seafood safety scheme	<p>This part identifies seafood and shellfish businesses that must be licenced and sets testing requirements. It contains specific requirements for shellfish businesses (for example, traceability records, information on packaged product labels, minimum depuration times).</p> <p>This part establishes the NSW Shellfish Program to ensure NSW shellfish harvested or collected for sale for human consumption meet food safety requirements. The part establishes local shellfish programs for all areas where shellfish are harvested or collected, overseen by local shellfish committees, and sets the funding arrangements for the committees to operate the program. This part establishes the NSW Shellfish Committee and the NSW Seafood Industry Forum and requires payment of licence fees.</p>
Part 12 Vulnerable persons food safety scheme	This part identifies vulnerable persons businesses that must be licenced, sets testing requirements, establishes the NSW Vulnerable Persons Food Safety Scheme Consultative Committee, and requires payment of licence fees.
Part 13 Egg food safety scheme	This part identifies egg businesses that must be licenced, sets out requirements for egg producers, processors, wholesalers, and retailers (for example, use of veterinary chemicals, sale, and use of cracked, broken and dirty eggs and egg products, pasteurisation, traceability records for cracked eggs and egg products). This part sets testing requirements, establishes the NSW Egg Industry Consultative Committee, and requires payment of licence fees.
Schedule 1	Sets the form to be used by a food safety auditor to report the results of any audit or assessment conducted by the auditor.
Schedule 2	Sets out offences under the Act and Regulation for which penalty notices may be given and the amount payable.
Schedule 3	Sets out licence fees payable by food businesses that must be licenced.
Schedule 4	Details standards for animal food processing plants.
Schedule 5	Brands for abattoir meat.
Schedule 6	Brands for game meat.
Schedule 7	Sets the procedure and members of local shellfish committees.

5. The draft Food Regulation 2025

The Food Authority has reviewed the existing Regulation and undertaken stakeholder consultation to inform the draft Regulation. The review found that the existing regulatory provisions are required for continued management of food safety in NSW. Some improvements to existing provisions were identified, as well as implementation of new standards in the Food Standards Code.

A summary of provisions in the existing 2015 Regulation and the proposed amendments is in Table 3. The table states whether a regulatory provision represents the:

- transition of an existing regulatory arrangement (as is or with amendment), or
- repeal of existing regulatory arrangements (deleted), or
- new regulatory arrangement.

Table 3 Provisions for the proposed Food Regulation 2025

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Preliminary				
Part 1 Preliminary clauses and definitions	✓ • s.1-2	✓ • s.3		
Part 1, clause 3 Definitions		s.3 Definitions moved to the dictionary in Schedule 10.		
Miscellaneous				
Part 2	✓	✓		
Conditions for:	Moved as is to Part 1 :	Amended provisions moved to Part 1 :		
• Enforcement agencies (clause 4)	• s.4 Enforcement agencies	• s.5 AUS-MEAT manual		
• AUS-MEAT manual (clause 5)				
• Food safety auditor reports (clause 6)	Moved as is to Part 12 :			
• Delegations (clause 7)	• s.188 Food safety auditor reports			
• Offences (clause 8)	• s.189 Delegations			
• Penalty notice offences (clause 9)	• s.190 Offences			
• Repeal and savings (clause 10)	• s.191 Savings			
	Moved as is to Schedule 2 :			
	• Penalty notice offences			
Part 2, clause 5 AUS-MEAT manual - sets a replacement document for the definition of the AUS-MEAT manual in the Act, section 23B(5).		Part 1, s.5 Update to AUS-MEAT Domestic Retail Beef Register (Edition 4, Version 1 released May 2019).		
Fees and charges				
Part 3	✓	✓		✓
This part contains fees, charges, and sets the maximum amount of	Moved as is to Part 11 :	Amended provisions moved to Part 11 :		Part 11, s.185 New fee to issue a certificate of clearance, to lift a prohibition order.
	• s.181, 183	• s.180, 182, 184, 186, 187		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
penalties and fines that may be kept by the Food Authority.				
Part 3 <ul style="list-style-type: none"> Improvement notice fee (clause 11) Charges for inspections of non-licensed food businesses (clause 14) Annual administration charge (clause 15) Application fee for change to register (clause 17) 		Part 11. Increase these fees by CPI. <ul style="list-style-type: none"> s.180 Improvement notice fee s.184 Fee for applications for changes to register s.186 Charge for inspection of non-licensed food businesses s.187 Annual administration charge 		
Part 3, clause 13 Fee for food safety auditor application		Part 11, s.182 Increase application fee to \$880 for food safety auditor applications.		
Part 3, clause 14 Charges for inspections of non-licensed food businesses		Part 11, s.186 Clarify that councils may charge for inspections of non-licensed businesses.		
Food safety supervisors				
Part 4, clause 18 to clause 29 Part 4 contains processes and approval conditions of registered training organisations for issuing food safety supervisor certificates.	✓	Moved as is to Part 2 Food Safety Supervisors except: <ul style="list-style-type: none"> Clause 20 		
Part 4, clause 20 Qualifications and requirements for issue of food safety supervisor certificates.		Moved to Part 2 Food safety supervisors and separated into smaller sections for clarity.		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
		<p>s.11 contains the qualifications a person must have to be issued a food safety supervisor certificate.</p> <p>s.12 and s.13 modify training requirements so a student must obtain the required units of competency from one approved training organisation.</p> <p>Schedule 9[1] and 9[2] modify s.12 and s.13 from 1 January 2026, so a food safety supervisor certificate must be issued within 6 months of the student attaining the required units of competency.</p>		
Requirements for display of nutritional information				
Part 5, clause 30 to clause 37		✓		
Part 5 contains information for retail businesses that must display nutritional information, the information to be displayed, how it must be displayed, and businesses exempt from the requirements.		Moved to Part 3 Requirements for display of nutritional information with a minor amendment to clarify calculation of average energy content.		
Provisions relating to the Food Standards Code				
Part 6, clause 38 to clause 39	✓			
Part 6 contains modifications to the <i>Food Standards Code</i> and clarifies notifications of food handling operations.	Moved as is to Part 1:			
	• s.6-7			
	Moved as is to Part 2:			
	• s.9			

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Food safety schemes – general provisions				
Part 7, clause 40 to clause 58 Part 7 sets out general food safety scheme requirements including:	✓ Moved as is to Part 4 : • s.31-32, 36, 40-41, 44-45, 49	✓ Amended provisions moved to Part 4 : • s.33-35, 37-39, 42-43, 46-48		
<ul style="list-style-type: none"> licensing of food businesses content of food safety programs provision for inspections and audits of food businesses decisions made by the Food Authority that may be reviewed by the Civil and Administrative Tribunal. 				
Part 7		Part 4. Increase these fees by CPI.		
<ul style="list-style-type: none"> Application for licence (clause 42) Variation of terms and conditions of licence (clause 46) Charges for inspections and audits (clause 57) 		<ul style="list-style-type: none"> s.33 Application for licence s.38 Variation of terms and conditions of licence s.48 Charges for inspections and audits 		
Part 7, clause 43 Issue of licences		Part 4, s.35 Deciding applications for licences. Modernisation only - no change to intent.		
Part 7, clause 45 Additional conditions of licences				Part 4, s.37(2) Licensed egg primary food production businesses must comply with Schedule 8.
Part 7, clause 47 Suspension or cancellation of licence				Part 4, s.39(5) The Food Authority must consider any submissions made before

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
				deciding whether to suspend or cancel a licence.
Part 7, clause 51 Applicants to present vehicles for inspection		Part 4, s.34 The requirement for vehicles to be inspected as part of licensing has moved to s.34(3) with no change to intent.		
Part 7, clause 50 Calculation and notification of licence fees and levies		Part 4, s.42(1) Incorrect reference about calculation of licence fees for seafood businesses has been fixed.		Part 4, s.42(2) Clarification of levies for shellfish businesses has been added.
Part 7, clause 52 Vehicle labels		Part 4, s.43 Display requirements for vehicle labels are clearly set out.		
Part 7, clause 55 Inspections and audits of food businesses		Part 4, s.46 Inspections and audits of food businesses. Clarifies that auditors may assess a business's compliance with all relevant standards of the Food Standards Code.		Part 4, s.34 Inspections by Food Authority before deciding applications for licences Moves inspections and audits before deciding a business application for a licence into Division 2 related to licensing of food businesses, and clarifies that the authorised officer may assess compliance with all relevant standards of the Food Standards Code.
Part 7, clause 56 Approval for a food business to retain food safety auditor		Part 4, s.47 Approval for a business to engage food safety auditor. Word changes only - no change to intent.		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Dairy food safety scheme				
Part 8, clause 59 to clause 75	✓	✓		
Dairy food safety scheme:	Moved as is to Part 5:	Amended provisions moved to Part 5:		
<ul style="list-style-type: none"> dairy businesses to be licensed and the fees application and modification of the Food Standards Code processing requirements Dairy Industry Consultative Committee testing and reporting requirements. 	<ul style="list-style-type: none"> s.50, 54-60, 62, 64-65, 67 	<ul style="list-style-type: none"> s.51-53, 61, 63, 66 		
Part 8, clause 59 Dairy food safety scheme definitions			Delete <i>vehicle vendor</i> definition.	Part 5, s.51 Insert definitions: processed dairy product and processed dairy product transport business.
Part 8, clause 61 Application of dairy food safety scheme to retail premises and food not intended for sale - food handling to which the scheme does not apply.			Part 5, s.53 The concept of a vehicle vendor has been deleted.	
Part 8, clause 62 Meaning of “dairy business” - types of businesses that are a dairy business.			Delete business types listed in clause 62(1)(a)(v), (vii) and (viii). The relevant parts of these business types are included in new <i>processed dairy product transport business</i> definition. Delete clause 62(2) as this commencement date has passed.	Part 5, s.52 Insert “the operation of a processed dairy product transport business,”

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Part 8, clause 69 Sampling and testing of milk by certain dairy businesses.		Part 5, s.61 Clarify that dairy transport businesses to take the representative sample of milk at the time of milk collection from the dairy farm.		
Part 8, clause 71 Reports of analyses - licensed dairy businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards, within the set time.		Part 5, s.63 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours , and in writing within 48 hours .		Part 5, s.63(3) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 8, clause 74 Establishment of Dairy Industry Consultative Committee		Part 5, s.66 Update Department of Industry, Skills and Regional Development to ' Department '.		
Meat food safety scheme				
Part 9, clause 76 to clause 119	✓	✓		
Meat food safety scheme:	Moved as is to Part 6:	Amended provisions moved to Part 6:		
<ul style="list-style-type: none"> • definitions, meat businesses to be licensed and the fees • application and modification of the Food Standards Code • Meat Industry Consultative Council • prescribing standards for hygienic production of meat and hygienic operation of retail meat premises • requirements for businesses that brand, sell or store meat 	<ul style="list-style-type: none"> • s.68, 70-74, 77-78, 80-89, 91-94, 96-97, 99-108, 111 	<ul style="list-style-type: none"> • s.69, 75-76, 79, 90, 95, 98, 109-110 		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
<ul style="list-style-type: none"> • appointment and responsibility of meat safety inspectors • testing and reporting requirements. 				
Part 9, clause 76 Meat food safety scheme definitions		Part 6, s.69 Amend definitions of <i>lamb</i> and <i>hogget</i> and to refer to definitions in the AUS-MEAT Language - Handbook of Australian Sheepmeat Processing.	Delete definition of <i>in wear</i> as it is no longer used.	
Part 9, clauses 83 and 84 Standards for operation of abattoirs and meat processing plants - requires these types of meat business to comply with relevant standards.		Part 6, s.75-76 Clarify that all abattoirs and meat processing plants must follow the relevant standards , irrespective of their licence status. An unlicensed meat business commits an offence for not following the standards as well as an offence for failing to be licenced.		
Part 9, clause 83, 84, 87, 98		Part 6, s.75, 76, 79, 90 Update AS 4696-2007 reference to: AS4696-2023 Hygienic production and transportation of meat and meat products for human consumption.		
Part 9, clauses 98 and 103 Marking of carcasses		Part 6, s.90 and s.95 Update the Export Control Act 1982 to the Export Control Act 2020.		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Part 9, clause 106 Sale of meat for use as animal food		Part 6, s.98 Incorrect provision for meat to be sold for use as animal food has been fixed - licensed knackereries now included.		
Part 9, clause 117 Reports of analyses - licensed meat businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards.		Part 6, s.109 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours , and in writing within 48 hours .		Part 6, s.109(3) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 9, clause 118 Establishment of Meat Industry Consultative Council		Part 6, s.110 Update Department of Industry, Skills and Regional Development to ' Department '.		
Plant products food safety scheme				
Part 10, clause 120 to clause 128	✓	✓		
Plant Products food safety scheme:	Moved as is to Part 7:	Amended provisions moved to Part 7:		
<ul style="list-style-type: none"> • definitions, plant product businesses to be licenced and the fees • industry consultation • testing and reporting requirements. 	<ul style="list-style-type: none"> • s.112, 115-116, 120 	<ul style="list-style-type: none"> • s.113, 114, 117-119 		
Part 10, clause 120 Plant Products food safety scheme definitions	Part 7, s.113 The plant product definition will remain as is until 12 February 2025.	Part 7, s.113 and Schedule 9[4] From 12 February 2025, the plant product definition will be amended: plant product means berries, fresh cut fruit, fresh cut		Part 7, s.113 new definition: leafy vegetables means vegetables of a leafy nature if the leaf is consumed raw and includes baby leaves, lettuce

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
		vegetable, leafy vegetables, melons, seed sprouts, unpasteurised juice or vegetables in oil.		<p>and leafy herbs, but does not include seed sprouts.</p> <p>Part 7, s.113 and Schedule 9[3]</p> <p>From 12 February 2025, new definitions:</p> <p>berries means fresh berries and includes the following: blueberries, strawberries, berries from the genus <i>Rubus</i>.</p> <p>melons means fresh melons and includes the following: honeydew melon, piel de sapo, rockmelon, watermelon.</p> <p>small berry plant products business means a plant products business that grows or harvests berries from a property with a total area less than 10 hectares.</p> <p>small leafy vegetable plant products business means a plant products business that grows or harvests leafy vegetables from a property with a total area less than 10 hectares.</p> <p>small melon plant products business means a plant products business that grows or harvests melons from a property with a total area less than 10 hectares.</p>

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Part 10, clause 124 Meaning of “plant products business” - types of activities that define a plant products business.				<p>Part 7, s.114, Schedule 9[6] From 12 February 2025, include:</p> <ul style="list-style-type: none"> - growing or harvesting berries, leafy vegetables, or melons. - processing berries, leafy vegetables or melons in the following ways – <ul style="list-style-type: none"> (i) washing, trimming, sorting, sanitising, storing, (ii) combining harvested berries, (iii) combining harvested leafy vegetables, (iv) combining harvested melons, (v) packing berries, leafy vegetables or melons (vi) transporting berries, leafy vegetables or melons between primary production premises.
Part 10				Part 7, s.116A, Schedule 9[7] From 12 February 2025, apply standards of the Food Standards Code to primary production of berries.
Part 10				Part 7, s.116B, Schedule 9[7] From 12 February 2025, apply standards of the Food Standards Code to primary

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
				production of leafy vegetables.
Part 10				Part 7, s.116C, Schedule 9[7] From 12 February 2025, apply standards of the Food Standards Code to primary production of melons.
Part 10, clause 125 Plant products business to undertake analyses		Part 7, s.117 Clarify it is the holder of a licence that authorises the operation of a plant products business that must comply.		Part 7, s.117, Schedule 9[8] From 12 February 2025, sample and analyse wash water that has been used for the final washing of leafy vegetables or melons after harvesting.
Part 10, clause 126 Reports of analyses - licensed plant products businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards.		Part 7, s.118 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours , and in writing within 48 hours .		Part 7, s.118(3) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 10, clause 127 Industry Consultation with the plant products industry.			Delete requirement for Food Authority to consult with each plant product licence holder.	Part 7, s.119 Establish a Plant Products Industry Consultative Committee.
Seafood safety scheme				
Part 11, clause 129 to clause 157 Seafood safety scheme:	✓	✓		
<ul style="list-style-type: none"> definitions, seafood and shellfish businesses to be licenced and the fees NSW Shellfish Committee and NSW Seafood Industry Forum 	Moved as is to Part 8: <ul style="list-style-type: none"> s.121, 123, 125-130, 133-136, 138-141, 143-148 	Amended provisions moved to Part 8: <ul style="list-style-type: none"> s.122, 124, 131, 132, 137, 142, 149 		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
<ul style="list-style-type: none"> testing and reporting requirements specific requirements for shellfish businesses NSW Shellfish Program and local shellfish programs, overseen by local shellfish committees, and funding arrangements. 				
Part 11, clause 129 Seafood safety scheme definitions				Part 8, s.122 Insert definitions: <i>depuration, growing on and wet storage.</i>
Part 11, clause 134 Meaning of “seafood business” - types of activities that define a seafood business.		Part 8, s.124 Clarify that wet storage is an activity that is included in the meaning of a seafood business.		Part 8, s.124 High pressure processing is an activity included in the meaning of a seafood business.
Part 11, clause 139 Seafood businesses to undertake analyses of seafood		Part 8, s.131 Clarify that the frequency that samples of the environment must be taken is set out in the NSW Shellfish Industry Manual.		
Part 11, clause 140 Reports of analyses - licensed seafood businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards. Laboratories must submit shellfish industry sample test results.		Part 8, s.132 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours, and in writing within 48 hours.		Part 8, s.132(6) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 11, clause 150 Funding of committees - arrangements for Food Authority to fund operations of local shellfish			Part 8, s.142 Delete requirement for local shellfish committees to open a trust	

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
committees from shellfish industry levies.			account, as the Act does not allow this requirement.	
Part 11, clause 145 and 157 Establishment of NSW Shellfish Committee and NSW Seafood Industry Forum		Part 8, s.137 and s.149 Update Department of Industry, Skills and Regional Development to ' Department '.		
Vulnerable persons food safety scheme				
Part 12, clause 158 to clause 164 Vulnerable persons food safety scheme:	✓ Moved as is to Part 9:	✓ Amended provisions moved to Part 9:		
<ul style="list-style-type: none"> • s.150-153, 156 • definitions, vulnerable persons businesses to be licenced and fees • modification of the Food Standards Code to exclude childcare centres • NSW Vulnerable Persons Food Safety Scheme Consultative Committee • testing and reporting requirements. 	<ul style="list-style-type: none"> • s.154-155 			
Part 12, clause 162 Reports of analyses - licensed vulnerable persons businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards.		Part 9, s.154 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours , and in writing within 48 hours .		Part 9, s.154(3) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 12, clause 163 Establishment of NSW Vulnerable Persons Food Safety Scheme Consultative Committee		Part 9, s.155 Update Department of Industry, Skills and Regional Development to ' Department '.		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Egg food safety scheme				
Part 13, clause 165 to clause 183	✓	✓		✓
Egg food safety scheme:	Moved as is to Part 10 :	Amended provisions moved to Part 10 :		• s.160, s.172(1)(c)
<ul style="list-style-type: none"> • definitions, egg businesses to be licenced and the fees • application and modification of the Food Standards Code • NSW Egg Industry Consultative Committee • testing and reporting requirements • requirements around sale and use of cracked, broken or dirty eggs and egg products, as well as pasteurisation • requirement to maintain traceability records. 	<ul style="list-style-type: none"> • s.161, 163, 164-171, 179 	<ul style="list-style-type: none"> • s.157, 158, 159, 162, 172-173, 174-178 		
Part 13, clause 165 Definitions for the Egg food safety scheme			Part 10, s.158 definition of licence deleted. It is included in the Schedule 10 Dictionary instead.	Part 10, s.158 definition: <i>small egg producer</i> .
Part 13, clause 166 Egg food safety scheme		Part 10, s.157 The egg food safety scheme is separated with different requirements for egg businesses and small egg producers. Schedule 8 is added to the egg food safety scheme for licensed egg businesses.		
Part 13, clause 168 Meaning of “egg business”, “egg product” and “blended egg product mixture”	Part 10, s.158 <i>Egg product</i> and <i>blended egg product mixture</i> definitions moved to be with the other definitions.	Part 10, s.159 Egg food production premises defined to simplify the meaning of an		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
		egg business. No change to intent.		
Part 13				Part 10, s.160 Meaning of a small egg producer as a business that involves only producing, washing, grading, dry cleaning or examining less than 240 eggs in a week.
Part 13, clause 169 Application of Food Standards Code to primary production of eggs		Part 10, s.162 Clarify which parts of the Food Standards Code apply to small egg producers and which parts apply to egg businesses.		Part 10, s.162 For clarity, Standard 2.2.2 is added to the list of standards to be complied with by egg producers . This is not a new requirement but has been added to avoid confusion.
Part 13, clause 179 Egg businesses to undertake analyses				Part 10, s.172(1)(c) Licensed egg businesses that are primary food production must have samples of poultry housing tested. Details of tests and frequency are in the NSW Food Safety Schemes Manual.
Part 13, clause 180 Reports of analyses - licensed egg businesses must have samples analysed by approved laboratories and notify the Food Authority if the sample fails to meet required standards.		Part 10, s.173 Shorten time for food businesses to notify the Food Authority of results indicating detection of a foodborne pathogen – orally as soon as practicable and within 24 hours , and in writing within 48 hours .		Part 10, s.173(3) Laboratories must notify the Food Authority of food sample test results that fail the microbiological standards in the Food Safety Schemes Manual. Maximum penalty: 25 penalty units.
Part 13, clause 181 Records to be kept about sale of cracked eggs, unpasteurised egg products and		Part 10, s.174-177 The required records are to be kept for 2 years.		

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
unpasteurised blended egg product mixtures.				
Part 13, clause 182 Establishment of the NSW Egg Industry Consultative Committee		Part 10, s.178 Update Department of Industry, Skills and Regional Development to ' Department '.		
Schedules				
Schedule 1: Form for report by a food safety auditor - to report results of an audit or assessment. ✓				
Schedule 2: Penalty notice offences Lists the penalty notices for offences against the Act and the Regulation.	<p>Penalty amounts for most offences will increase by CPI then are rounded to the nearest penalty unit.</p> <p>Penalty amounts for six offences (s.117(1), s.118(1), s.118(2), s.165(1), s.166, s.167(2)) will increase by more than CPI to be consistent with similar offences in the food safety schemes.</p> <p>Penalty amounts for offences against the Food Standards Code by a corporation (Act s.21 offences) will increase from double to triple the individual penalty due to the seriousness of these offences.</p>	<p>Delete penalty notices for offences against the Act s.35, related to non-compliance with an emergency order. The offence contains the possibility of a reasonable excuse for non-compliance and is not suitable for a penalty notice. Instead, s.35 offences would be heard in court.</p>	<p>Penalty for a s.62(2) offence related to having samples analysed by raw milk product manufacturing businesses.</p> <p>Penalties for new offences in sections 63, 109, 118, 132, 154, and 173 related to laboratory reporting.</p>	
Schedule 3: Licence fees payable by food businesses that must hold a licence with the Food Authority.	Licence fees for all businesses will increase by CPI.	Delete licence fee for a vehicle vendor, as this business type has been deleted from the dairy food safety scheme.	Licence fee for a processed dairy transport business. From 12 February 2025, licence fees for berry, leafy	

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
				vegetable and melon businesses, small berry businesses, small leafy vegetable businesses and small melon businesses (inserted by Schedule 9).
Schedule 4: Standards for animal food processing plants	Modernised language, no change to intent.			
Schedule 5: Brands for abattoir meat Lamb, hogget, and other meat for human consumption.		Clarified that the brands are for licensed premises. No change to intent.		
Schedule 6: Brands for game meat		Clarified that the brands are for licensed premises. No change to intent.		
Schedule 7: Membership and procedure of local shellfish committees - structure, management, and procedure.		Modernised language, no change to intent. The method for recording disclosures is no longer specified.		
Schedule 8: Licence condition for primary production of eggs – control of <i>Salmonella</i> Enteritidis				Requirements for licensed egg primary producers to control risks associated with <i>Salmonella</i> Enteritidis.
Schedule 9: Amendment of Food Regulation 2025				Provisions to reduce the timeframe for issuing a food safety certificate from 1 January 2026. Provisions to implement berry, leafy vegetable and melon Food Standards Code requirements from 12 February 2025.

Provisions of the Food Regulation 2015	Transition of existing provisions to the draft Food Regulation 2025		Deleted	New
	As is	With amendments		
Schedule 10: Dictionary				New dictionary to assist readers find meaning of words.

6. Identification of options

In accordance with the SL Act and the NSW Government Guide to Better Regulation, this assessment:

- considers a range of viable options
- identifies and assesses the impacts of government action for each option relative to a base case
- considers the costs and benefits of each option relative to the base case
- identifies a preferred option that provides the greatest benefit to stakeholders and the community.

Options to be assessed

The Food Regulation 2015 contains the current regulatory provisions and under the base case (Option 1) these provisions would be remade with no change.

Two options will be assessed against the base case (Option 1):

- Option 2: Make the draft Regulation
- Option 3: Take no action (allow the Food Regulation to lapse).

These are the only options considered feasible in this RIS.

The details of the draft Regulation (Option 2) which would be made under the Act are provided in Table 3. This regulation would replace existing measures on 1 September 2025.

If no further actions are taken by the NSW Government, the 2015 Regulation will lapse on 1 September 2025 and no new regulation would be made in its place (Option 3).

Machinery provisions

The draft Regulation includes several regulatory provisions of a machinery nature. These are provisions broadly about 'process' rather than a substantive policy matter.

Sections of a machinery nature in the draft Regulation include:

- Section 1 – Name of the Regulation
- Section 2 – Commencement
- Section 3 – Definitions
- Section 4 – Enforcement agencies (enforcement agencies for different sections of the Act)
- Section 5 – AUS-MEAT manual (replacement document for section 23B(5) of the Act)
- Section 7 – Notification of food handling operations
- Section 14 – Form of food safety supervisor certificate (approved form only to be used)
- Section 16 – Definition
- Section 21 – Meaning of “prepackaged food”
- Section 23 – Definitions
- Section 24 – Meaning of “prepackaged food”
- Section 31 – Definitions
- Section 183 – Payment of penalties and fines into Food Authority Fund – determination of maximum amount (formula for calculation)
- Section 188 – Food safety auditor reports (sets the form of a report)
- Section 189 – Delegations
- Section 190 – Offences (offence against the regulation if a penalty is provided)
- Section 191 – Savings

The draft Regulation also makes some amendments that are machinery in nature:

- Language throughout the Regulation has been modernised without change to the intent.
- Sections 66, 110, 137, 149, 155, 178 (industry consultative groups) update the Department name.
- Schedule 7 section 4(1)(f) has been simplified to “personally insolvent” as this term is already defined in the *Interpretation Act 1987*.

Matters of a machinery nature do not require a RIS. This RIS does not consider these provisions however comment on these provisions may be included in submissions and will be considered.

7. Assessment of impacts

In this assessment the impacts, benefits and costs of Options 2 and 3 are compared with those from the base case (Option 1). The direct and indirect impacts of each option have been considered. Direct impacts are the immediate impacts on stakeholders, whereas indirect impacts affect a third party.

Base case (Option 1): Remake the Food Regulation 2015 without amendments

Under the base case the existing 2015 Regulation provisions would be remade, as is, with no amendments. A summary of the provisions under the base case are provided in chapter 4.

Impacts under the base case (Option 1)

Under Option 1, the existing powers of the 2015 Regulation would continue to support supply of safe and suitable food for consumers, with a level food safety playing field for producers and processors. Option 1 also maintains requirements for kilojoule information to be available on menus to inform consumers at standard food outlets. A list of the provisions and the impacted party – businesses, consumers, community, or government – is provided in Table 4.

Environmental impacts have not been included in the analysis as the 2015 Regulation does not provide protection to the environment or cause any adverse impacts to the environment.

Table 4 Impact of the Food Regulation under the base case (Option 1)

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
Fees and charges				
Businesses and individuals must pay a fee when issued an improvement notice.	✓			✓
Businesses receive payment for samples of food.	✓			✓
Fee for individuals on application to become a food safety auditor.	✓			✓
Non-licensed food businesses may be required to pay for inspections and an annual administration charge.	✓			✓
Fee for businesses and individuals when applying to change the Register of offences.	✓			✓
Food safety supervisors				
Food Authority may issue a food safety supervisor certificate.			✓	✓
Required qualifications of individuals and fee for issue of a food safety supervisor certificate.	✓		✓	✓
Registered training organisations must apply to become approved and comply with conditions to train and assess students for issue of a food safety supervisor certificate.	✓			✓
Some businesses/premises and handling/sale of food are exempt from the requirement to have a food safety supervisor.	✓		✓	✓
Requirements for display of nutritional information				
Certain businesses must display nutritional information to consumers. Businesses that choose to voluntarily display this information must comply with display requirements.	✓	✓	✓	✓
Certain businesses are exempt from displaying nutritional information.	✓	✓	✓	✓

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
Provisions relating to the Food Standards Code				
The Food Standards Code is modified to refer to the <i>Food Act 2003</i> and the Food Authority.				✓
Certain food handling operations for fundraising events are exempt from notifying their business details.	✓		✓	
The Food Standards Code, Standard 3.2.2A is modified in NSW to keep the NSW Food Safety Supervisor program and exempt certain businesses from compliance with Standard 3.2.2A.	✓	✓	✓	✓
Food safety schemes – general provisions				
Certain food businesses must apply for a licence with the relevant information and fee. If approved, the business must comply with licence conditions and display of the licence.	✓			✓
The Food Authority may vary conditions of licence or suspend or cancel licences.	✓			✓
Annual licence fees are calculated by the Food Authority and must be paid to stay licenced.	✓			✓
Vehicles may be inspected by the Food Authority.	✓			✓
Food safety programs, when required, must comply with the Food Standards Code and the Regulation.	✓			✓
Businesses may be inspected and/or the food safety program audited. Charges apply for inspections and audits. The Food Authority may approve a business to use a third-party food safety auditor.	✓			✓
Individuals may seek review of certain decisions with the Civil and Administrative Tribunal.	✓			✓
Dairy food safety scheme				
The dairy food safety scheme does not apply to retail premises (except specific sections which do apply), retail vehicles, or food not intended for sale.	✓		✓	
Dairy businesses (including primary production) must be licensed and operate according to the dairy food safety scheme and the Food Standards Code.	✓	✓		✓
The Food Standards Code is modified to clarify the activities that are dairy processing and clarify the proportion of milk in a food classified as a dairy product.	✓			✓
Dairy products for human consumption must be processed. Goat milk and raw milk cheese may be sold unprocessed under certain conditions. Milk for processing must meet metal, chemical, drug residue, and contaminant standards.	✓	✓	✓	
Sampling, analysis, and records – Certain transport businesses for dairy must sample milk and keep a record. Dairy businesses must have samples analysed. Certain businesses must keep results of analyses. Businesses must notify the Food Authority of samples that fail the microbiological standards.	✓			✓

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
The Dairy Industry Consultative Committee allows for effective consultation with the dairy industry.	✓			✓
Meat food safety scheme				
The meat food safety scheme does not apply to meat sold from a retail vehicle or food not intended for sale.	✓		✓	
Meat businesses (including poultry primary production) must be licensed and operate according to the meat food safety scheme and the Food Standards Code.	✓	✓		✓
The Food Standards Code is modified to exempt small poultry producers from the requirement to operate according to a food safety management statement.	✓			✓
The Food Standards Code is modified to require producers of ready-to-eat meat to comply with a food safety management system approved by the Food Authority.	✓			✓
Animals that are not abattoir animals or game animals must not be slaughtered or processed for human consumption.	✓		✓	✓
Meat businesses must comply with the Australian Standards or NSW Standards relevant for each type of animal or meat they handle.	✓			✓
Abattoirs must brand abattoir meat or game meat for human consumption with a set brand, in the set position under the authority of a meat safety inspector. For export, the official mark for that purpose must be applied.	✓			✓
Abattoirs that slaughter sheep must use a Food Authority approved identification system for lamb or hogget meat.	✓			✓
Meat for human consumption or meat for use as animal food must not be sold or stored unless it has been supplied from a licenced business and is fit for purpose.	✓	✓	✓	✓
Issue and use of brands – Brands must be available only to the licensee and the meat safety inspector. Conditions about lost or stolen brands. Unapproved brands must not be manufactured, possessed or used.	✓			✓
Meat safety inspectors – An approved meat safety inspector must be appointed. Must report any non-compliances. The Food Authority may revoke approval of a meat safety inspector under certain conditions.	✓			✓
Sampling, analysis, and records – Meat businesses must have samples analysed. Businesses must notify the Food Authority of samples that fail the microbiological standards.	✓			✓
The Meat Industry Consultative Committee allows for effective consultation with the meat industry.	✓			✓

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
Plant products food safety scheme				
The plant products food safety scheme does not apply to retail premises, retail vehicles, or food not intended for sale.	✓		✓	
A plant products business may apply to the Food Authority for the plant products food safety scheme or an activity to not apply if microbiological contamination risk is sufficiently reduced.	✓			✓
Plant products businesses must be licensed and operate according to the plant products food safety scheme.	✓	✓		✓
Sampling, analysis, and records – Plant products businesses must have samples analysed. Businesses must notify the Food Authority of samples that fail the microbiological standards.	✓			✓
The Food Authority must consult directly with each plant products business.	✓			✓
Seafood safety scheme				
The seafood safety scheme does not apply to retail premises, retail vehicles, to food not intended for sale, or to certain vessels for specific purposes.	✓		✓	
Seafood businesses (including primary production) must be licensed and operate according to the seafood safety scheme and the Food Standards Code.	✓	✓		✓
The Food Standards Code is modified to change the definition of growing on of molluscs and to require seafood businesses to comply with both the Australian Shellfish Quality Assurance Program Operations Manual and conditions recognised by the Food Authority.	✓			
Seafood businesses must also have any necessary authorisation under the <i>Fisheries Management Act 1994</i> .	✓			✓
Sampling, analysis, and records – Seafood businesses must have samples analysed. Businesses must notify the Food Authority of samples that fail the microbiological standards. Laboratories must notify the Food Authority the results of the analysis of shellfish, or water used for the wet storage or depuration of shellfish, unless exempted by the Food Authority.	✓			✓
Shellfish requirements – Seafood businesses must keep traceability records for 2 years. Businesses that sell shellfish must label the shellfish with traceability information. Shellfish must be depurated to reduce <i>E.coli</i> risk.	✓	✓	✓	
The NSW Shellfish Program ensures shellfish meet food safety requirements. Local shellfish committees	✓		✓	✓

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
assist the Food Authority administer the local program.				
The NSW Shellfish Committee allows for effective consultation with the shellfish industry.	✓			✓
The NSW Shellfish Committee and the local shellfish committees are funded from licence fees and levies on shellfish businesses.	✓			
The NSW Seafood Industry Forum allows for effective consultation with the seafood industry.	✓			✓
Vulnerable persons food safety scheme				
Vulnerable persons food businesses must be licensed and operate according to the vulnerable persons food safety scheme and the Food Standards Code.	✓	✓	✓	✓
The Food Standards Code is modified to exempt childcare centres from requirement to have a food safety program.	✓			✓
Sampling, analysis, and records – Vulnerable persons businesses must have samples analysed. Businesses must notify the Food Authority of samples that fail the microbiological standards.	✓			✓
The NSW Vulnerable Persons Food Safety Scheme Consultative Committee allows for consultation with the vulnerable persons industry.	✓			✓
Egg food safety scheme				
The egg food safety scheme does not apply to retail premises, retail vehicles, or food not intended for sale.	✓		✓	
Egg businesses (including primary production) must be licensed and operate according to the egg food safety scheme and the Food Standards Code.	✓	✓		✓
The Food Standards Code is modified to exempt small egg producers from the requirement to operate according to a food safety management statement and from the requirement to individually stamp eggs.	✓			✓
Unpasteurised egg product or blended egg product mixture or cracked eggs: May only be sold to a business licensed to receive that type of product. Must not be used in food for sale (unless the egg was cracked specifically for the food preparation).	✓		✓	✓
Dirty eggs: May only be sold to a business licensed to clean eggs. May be cleaned by the producer. The egg product may be separated from the shell, and then pasteurised.	✓		✓	✓
Eggs for human consumption must meet standards for chemical contamination.	✓	✓	✓	
Pasteurisation of egg product and blended egg product mixture must comply with the Food Standards	✓	✓	✓	✓

Impact: Under the base case (Option 1)	Who is impacted?			
	Business	Consumers	Community	Government
Code and the NSW Food Safety Schemes Manual, and equipment needs Food Authority approval.				
Sampling, analysis, and records: Egg businesses must have samples analysed. Businesses must notify the Food Authority of samples that fail the microbiological standards. Egg businesses must keep traceability records about sale, purchase, transportation and storage of cracked eggs, unpasteurised egg products or blended egg product mixtures.	✓			✓
The NSW Egg Industry Consultative Committee allows for effective consultation with the egg industry.	✓			✓
Form – report of a food safety auditor				
Audit details and audit items are set out.	✓			✓
Penalty notices				
Penalty notice amounts for offences under the Act and the Regulation are listed.	✓			✓
Licence fees				
Licence fees for each business type are listed.	✓			✓
Standards for animal food processing plants				
Certain animal food processing plants must comply with these standards.	✓			✓
Prescribed brands for abattoir meat				
Requirements about brands for abattoir meat are set out.	✓			✓
Prescribed brands for game meat				
Requirements about brands for game meat are set out.	✓			✓
Provisions relating to members and procedure of local shellfish committees				
Requirements for local shellfish committees are set out.	✓			✓

Option 2: Make the draft Food Regulation 2025

Under Option 2, the draft Regulation would be made under the *Food Act 2003*. The draft Regulation supports implementation of the Act and the Food Standards Code.

The Food Authority reviewed the 2015 Regulation and found it is fit for purpose, gives certainty to businesses about food safety, allows government to manage the safety of food produced and sold in NSW and provides consumers with kilojoule information for a healthier population. A survey completed by more than 500 food businesses licensed under the 2015 Regulation showed 95% agree that food safety regulations are necessary to ensure safe food production in NSW⁵². The Food Authority review identified potential amendments to improve efficiency, effectiveness, and consistency, and implement new standards in the Food Standards Code.

A summary of the proposed amendments is provided in Table 3. Some new provisions will be included in the draft Regulation:

- Section 51 – definitions of processed dairy product and processed dairy product transport business.
- Section 63(3), 109(3), 118(3), 132(6), 154(3), 173(3) – laboratory reporting.

- Section 124 – wet storage and high pressure processing included activities in the meaning of a “seafood business”.
- Section 172(1)(c) – licensed egg businesses do environmental sampling of poultry housing areas.
- Section 185 – certificate of clearance fee.
- Schedule 8 – requirements for licensed egg primary production businesses.
- Schedule 9 – berry, leafy vegetable and melon producers will become a “plant products business” from 12 February 2025 and must comply with the Food Standards Code.

Impacts, benefits and costs under Option 2

A summary of the impacts, costs and benefits from the amended provisions provided below in Table 5 show that relative to the base case, **Option 2 improves food safety** in:

- The horticulture sector by including berries, leafy vegetables and melons in the Food Standards Code and the plant products food safety scheme. FSANZ estimated these standards will result in a net benefit of \$19.5 million nationally over a 10-year period⁵³.
- The egg industry by ensuring producers continue to focus on measures to protect birds and eggs from *Salmonella* Enteritidis, with benefits to consumers through reduced foodborne illness and industry benefits through vigilance and a fast response to incidents.
- Abattoirs and meat processing plants by reducing the risk of carcass cross-contamination, while also providing potential higher economic returns through greater carcass utilisation.
- The dairy, meat, plant products, seafood, vulnerable persons and egg industries by requiring food businesses to more quickly report the results of any sample that fails to meet microbiological standards and requiring laboratories to also report samples that fail the microbiological standards.

Option 2 also improves the ability of enforcement agencies to conduct enforcement and compliance activities and provides penalties more suited to the seriousness of the offences.

Option 2 increases costs to businesses and the government from implementing and complying with these measures, however additional costs to horticulture businesses have already been considered in a national RIS focused on those changes and showed an overall net benefit.

The improvements in food safety combined with improved industry returns and improved national consistency in food regulation mean **Option 2 – the draft Regulation – is preferred** to remaking the Food Regulation 2015 (base case).

Table 5 Impact, benefits and costs of the provisions under Option 2 (the draft Regulation) relative to the base case

Proposed amendment	Impact	Benefits	Costs
Food safety supervisors			
s.12 is amended to require a student complete the entire food safety supervisor (FSS) course with one approved training organisation.	This ensures students completing the FSS course have not missed any of the critical key focus area learning and assessment, as training organisations not approved by the Food Authority do not teach or assess this material. Most students already complete the FSS course as a full skillset, so this amendment will have little impact.	Benefit for consumers - all food safety supervisors will be trained in key focus areas relating to common causes of foodborne illness outbreaks and allergy management. Reduced administrative burden for registered training organisations.	Individuals will no longer be able to complete one unit of competency with one training organisation, and the rest of the FSS course with a different training organisation. This is expected to impact only a very small number of students who will need to re-complete a unit they have already studied as part of a different qualification. At current industry prices, the extra cost to affected students would be approximately \$50.
s.12 and s.13 From 1 January 2026, these sections will be amended to only permit a food safety certificates to be issued when within 6 months of the student completing the course.	This ensures students receive their FSS certificate promptly and means the 5-year life of the certificate is aligned with when the student completed the training.	Benefit for consumers – food safety supervisors will undertake food safety training every 5 years ensuring they are up to date with risks that need to be managed in food businesses. Benefit for industry – all food safety supervisors will equally be required to update their qualification every 5 years, ensuring food safety training is up to date and regularly reviewed.	Nil or minimal.
Food safety schemes - general provisions			
Increase s.33 licence application fee.	Increase fee by CPI. This fee has not increased since 2004.	Improved government cost recovery for services provided to industry.	Cost to business - increase fee from \$50 to \$85.
Increase s.38 fee for licensed businesses who apply to vary the conditions on their licence.	Increase fee by CPI. This fee has not increased since 2004.	Improved government cost recovery for services provided to industry.	Cost to business - increase fee from \$50 to \$85.
Amend s.46 to clarify that food safety auditors can assess business compliance with any standards contained in the Code relevant to the business.	Minimal impact on businesses – provides clarity that authorised officers will consider all relevant parts of the Code for a business.	Improved clarity for business and government .	Nil or minimal.

Proposed amendment	Impact	Benefits	Costs
Amend s.48 inspection and audit fees for licensed businesses.	Reset fee baseline. This fee increases annually in line with CPI. Minimal impact on businesses.	Improved government cost recovery for services provided to industry.	Cost to business – reset fee baseline from \$284 to \$370 per hour. This fee increases annually by CPI, so extra cost to businesses is minimal.
Dairy food safety scheme			
Definitions for transport of dairy are simplified and modernised. The vehicle vendor concept is deleted. Outdated transport descriptions will be deleted. New s.51 definitions.	No impact on businesses transporting dairy products. All businesses will fall into either the current <i>dairy transport business</i> , or the new <i>processed dairy product transport business</i> . No impact on businesses, consumers, the community or government.	Nil or minimal.	Nil or minimal.
Delete clause 62(2) as the date has passed.	No impact on businesses, consumers, the community or government.	Nil or minimal.	Nil or minimal.
s.61 clarifies when samples must be taken by businesses that collect milk from a farm.	No impact on businesses as current industry practice is to sample milk at the time of collecting the milk. No impact on consumers, the community or government.	Nil or minimal.	Nil or minimal.
s.63(3) new requirement for laboratories to notify the Food Authority within 24 hours of food samples that fail the standards in the Food Safety Schemes Manual.	This will alert the Food Authority to food samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions required.	Benefit to government, consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks. Potential benefit to businesses - faster recall of contaminated food.	Extra labour cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal. Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.63(4) shortens the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Speeding up notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers, the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick.	Nil or minimal.

Proposed amendment	Impact	Benefits	Costs
		<p>Reduced reputational damage to industry from foodborne illness outbreaks and food recalls. Potential reduced costs through a trade level recall rather than a retail level recall.</p>	
<p>Meat food safety scheme</p> <p>s.69 definitions of <i>lamb</i> and <i>hogget</i> will now refer to the definitions contained in the AUS-MEAT Language Handbook.</p>	<p>This amendment will have no impact on businesses, consumers, the community.</p>	<p>Government - small benefit by removing need to update legislation when industry definitions change.</p> <p>Potential benefit to businesses by removing potential future confusion and complexity for businesses from conflicting definitions.</p>	<p>Nil or minimal.</p>
<p>s.75, 76, 79 and 90 will be amended to refer to the updated Australian Standard AS4696-2023 <i>Hygienic Production and Transportation of Meat and Meat Products for Human Consumption</i>.</p>	<p>AS4696 has been updated with 14 amendments about procedures for post-mortem inspection (PMI) of carcasses and carcass disposition of cattle, sheep, goats, and pigs. The amendments remove procedures that are no longer necessary or apply alternate risk management procedures.</p> <p>For example, since the 2006 Australian Guidelines for Water Recycling, there has been an 80-90% reduction in <i>Cysticercus Bovis</i> (<i>C.bovis</i>) carcass condemnation. A regulated full PMI to detect <i>C.bovis</i> infection is no longer required. A risk-based framework now determines high versus low-risk animals.</p>	<p>Industry benefit - reduced regulation through use of contemporary data for risk assessments rather than outdated processes. There are expected labour savings and increased returns as more pieces of the carcass are saleable for higher returns increasing carcass value. For example, most beef carcasses will no longer need the cheeks to be cut during the PMI.</p> <p>Potential benefit to community and consumers through reduced handling of carcasses, leading to a lower risk of carcass cross-contamination and potential consumer illness.</p>	<p>Nil or minimal.</p>
<p>s.75 and 76 will be amended. The current Regulation requires abattoirs and meat processing plants to comply with the relevant Australian Standards when slaughtering and processing. The proposed clarifies that all</p>	<p>This change will have no impact on abattoirs and meat processing plants already licensed with the Food Authority and operating in compliance with the relevant Australian Standards.</p> <p>Impact is only on illegal businesses operating without a licence and not</p>	<p>Benefit to government - additional enforcement tool for businesses illegally slaughtering animals or processing meat for human consumption. Additional penalties payable by offenders will assist the Food Authority to offset substantial</p>	<p>Additional cost to businesses operating illegally.</p>

Proposed amendment	Impact	Benefits	Costs
abattoirs and meat processing plants must comply with the relevant Australian Standards, irrespective of their license status (licensed or illegal).	complying with the relevant Australian Standards. Unlicensed businesses that slaughter animals and supply meat for human consumption are already committing an offence by not being licenced. This amendment gives enforcement officers an additional offence and penalty for a business not complying with the Australian Standards.	costs of illegal slaughter investigation. Benefit to consumers - increased prosecution options for illegal businesses, with a potential reduction in foodborne illness from illegal meat. Benefit to legal businesses - improved removal of low-cost meat produced by illegal businesses, and more effective enforcement action on illegal businesses.	
s.98 includes permission for meat from a licensed knackery to be sold for animal food, by wholesale or from meat retail premises.	This change fixes an error. It provides licensed knackeries the same permission already granted to licensed abattoirs and game meat primary processing plants to sell meat for animal food.	Benefit to industry – removes doubt about sale of meat from knackeries for use as animal food.	Nil or minimal.
s.109(3) new requirement for laboratories to notify the Food Authority within 24 hours of food samples that fail the standards in the Food Safety Schemes Manual.	This will alert the Food Authority to food samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions needed.	Benefit to government, consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks. Potential benefit to businesses - faster recall of contaminated food.	Extra labour cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal. Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.109(4) shorten the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Faster notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers, the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick. Reduced reputational damage to industry from foodborne illness outbreaks and food recalls. Potential	Nil or minimal.

Proposed amendment	Impact	Benefits	Costs
		reduced costs through a trade level recall rather than a retail level recall.	
Plant products food safety scheme			
<p>s.116A, 116B and 116C From 12 February 2025, apply the Food Standards Code primary production and processing standards to the plant products food safety scheme, from 12 February 2025.</p> <p>For primary production businesses:</p> <p>Handling berries:</p> <ul style="list-style-type: none"> • Clauses 1 – 3 of Standard 4.1.1 • Standard 4.2.7 Berries <p>Handling leafy vegetables:</p> <ul style="list-style-type: none"> • Standard 4.1.1 • Standard 4.2.8 Leafy Vegetables <p>Handling melons:</p> <ul style="list-style-type: none"> • Standard 4.1.1 • Standard 4.2.9 Melons <p>Larger leafy vegetable and melon primary production businesses must also comply with Standard 3.2.1 Food Safety Programs. s.113 has new definitions.</p>	<p>Standard 4.2.7 aims to reduce foodborne illness associated with berries. It requires growers and primary processors (such as pack-houses) to identify and control food safety hazards, and to notify regulators of their activities.</p> <p>Standard 4.2.8 aims to reduce foodborne illness associated with fresh leafy vegetables. It requires growers and primary processors to identify and control food safety hazards and to have a food safety management statement approved by the Food Authority.</p> <p>Standard 4.2.9 aims to reduce foodborne illness associated with melons. It requires growers and primary processors to identify and control food safety hazards and to have a food safety management statement approved by the Food Authority.</p> <p>Standard 3.2.1 for producers of leafy vegetables and melons with a property size greater than 10 hectares will require these businesses create and</p>	<p>Consumer benefit - reduced foodborne illness. Stronger food safety management on-farm and during initial processing to reduce food safety risks along the supply chain. FSANZ estimated the new standards will result in a net benefit to the Australian economy of at least \$19.5m over a 10-year period.</p> <p>Primary producer benefits - reduced risk of a food safety incident, improved capacity to manage a food safety incident, business management benefits from better record keeping and avoided loss of sales and reputational damage.</p> <p>Industry benefit - improved capacity to manage a food safety incident and avoided loss of sales and reputational damage to market value associated with recalls.</p> <p>Government benefit - improved capacity to manage a food safety incident and reduced costs of recalling unsafe or suspect commodities.</p>	<p>Additional cost to businesses.</p> <p>Costs for primary production businesses¹ depend on whether the business has already implemented key food safety measures. Growers operating in an industry Global Food Safety Initiative (GFSI) food safety scheme are likely to have already implemented many of the food safety requirements, so costs will be lower.</p> <p>For berry businesses larger than 10ha already operating in a GFSI scheme:</p> <ul style="list-style-type: none"> • Year 1 – approximately \$1000-\$1,690. This includes licence application fee (\$85), licence fee (\$300), inspection fee, improvement of farm practices, and business staff time associated with improvement and inspection (\$630). • Year 2 onwards – approximately \$350-\$1,015 annually for licensing, improvement of farm practices, occasional inspections, and associated business staff time. <p>Berry businesses not operating in a GFSI scheme (including small businesses) may need greater improvement in farm practices to meet Standard 4.2.7, so estimated costs are higher at</p>

¹ The costs presented are high end estimates. We assumed businesses need to do some learning and improvement in farm practices to comply. Producers operating in a GFSI scheme are likely to have already implemented most of the food safety requirements, so costs to comply will be lower. Producers not operating in a GFSI scheme will be at various levels of food safety knowledge and implementation of farm practices required to meet the requirements of the new standards in the Food Standards Code. The costs presented for berry, leafy vegetable and melon growers are based on FSANZ's Decision RIS, with the same assumption that producers not in a GFSI scheme are already doing 50% of the activities required to comply with the new standards.

Proposed amendment	Impact	Benefits	Costs
<p>s.114 has the new types of plant products business.</p> <p>Schedule 3 has the licence fees for berry, leafy vegetable, and melon businesses.</p>	<p>operate according to a food safety plan.</p> <p>The Food Authority is working with industry Global Food Safety Initiative (GFSI) scheme owners to recognise industry audits. Scheme provision of audit results for businesses to the Food Authority will allow government verification resources to be focused on:</p> <ul style="list-style-type: none"> • higher risk businesses, such as those who are not part of an industry food safety scheme so do not receive industry audits • higher risk activities, such as washing of produce • businesses identified through industry audits with a poor compliance history. 		<p>approximately \$2,490-\$2,720 for Year 1 and \$1,805-\$2,030 for Year 2 onwards.</p> <p>For leafy vegetable businesses larger than 10ha operating in a GFSI scheme:</p> <ul style="list-style-type: none"> • Year 1 – approximately \$2,480-\$5,090. This includes licence application fee (\$85), licence fee (\$570-\$1,180), inspection fee, improvement of farm practices, and business staff time associated with improvement and inspection (\$1,950). • Year 2 onwards – approximately \$1,795-\$4,380 annually for licensing, improvement of farm practices, occasional inspections, and associated business staff time. <p>Leafy vegetable businesses not operating in a GFSI scheme (including small businesses) may need greater improvement in farm practices to meet Standard 4.2.8, so costs are higher at approximately \$6,955-\$8,765 for Year 1 and \$6,210-\$7,340 for Year 2 onwards.</p> <p>For melon businesses larger than 10ha operating in a GFSI scheme:</p> <ul style="list-style-type: none"> • Year 1 – approximately \$1,640-\$3,225. This includes licence application fee (\$85), licence fee (\$570-\$1,180), inspection fee, improvement of farm practices, and staff time associated with improvement and inspection (\$1,110). • Year 2 onwards – approximately \$955-\$2,515 annually for licensing, improvement of farm practices, occasional inspections, and associated business staff time.

Proposed amendment	Impact	Benefits	Costs
			<p>Melon businesses not operating in a GFSI scheme (including small businesses) may need greater improvement in farm practices to meet Standard 4.2.9, so costs are higher at approximately \$3,555-\$5,365 for Year 1 and \$2,810-\$3,940 for Year 2 onwards.</p> <p>Inspection fees are \$370 per hour.</p> <p>Industry food safety schemes may have initial costs associated with setting up systems and processes to interact with government regulators.</p> <p>Government costs associated with assisting industry to implement the new requirements, and ongoing compliance and enforcement.</p>
<p>s.117 From 12 February 2025, a requirement for samples of water that has been used for post harvest washing of leafy vegetables and melons to be analysed.</p>	<p>Wash water must contain a sanitiser to reduce microbial load on fruit or vegetable surfaces and remove soil, debris, and chemical residues. Ineffective sanitiser concentration in wash water can increase the microbial load on fruit and vegetable surfaces. Automated sanitiser dosing systems need periodic verification.</p> <p>Industry best practice is regular microbiological testing of postharvest wash water. Sampling and analysis of this verification step will be required in the plant products food safety scheme.</p>	<p>Along with samples of final produce, regular analysis of post harvest wash water provides regulators with evidence that the food safety program of the business is working well.</p> <p>Consumer benefit - potential reduced illness, as issues with sanitiser concentrations or wash water quality are detected rapidly.</p>	<p>Increased costs for some leafy vegetable and melon businesses of sending water samples to a laboratory for analysis. Costs include labour costs of collecting samples, transport costs for samples and laboratory analysis costs. For businesses that already voluntarily undertake these samples and analysis, no increase in costs.</p>
<p>s.118(3) new requirement for laboratories to notify the Food Authority within 24 hours of food samples that fail the standards in the Food Safety Schemes Manual.</p>	<p>This will alert the Food Authority to food samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions required.</p>	<p>Benefit to government, consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks.</p>	<p>Extra labour cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal.</p>

Proposed amendment	Impact	Benefits	Costs
		Potential benefit to businesses - faster recall of contaminated food.	Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.118(4) shorten the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Faster notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers , the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick. Industry benefit - reduced reputational damage from foodborne illness outbreaks and food recalls. Potential reduced costs through a trade level recall rather than a retail level recall.	Nil or minimal.
s.119 creates a plant products industry consultative committee to allow for effective communication with industry about the plant product food safety scheme and other relevant matters.	Currently the Food Authority must consult with each plant products licence holder. With berry, leafy vegetable and melon businesses coming into the plant products food safety scheme, a consultative committee allows for more efficient communication with industry.	Government benefit – more efficient use of resources, as the committee will provide effective communication with industry. Labour saving for most businesses as they do not need to read and respond to all communications. Benefit for small businesses who can rely on larger businesses to represent their interests and disseminate important information.	Small additional costs to government associated with organising and running committee meetings. Labour costs for industry representatives on the committee.
Seafood safety scheme			
s.122 and 124 will be amended. Definitions added for <i>deputation</i> , <i>high pressure processing</i> and <i>wet storage</i> . Clarify that businesses that do wet storage of shellfish or use high pressure processing to process	Depuration and wet storage are practices used for many years by the shellfish industry and are concepts in the existing Food Regulation. Inserting these terms provides clarity for businesses.	Clarity for businesses who are considering new processing methods.	Nil or minimal.

Proposed amendment	Impact	Benefits	Costs
seafood are activities within the meaning of a seafood business.	Processing seafood is already covered by the existing Food Regulation. Inserting high pressure processing makes it clear for businesses who are considering this newer type of processing that it is captured by the seafood safety scheme.		
s.132(3) shorten the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Faster notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers , the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick. Industry benefit - reduced reputational damage from foodborne illness outbreaks and food recalls. Potentially reduced costs through a trade level recall rather than a retail level recall.	Nil or minimal.
s.132(6) new requirement for laboratories to notify the Food Authority within 24 hours of seafood samples that fail the standards in the Food Safety Schemes Manual.	This will alert the Food Authority to seafood samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions required.	Benefit to government , consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks. Potential benefit to businesses - faster recall of contaminated seafood.	Extra labour cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal. Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.142 the Food Authority can no longer require local shellfish committees to open a trust account as the Act does not provide this power.	Deleting this provision will have minimal impact on local shellfish committees and government as existing local shellfish committees already have established accounts. In the future, new local shellfish committees would still need an appropriate bank account, but a trust account would not be required.	Nil or minimal.	Nil or minimal.

Proposed amendment	Impact	Benefits	Costs
Vulnerable persons food safety scheme			
s.154(3) new requirement for laboratories to notify the Food Authority within 24 hours of food samples that fail the standards in the Food Safety Schemes Manual.	This will alert the Food Authority to food samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions required.	Benefit to government, consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks. Potential benefit to businesses - faster recall of contaminated food.	Extra labour cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal. Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.154(4) shorten the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Faster notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers, the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick. Industry benefit - reduced reputational damage from foodborne illness outbreaks and food recalls. Potential reduced costs through a trade level recall rather than a retail level recall.	Nil or minimal.
s.155 allows for consultation to occur through a consultative committee or through ways that engage more industry representatives.	No impact on the committee. Increases government engagement with the sector.	Community and business benefit - improved communication with the vulnerable person sector and broader engagement means important food safety information reaches each business with benefits to their patients/ consumers.	Nil or minimal.
Egg food safety scheme			
s.37, 157 and Schedule 8 transition food safety measures from the <i>Salmonella</i> Enteritidis biosecurity control order to be permanent measures in the egg food safety scheme.	The current Biosecurity (<i>Salmonella</i> Enteritidis) Control Order 2024 requires egg producers to do a range of food safety measures such as controlling vermin, ensuring clean packaging, making sure people	Benefit to consumers, the community, government and the economy – reduced risk of eggs becoming infected with SE. Reduced human health impacts and reduced public health care costs from	Minimal additional costs for producers. Under the Egg food safety scheme, licensed egg producers must comply with Standard 3.2.1 of the Code, operating with a food safety program. The food safety measures in Schedule 8 provide detail

Proposed amendment	Impact	Benefits	Costs
	<p>entering the production area understand and comply with food safety requirements.</p> <p>SE is an ongoing risk to the egg industry with food safety risks. This amendment transitions the food safety management measures into the Food Regulation as an ongoing requirement for licensed egg producers to minimise the risk of SE contamination of eggs.</p>	<p>reduced consumption of contaminated eggs. SE is high-risk and can be severe for people who are over the age of 70, young children, and those with a weakened immune system. SE infection in humans is characterised by acute fever, abdominal pain, diarrhoea, nausea, and sometimes vomiting, with symptoms lasting 2-7 days.</p> <p>Industry benefit – reduced risk of SE entering the flock, therefore avoiding costs of business interruption and significant financial impacts associated with an SE detection.</p>	<p>about suitable control measures for the hazards reasonably expected to occur in an egg production business. Therefore, Schedule 8 does not increase production costs, as producers need to implement control measures anyway. Schedule 8 gives producers clear requirements about how they can comply with Standard 3.2.1 and Standard 4.2.5.</p>
<p>s.172(1)(c) requirement for licensed egg primary production businesses to sample sheds/poultry housing areas for SE in accordance with the NSW Food Safety Schemes Manual.</p>	<p>The current Biosecurity (<i>Salmonella</i> Enteritidis) Control Order 2024 requires licensed egg farms to test for SE every 12-15 weeks.</p> <p>SE is an ongoing risk to the egg industry with food safety risks for consumers. This amendment transitions the current control order SE testing to permanent regular testing of egg farms as a standard egg industry requirement to enable faster detection and reduce foodborne illness.</p> <p>Government is currently paying some analysis costs.</p>	<p>Benefit to consumers, the community, government and the economy - faster detection and recall of potentially SE infected eggs.</p> <p>Reduced human health impacts and reduced public health care costs from reduced consumption of contaminated eggs. SE is high-risk and can be severe for people who are over the age of 70, young children, and those with a weakened immune system. SE infection in humans is characterised by acute fever, abdominal pain, diarrhoea, nausea, and sometimes vomiting, with symptoms lasting 2-7 days.</p>	<p>For egg producers operating within the National Salmonella Enteritidis Monitoring and Accreditation Program (NSEMAP), there will be no additional costs.</p> <p>For licensed egg producers not operating within NSEMAP, there will be increased costs as the producers will have to pay for laboratory analysis (currently this cost is being paid by government). Analysis cost will depend on costs negotiated by each producer with the laboratory. Cost estimated at approximately \$540 per year.</p>
<p>s.173(3) new requirement for laboratories to notify the Food Authority within 24 hours of food samples that fail the standards in the Food Safety Schemes Manual.</p>	<p>This will alert the Food Authority to food samples with pathogen detections from licensed businesses, allowing fast contact with businesses to determine actions required.</p>	<p>Benefit to government, consumers and community - improved oversight of food for sale. Pathogen detections can be investigated before they cause foodborne illness outbreaks.</p>	<p>Extra staff time cost for laboratories to email results to the Food Authority. Laboratories already email results to the food business, so additional labour cost will be minimal.</p>

Proposed amendment	Impact	Benefits	Costs
		Potential benefit to businesses - faster recall of contaminated food.	Additional cost to government of responding to notifications and potential compliance action. Potential extra decontamination and cleaning cost to food businesses with pathogen detections.
s.173(4) shorten the time for food businesses to notify the Food Authority of test results that fail microbiological limits.	Faster notification will have minimal impact on food businesses as laboratories send results electronically to businesses, and results can be sent electronically to the Food Authority.	Benefit to consumers , the community and economy - faster identification and recall of food that fails microbiological standards. Reduced number of people becoming sick. Reduced reputational damage to industry from foodborne illness outbreaks and food recalls. Potentially reduced costs through a trade level recall rather than a retail level recall.	Nil or minimal.
s.174-177 clarify that records must be kept for 2 years.	Record keeping has been required under the existing Regulation. The length of time records must be kept has been made clear.	Benefit to businesses and government – improved clarity.	Nil or minimal.
Fees and charges			
Increase s.180 improvement notice fee.	Increase fee by CPI. This fee has not increased since 2004.	Improved government cost recovery for services provided to industry.	Fee increase from \$330 to \$565. Over the last 5 years, there has been an average of 1,539 improvement notices issued annually.
Increase s.182 fee for a food safety auditor application.	Increase fee by less than CPI. This fee has not increased since 2004.	Improved government cost recovery for services provided to industry.	Fee increase from \$800 to \$880.
Increase s.184 fee to request a change to the register.	Increase fee by CPI. This fee has not increased since 2004.	Improved government cost recovery for services provided to industry.	Fee increase from \$55 to \$95.
s.185 new fee to issue a certificate of clearance which is required by a business to lift a prohibition order.	This amendment will allow enforcement agencies to charge a fee to a food business to resume operation after they have been issued a prohibition order.	Improved government cost recovery - enforcement agencies will be able to partly cost recover the significant resource commitment of issuing and ensuring compliance with a prohibition order.	New \$500 fee for food businesses who have been issued a prohibition order for failing to comply with an improvement notice, or for a serious food safety issue. Over the last 5 years, there has been an average of 144 prohibition orders issued annually.

Proposed amendment	Impact	Benefits	Costs
Amend s.186 charge for inspection of a non-licenced business.	Reset fee baseline by CPI. This fee increases annually in line with CPI. Minimal impact on businesses.	Improved government cost recovery for services provided to industry.	Reset fee baseline from \$284/hour to \$370/hour. This fee increases annually by CPI, so extra cost to businesses is minimal.
s.186(5) simplify wording to clarify that councils are a relevant enforcement agency.	Clarifies that councils may charge for inspections of non-licensed businesses. No significant impact on businesses, consumers, community or government.	Nil or minimal.	Nil or minimal.
Increase s.187 annual administration charge for non-licenced businesses.	Increase fee by CPI. This fee has not increased since 2010.	Improved government cost recovery for services provided to industry.	Charge increase. For businesses with: <ul style="list-style-type: none"> • 0-5 FTE the charge will increase from \$390 to \$570. • More than 5 but less than 50 FTE the charge will increase from \$800 to \$1,170. • More than 50 FTE the charge will increase from \$3,500 to \$5,115.
Schedule 2 Penalty notices			
<p>Increase the penalty notice amounts for offences against the Act and the Regulation to reflect annual application of CPI, applied since the amounts were last updated.</p> <p>Increase some penalty notice amounts (s.117(1), 118(1), 118(2), 165(1), 166 and 167(2)) by more than CPI to align across the food safety schemes.</p>	<p>Penalties have not increased since 2010.</p> <p>Some penalty notice amounts (s.117(1), 118(1), 118(2), 165(1), 166 and 167(2)) are also being aligned across the food safety schemes.</p> <p>Penalty notice amounts for corporations are being reset at a higher level to deter corporations from committing serious food safety offences (offences against the Act, s.21) to triple the value of the individual penalty.</p> <p>Compliance by businesses is high. Impact is only on businesses not complying with food safety requirements.</p>	Consumers and community benefit - improved compliance with food safety requirements by businesses.	Businesses and individuals who are not complying with their food safety requirements will face a higher penalty.
Remove penalty notice for s.35 of the Act.	An offence against the Act, s.35 requires judgement about any potential “reasonable excuses” for non-	Nil or minimal.	Increased cost to government and businesses . Alleged offences against the Act, s.35 would be heard in court.

Proposed amendment	Impact	Benefits	Costs
	compliance and so is not suitable for a penalty notice.		
Insert penalty for an offence under s.62(2) related to having samples analysed by raw milk product manufacturing businesses.	This offence already exists, but now a penalty notice will be available for issue to offenders rather than requiring prosecution in court.	Government benefit - reduced burden on court system and reduced costs associated with prosecution. Consumer benefit – stronger incentive for raw milk product manufacturing businesses to have samples analysed.	Nil or minimal.
Insert penalties for new offences related to laboratory reporting - sections 63(3), 109(3), 118(3), 132(6), 154(3), 173(3).	New penalties for a laboratory that fails to report results to the Food Authority of pathogen detections in food samples.	Government benefit - lower health care costs and lower investigation costs resulting from fewer foodborne illness outbreaks.	Laboratories who do not comply will face a penalty.
Schedule 3 Licence fees			
Reset baseline for licence fees.	Reset fee baseline by CPI. Fee increases annually in line with CPI. Minimal impact on businesses.	Government benefit - licence fees fund compliance activities by the Food Authority.	Additional cost to businesses . This fee increases annually by CPI, so extra cost to businesses is minimal.
Licence fees for berry, leafy vegetable, and melon businesses. <ul style="list-style-type: none"> Flat fee for small businesses (property size less than 10ha). Flat fee for berry businesses. Tiered fee for leafy vegetable and melon businesses (property size greater than 10ha) based on number of full-time equivalent food handlers working for the business. 	Licence fees are set for new businesses in the plant products food safety scheme. Licensing of berry, leafy vegetable and melon producers will increase awareness of food safety controls, ensure up to date contact information, and improve traceability for fast traceback to remove contaminated food from the supply chain or if there is a biosecurity incident.	Government benefit - licence fees fund compliance activities by the Food Authority. Government, consumer and community benefit - improved oversight of food safety at the primary production level to reduce food safety risks throughout the supply chain. Industry and consumer benefit – improved traceability allows fast removal of contaminated food from the supply chain. Industry benefit – reduced loss of sales and long-term reputational damage, for affected businesses and the entire industry.	Additional cost to businesses . This cost was considered in the FSANZ Decision RIS showing a net benefit. Licence fees for small berry, small leafy vegetable and small melon businesses will be \$75 in 2025-26. Licence fees for larger berry businesses will be \$300 in 2025-26. Licence fees for larger leafy vegetable or melon businesses with: <ul style="list-style-type: none"> 0-5 FTE the 2025-26 fee will be \$570 5-50 FTE the 2025-26 fee will be \$1,180 50+ FTE the 2025-26 fee will be \$5,170

Proposed amendment	Impact	Benefits	Costs
Schedule 8 Licence conditions for primary production of eggs – control of <i>Salmonella</i> Enteritidis			
Transition food safety measures from the <i>Salmonella</i> Enteritidis biosecurity control order as permanent measures.	Impact considered above in the egg food safety scheme.	Benefits considered above in the egg food safety scheme.	Costs considered above in the egg food safety scheme.

Option 3: Take no action (allow the Food Regulation 2015 to lapse)

Under Option 3, the 2015 Regulation would lapse on 1 September 2025. The regulatory provisions detailed in the base case (chapter 7) would cease to exist and no new regulation would be made.

The Food Act would stay in place under Option 3 and would continue to require food businesses (except primary production businesses) to comply with the Food Standards Code. However, allowing the 2015 Regulation to lapse would result in the Act being only partly effective in achieving the essential public health outcome of safe and suitable food. Also, Part 8, Division 4 of the Act related to menu labelling would cease to function, and the lack of funding from industry would significantly reduce the Food Authority's and councils' ability to ensure compliance with the Food Standards Code.

Table 6 shows that very few provisions of the 2015 Regulation are provided by other legislation.

Table 6 Alternative legislation that may provide provisions of the 2015 Regulation

Provisions of the Food Regulation 2015	Other legislation
Part 4 , clause 20 Qualifications for issue of food safety supervisor certificate	Aspects of this provision is covered by the Food Standards Code, Standard 3.2.2A which defines a food safety supervisor certificate.
Part 9 , clause 83-84 Standards for abattoirs and meat processing plants	Aspects of these provisions are required by the Commonwealth <i>Export Control Act 2020</i> . Establishments registered to export meat are required to comply with AS 4696:2023 <i>Australian Standard for the hygienic production and transportation of meat and meat products for human consumption</i> .
Part 11 Clause 134 "seafood business" Clause 139(1)(c) samples of environment in which seafood is grown and harvested Clause 145 NSW Shellfish Committee	Aspects of these provisions are covered by the <i>Fisheries Management Act 1994</i> : <ul style="list-style-type: none"> allows aquaculture only with a permit (s.144) which specifies the area where the aquaculture is authorised to be undertaken requires permit holders to contribute to the cost of monitoring the quality of the environment in which the aquaculture is undertaken (s.156) requires the Minister to appoint a committee to advise about services provided to the aquaculture industry (s.156).
Part 11 , clause 142 Labelling of shellfish	Aspects of this provision is covered by the Fisheries Management (Aquaculture) Regulation 2024, s.73 which requires some information to be marked on containers of unopened shellfish for sale.
Part 11 , clause 135 Application of the Food Standards Code to primary production of seafood	Aspects of this provision is covered by the <i>Fisheries Management Act 1994</i> (s.123) and the Fisheries Management (General) Regulation 2019 (clause 200): <ul style="list-style-type: none"> requires commercial fishers to keep records of sales of fish (not including oysters).

Comparing against the base case, it is apparent that without maintaining existing levels of regulation there would be:

- Increased foodborne illness outbreaks in NSW and across Australia.
- Reduced clarity for businesses operating in high-risk food sectors about how to comply with outcomes-based standards in the Food Standards Code, and no independent verification by government.
- No NSW-specific requirements for high-risk plant products (such as unpasteurised juice, vegetables in oil) to maintain a food safety program to monitor for and control food safety risks. These businesses have been assigned a high level of food safety risk through a national risk framework.
- Gaps in the national regulatory framework as the Act only requires NSW primary production businesses to comply with the Food Standards Code if a food safety scheme in the Regulation applies it to them.

- No requirement for kilojoule information to be displayed on menu boards to help consumers make healthier food choices, moving against the National Obesity Strategy which seeks to empower personal responsibility for healthy living to assist in reversing the proportion of obese adults⁵⁴.
- Reduced compliance tools available to the Food Authority and reduced capacity for proactive compliance. The alternate option is reactive enforcement; however, this waits for human foodborne illness cases to arise before food safety management action may occur.
- No penalty notice offences. This requires enforcement agencies to prosecute offences in court, increasing costs for the government and businesses that commit offences against the Act, with more time and public resources needed to issue and manage offences, and increased pressure on the judicial system.
- No pro-active requirement for food businesses to have samples analysed or to report detections of food pathogens in high-risk food, increasing the risk of foodborne illness outbreaks. There would be increased reliance on post-production microbiological limits in the Food Standards Code, Standard 1.6.1. to monitor pathogen presence in foods for sale at retail, transferring costs to government. Without funding through the Regulation, neither Local Government nor the Food Authority would have the resources to pro-actively sample retail foods for common foodborne illness pathogens on an on-going basis.

While costs to food businesses would be lower under Option 3, many costs are transferred to government and consumers. Government would not be able to effectively manage food safety risks or recover costs for providing services. Food safety would depend on businesses voluntarily handling food safely under a market driven approach. Option 3 removes proactive pre-market verification by the risk creator that high-risk food is free from pathogens and relies on post-market checks of food for sale at retail. This is a significant transfer of food safety risk management to the consumer as food safety may only be verified once food is available for purchase. Maintaining the regulation retains the mandatory onus on the risk creator (the high-risk business) to verify the safety of their product pre-market, decreasing the risk of consumer illness being the identification tool for a food safety system management issue. Option 3 would make providing kilojoule information voluntary for industry impacting the broader set of interventions to reduce obesity.

The immediate cost of doing business in NSW would reduce. However, reduced regulation would increase the likelihood of foodborne illness outbreaks across Australia caused by food produced in NSW. Option 3 leads to increased health costs to the community and government, decreased industry access to international food export markets and increased industry costs associated with reduced demand for food products following foodborne illness outbreaks.

Impacts, benefits and costs under Option 3

Lapse of the 2015 Regulation would have a range of impacts, costs and benefits for NSW businesses, consumers, government, and the community. Table 7 provides a qualitative assessment of the impacts, benefits and costs of Option 3 – the Food Regulation 2015 lapses – relative to the base case.

Overall, the benefits to government and industry of reduced regulation would be outweighed by the costs associated with lower food safety standards in NSW and the increases in obesity and foodborne illness, with serious implications on the public health system. The \$2.81 billion annual cost of foodborne illness and greater than \$11.8 billion annual cost of obesity in Australia would increase. Option 3 would also negatively impact on the safety and reputation of the NSW food industry, business confidence, and the state's access to national and international food export markets which are valued at \$5.8 billion.

Option 3 would need significant consumer education to offset the expected reduction in food safety activities by businesses. However, an education campaign would not effectively ensure business and consumer confidence in food produced and sold in NSW and would need centralised government funding as there would be no mechanism for cost recovery from industry.

Table 7 Impact, benefits and costs of the provisions under Option 3 – allow the 2015 Regulation to lapse relative to the base case

Impact	Benefits	Costs
Part 2 Miscellaneous provisions		
<p>Allowing the 2015 Regulation to lapse would remove an efficient and effective compliance framework to manage non-compliance issues.</p> <p>Penalty notices offences would cease to exist, however offences would continue to exist under the Act. These would require prosecution in court or through other more onerous enforcement tools available under the Act such as prohibition orders and product seizures. Over the last 5 years, the Food Authority and councils collectively issued over 1,100 penalty notices per year.</p>	<p>Removes immediate penalties for individuals and food businesses who commit an offence.</p>	<p>Significant increase in pressure on court system and costs to government.</p> <p>Significant increase in time for authorised officers to issue and manage offences with increased costs to government.</p> <p>Potential to increase costs to offenders, due to court fees and non-specified fine amounts.</p>
Part 3 Fees and charges		
<p>Enforcement agencies would not be able to impose fees or charges on businesses. The Food Authority and councils would be unable to proactively inspect food businesses for food safety, leading to increased foodborne illness outbreaks and anaphylaxis incidents.</p> <p>The 2015 Regulation provides the funding required to support the outcomes of the Food Regulation Partnership between councils and the Food Authority. Without the annual administration charge that councils may charge food businesses, there may be a decline in food surveillance activities undertaken in the retail sector.</p> <p>The 2015 Regulation also provides funding for the Food Authority to provide practical education on key food safety matters to businesses and consumers. Loss of ability for the Food Authority to provide these resources would disproportionately impact small businesses.</p>	<p>Increased profit for food businesses – reduced administrative costs, no audit/inspection costs, no licence fees and no fee when issued an improvement notice.</p>	<p>Without government implementation and monitoring of a licensing system for high-risk food businesses, there would be significant costs to individuals, businesses, government and the economy. These include:</p> <ul style="list-style-type: none"> • Increased foodborne illness outbreaks and deaths. Foodborne illness already costs Australia \$2.81 billion per year, with an estimated 4.68 million cases of foodborne illness nationally each year. Removal of the 2015 Regulation would increase the approximately \$879 million incurred annually by NSW individuals, workplaces and the public health system through foodborne illness costs of medical expenses, lost productivity, pain, suffering, and premature death. • Increased public health care costs. • Increased recall costs to businesses and government. • Reduced ability for the Food Authority to provide educational materials for industry and consumers. A 2021 survey⁵⁵ of licensed businesses, manufacturers, wholesalers and importers showed businesses highly value Food Authority resources to help them understand food safety requirements. Commonly used resources are Food Authority industry manuals/guidelines (64%), Food Authority fact sheets (62%), Food Authority food safety program templates (50%), Food Authority website (49%) and Food Authority audit/inspection reports (42%). In comparison, only 36% use the FSANZ website for this purpose.

Impact	Benefits	Costs
Part 4 Food safety supervisors		
<p>The Act and Food Standards Code would continue to require certain food businesses appoint a Food Safety Supervisor, however, allowing the 2015 Regulation to lapse would reduce the effectiveness of the Food Safety Supervisor (FSS) program:</p> <ul style="list-style-type: none"> • RTOs would no longer need to teach the NSW key focus areas such as handling of raw eggs and allergen management. • No transparency around the process for an RTO to become approved to issue food safety supervisor certificates. • RTOs would no longer need to have trainers approved before teaching and assessing food safety and allergen management. • There would no longer be an approved Food Authority Food Safety Supervisor certificate, making compliance more difficult. • Also licensed food businesses would no longer be exempt from the requirement for a food safety supervisor, so would face increased costs to train staff members to hold this role in the business. 	<p>Reduced costs for RTOs through:</p> <ul style="list-style-type: none"> • no fees and charges associated with approval for NSW FSS program. • a larger pool of people RTOs could employ as a trainer. <p>Potential reduced costs for food businesses:</p> <ul style="list-style-type: none"> • food safety supervisor trained by any RTO could be employed. 	<p>Potential increase in allergen issues for consumers at retail businesses due to reduced allergen management training of food safety supervisors. In 2017 a man died after eating a meal at a NSW restaurant despite telling staff his allergies – the restaurant served him a meal including one of his allergens⁵⁶.</p> <p>Potential increase in foodborne illness outbreaks for consumers from poor handling of raw eggs in food preparation. A 2015 <i>Salmonella</i> outbreak caused by raw egg mayonnaise at a Melbourne restaurant affected 130 people with 16 hospitalised⁵⁷. In 2018 raw egg mayonnaise at a Canberra restaurant affected 140 people with 15 hospitalised⁵⁸, and in 2019 raw egg products from South Australian bakeries affected 51 people with 19 hospitalised⁵⁹.</p> <p>Currently exempt businesses would have to appoint a food safety supervisor or have a staff member trained by an RTO to take that role.</p> <p>Increased costs for government with no ability to charge for administrative costs of approving RTOs.</p> <p>Significantly increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p>
Part 5 Display of nutritional information		
<p>The Fast Choices kJ labelling program would cease to function as the Act specifies that businesses prescribed by the Regulation must comply. Allowing the 2015 Regulation to lapse would mean:</p> <ul style="list-style-type: none"> • businesses that must display nutritional information would no longer be specified • information that must be displayed, the format and the location of the information would no longer be specified. <p>Nutrition information could still be displayed voluntarily by businesses, although it would not be consistent.</p> <p>This would be a significant move for NSW away from the increasing national focus on menu labelling^{60 61} and the National Obesity Strategy which has empowering personal</p>	<p>Reduced costs for food businesses when designing menus.</p>	<p>Reduced information for consumers to guide healthy food decisions.</p> <p>Increase in government and community public health costs related to obesity. The national cost of obesity was estimated at \$11.8 billion in 2017-18⁶², with further increases in the proportion of Australian adults overweight and obese combined with inflation making a current estimate likely to be significantly higher. While a single intervention such as menu labelling to tackle obesity may have only a small impact, most interventions are highly cost effective through a positive impact on the health of the society⁶³. An OECD study estimated that actions to promote healthier lifestyles have a positive impact on population health and are an excellent investment for Australia with on average, for every \$1 invested in obesity prevention, up to \$6 is returned in economic benefits⁶⁴. An Australian study found mandatory menu kilojoule labelling is likely to be a</p>

Impact	Benefits	Costs
responsibility to enable healthy living as one of the strategy's guiding principles.		cost-effective component of a comprehensive obesity prevention strategy ⁶⁵ .
Part 6 Provisions relating to the Food Standards Code		
<p>The Act allows the Regulation to contain provisions that modify implementation of the Food Standards Code in NSW. If the 2015 Regulation lapsed, it would apply unnecessary additional national regulation on some NSW food businesses:</p> <ul style="list-style-type: none"> licensed food businesses would need to comply with Standard 3.2.2A as well as other food safety standards of the Food Standards Code groups who handle and sell food to raise funds for community or charitable causes. <p>Food handling operations for fundraising events by community or charity groups would need to notify their business details before an event.</p> <p>It would not be clear that businesses could notify their business details by either written form or electronic form.</p>	Nil or minimal.	<p>Increased cost and red tape for:</p> <ul style="list-style-type: none"> community and charitable organisations to operate fundraising events licensed food businesses who would need to employ a food safety supervisor despite already operating with a higher level of food safety requirements than a food safety supervisor would provide.
Part 7 Food safety schemes – general provisions		
<p>The Food Authority's funding base would be compromised, with a shift from proactive to reactive regulatory activity.</p> <p>Licensing under the 2015 Regulation is necessary to ensure safety of food as it provides the cost recovery mechanisms (licence fees, inspection and audit charges) needed for the Food Authority to:</p> <ul style="list-style-type: none"> fund compliance activities administer national food safety standards that require food safety programs (Standards 3.3.1, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5 and 4.2.6) conduct an audit verification program to ensure consistency and integrity of audits provided by commercial food safety auditors inspect non-licensed food businesses captured under the Manufacturer Wholesaler Food Inspection Program support export market access as many importing countries demand government oversight as a market 	Reduced costs for food businesses – no licence fees and no inspection or audit charges.	<p>Costs to consumers and the community:</p> <ul style="list-style-type: none"> reduced compliance activities would result in an increase in foodborne illness outbreaks the Food Authority would have less ability to prohibit businesses with repeated food safety breaches from operating (for example, no longer able to suspend or cancel a licence to operate). <p>Cost to government – increased public health costs associated with foodborne illness outbreaks.</p>

Impact	Benefits	Costs
<p>access requirement, particularly for high-risk commodities such as shellfish</p> <ul style="list-style-type: none"> provide business support services for small businesses. <p>Licensing serves an important public health benefit as continually non-compliant high-risk food businesses are prevented from trading.</p>		
Part 8 Dairy food safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk businesses such as dairy. National inconsistency - without the Regulation NSW dairy primary production businesses would not need to comply with the Food Standards Code. They would not be required to have a food safety program, keep traceability records, or control food safety hazards arising from inputs, premise design, milking animals, milking practices, or people involved in milking.</p> <p>Reduced compliance tools available to the Food Authority.</p> <p>No sampling or analysis for pathogens by dairy businesses.</p> <p>Raw cow's milk poses an unacceptable public health and safety risk. Without the Regulation, raw cow's milk could be sold for human consumption in NSW. This would move NSW out of national alignment as all jurisdictions currently prohibit sale of raw cow's milk as food.</p> <p>Reduced market confidence in food produced and sold in NSW. There would no longer be a verified through chain food safety program (from primary production to the consumer).</p>	<p>Reduced costs for food businesses - no licence or audit fees.</p> <p>Reduced sampling and analysis costs.</p> <p>Reduced market entry barriers for new dairy food businesses.</p> <p>Individuals who want to consume raw cow's milk would be able to do so.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness due to reduced food safety and lack of sample analysis along the supply chain.</p> <p>Cost to individuals - people who consume raw milk are at an increased risk of infection from bacteria capable of causing severe illness and potentially death.</p> <p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Increased costs to industry through more conservative business decisions, reduced market confidence, higher business disruption costs due to food recalls, financial liability costs and insurance due to increased risk of foodborne illness outbreaks. For example, an Australian class action was taken against the manufacturer, exporter, and distributor of Bonsoy soy milk by nearly 500 people after becoming ill from high levels of iodine in the product during 2004-2009. The defendants paid \$25 million into a shared settlement fund in 2015⁶⁶. This demonstrates the potential financial liability costs that may be faced by businesses.</p> <p>Access to some export markets would be restricted due to the lack of a government verified food safety program.</p>
Part 9 Meat food safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk businesses such as meat. National inconsistency - without the Regulation NSW poultry production businesses would not need to comply with the Food Standards Code. This means they would not need to have a food safety management statement, keep traceability</p>	<p>Reduced costs for food businesses - no licence or audit fees.</p> <p>Reduced sampling and analysis costs.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness due to reduced food safety and lack of sample analysis along the supply chain.</p>

Impact	Benefits	Costs
<p>records, or control food safety hazards arising from inputs, premise design, waste, or people involved in production.</p> <p>Reduced compliance tools available to the Food Authority.</p> <p>No sampling or analysis for pathogens by meat businesses.</p> <p>NSW would no longer be able to apply the Australian Meat Standards for slaughtering and meat processing to high-risk meat processing businesses. These standards are recognised nationally as essential food safety management tools for the meat industry.</p> <p>Maintaining current access to domestic and international markets would be at risk. Foreign jurisdictions review exporting countries regulatory arrangements as part of reviewing access to their markets.</p> <p>Reduced capacity to quickly respond to a critical food safety or biosecurity emergency incident (for example, Foot and Mouth Disease) as without licensing the database of NSW dairy, poultry, egg farms, fishers, abattoirs, and meat processors will not be current. This database is crucial to effective management of an emergency response incident.</p>	<p>Reduced market entry barriers for new meat food businesses.</p>	<p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Meat could enter the human food chain that has been slaughtered without appropriate food safety, and animals considered not suitable for human consumption could enter the human food chain through NSW.</p> <p>Increased costs to industry through more conservative business decisions, increased fraudulent labelling of meat, reduced market confidence, higher business disruption costs due to food safety recalls, financial liability costs and insurance due to increased risk of foodborne illness outbreaks.</p> <p>Access to some export markets would be restricted due to the lack of a government verified food safety program. Costs for industry to independently verify their food safety systems would increase and foreign jurisdictions may impose technical requirements to trade and investment for new businesses.</p> <p>Costs to industry, the community, the economy and environment - reduced ability to quickly locate businesses crucial to controlling and successfully managing animal disease outbreaks and foodborne illness outbreaks (for example, <i>Salmonella</i> Enteritidis). Potential decrease in animal welfare.</p>
Part 10 Plant products food safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk plant products businesses.</p> <p>NSW-specific requirements for high-risk businesses operating in the plant products sector would no longer apply.</p> <p>National inconsistency - without the Regulation NSW berry, leafy vegetable and melon production businesses would not need to comply with the Food Standards Code. This means they would not need to have a food safety management statement, keep traceability records, or control food safety hazards arising from inputs, premise design, waste, or people involved in production.</p> <p>Reduced compliance tools available to the Food Authority.</p> <p>No sampling or analysis for pathogens by plant products businesses.</p>	<p>Reduced costs for food businesses - no licence or audit fees.</p> <p>Reduced sampling and analysis costs.</p> <p>Reduced market entry barriers for new plant products food businesses.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness due to reduced food safety and lack of sample analysis along the supply chain.</p> <p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Increased foodborne illness outbreaks as some of these high-risk products are not covered by national standards. In 1999 a <i>Salmonella</i> outbreak due to unpasteurised orange juice affected 533 people.</p> <p>Increased costs to industry through reduced market confidence, higher business disruption costs due to food safety recalls, financial liability costs and insurance due to increased risk of foodborne illness outbreaks.</p>

Impact	Benefits	Costs
Part 11 Seafood safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk businesses in the seafood and shellfish industries.</p> <p>National inconsistency - without the Regulation NSW seafood and shellfish production businesses would not need to comply with the Food Standards Code. They would not be required to have a food safety program, minimise contamination, keep traceability records, or control food safety hazards arising from inputs, harvest areas, storage, transport, packaging, premises and equipment, or people involved in production.</p> <p>No sampling or analysis to detect pathogens or toxins in shellfish or seafood harvest areas or businesses.</p> <p>The prohibition on harvest of shellfish at times when there is a high-risk of environmental contamination would no longer apply in NSW.</p> <p>Reduced compliance tools available to the Food Authority.</p>	<p>Reduced costs for food businesses - no licence or audit fees, or costs related to keeping seafood production facilities hygienic.</p> <p>Reduced sampling and analysis costs.</p> <p>Reduced market entry barriers for new seafood businesses.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Shellfish growers would have to organise and fund their own programs to monitor and manage pollution risks that cause shellfish contamination.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness. In 1997 oysters harvested from Wallis Lake (NSW) caused a hepatitis A outbreak due to contamination of the waterway with human sewage. Over 400 people were infected, and one person died.</p> <p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Increased costs to industry through reduced market confidence, higher business disruption costs due to food safety recalls, financial liability costs and insurance due to increased risk of foodborne illness outbreaks.</p>
Part 12 Vulnerable persons food safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk businesses in the vulnerable persons sector.</p> <p>The current NSW exemption for childcare centres would be removed, so they would need to comply with the Food Standards Code, Standard 3.3.1.</p> <p>No sampling or analysis for pathogens.</p> <p>Reduced compliance tools available to the Food Authority.</p>	<p>Reduced costs for food businesses - no food licence or food audit fees.</p> <p>Reduced sampling and analysis costs.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness due to reduced food safety and lack of sample analysis along the supply chain. As the target population is all vulnerable, health impacts and deaths could increase significantly.</p> <p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Increased costs for childcare centres to implement Standard 3.3.1.</p>
Part 13 Egg food safety scheme		
<p>Loss of government oversight of the food safety management arrangements of regulated high-risk businesses in the egg industry.</p> <p>National inconsistency - without the Regulation NSW egg primary production businesses would not need to comply with the Food Standards Code. They would not be required to have a food safety program, keep traceability records, or control</p>	<p>Reduced costs for food businesses - no licence or audit fees, or costs related to keeping egg production facilities hygienic.</p>	<p>Licensing under the 2015 Regulation provides cost recovery mechanisms to fund compliance activities and auditing of food safety programs.</p> <p>Cost to consumers, the community and the economy - increased foodborne illness due to reduced food safety and lack of sample analysis along the supply chain.</p>

Impact	Benefits	Costs
<p>food safety hazards arising from inputs, waste, bird health, premise design, or people involved in production.</p> <p>No sampling or analysis for pathogens.</p> <p>Reduced compliance tools available to the Food Authority.</p>	<p>Reduced sampling and analysis costs.</p> <p>Reduced market entry barriers for new egg businesses.</p>	<p>Increased public health costs and increased costs to government associated with tracing foodborne illness outbreaks.</p> <p>Costs to industry, community, the economy and environment - traceability of eggs to the producer would be lost. Reduced ability to quickly locate businesses crucial to controlling and successfully managing animal disease outbreaks (for example, Avian Influenza) and foodborne illness outbreaks (for example, <i>Salmonella</i> Enteritidis).</p>
Schedule 2 – Penalty notices		
<p>Penalty notice offences would cease to exist; however, offences would continue to exist under the Act and would require prosecution in court.</p>	<p>Removes immediate penalties that individuals and businesses pay if they commit an offence.</p>	<p>The removal of penalty notice offences removes clear incentives to food businesses to handle food safely.</p> <p>Likely increase in offences by food businesses and the administration cost to government from processing offences through the courts.</p> <p>Potential increase foodborne illness outbreaks with significant costs to consumers, the community and the economy.</p> <p>Potential to increase the costs to offenders, due to court fees and non-specified fine amounts.</p>

Summary Case for the preferred option

In conclusion, **Option 2** - making the draft Food Regulation 2025 under the *Food Act 2003* is **the preferred option**. It generates the greatest net benefit to businesses, consumers, government, and the community. Option 2 provides all the benefits of the base case (Option 1) such as maintaining kilojoule labelling for consumers, and certainty to businesses and consumers that food grown and processed in NSW is safe, as well as including certain horticulture primary production businesses that have been identified nationally as requiring additional regulatory oversight and including food safety management tools for some additional retail businesses.

Option 3 is not preferred to either the base case or the draft Regulation, as the lapse of the Food Regulation would significantly reduce food safety for consumers, reduce the government's ability to verify food production is safe, significantly increase the costs of foodborne illness to society, reduce consumer information to make healthier food choices, reduce access to export markets for NSW food businesses and reduce certainty for businesses about how to comply with national outcome based requirements in the Food Standards Code.

Appendix A: Stakeholders advised of the draft Regulation and RIS

Licensed food businesses	Food testing laboratories
Approved Registered Training Organisations	Approved Food Safety Supervisor Trainers
Approved Third Party Auditors	NSW Farmers Association
Local Governments within NSW	NSW Shellfish Committee: <ul style="list-style-type: none"> Farmer representatives from the South Coast, Mid North Coast, North Coast, and a Wild Harvester
Fast Choices and Nutrition Labelling Reference Group: <ul style="list-style-type: none"> NSW Health NSW Premier's Department Choice National Heart Foundation (NSW) Boden Institute of Obesity, Nutrition, Exercise and Eating Disorders George Institute for Global Health Australian Food and Grocery Council Australian National Retailers Association 	NSW Seafood Industry Forum: <ul style="list-style-type: none"> Sydney Fish Market Pty Ltd Commercial Fishermen's Co-operative Ltd Food and Beverage Importers Association NSW Aquaculture Association Inc. Professional Fisher's Association Master Fish Merchants Association of Australia Seafood suppliers/wholesalers/processors
NSW Meat Industry Consultative Committee: <ul style="list-style-type: none"> Australian Pork Limited Australian Meat Industry Council Australian Chicken Meat Federation Poultry producers and processors Meat processors 	NSW Vulnerable Persons industry: <ul style="list-style-type: none"> NSW Meals on Wheels Association Australian Private Hospitals Association HealthShare NSW Institute of Hospitality in Healthcare Aged and Community Care Providers Association Council on the Ageing NSW
NSW Dairy Food Safety Consultative Committee: <ul style="list-style-type: none"> Dairy Australia Dairy NSW Dairy producers and processors 	NSW Egg Industry Consultative Committee: <ul style="list-style-type: none"> Australian Eggs Egg Farmers of Australia Egg producers and processors
Food Regulation Forum: <ul style="list-style-type: none"> Local Government NSW Environmental Health Australia (NSW) Inc. The Development and Environmental Professionals' Association Local Government Professionals Australia NSW Small Business Commissioner 	Plant Products industry: <ul style="list-style-type: none"> Plant products licence holders Freshcare Berries Australia Melons Australia AusVeg Fresh Markets Australia

Appendix B: Comparison – Food Regulation 2015 and draft Food Regulation 2025

Table 8 compares the main amendments to the 2015 Regulation, it does not include minor changes such as updating the names of Departments and removing reference to past dates.

Table 8 Comparison – Food Regulation 2015 to draft Food Regulation 2025

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Part 2 Miscellaneous		Part 1 Preliminary	
Clause 5	Sets a replacement document for the purposes of the definition of AUS-MEAT manual in s.23B(5) of the Act, titled the AUS-MEAT Domestic Retail Beef Register (Ed 3 – 2011 version 1 amended 19 May 2011) published by AUS-MEAT.	Update to refer to the current version of the AUS-MEAT Domestic Retail Beef Register, Edition 4 – Version 1 published in May 2019.	Section 5
Part 3 Fees and Charges		Part 11 Fees and Charges	
Clause 11	Sets a \$330 fee for an improvement notice under s.66AA (1) of the Act.	Increase the fee for an improvement notice to \$565 in line with CPI increases since 2004.	Section 180
Clause 13	Sets a fee of \$800 for an application for approval as a food safety auditor under s.87(3)(b) of the Act.	Increase the fee for an application for approval as a food safety auditor to \$880. A full CPI increase is not needed for this fee.	Section 182
N/A	N/A	New \$500 certificate of clearance fee to lift a prohibition order.	Section 185
Clause 14(1)	Sets the charge for inspections of non-licensed food businesses as \$284 per hour with a minimum charge of half an hour (excluding travel time). Clause 14(2) allows the charge to increase annually in accordance with CPI. The current 2024/25 inspection charge used by enforcement agencies is \$362 per hour.	Increase the charge for inspecting non-licensed food businesses to \$370 per hour. This resets the baseline in response to CPI increases since 2015. Clarify that local councils can charge a fee for inspections of non-licensed food businesses.	Section 186(1)
Clause 15(10)	An annual administration charge may be charged to non-licensed businesses.	Increase the annual administration charge payable by non-licensed food businesses to: <ul style="list-style-type: none"> \$570 for businesses with less than 5 FTE staff \$1,170 for businesses with 5 – 50 FTE staff \$5,115 for businesses with more than 50 FTE staff. This resets the fee in line with CPI increases since 2010.	Section 187(10)
Clause 17	Sets the fee to accompany an application to change the register.	Increase the fee to apply to change the register to \$95 in line with CPI increases since 2004.	Section 184

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Part 4 Food safety supervisors		Part 2 Food safety supervisors	
Clause 20	Sets out the training a student must complete to be eligible for a food safety supervisor certificate. Sets timeline for RTOs and the Food Authority to issue certificates.	Amend the requirements so that a student must complete the full food safety supervisor certificate training with a single approved RTO. This ensures the student does not miss out on the key focus areas and reduces administrative burden for RTOs. Amend the requirements so that the maximum time for issuing the certificate is 6 months after the student has completed the training.	Section 12 Section 12 and 13
Clause 24 and 25	Conditions of approval for registered training organisations. Requires training organisations to have met national requirements.	Provisions merged. Clarified that documents provided to the Food Authority to determine if an individual is suitable to train and assess must be in the form approved by the Food Authority to verify document authenticity.	Section 19
Part 5 Requirements for the display of nutritional information		Part 3 Requirements for display of nutritional information	
Clause 33	Sets out the required nutritional information to be displayed by standard food outlets.	No change to intent. Clarify wording and refer to section S11-2 of the Food Standards Code to calculate average energy content.	Section 26
Clause 34	Sets out the requirements for voluntary display of nutritional information and how it is to be displayed.	No change to intent. Clarify wording and refer to section S11-2 of the Food Standards Code to calculate average energy content.	Section 27
Part 6 Provisions relating to the Food Standards Code		Part 1 Preliminary	
Clause 38	Modifications of the Food Standards Code.	Subclauses 38(1) and (2) moved as is to Part 1, s.6. Subclauses 38(3) and (4) moved as is to Part 2, s.9	Section 6 Section 9
Clause 39	Notifications can be made in writing or electronically.	Clarify wording. No change to intent. Notifications can be made in hard copy or electronically.	Section 7
Part 7 Food safety schemes – general provisions		Part 4 Food safety schemes – general provisions	
Clause 42	Allows a person to apply for a licence to carry on a food business. Clause 42(2) requires a fee of \$50 to be included with the application.	Increase the application fee to \$85 in line with CPI increases since 2004.	Section 33
Clause 43	Following receipt of an application for a food licence, the Food Authority may grant or refuse to grant the licence. There are certain grounds for refusal to grant a licence and the licence may be issued with conditions.	Simplify and clarify wording. No change to intent. Title amended to Deciding applications for licences, and text amended to specify that this section is about granting or refusing to grant a licence.	Section 35

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Clause 45	Additional conditions of a licence. All relevant provisions of the Act, Regulation and Food Standards Code must be complied with.	A new condition has been added requiring the holder of a licence for egg primary production to comply with Schedule 8.	Section 37
Clause 46	Allows for variation of the terms and conditions of a licence. Clause 46(7) requires the licence holder to pay a \$50 fee with an application to vary the terms or conditions of a licence.	Increase the fee for an application to vary terms or conditions of a licence to \$85 in line with CPI increases since 2004.	Section 38
Clause 50	Sets out the calculation and notification of licence fees and levies.	An incorrect reference about calculation of licence fees for seafood businesses has been fixed. A new subsection to calculate levies for shellfish businesses has been added.	Section 42
Clause 51	Applicants must present vehicles for inspection related to an application for licence or renewal of a licence.	The requirement to present a vehicle for inspection has been moved to s.34(3) which contains other provisions about an application for a licence.	Section 34
Clause 52	The Food Authority must issue a vehicle licence label for a relevant vehicle and sets out licence holder responsibilities.	The display and placement of the vehicle licence label is clarified.	Section 43
Clause 55	Sets out the arrangements for authorised officers or food safety auditors to inspect food businesses, audit food safety programs and assess compliance with the Food Safety Standards.	An additional subsection clarifies that businesses will be assessed for compliance with all relevant standards of the Food Standards Code, not just the Chapter 3 Food Safety Standards.	Section 46
Clause 57	Sets the charge for inspections and audits of licensed food businesses at \$284 per hour with a minimum charge of half an hour (excluding travel time). Clause 57(2) allows this charge to increase annually with CPI. The current 2024/25 inspection and audit charge is \$362 per hour.	Increase the charge for inspections and audits of licensed food businesses to \$370 per hour. This resets charges in response to CPI increases since 2015.	Section 48
Clause 58	Sets out which decisions made by the Food Authority may be challenged by a person by taking the matter to the Civil and Administrative Tribunal.	Consistent with the amendment in Section 35, the text has been updated to refer to granting or refusing to grant a licence.	Section 49
Part 8 Dairy food safety scheme		Part 5 Dairy food safety scheme	
Clause 59	Sets out definitions used in the dairy food safety scheme.	Remove definition of <i>vehicle vendor</i> . Insert new definitions processed dairy product and processed dairy product transport business.	Section 51

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
		Any businesses licensed as a vehicle vendor will now be licensed as a processed dairy product transport business. This new definition covers transport of all processed dairy products.	
Clause 61	States some handling of food that the dairy food safety scheme does not apply to.	Simplify and clarify wording. No change to intent. Clarifies which sections of the dairy food safety scheme do apply to retail sale, and handling that the scheme does not apply to.	Section 53
Clause 62(1)(a)	Lists the types of activities and businesses that are a dairy business.	Remove previous paragraphs (v), (vii) and (viii) as these types of dairy transport activities will be covered by either the existing <i>dairy transport business</i> or the new <i>processed dairy product transport business</i> . Insert the operation of a processed dairy product transport business.	Section 52
Clause 62(2)	Set a future date for when a raw milk product business became a dairy business.	Remove the raw milk product business commencement subclause as the date has passed and the requirement is now in effect.	
Clause 69	Businesses that collect milk from a farm must take a sample of the milk.	The time the sample must be taken is now specified to avoid confusion. Samples must be taken at the time of collecting the milk.	Section 61
Clause 71	Dairy businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a dairy business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 63
Part 9 Meat food safety scheme		Part 6 Meat food safety scheme	
Clause 76	Sets out the definitions used in the meat food safety scheme.	Amend <i>hogget</i> and <i>lamb</i> definitions to refer to the AUS-MEAT Language sheepmeat processing language handbook. Delete <i>in wear</i> definition as no longer required. Insert sheepmeat processing language handbook definition.	Section 69
Clauses 83, 84, 87 and 98	These clauses reference an Australian Standard for hygienic production of meat for human consumption.	Update all references to new version: AS4696-2023 Hygienic Production and Transportation of Meat and Meat Products for Human Consumption.	Sections 75, 76, 79 and 90

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Clauses 83 and 84	Require abattoirs and meat processing plants to comply with relevant Australian Standards.	Clarify that all abattoirs and meat processing plants must comply irrespective of their licence status. This provides an extra prosecution option for illegal meat businesses.	Sections 75 and 76
Clauses 98 and 103	Marking of carcasses for abattoir meat and game meat.	Update references to new Commonwealth Act: <i>Export Control Act 2020</i> .	Sections 90 and 95
Clause 106	Sale of meat for use as animal food. Meat from a licensed abattoir or game meat primary processing plant is permitted.	Insert meat from licensed knackereries as acceptable for sale as an animal food.	Section 98
Clause 117	Meat businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a meat business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 109
Part 10 Plant products food safety scheme		Part 7 Plant products food safety scheme	
Clause 120	Sets out the definitions used in the plant products food safety scheme.	Amend <i>fresh cut vegetable</i> definition to remove “green” as all leafy vegetables are to be included, not just leafy green vegetables. Insert <i>leafy vegetable</i> definition. From 12 February 2025 the plant products food safety scheme is expanded to apply the new primary production and processing standards of the Food Standards Code in NSW. From 12 February 2025, new definitions: <ul style="list-style-type: none"> • Berries • Melons • Small berry plant products business • Small leafy vegetable plant products business • Small melon plant products business From 12 February 2025, amended definition: <ul style="list-style-type: none"> • Plant product 	Section 113
Clause 124	Lists types of activities that are a plant products business.	From 12 February 2025 the plant products food safety scheme is expanded to apply the new primary production and processing standards of the Food Standards Code in NSW. New activities	Section 114

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
		related to primary production and processing of berries, leafy vegetables and melons will be added.	
N/A	Not applicable.	From 12 February 2025, new section to apply the Food Standards Code to berry primary production businesses.	Section 116A
N/A	Not applicable.	From 12 February 2025, new section to apply the Food Standards Code to leafy vegetable primary production businesses.	Section 116B
N/A	Not applicable.	From 12 February 2025, new section to apply the Food Standards Code to melon primary production businesses.	Section 116C
Clause 125	Lists the samples that certain businesses must have analysed.	From 12 February 2025, new requirement for samples to be analysed of wash water used for the final washing of leafy vegetables or melons.	Section 117
Clause 126	Plant products businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a plant products business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 118
Clause 127	For the plant products food safety scheme, the Food Authority must consult directly with each holder of a licence of a plant products business.	Amend to establish a plant products industry consultative committee for consultation with the plant products industry.	Section 119
Part 11 Seafood food safety scheme		Part 8 Seafood food safety scheme	
Clause 129	Sets out the definitions used in the seafood safety scheme.	Separate the definition of <i>growing on</i> from the definition of <i>spat</i> . No change to intent. Insert depuration, high pressure processing and wet storage definitions.	Section 122
Clause 134	Lists the activities within the meaning of a seafood business.	Include wet storage and high pressure processing in the list of activities.	Section 124
Clause 140	Seafood businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards. Specifies that laboratories must submit written results from certain analyses related to shellfish.	Speed up the notification timeframes for a seafood business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of seafood samples that fail the relevant microbiological standards.	Section 132

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Clause 150	Sets out arrangements for the Food Authority to fund the NSW Shellfish Committee and local shellfish committees.	Previous subclause (4) has been removed as there is no power in the Act to require local shellfish committees have a trust account.	Section 142
Part 12 Vulnerable persons food safety scheme		Part 9 Vulnerable persons food safety scheme	
Clause 162	Vulnerable persons businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for a vulnerable persons business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 154
Clause 163	Establishes the vulnerable persons food safety scheme consultative committee for consultation about the vulnerable persons food safety scheme.	Amend wording - the Food Authority may establish a consultative committee rather than must establish a committee. This allows the Food Authority permission to communicate directly with each holder of a licence of a vulnerable persons business or have a consultative committee.	Section 155
Part 13 Egg food safety scheme		Part 10 Egg food safety scheme	
Clause 166	Sets the parts of the regulation that are the egg food safety scheme.	Schedule 8 is added to the egg businesses. Part of the egg food safety scheme applies to small egg producers.	Section 157
Clause 168(2)	Sets out the definitions of an egg product and a blended egg product mixture.	Definitions of <i>egg product</i> and <i>blended egg product mixture</i> are retained as is but are moved to be with other definitions for the egg food safety scheme.	Section 158
Clause 169	Sets out the requirements of the Food Standards Code that apply to primary production of eggs.	Clearly sets out the standards to be complied with by small egg producers and the standards for other egg producers.	Section 162
Clause 174	Prohibits certain activities relating to cracked eggs.	Remove previous subclause (3) as not required.	Section 167
Clause 179	Analyses required by certain egg businesses.	New requirement for licensed egg primary producers to undertake <i>Salmonella</i> Enteritidis environmental sampling of poultry sheds and poultry housing areas.	Section 172
Clause 180	Egg businesses required to do analyses must notify the Food Authority verbally and in writing if the sample fails the relevant microbiological standards.	Speed up the notification timeframes for an egg business to a maximum of 24 hours verbally and 48 hours in writing. New requirement for laboratories to notify the Food Authority in writing within 24 hours of the completion of any analysis of food samples that fail the relevant microbiological standards.	Section 173

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
Clause 181(1)	Records must be kept by an egg business about sales. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 174
Clause 181(2)	Records must be kept by an egg business about purchases. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 175
Clause 181(3)	Records must be kept by an egg business about transport. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 176
Clause 181(4)	Records must be kept by an egg business about storage. Length of time records to be kept not clear.	Records must be kept for 2 years.	Section 177
Schedule 2 Penalty notices		Schedule 2 Penalty notice offences	
Part 1	Penalty notice amounts for offences against the <i>Food Act 2003</i> .	<p>Remove penalty notices for an offence against the Act s.35. An offence against the Act, s.35 requires judgement about any potential “reasonable excuses” for non-compliance and so is not suitable for a penalty notice. Instead, an alleged offence against the Act, s.35 would be heard in court.</p> <p>Increase all penalty notices for individuals for offences against the Act by CPI, rounded to the nearest penalty unit.</p> <p>Increase penalty notices for corporations for offences against the Act (except s.21 offences) by CPI, rounded to the nearest penalty unit.</p> <p>Increase penalty notices for corporations for s.21 offences against the Act to triple the value of the individual penalty notice.</p>	Schedule 2
Part 2	Penalty notice amounts for offences against the Food Regulation 2015.	Increase all penalty notices for individuals for offences against the Regulation (except s.117(1), 118(1), 118(2), 165(1), 166 and 167(2)) by CPI, rounded to the nearest penalty unit.	Schedule 2
		Increase some penalty notices in the plant products food safety scheme by more than CPI to be consistent with similar offences in the other food safety schemes - s.117(1), 118(1) and 118(2) about having samples analysed and notifying the Food Authority of samples that fail the microbiological standards.	Schedule 2 s.117(1), s.118(1), s.118(2)
		Increase some penalty notices in the egg food safety scheme by more than CPI to be consistent with other egg related offences in the food safety scheme - previous s.165(1), 166 and 167(2) about	Schedule 2 s.165(1), s.166, s.167(2)

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
		not using cracked eggs, or unpasteurised egg product or unpasteurised egg product mixture in food.	
		Insert penalty notice for s.62(2) that was previously missing from Schedule 2.	Schedule 2 s.62(2)
		Insert in each food safety scheme a new penalty notice for failure of the person in charge of the laboratory to notify a pathogen detection.	Schedule 2 s.63(3), s.109(3), s.118(3), s.132(6), s.154(3), s.173(3)
Schedule 3 Licence fees		Schedule 3 Licence fees	
Relevant to clauses 75, 119, 128, 151, 164 and 183	<p>Sets annual licence fees for food businesses. Most licence fees are based on the number of full time equivalent (FTE) food handlers in a business.</p> <p>For dairy, meat, plant products, seafood and egg businesses (excluding poultry farms, egg producers selling fewer than 240 eggs per week, game meat field depots and animal food field depots) the following annual licence fees are set:</p> <ul style="list-style-type: none"> • 0 to 5 FTE \$441 • 5 to 50 FTE \$910 • More than 50 FTE \$3,988 <p>For vulnerable persons businesses the following annual licence fees are set:</p> <ul style="list-style-type: none"> • 0 to 3 FTE \$276 • 3 to 10 \$355 • 10 to 30 \$657 • 30 to 50 \$954 • More than 50 FTE \$1,254 <p>For these businesses a fixed annual licence fee is set:</p> <ul style="list-style-type: none"> • Poultry farm \$328 per premises • Transport vehicles \$328 per vehicle • Game meat field depots \$441 per site • Animal food field depots \$328 per site 	<p>Reset annual licence fees in Schedule 3 in line with increase in the Consumer Price Index since 2015.</p> <p>For dairy, meat, plant products, seafood and egg businesses (excluding poultry farms, egg producers selling fewer than 240 eggs per week, game meat field depots and animal food field depots), the following annual licence fees are set:</p> <ul style="list-style-type: none"> • 0 to 5 FTE \$570 • 5 to 50 FTE \$1,180 • More than 50 FTE \$5,170 <p>For vulnerable persons businesses the following annual licence fees are set:</p> <ul style="list-style-type: none"> • 0 to 3 FTE \$360 • 3 to 10 \$460 • 10 to 30 \$850 • 30 to 50 \$1,235 • More than 50 FTE \$1,625 <p>For these businesses a fixed annual licence fee is set:</p> <ul style="list-style-type: none"> • Poultry farm \$425 per premises • Transport vehicles \$425 per vehicle • Game meat field depots \$570 per site • Animal food field depots \$425 per site • Meat vans, game meat field harvest vans, animal food vans or animal food field harvest vans \$425 per vehicle • Small berry plant products business \$75 per site • Small leafy vegetable plant products business \$75 per site 	Relevant to sections 67, 111, 120, 143, 156 and 179

2015 Regulation reference	2015 Regulation	Draft 2025 Regulation	2025 Regulation reference
	<ul style="list-style-type: none"> Meat vans, game meat field harvest vans, animal food vans or animal food field harvest vans \$328 per vehicle Capture or collect wild seafood \$328 with or without a vessel <p>Clauses 75(2), 119(2), 128(2), 151(2), 164(2) and 183(2) allow these fees to increase annually in accordance with the Consumer Price Index.</p>	<ul style="list-style-type: none"> Small melon plant products business \$75 per site Capture or collect wild seafood \$425 with or without a vessel <p>Sections 67(2), 111(2), 120(2), 143(2), 156(2) and 179(2) continue to allow licence fees to increase annually in line with CPI.</p>	
Schedule 7 Provisions relating to members and procedure of local shellfish committees		Schedule 7 Provisions relating to members and procedure of local shellfish committees	
Part 2, Section 6	Describes the process to be followed by the committee when a member has a direct or indirect pecuniary interest in a matter being considered by the committee.	Modernised so that disclosures that must be recorded by the local committee no longer need to be recorded in a physical book – other methods of recording the disclosure are acceptable.	Part 2, Section 6
N/A		Schedule 8 Licence condition for primary production of eggs – control of <i>Salmonella</i> Enteritidis	
N/A	N/A	<p>Schedule 8 is a condition of licence for egg primary production businesses. It contains specific requirements to reduce risks of <i>Salmonella</i> Enteritidis entering the production area and causing eggs to become contaminated.</p> <p>The requirements include provisions about people and vehicles entering the production area, as well as keeping packaging clean, vermin control, record keeping, and traceability.</p>	Schedule 8

Appendix C: Food Act 2003, section 103 requirements

Section 103 of the *Food Act 2003* specifies matters to be included in the Regulatory Impact Statement when establishing a food safety scheme. The draft Food Regulation 2025 remakes six food safety schemes. The s103 requirements are considered in Table 9 and Table 10.

Table 9 Consideration of Food Act 2003, section 103 requirements for food safety schemes

	Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
s103(3)(a) assessment of food safety risks in the industry or sector of industry to which the food safety scheme relates.	The Food Authority reviews and updates risk assessments on a rolling schedule, with one or two food safety scheme risk assessments reviewed each year. In this way, each risk assessment is reviewed and updated within the five-year timeframe for the review of the Food Regulation. Full review completed September 2023. The risk characterisation largely aligns with the previous risk assessment and regulations are still applicable to manage risk.	Full review completed March 2021. The risk characterisation largely aligns with the previous risk assessment and regulations are still applicable to manage risk.	Full review completed June 2019. The hazard identification and main findings of the previous risk assessment remain essentially the same, however additional hazards were identified in some products outside the scope of the 2015 Reg. The proposed 2025 Regulation brings some of these additional products into the Plant Product food safety scheme.	Review completed April 2017 (currently being reviewed).	Review completed February 2017 (to be reviewed in 2025).	Full review completed June 2022. The hazard identification and main findings of the previous risk assessment were updated due to locally acquired SE cases and detections of SE at some NSW egg farms.
s103(3)(b) statement of whether the food safety scheme is based on national standards or supplements national standards, and for	The food safety schemes adopt and implement various national standards. To clarify implementation in NSW and ensure food safety throughout the supply chain of high-risk products, the national standards are supplemented with the following NSW requirements:					
	<ul style="list-style-type: none"> Clarify that a product more than 50% by weight milk or 	<ul style="list-style-type: none"> Additional meat businesses in the food safety scheme. 	<ul style="list-style-type: none"> Additional plant product businesses in the food safety 	<ul style="list-style-type: none"> Additional seafood businesses in the food safety 	<ul style="list-style-type: none"> Licensing of vulnerable persons businesses. 	<ul style="list-style-type: none"> Additional egg businesses in the food safety scheme (egg product

	Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
those standards imposed by the food safety scheme that are not national standards, an explanation of why those standards are required?	<p>a product produced from milk is a dairy product.</p> <ul style="list-style-type: none"> Additional dairy businesses in the food safety scheme (dairy produce store, transport of processed dairy products). Licensing of dairy businesses. <p>Clearly defining a dairy product provides clarity for industry. Including additional dairy businesses in the food safety scheme means the entire dairy supply chain is covered bringing assurance that all industry players must maintain commitment to food safety.</p>	<ul style="list-style-type: none"> Licensing of meat businesses except live bird transporters. Requirement to implement Standard 3.2.1 Food Safety Program for abattoirs, meat processors, game meat processors, retail butchers, game meat harvester vehicles, game meat field depots. Requirement to comply with the Australian (Meat) Standards. Red meat abattoirs & some game meat processing plants – carcass inspection, hygiene branding and lamb/hogget branding. <p>Including additional meat businesses in the food safety scheme means the entire meat supply chain is covered bringing assurance that all industry</p>	<p>scheme (fresh-cut fruit & vegetables, vegetables-in-oil and unpasteurised juice).</p> <ul style="list-style-type: none"> Licensing of plant products businesses. Requirement to implement a food safety program for plant product processors. <p>Strong public health case for including fresh-cut fruit and vegetables, vegetables-in-oil and unpasteurised juice. These products are recognised as high-risk in national risk assessments, but have not been included in through-chain, national standards under the Food Standards Code.</p> <p>For example, unpasteurised juice has been identified as high-risk (Food Science Australia</p>	<p>scheme (Seafood businesses that can, smoke or crumb seafood, Seafood stores, Seafood transport).</p> <ul style="list-style-type: none"> Licensing of seafood businesses. Requirement to implement a food safety program for seafood processors. <p>Strong public health case for including all seafood businesses in the seafood safety scheme so the entire seafood supply chain is covered bringing assurance that all industry players must maintain commitment to food safety. Also requiring seafood processors to maintain a food safety program is the most effective tool for monitoring and controlling food safety risks, particularly for</p>	<p>In NSW, childcare centres are exempt from Standard 3.3.1 Food Safety Programs for Food Service to Vulnerable Persons.</p> <p>However, childcare centres that provide food as part of their service must comply with other parts of the Food Standards Code including Standard 3.2.2 Food Safety Practices and General Requirements, Standard 3.2.2A Food Safety Management Tools and Standard 3.2.3 Food Premises and Equipment.</p>	<p>storage & transport of cracked or unpasteurised egg product).</p> <ul style="list-style-type: none"> Licensing of egg businesses. Requirement to implement Standard 3.2.1 Food Safety Program for licensed egg producers, graders and processors. Requirement for licensed producers to implement Standard 3.2.3 Food Premises & Equipment and the Standard 3.2.2 Food Safety Practices and General health & hygiene division. Pasteurisation equipment specified, and equipment for alternative methods approved by Food Authority. Unpasteurised egg product not to be use in food for sale. Record keeping about purchase, sale, transport and storage of cracked

Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
<p>Agencies in all Australian jurisdictions have been established to regulate dairy businesses.</p>	<p>players must maintain food safety.</p> <p>The Food Standards Code, Standard 4.2.3 Primary Production and Processing for Meat refers to the fact that states and territories govern the slaughter and processing of animals for human consumption through introducing laws that require persons involved in such activities to comply with appropriate Australian standards. All Australian jurisdictions have legislated the Australian Standards and monitor and enforce industry compliance.</p> <p>Requiring meat businesses to maintain a food safety program is the most effective tool for monitoring and controlling food safety risks, particularly for processing and traceability.</p>	<p>2002, Final report – scoping study on the risk of plant products, unpublished) and has caused foodborne illness outbreaks in Australia. In 1999 there was an outbreak of Salmonella in South Australia that affected over 500 people due to consumption of unpasteurised orange juice (Food Authority 2019, NSW Plant products food safety scheme: periodic review of the risk assessment). Requiring these businesses to maintain a food safety program is the most effective tool for monitoring and controlling food safety risks, particularly for processing and traceability.</p>	<p>processing and traceability.</p> <p>Minimum food safety standards for shellfish harvesters are critical to prevent foodborne illness as past failures have resulted in serious outbreaks. In 1997 oysters harvested from Wallis Lake (NSW) caused a Hepatitis A outbreak affecting 467 people and the death of a 77-year-old man.</p>		<p>eggs and unpasteurised egg products.</p> <p>Strong public health case for including egg businesses in the food safety scheme and requiring licensed producers to comply with additional standards of the Food Standards Code. Eggs alone or in a complex food, were identified as the suspected or responsible food in 52 foodborne illness outbreaks from 2013 to 2020 (Egg risk assessment). Requiring licensed producers, graders and processors to maintain a food safety program is the most effective tool for monitoring and controlling food safety risks.</p>

Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
	<p>Hygiene branding of carcasses assures industry and consumers that meat has been assessed as safe for human consumption.</p> <p>Lamb branding provides marketing advantages to NSW lamb and hogget producers.</p>				
<p>s103(3)(c) explanation as to whether the food safety scheme is performance-based or prescriptive, or a combination of both, and the rationale for the approach adopted taking into account the assessed food safety risks in the relevant industry or sector of industry and the capacity of the people involved in that industry or sector of industry to deal adequately with those risks.</p>	<p>The food safety schemes are largely performance based. The food safety schemes are designed as through-chain (from primary production to the final consumer), risk and HACCP-based (or equivalent). The overall risk and HACCP type framework for development of food safety programs means that individual businesses must identify the potential hazards of their specific business and how these hazards will be controlled and monitored. The Food Authority provides food safety program templates to assist smaller businesses create their individualised food safety program.</p> <p>Some of the food safety schemes also have prescriptive elements to provide greater consistency and clarity of expectations.</p> <p>For example, the egg food safety scheme contains prescriptive requirements for egg producers to ensure the satisfactory management of the risks of <i>Salmonella</i> Enteritidis, which also helps with control of <i>Salmonella</i> Typhimurium which is common in egg facilities. Vigilance and maintenance of strict hygiene procedures are crucial for the Australian egg industry into the future to reduce industry viability risks and consumer health risks associated with <i>Salmonella</i> Enteritidis.</p> <p>For example, the seafood safety scheme contains prescriptive requirements through the NSW Shellfish Program for harvest area management plans and controls on harvest timing. These prescriptive requirements are supported by the shellfish industry to significantly improve the safety of shellfish through identification of high-risk events such as heavy rainfall and holiday periods that may contribute to pollution of the waterways and compromise shellfish safety. As coastal populations continue to increase and place additional pressure on local infrastructure, such as sewage treatment plants, the future role of the NSW Shellfish Program to ensure the continued safety of shellfish is vital.</p>				
<p>s103(3)(d) explanation of the scope of the food safety scheme, including the persons who have</p>	<p>Businesses subject to Standard 4.2.4</p> <ul style="list-style-type: none"> Dairy primary production 	<p>Businesses subject to Standard 4.2.2</p> <ul style="list-style-type: none"> Poultry primary production (partial exemption for 	<p>Businesses subject to Standard 4.2.6</p> <ul style="list-style-type: none"> Seed sprout production and processing 	<p>Businesses subject to Standard 4.2.1</p> <ul style="list-style-type: none"> Seafood production and processing 	<p>Businesses subject to Standard 3.3.1</p> <ul style="list-style-type: none"> Hospitals Hospices Same day establishments for <p>Businesses subject to Standard 4.2.5</p> <ul style="list-style-type: none"> Egg primary production (partial exemption for

	Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
responsibilities under the scheme.	<ul style="list-style-type: none"> Dairy processing Dairy transport <p>Plus:</p> <ul style="list-style-type: none"> Processed dairy product transport Dairy produce stores Products more than 50% by weight milk or a product produced from milk Raw milk production, processing, transport or delivery. <p>Persons with responsibilities:</p> <ul style="list-style-type: none"> Holder of the license Persons involved with raw milk Person in charge of a laboratory (proposed Reg) 	<p>people with less than 100 poultry)</p> <ul style="list-style-type: none"> Poultry processing, storage & transport <p>Businesses subject to Standard 4.2.3</p> <ul style="list-style-type: none"> Meat primary production & transport Businesses producing ready-to-eat meat Businesses producing uncooked comminuted fermented meat (UCFM). <p>Plus:</p> <ul style="list-style-type: none"> Abattoirs Meat processing plants Game meat processing plants Meat vans Game meat vans Knackeries Rendering plants Animal food processing plants Animal food vans Meat retail premises 	<p>Businesses subject to Standard 4.2.7</p> <ul style="list-style-type: none"> Berry primary production Berry primary processing <p>Businesses subject to Standard 4.2.8</p> <ul style="list-style-type: none"> Leafy veg primary production Leafy veg primary processing <p>Businesses subject to Standard 4.2.9</p> <ul style="list-style-type: none"> Melon primary production Melon primary processing <p>Plus:</p> <ul style="list-style-type: none"> Processors of fresh cut fruit & vegetables Processors of vegetables-in-oil Processors or unpasteurised fruit juice Plant product stores Plant product transport <p>Persons with responsibilities:</p>	<p>Plus:</p> <ul style="list-style-type: none"> Seafood businesses that smoke, can or crumb seafood Seafood stores Seafood transport <p>Persons with responsibilities:</p> <ul style="list-style-type: none"> Holder of the license Person in charge of a laboratory (proposed Reg) 	<p>chemotherapy & renal dialysis</p> <ul style="list-style-type: none"> Aged care services (nursing homes, respite care, same-day aged care and low-care aged care) Delivered meals organisations <p>Note: NSW does not apply Standard 3.3.1 to childcare centres</p> <p>Persons with responsibilities:</p> <ul style="list-style-type: none"> Holder of the license Person in charge of a laboratory (proposed Reg) 	<p>small egg producers)</p> <ul style="list-style-type: none"> Egg processors Storage or transport of pasteurised egg product <p>Plus:</p> <ul style="list-style-type: none"> Storage & transport of cracked eggs or unpasteurised egg product. <p>Persons with responsibilities:</p> <ul style="list-style-type: none"> Holder of the license Person in charge of a laboratory (proposed Reg)

Dairy food safety scheme	Meat food safety scheme	Plant products food safety scheme	Seafood safety scheme	Vulnerable persons food safety scheme	Egg food safety scheme
	Persons with responsibilities: <ul style="list-style-type: none"> • Holder of the license • Person in charge of a laboratory (proposed Reg) 	<ul style="list-style-type: none"> • Holder of the license • Person in charge of a laboratory (proposed Reg) 			
s103(3)(e) explanation of agreements involving the Food Authority and other government agencies as to regulation of the food, food business or activity carried out in respect of food to which the food safety scheme relates.	Department of Agriculture, Fisheries and the Forestry (DAFF, Commonwealth) – control exports of agricultural products. DAFF recognise Food Authority audits of export-registered dairy and shellfish businesses. Conversely, the Food Authority recognises DAFF audits of export-registered meat and poultry businesses. Food Standards Australia New Zealand (Commonwealth) – development of standards and coordination of food recalls.				
s103(3)(f) explanation of why the licensing scheme is necessary to ensure the safety of food.	Licensing plays an important role in maintaining a stable business environment with government oversight of the food safety management arrangements of high-risk businesses. High-risk businesses must be licensed with the Food Authority and comply with certain requirements as a condition of their operation (e.g., food safety programs). Licences may be modified, suspended or cancelled for non-compliance with these conditions (if necessary). The licensing scheme is necessary to ensure the safety of food as it provides the cost recovery mechanisms (administration and licence fees; inspection and audit charges) needed for the Food Authority to: <ul style="list-style-type: none"> • Administer national food safety standards that require food safety programs (Standards 3.3.1, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.8 and 4.2.9). • Conduct an audit verification program to ensure consistency and integrity of regulatory audits provided by commercial food safety auditors. • Support export market access, as many importing countries demand government oversight as a market access requirement, particularly for high-risk commodities. • Provide business support services used by small businesses, and without such services food safety costs would likely increase for these businesses. 				

Table 10 Consideration of industry quality assurance schemes for the Food Act s.103(3)(g)

Quality assurance system	Managed by	Scope	Comments
Harmonised Australian Retailer Produce Scheme (HARPS)	Produce Marketing Association Australia New Zealand	Whole fruit, whole vegetables and nuts in shells. Businesses that: <ul style="list-style-type: none"> • Grow produce for retail sale • Pack produce for retail sale • Operate as an aggregator, distributor, broker or agent supplying produce for retail sale • Are a direct supplier, a subcontract supplier or a co-packer. 	Participation is voluntary. Does not cover cut/chopped fruit/vegetables.
SQF Food Safety Program	Food Marketing Institute	Primary production, packing, processing, transport, manufacturing, wholesaling and retail/food service. Food Safety Codes for: <ul style="list-style-type: none"> • Primary Plant Production • Primary Animal Production • Aquaculture • Food Manufacturing • Animal Product Manufacturing • Animal Feed Manufacturing • Pet Food Manufacturing • Dietary Supplement Manufacturing • Storage and Distribution • Manufacturing of Food Packaging • Food Retailing • Food Catering and Foodservice 	Participation is voluntary.
Freshcare Food Safety and Quality On-farm Standard	Freshcare	Primary production and grower-packers - 'whole produce' only	Participation is voluntary. Does not cover cut or chopped fruit/vegetables.
GLOBALG.A.P. Integrated Farm Assurance Standard		Primary production and packing General requirements and three modules of control points and compliance criteria: <ul style="list-style-type: none"> • All Farm Base Module - all producers must comply with certification requirements. • Scope Module – based on food production sectors: crops, livestock and aquaculture. • Sub-scope Module – requirements for a particular product or aspect of the food production and food supply chain; for example, fruit and vegetables, tea, flowers. 	Participation is voluntary.

Quality assurance system	Managed by	Scope	Comments
BRC Global Standard for Food Safety		Manufacture, processing and packing of: <ul style="list-style-type: none"> processed foods raw materials or ingredients for use by food service companies, catering companies and/or food manufacturers primary products such as fruit and vegetables pet foods for domestic animals. 	Participation is voluntary. Packers only (not primary production).
ISO 22000 Food safety management		All food businesses	Participation is voluntary and uptake is limited.
Australian Pork Industry Quality Assurance Program (APIQ)	Australian Pork Limited	Pig producers. On-farm management, food safety, animal welfare, biosecurity, and traceability.	Participation is voluntary.
RSPCA Approved Farming Scheme	Royal Society for the Prevention of Cruelty to Animals (RSPCA)	Focus on farm animal welfare of layer hens, pigs, meat chickens, turkeys and farmed Atlantic salmon.	Participation is voluntary. Focus is not food safety.
Livestock Production Assurance	Integrity Systems Company, a subsidiary of Meat & Livestock Australia (MLA)	On-farm – cattle, sheep and goats. Joint focus on livestock management, food safety, biosecurity & animal welfare. Approximately 3000 audits are conducted per year, with producers selected randomly from full database. Initial audit is covered by the LPA accreditation fee, however any subsequent audits necessary may incur a fee that is billed to the producer.	Participation is voluntary.
Coles Supplier Requirements	Coles	All fresh produce suppliers - focus on use of plant protection chemicals and testing of Maximum Residue Limits. Recommend (but not mandatory) certification through either SQF, Freshcare or Global G.A.P. All Own Brand food suppliers – from growers to processors, are required to have up to date GFSI (Global Food Safety Initiative) certification from SQF, BRC etc.	Only selected businesses.
Woolworths Supplier Excellence	Woolworths	Applies to selected businesses as part of the contractual requirements for supply to the Woolworths Group.	Only selected businesses.
Australian Health Service Safety and Quality Accreditation Scheme	Australian Commission on Safety and Quality in Health Care	The <i>National Health Reform Act 2011</i> , model national scheme provides nationally coordinated accreditation process against safe and quality standards, such as the National Safety and Quality Health Service (NSQHS) Standards.	Assessors are not qualified to audit food safety programs.

Quality assurance system	Managed by	Scope	Comments
		<p>All hospitals, day procedure services and public dental services across Australia are required to be accredited to the NSQHS Standards.</p> <p>Approved accrediting agencies assess health service organisations against the standards.</p>	
ACHS EQuIP6 Healthcare Support Services	Australian Council on Healthcare Standards	Quality assessment and improvement program for healthcare organisation such as hospitals, day procedure centres, community health services, specialist care services, rural and remote health services, area / district / network services.	<p>Participation is voluntary.</p> <p>Assessors are not qualified to audit food safety programs.</p>
Aged Care Quality Standards	Aged Care Quality and Safety Commission (ACQSC)	<p>The Aged Care Quality Standards in the Quality of Care Principles 2014, are applicable to residential care, home care and flexible care in the form of short-term restorative care. The standards require compliance with relevant jurisdictional food safety regulations.</p> <p>Organisations providing Commonwealth subsidised aged care services are required to comply with the Aged Care Quality Standards (Quality Standards).</p> <p>ACQSC monitors the quality of Australian Government-funded aged care services. They independently assess all services and accredit residential aged care services against the Aged Care Quality Standards.</p>	Assessors are not qualified to audit food safety programs.
Australian Retirement Village Accreditation Scheme	Property Council of Australia and Aged & Community Care Providers Association	Single-industry accreditation scheme for operators of retirement villages and seniors housing.	<p>Participation is voluntary.</p> <p>Assessors are not qualified to audit food safety programs.</p>

References

- ¹ Australian National University 2022. The annual cost of foodborne illness in Australia. Final Report for Food Standards Australia New Zealand. FSANZ 2023 inflation-adjusted estimate.
- ² Estimated using ABS National, state and territory population data, reference period December 2023, Australian National University 2022 The annual cost of foodborne illness in Australia. Final Report for FSANZ, and FSANZ 2023 inflation-adjusted cost estimate.
- ³ NSW Department of Primary Industries, Performance Data and Insights 2023.
- ⁴ Australian Bureau of Statistics. Value of Agricultural Commodities Produced 2021-22.
- ⁵ Australian Bureau of Statistics, Australian Industry 2021-22.
- ⁶ Australian Bureau of Statistics. Retail Trade monthly and quarterly estimates of turnover and volumes for retail businesses, reference period March 2024.
- ⁷ NSW Department of Primary Industries, Performance Data and Insights 2023.
- ⁸ NSW Department of Primary Industries, Performance Data and Insights 2023.
- ⁹ Australian Food and Grocery Council, State of the Industry – interactive dashboard. afgc.org.au/industry-resources/state-of-the-industry-2/state-of-the-industry-interactive-dashboard Accessed 26 June 2023.
- ¹⁰ NSW Food Authority, 2022-23 Annual Report.
- ¹¹ Australian Bureau of Statistics, Australian Industry 2021-22.
- ¹² Australian Bureau of Statistics, Australian Industry 2021-22.
- ¹³ NSW Department of Primary Industries 2019, Melon food safety: A best practice guide for rockmelons and specialty melons, First edition.
- ¹⁴ Australian National University 2022. The annual cost of foodborne illness in Australia. Final Report for Food Standards Australia New Zealand.
- ¹⁵ Australian National University 2022. The annual cost of foodborne illness in Australia. Final Report for Food Standards Australia New Zealand.
- ¹⁶ Estimated using ABS National, state and territory population data, reference period December 2022 and Australian National University 2022 The annual cost of foodborne illness in Australia. Final Report for FSANZ.
- ¹⁷ Communicable Diseases Branch 2019, NSW OzFoodNet Annual Surveillance Report: 2019. Sydney: Health Protection NSW.
- ¹⁸ Australian National University 2022. The annual cost of foodborne illness in Australia. Final Report for Food Standards Australia New Zealand.
- ¹⁹ Devleesschauwer B, Scharff RL, Kowalczyk BB, Havelaar AH 2018, Burden and risk assessment of foodborne disease, pp.83-106, in Roberts T (ed) 2018, *Food Safety Economics – Incentives for a Safer Food Supply*.
- ²⁰ Australian National University 2022. The annual cost of foodborne illness in Australia. Final Report for Food Standards Australia New Zealand.
- ²¹ Hussain MA, Dawson CO. 2013. Economic Impact of Food Safety Outbreaks on Food Businesses. *Foods*. Vol.2(4):585-589. doi.org/10.3390/foods2040585
- ²² Hussain MA, Dawson CO. 2013. Economic Impact of Food Safety Outbreaks on Food Businesses. *Foods*. Vol.2(4):585-589. doi.org/10.3390/foods2040585
- ²³ Commonwealth of Australia 2022. The National Obesity Strategy 2022-2032. Health Ministers Meeting.
- ²⁴ HealthStats NSW. Overweight and obesity. healthstats.nsw.gov.au/topic-overview/Overweight%20and%20obesity
- ²⁵ Commonwealth of Australia 2022. The National Obesity Strategy 2022-2032. Health Ministers Meeting.
- ²⁶ Pricewaterhouse Coopers 2015. Weighing the cost of obesity: A case for action. pwc.com.au/pdf/weighing-the-cost-of-obesity-final.pdf
- ²⁷ The Obesity Collective 2022. Weighing in: Australia’s growing obesity epidemic. theobesitycollective.org.au/wp-content/uploads/2022/10/Report_Weighing-In-Australias-growing-obesity-epidemic.pdf
- ²⁸ HealthStats NSW. Overweight and obesity. healthstats.nsw.gov.au/topic-overview/Overweight%20and%20obesity
- ²⁹ HealthStats NSW. Overweight and obesity. healthstats.nsw.gov.au/topic-overview/Overweight%20and%20obesity
- ³⁰ NSW Food Authority 2020. NSW consumer food safety behavioural research – summary report. foodauthority.nsw.gov.au/sites/default/files/2020-12/NSW-consumer-food-safety-behavioural-research.pdf
- ³¹ Starbird S. 2005. Moral hazard, inspection policy and food safety. *American Journal of Agricultural Economics*, vol.87(1): 15-27.

-
- ³² Brunke H, Alston J, Gray RS, Sumner DA. 2004. Industry-mandated testing to improve food safety: the new US marketing order for pistachios. *German Journal of Agricultural Economics*, vol.53(08) 10.22004/ag.econ.97502
- ³³ Pouliot S and Wang H. 2018. Information, incentives and government intervention for food safety. *Annual Review of Resource Economics*, vol.10:83-103.
- ³⁴ Lusk J and McCluskey J. 2018. Understanding the Impacts of Food Consumer Choice and Food Policy Outcomes. *Applied Economic Perspectives and Policy*, vol.40(1):5–21.
- ³⁵ Unnevehr L. 2007. Food safety as a global public good. *Agricultural Economics*, vol.37(1):149-158. 10.1111/j.1574-0862.2007.00241.x
- ³⁶ Henson S, Majowicz S, Masakure O, Sockett P, Jones A, Hart R, Carr D and Knowles L. 2006. Consumer assessment of the safety of restaurants: the role of inspection notices and other information cues. *Journal of Food Safety* vol.26:275-301.
- ³⁷ allergyfacts.org.au/allergy-anaphylaxis/food-allergy
- ³⁸ Hoffmann S, Ashton L and Ahn J. 2021. Food safety: A policy history and introduction to avenues for economic research. *Applied Economic Perspectives and Policy*, vol.43:680–700.
- ³⁹ Focker M and Van der Fels-Klerx HJ. 2020. Economics applied to food safety. *Current Opinion in Food Science*. 36. 10.1016/j.cofs.2020.10.018
- ⁴⁰ Pouliot S and Wang H. 2018. Information, incentives and government intervention for food safety. *Annual Review of Resource Economics*, vol.10:83-103.
- ⁴¹ Hobbs J. 2004. Information asymmetry and the role of traceability systems. *Agribusiness*, Vol.20(4):397–415.
- ⁴² Hoffmann S, Ashton L and Ahn J. 2021. Food safety: A policy history and introduction to avenues for economic research. *Applied Economic Perspectives and Policy*, vol.43:680–700.
- ⁴³ Rama I and Harvey S. 2009. Market failure and the role of government in the food supply chain: an economic framework. Economics and Policy Research Branch Victoria Department of Primary Industries Working Papers.
- ⁴⁴ Unnevehr L. 2007. Food safety as a global public good. *Agricultural Economics*, vol.37(1):149-158. 10.1111/j.1574-0862.2007.00241.x
- ⁴⁵ Bovay J. 2022. Food safety, reputation, and regulation. *Applied Economic Perspectives and Policy*, vol.45:684–704.
- ⁴⁶ Pouliot S and Wang H. 2018. Information, incentives and government intervention for food safety. *Annual Review of Resource Economics*. Vol.10:83–103.
- ⁴⁷ Brunke H, Alston J, Gray RS, Sumner DA. 2004. Industry-mandated testing to improve food safety: the new US marketing order for pistachios. *German Journal of Agricultural Economics*, vol.53(08) 10.22004/ag.econ.97502
- ⁴⁸ Hobbs J. 2004. Information asymmetry and the role of traceability systems. *Agribusiness*, Vol.20(4):397–415.
- ⁴⁹ Spalding A, Goodhue R, Kiesel K, Sexton R. 2023. Economic impacts of food safety incidents in a modern supply chain: E. coli in the romaine lettuce industry. *American Journal of Agricultural Economics*, vol.105:597-623. 10.1111/ajae.12341
- ⁵⁰ Hobbs J. 2004. Information asymmetry and the role of traceability systems. *Agribusiness*, Vol.20(4):397–415.
- ⁵¹ foodregulation.gov.au/resources/publications/food-regulation-agreement-fra
- ⁵² Food Authority internal report, 2021 User Survey.
- ⁵³ FSANZ 2022. Decision Regulation Impact Statement P1052 – Primary production and processing requirements for horticulture (berries, leafy vegetables and melons).
- ⁵⁴ Commonwealth of Australia 2022. The National Obesity Strategy 2022-2032. Health Ministers Meeting.
- ⁵⁵ Food Authority internal report, 2021 User Survey.
- ⁵⁶ caselaw.nsw.gov.au/decision/178383f2bc56aea8c19b20dd
- ⁵⁷ abc.net.au/news/2015-08-25/raw-egg-mayonnaise-blamed-for-langham-hotel-salmonella-outbreak/6722062, viewed 6 March 2023.
- ⁵⁸ canberratimes.com.au/story/6156448/bad-mayonnaise-poisons-140-people/, viewed 6 March 2023.
- ⁵⁹ adelaidenow.com.au/news/south-australia/salmonella-outbreak-blamed-on-handled-raw-eggs-at-bakeries/news-story/28fe5d0188820c1ca2019918279d4cdd, viewed 6 March 2023.
- ⁶⁰ Food Regulation Standing Committee 2022. Decision Regulatory Impact Statement - Menu labelling in Australia and New Zealand. oia.pmc.gov.au/published-impact-analyses-and-reports/menu-labelling-australia-and-new-zealand
- ⁶¹ Food Ministers' Meeting 2022. Policy guideline on menu labelling. foodregulation.gov.au/sites/default/files/2023-09/policy-guideline-on-menu-labelling.pdf
- ⁶² The Obesity Collective 2022. Weighing in: Australia's growing obesity epidemic. theobesitycollective.org.au/wp-content/uploads/2022/10/Report_Weighing-In-Australias-growing-obesity-epidemic.pdf, viewed 30 May 2024.
-

-
- ⁶³ McKinsey Global Institute 2014. Overcoming obesity: an initial economic analysis. [mckinsey.com/~/media/mckinsey/business%20functions/economic%20studies%20temp/our%20insights/how%20the%20world%20could%20better%20fight%20obesity/mgi_overcoming_obesity_full_report.ashx](https://www.mckinsey.com/~/media/mckinsey/business%20functions/economic%20studies%20temp/our%20insights/how%20the%20world%20could%20better%20fight%20obesity/mgi_overcoming_obesity_full_report.ashx)
- ⁶⁴ OECD 2019. The heavy burden of obesity: the economics of prevention – country highlights – Australia. Paris: OECD Publishing. www.oecd.org/australia/Heavy-burden-of-obesity-Media-country-note-AUSTRALIA.pdf
- ⁶⁵ Mantilla-Herrera et al. Menu kilojoule labelling on fast food in Ananthapavan et al. 2018. Assessing cost-effectiveness of obesity prevention policies in Australia 2018. Melbourne: Deakin University. aceobesitypolicy.com.au
- ⁶⁶ The Guardian 2014, 'Bonsoy milk class action settled for a record \$25m' theguardian.com/world/2014/nov/24/bonsoy-milk-class-action-settled-25m, viewed 6 March 2023.
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