Draft Further Processing Code of Practice

Part 2: Regulatory Requirements
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1 Regulatory Requirements

1.1 Purpose and Scope

This section provides a summary of the legislation that applies to non-dairy operators under the Animal Products Act 1999 and that is directly relevant to each section in Part 3 of this COP. This does not include legislation that is more generic in nature such as for design and construction, personnel health, hygiene etc.

Export and market access requirements are not included, nor are any specific legal requirements for those operating under the Food Act regime.

Operators under the Food Act regime should use this COP as guidance only and should refer to the Food Act and its subordinate legislation for the specific legal requirements, e.g. Food (Safety) Regulations 2002, Food Hygiene Regulations 1974.

1.2 Summary of Applicable Legislation

The following tables indicate which legislation is applicable when conducting processes as described Part 3 of this COP. Only the legislation which directly relates to those specific sections has been listed here. In relation to the APA (see table 1), only the Animal Products Regulations and the Animal Products (Specifications for Products Intended for Human Consumption) Notice have been included, as these are the most relevant pieces of legislation for operations producing product intended for human consumption. The operator must ensure compliance with all other relevant legislation appropriate to the regime they are operating under. Where a tick has been provided in the table, the clause has been reproduced in section 1.3. This clause is current at the time of publication. The operator must confirm that the wording has not been amended when implementing the contents of this COP.
### Table 1: Selected Regulatory Requirements under the APA

<table>
<thead>
<tr>
<th>COP Section</th>
<th>AP Legislation</th>
<th>Animal Products Regulations 2000 (Sections)</th>
<th>Human Consumption Specifications (Clause)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>5, 6, 7, 8, 9, 14, 16, 18, 19</td>
<td>25</td>
</tr>
<tr>
<td>1. Heat treatments</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>2. Commercial sterilisation</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>3. Concentration and drying</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>4. Hurdle technology</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>5. Smoking</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>6. Acidification</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>7. High Pressure Processing</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>
## Table 2: Selected Regulatory Requirements under the Food Standards Code

<table>
<thead>
<tr>
<th>COP Section</th>
<th>1.2 Labelling and other information requirements</th>
<th>1.3 Substances added to food</th>
<th>1.4 Contaminants and Residues</th>
<th>1.6.1 Micro limits for food</th>
<th>2.2.1 Meat and Meat Products</th>
<th>2.2.2 Egg and Egg Products</th>
<th>2.2.3 Fish and Fish Products</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Heat treatments</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>2. Commercial sterilisation</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>3. Concentration and Drying</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√ (fish)</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>4. Hurdle technology</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√ (fish)</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>5. Smoking</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√ (fish)</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>6. Acidification</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√ (fish)</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>7. High Pressure Processing</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td>√ (fish and eggs)</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>
1.3 Text of Relevant Legislation

Animal Products Regulations 2000

Regulation 5(1): Animal Material to be Suitable for Processing into Animal Product
(1) Animal material used for processing into animal product must be suitable for that purpose.

Regulation 6(1): Animal product to be free of certain hazards, objects, materials, and substances
(1) Taking into consideration its intended use, animal product must be free from:
   a. biological, chemical, and physical hazards in amounts that may be directly or indirectly harmful to humans or animals:
   b. extraneous objects, material, and substances of a kind not expected to be in animal product that is prepared or packed for trade in accordance with good trade practices:
   c. animal material in amounts that may be directly or indirectly harmful to humans and animals for which the animal product is intended.

Regulation 7(1): Composition of animal material or product
(1) All risk management programme operators, and all other categories of processor of animal material or animal product specified in specifications for the purposes of this sub clause, must ensure that the composition of the animal material and animal product complies with any relevant composition levels and requirements set out in the specifications.

Regulation 8: Animal product not to be associated with false or misleading representation
Animal product must not be associated with a false or misleading representation of any kind concerning it’s:
   a. fitness for intended purpose:
   b. nature:
   c. origin:
   d. composition:
   e. ingredients or other constituents:
   f. proportion of ingredients or other constituents.

Regulation 9: Animal material and product to be processed in a manner that minimises contamination or deterioration of that material or product.
All specified persons must ensure that animal material and animal product in their charge is processed in a manner that minimises contamination or deterioration of that material or product.
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Regulation 14: Required measuring equipment to be calibrated and function as intended
(1) All specified persons must ensure that measuring equipment that is used to carry out a critical measurement is properly calibrated and functions as intended.

(2) In this regulation, "critical measurement" means a parameter identified as critical in any:
   a. specifications or regulated control scheme; or
   b. risk management programme, being a parameter of the nature of the parameters referred to in section 17(3) (c) of the Act in relation to points at which hazards of significance occur.

Regulation 16: Packaging requirements for animal material and product
All risk management programme operators, operators of animal material depots, and other categories of person specified in specifications for the purposes of this regulation must ensure that any packaging materials (including reusable packaging and inner and outer packaging of any kind) used for animal material, animal product, and associated things are designed, made, stored, and used in a manner that:
   a. maintains the status of the animal material as suitable for use in processing; and
   b. maintains the status of the animal product as fit for its intended purpose; and
   c. minimises contamination of the animal material or animal product.

Regulation 18(1): Identification system requirements
(1) All operators of risk management programmes, all exporters, and all other categories of person required by specifications to do so, must have a tracking system that:
   a. allows for the identification of animal material and animal product; and
   b. enables the movement of the animal material or animal product to be traced:
      i. where required by specifications, from the origin, through the supplier and the operator's business premises to the next recipient of the animal material or product; or
      ii. where specifications do not require tracing from origin, from the supplier and the operator's business premises to the next recipient of the animal material or product.

Regulation 19(1)-(3): Labelling and identification requirements
(1) Animal material and animal product must be labelled or identified in accordance with any relevant specifications.

(2) Any labelling or identification required by specifications must:
   a. clearly relate to the animal material or animal product to which it applies; and
   b. contain information that accurately describes or differentiates so as to identify the animal material or animal product to which it applies.

(3) The Director-General may, by specifications, require risk management programme operators or other categories of person to label or identify animal material or animal product in accordance with the specifications.
Animal Products (Specifications for Products Intended for Human Consumption) Notice 2004

Schedule 3: Competency specifications

3. Supervisors of thermal processing of low-acid canned products
   1. The competency specification referred to in clause 25(1)(b) includes any of the following qualifications:
      a. Principles of Thermal Process Control, Acidification and Container Closure Evaluation, Massey University;
      b. Retort Supervisors Course, DWC Pty Ltd, Australia.
   2. The Director-General may recognise alternative qualifications.

Spec 25: Competency

3. An operator’s risk management programme must make provision, where appropriate, for the following:
   a. Not relevant to section.
   b. Persons responsible for the supervision of thermal processing operations for the thermal processing of low-acid canned products must meet the competency specification set out in Schedule 3 for supervisors of thermal processing of low-acid canned products.

4. Thermal processes for low-acid canned products must be developed under the supervision of a person who meets the competency specification set out in Schedule 3 for a qualified cannery person (thermal processing). The final process schedule must also be checked and signed off by a qualified cannery person who is independent of the development process.

4. Qualified cannery person (thermal processing)
   1. The competency specification referred to in clause 25(2) includes any of the following qualifications:
      a. Qualified Cannery Persons (Thermal Processing) Course, University of Western Sydney (Hawkesbury) Australia; or
      b. Approved Persons Course for the Thermal Processing of Low-Acid Foods, Food Science Australia, Werribee, Australia; or
   2. The Director-General may recognise alternative qualifications.

Spec 26: Skills Maintenance and Supervision

1. The operator must ensure that the skills of those persons involved in key tasks that could have a significant impact on the suitability for processing of animal material or the fitness for intended purpose of animal product, or who are required to carry out the activities listed in clause 25 [which is related to canning], are maintained on an ongoing basis.

2. The operator must keep records demonstrating that skills identification, achievement and maintenance is being carried out effectively.
Spec 28: Calibration and measuring equipment suitability
1. Measuring equipment, such as scales, thermometers, pH meters, and flow meters (whether stand alone or forming part of a piece of equipment), that is used to provide critical measurements, must:
   a. have the accuracy, precision, and conditions of use appropriate to the task performed; and
   b. be calibrated against a reference standard showing traceability of calibration to a national or international standard of measurement (where available), or (if no such reference standard exists) be calibrated on a basis that is documented in, or incorporated by reference into, the risk management programme; and
   c. be uniquely identified to enable traceability of the calibrations and to identify calibration status.
2. Minimum frequencies of calibration must be specified in the risk management programme for each piece of measuring equipment used to provide critical measurements, or used as reference standards, taking into consideration the following (as appropriate):
   a. the stability of the piece of equipment; and
   b. the nature of the measurement; and
   c. the manufacturer’s instructions.
3. Safeguards must be in place to prevent unauthorised adjustments to the calibration of the measuring equipment, including movement of the equipment where this may invalidate the calibration.

Spec 30: Packaging
1. The composition and where appropriate, the conditions of use of packaging must:
   a. comply with the requirements specified in the current US Code of Federal Regulations, Title 21, Parts 170–199 (21 CFR 170–199), which applies equally to coatings and linings of containers and cartons where these are the direct product contact surface; or
   b. comply with the requirements specified in the current "Australian Standard for Plastics Materials for Food Contact Use, Australian Standard AS2070–1999"; or
   c. be determined by the operator to be suitable for use, based on an analysis of hazards and other risk factors from the packaging.
Spec 34: Documented programmes and record keeping

(1) Operators and other persons as required in this Notice must implement the procedures contained in the risk management programme and retain records to demonstrate that the requirements of relevant animal product regulations and this Notice have been met.

(2) Records must be:

a. accessible to the recognised verifier, the recognised verifying agency, animal product officers and the Director-General and any other person authorised by the Director-General; and

b. retained for a period of at least 4 years or other period where provided for in this Notice; and

c. retrievable within 2 working days.

(3) An inventory control programme must be documented for animal material and product and records maintained.

Spec 116 - Process Control

If pre-programmed process control parameters are used to operate and control a process that is critical to product safety, unauthorised access to the programmed parameters must be prevented.

Spec 117 - Thermal processing of low-acid canned foods

Thermal processing of low-acid canned products: The operators of processes producing thermally processed low-acid canned product must comply with the requirements of regulation 14 of the Food Safety Regulations 2002 (SR 2002/396) (which relates to good manufacturing practice for low-acid canned food), or any regulation that replaces this regulation.

Food Safety Regulations 2002, Reg 14, Manufacture of low-acid canned food must comply with code:

Commercial processors who manufacture, process, or pack low-acid canned food must do so in accordance with the principles detailed in one of the following codes:

a. the Recommended International Code of Hygiene Practice for Low-acid and Acidified Low-acid Canned Foods, as published by the Codex Alimentarius Commission:

b. the United States Food and Drug Administration Requirements for Thermally Processed Low-acid Foods Packaged in Hermetically Sealed Containers, as contained in 21 CFR Part 113, and Acidified Foods as contained in 21 CFR Part 114, as appropriate:

c. the Code of Practice for the Thermal Processing of Low-acid Canned Food, as published by the Australian National Health and Medical Research Council.
Food Standards Code

PART 1.2 Labelling and other Information Requirements
Standard 1.2.1 Application of Labelling and Other Information Requirements
Standard 1.2.2 Food Identification Requirements
Standard 1.2.3 Mandatory Warning and Advisory Statements and Declarations
Standard 1.2.4 Labelling of Ingredients
Standard 1.2.5 Date Marking of Packaged Food
Standard 1.2.6 Directions for Use and Storage
Standard 1.2.7 Reserved (Representations about Food)
Standard 1.2.8 Nutrition Information Requirements
Standard 1.2.9 Legibility Requirements
Standard 1.2.10 Characterising Ingredients and Components of Food

PART 1.3 Substances Added to Food
Standard 1.3.1 Food Additives
This Standard regulates the use of food additives in the production and processing of food. A food additive may only be added to food where expressly permitted in this standard. Additives can only be added to food in order to achieve an identified technological function according to Good Manufacturing Practice.

| Schedule 1 | Permitted uses of food additives by food type |
| Schedule 2 | Miscellaneous additives permitted to GMP in processed foods specified in Schedule 1 |
| Schedule 3 | Colours permitted to GMP in processed foods specified in Schedule 1 |
| Schedule 4 | Colours permitted to specified levels in processed foods specified in Schedule 1 |
| Schedule 5 | Technological functions which may be performed by food additives |

Standard 1.3.2 Vitamins and Minerals
Standard 1.3.3 Processing Aids
Standard 1.3.4 Identity and Purity

PART 1.4 Contaminants and Residues
Standard 1.4.1 Contaminants and Natural Toxicants
Standard 1.4.3 Articles and Materials in Contact with Food
Standard 1.4.4 Prohibited and Restricted Plants and Fungi

Standard 1.6.1 Microbiological Limits for Food
This Standard lists the maximum permissible levels of foodborne micro-organisms that pose a risk to human health in nominated foods, or classes of foods. This Standard includes mandatory sampling plans, used to sample lots or consignments of nominated foods or classes of foods, and the criteria for determining when a lot or consignment of food poses a risk to human health and therefore should not be offered for sale, or further used in the preparation of food for sale. The microbiological standards included in the Schedule to this Standard are applicable to the foods listed in the Schedule. (Note: these are selected products only as relevant to this COP).
<table>
<thead>
<tr>
<th>Food</th>
<th>Micro-organism</th>
<th>n</th>
<th>c</th>
<th>m</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Packaged cooked cured/salted meat</td>
<td>Coagulase-positive staphylococci /g</td>
<td>5</td>
<td>1</td>
<td>$10^2$</td>
<td>$10^3$</td>
</tr>
<tr>
<td></td>
<td><em>Listeria monocytogenes</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><em>Salmonella</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Packaged heat treated meat paste and packaged heat treated pâté</td>
<td><em>Listeria monocytogenes</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><em>Salmonella</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>All comminuted fermented meat which has not been cooked during the production process</td>
<td>Coagulase-positive staphylococci/g</td>
<td>5</td>
<td>1</td>
<td>$10^3$</td>
<td>$10^4$</td>
</tr>
<tr>
<td></td>
<td><em>Escherichia coli</em>/g</td>
<td>5</td>
<td>1</td>
<td>3.6</td>
<td>9.2</td>
</tr>
<tr>
<td></td>
<td><em>Salmonella</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cooked crustacea</td>
<td>Coagulase-positive staphylococci/g</td>
<td>5</td>
<td>2</td>
<td>$10^2$</td>
<td>$10^3$</td>
</tr>
<tr>
<td></td>
<td><em>Salmonella</em>/25g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>SPC/g</td>
<td>5</td>
<td>2</td>
<td>$10^5$</td>
<td>$10^6$</td>
</tr>
<tr>
<td>Ready-to-eat processed finfish, other than fully retorted finfish</td>
<td><em>Listeria monocytogenes</em>/ g</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>$10^2$</td>
</tr>
<tr>
<td>Bivalve molluscs, other than scallops</td>
<td><em>Escherichia coli</em>/g</td>
<td>5</td>
<td>1</td>
<td>2.3</td>
<td>7</td>
</tr>
<tr>
<td>Bivalve molluscs that have undergone processing other than depuration</td>
<td><em>Listeria monocytogenes</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pasteurised egg products</td>
<td><em>Salmonella</em>/25 g</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Standard 2.2.1 Meat and Meat Products**

This Standard includes definitions, compositional and labelling requirements for meat and meat products. Processing requirements for processed meat products, including fermented comminuted meat products are contained in Standard 1.6.2. The complete standard is available at the following link: [Standard for Meat and Meat Products](#).

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1 If an operator processes any of the products given in this table, refer to the complete standard available at: [Microbiological limits for food](#) for details of the requirements that must be met.
Standard 2.2.2 Egg and Egg Products
This Standard provides definitions for egg and egg products. Processing requirements for egg products and requirements relating to the sale of cracked eggs are included in this Standard and Standard 1.6.2. The complete standard is available at the following link: Standard 2.2.2 Egg and Egg Products.

Standard 2.2.3 Fish and Fish Products
This Standard defines the term ‘fish’ and provides a compositional standard specific to histamine in fish and fish products. This Standard also requires the provision of certain cooking instructions for raw fish which has been joined using a binding system without the application of heat. The complete standard is available at the following link: Standard for Fish and Fish Products.