



Domestic Food Review

Summary of submissions

June 2005

Introduction

This document is a summary of submissions made on the first five papers of the Domestic Food Review. It contains an executive summary of the key issues raised by submitters, followed by a full summary of the views of submitters, broken down by section.

Copies are available on the NZFSA website (www.nzfsa.govt.nz) or by contacting NZFSA on freephone 0800 NZFSA 1 (0800 693 721) or via email info@nzfsa.govt.nz.

The summary brings together views, questions and concerns that submitters raised: it does not seek to answer or comment on them. The next step will be to review the policy proposals in the discussion papers in light of the submissions. A position paper on the future food regulatory framework will then be developed for further public discussion. The position paper will address the questions, issues and suggestions of submitters. This consultation document is expected to be available later in the year, following the conclusion of the submission period for the two new Domestic Food Review papers (Paper 6: *Compliance and sanctions: Criteria and tools for the future*; and Paper 7 *Criteria and processes for various approvals*), which are to be released in June 2005.

Background

NZFSA has published five discussion papers for public consultation as part of its Domestic Food Review. The first four papers were released in September 2004 and the fifth in December 2004. The five papers comprised:

- introduction and context
- regulatory roles, responsibilities and structures
- proposed Food Control Plans
- implementation of Food Control Plans
- cost recovery

The papers are available on the internet (www.nzfsa.govt.nz) and in hard copy.

The closing date for written submissions on all five papers was 28 February 2005. A series of 11 Domestic Food Review road-show meetings was held in December 2004 and February 2005 so that NZFSA could meet with people to discuss the proposals contained in the papers. Comments made at those meetings have been recorded as oral submissions, but the comments have not been attributed to identified persons and are therefore not categorised into the breakdowns of submissions provided throughout this summary of submissions. This summary does, however, include comments made at road-show meetings.

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Executive Summary - key issues

In total 132 written submissions were received. These comprised of:

- 37 government bodies (including Territorial Authorities and Public Health Units/District Health Boards)
- 27 community organisations
- 26 companies
- 19 members of the public
- 18 industry organisations
- four academic/professional institutions
- one anonymous

The contents of submissions were categorised into eight different categories. These comprised:

1. context (as discussed in paper 1)
2. structures (as discussed in paper 2)
3. Food Control Plans and alternatives (as discussed in paper 3)
4. implementation (as discussed in paper 4)
5. training and education
6. cost (as discussed in paper 5)
7. social comment
8. miscellaneous

Five of these categories related specifically to discussion papers, the remaining three were based on key themes that arose through submissions. The following summarises key issues raised under each category.

1. Context (as discussed in Paper 1)

A large number of submissions specifically referred to, or questioned, the statistics on food-borne illness or the use of the statistics to justify the Review. Indicative of the submissions were comments such as:

- in order to be meaningful, or reliable, the statistics need to be broken down by source (commercial or domestic), or by contributory factor
- the statistics are not a true indication of risk and cannot be used to justify the Review
- New Zealand statistics need to be compared with those of other countries to get a sense of relativity
- the statistics are misleading – causes of enteric illness are not always food-related and are often due to environmental factors such as water quality, contact with animals or person-to-person contact

Some submitters stated their experience of the factors contributing to, or identified as the primary source of food-borne illness. In almost equal measure, food-borne illness was described predominantly as either an issue created by the consumer in the private home, or as a problem only arising in the context of commercial food production. Principles relating to the regulatory model and consistency of Government policies attracted comment and for both there were concerns about applicability across New Zealand. The importance of public education and the distinction between small to medium sized enterprises (SMEs) and large businesses were common themes.

2. Structures (as discussed in Paper 2)

Half of the submissions included comments on the substance of Paper 2: Roles, responsibilities and structures, but only a quarter of submissions contained comments on the options presented. The balance identified characteristics or attributes of the regulator of the future. Those that did express a view on the options generally did not favour continuing with the current structure. The second option was preferred because it was considered the least disruptive change of the options and offered continued access to communities across New Zealand. Some submitters required clarification of the roles of each organisation involved in regulating.

Other themes that emerged through submissions were: confirmation of a role for local government/Territorial Authorities in food regulation; impact of the review on small rural business/small local government authorities; clarity around public health/health protection and environmental health roles and synergies with other work; workforce issues and

capability and capacity, access and geographical spread; consistency; information and accountability.

3. Food Control Plans and alternatives (as discussed in Paper 3)

Submitters expressed mixed views on the concept of Food Control Plans. The concerns were centred mainly around the need for flexibility to cater for different sectors; the importance of simple language, practicality and avoiding complexity; transition from other risk-based management programmes; registration options; the scope of application (many groups being proposed for exclusion); and implementation, especially for SMEs and the voluntary sector. The principles in the Paper were generally supported, with strong support for individuals taking responsibility for delivering safe and suitable food. Alternatives to Food Control Plans were also proposed by some submitters.

4. Implementation (as discussed in Paper 4)

Half of the submitters made comments relating to the implementation matters discussed in Paper 4. Submitters generally supported the idea of Codes of Practice containing a template or model for assisting with Food Control Plan design and development. Comments on Food Control Plan evaluation ranged from a suggestion that all plans be evaluated, to the suggestion that no evaluation was required. Concerns about potential costs were also raised. A similarly large range of comments were made about Food Control Plan assessment and registration. Several submitters suggested that aspects of the Sale of Liquor Act regime could be a useful model, particularly around the transition period for new owners to continue trading while license requirements were completed.

Many submitters commented on Food Control Plan verification. Many also commented on the third-party verification model. This model was endorsed by some, while others saw potential for failure. Many referred to the need to learn lessons from other models, the most commonly mentioned being the independent building certifiers model under the Building Act 1991. A number of submitters also expressed concern over the lack of discussion about transition arrangements and the timing of Food Control Plan implementation.

Submitters raised the following key issues about the general implementation of a Food Control Plan approach:

- Food Control Plans need to be appropriate to the size of the operation concerned, and, particularly for small food businesses, need to be clear, simple, easily understood and easy to implement;
- information and advice on what operators must do, how and by when, needs to be accessible and understandable;
- there should be a clear time line for implementation, including sufficient lead time for food businesses to meet the requirements, with some suggesting clear milestones by which specific groups or classes of operators must have the proper systems in place;
- existing plans (Food Safety Programmes, Risk Management Programmes, Product Safety Programmes, and Wine Standards Management Plans) should be deemed or recognised as Food Control Plans; and
- there needs to be sufficient tools, support, training and/or advice to ensure both operators and regulators can make any new system work.

5. Training and education

Training and education was a continuous theme throughout submissions, and at the workshops held about the Papers. There was strong support for mandatory training in some cases, while in other cases, it was suggested the costs of training could be ruinous to business.

A number of submissions indicated that there were important communication issues involved in the implementation of Food Control Plans and reference to communication was sometimes combined with a reference to the need for education. The key point made was that the success of the implementation of Food Control Plans required effective communication and education to ensure people understood Food Control Plans, who was responsible for what and why.

6. Cost recovery (as discussed in Paper 5)

Few submissions actually focussed on the cost recovery framework. Those that did were generally supportive of the cost recovery framework, but wanted to see actual costs and implementation details. The costs of changes were raised as a concern, especially in relation to SMEs and the voluntary sector.

7. Social and cultural

A recurring theme across the submissions was the importance of food-based fundraising in small and rural communities. The role of such fundraising, by groups such as sports groups, kindergartens, schools, and clubs, in holding the community together and providing social and community services in small and rural communities was highlighted. Of equal significance was the theme of small businesses and local caterers filling what would otherwise be a servicing void in rural communities. Several submitters suggested that imposing further compliance costs on small food-based businesses could result in the failure of those business, as well as social and economic costs to the communities in which they had been based.

8. Miscellaneous

Some submitters expressed the view that NZFSA and delegated agents should have increased powers of enforcement and the need for nationwide consistency was stressed. Submitters considered that tools such as instant fines and food seizure provisions, similar to provisions under the Sale of Liquor Act, should be available.

Other submitters commented on the actual process of the Review. They were concerned that not enough effort was being made to alert people and businesses involved in the food industry, who would be directly affected by the Review. Concern was also raised about the lack of notice about road-shows. One submitter commented that it was good that road-shows were not just held in the main centres.

1. **Submission summary: Context (Paper 1)**

Introduction

The Domestic Food Review's introductory public discussion document set the context and scope of the Review and introduced the issues to be considered in the Review. The paper is divided into the following sections:

A. **Scope:** sets out those issues that will be covered; those that, while separate, are recognised as related to the Review, and those that are excluded.

B. **Background:** describes the role and functions of NZFSA (the government), and the legislative framework for food regulation; the two key drivers for the Review; problems with the current level of government involvement; and the factors contributing to the incidence of food-borne illness in New Zealand.

C. **Options for government involvement in food safety and suitability issues:** sets out three options for government involvement and response, these being non-regulatory, regulatory, and non-response, and describes the situations where each may be considered appropriate and the form such involvement may take.

D. **Policy principles to underpin future government involvement:** sets out seven such policy principles that are intended to underpin decisions on whether to regulate/control and on the form of any control proposed.

E. **Glossary of Terms.**

Overview of submissions

Eighty-three written submissions commented on context. These comprised of:

- 26 government bodies (including Territorial Authorities and Public Health Units)
- 15 community organisations (including clubs, associations, not-for-profit organisations and schools)
- 14 companies

- 13 industry organisations
- 13 members of the public
- one academic/professional institution
- one anonymous

Summary

Comment on the Review itself

Some submitters directly questioned the purpose of the Review and suggested that it was not justified. The basis for this position was either that there is currently no demonstrable problem that justifies regulatory remedy, or that the statistics on food-borne illness, as summarised in the Paper, were neither sound nor relevant. This latter theme is discussed in detail under Background below.

A) Scope

While only a few submitters specifically mentioned the scope of the Review, one of the matters listed as being separate from the Review (educational and promotional activities) was commented on by some submitters. In terms of express reference to the Review's scope, the New Zealand Food and Grocery Council suggested that the separate but related issues listed in the paper (educational and promotional activities and joint food standards setting between Australia and New Zealand), should be inextricably linked with the Review. Further, that as the excluded issues (such as export requirements, related government involvement in other areas of business) may be directly relevant to cost recovery considerations, their exclusion was inappropriate.

The Public Health Service from Mid Central Health considered that the omission of food safety promotional activities from the scope of the Review was a serious limitation, and the Pork Processors Association suggested that the scope of the Review should be expanded to establish an effective education strategy for members of the public.

Some submitters commented on the contribution that the promotion of food safety through public education could make to reduce the incidence of food-borne illness. Public

education and information was suggested as an alternative to regulation by one submitter and by two others as an important parallel to industry regulation.

B) Background

A number of submitters on Paper 1 commented on their experience of the factors contributing to, or identified as the primary source, of food-borne illness. In almost equal measure, food-borne illness was described predominantly as either an issue created by the consumer / in the private home, or as only a problem arising in the context of commercial food production.

The paper listed 11 factors that could be attributed to the continuing high reported incidence of food-borne illness, and included a table of statistics on such illness. This section of the paper generated considerable comment from submitters. Many submitters specifically referred to or questioned the statistics, or the use of the statistics to justify the Review. Indicative of the submissions were comments such as:

- there are simple and practical reasons for the increased reporting of food-borne illness, including: decreased water temperatures for dish washing, the use of plastic chopping boards, and basic poor hygiene
- in order to be meaningful or reliable the statistics need to be broken down by source (commercial or domestic), or by contributory factor
- the statistics are not a true indication of risk and cannot be used to justify the Review
- the statistics are not representative of the real picture
- New Zealand statistics need to be compared with those of other countries to get a sense of relativity
- the statistics are misleading – causes of enteric illness are not always food related and are often due to environmental factors such as water quality, contact with animals or person-to-person contact

In a statement that encapsulated the views of many submitters, the Gore District Council commented that the failure to correctly identify the cause and quantify the size of the problem makes it impossible to ensure that the proposed remedy is appropriate.

The Waikato / BOP Institute of Environmental Health suggested that a simple assumption to be drawn from statistics for notified enteric diseases in Hamilton for the year to November 2004, showing a decline in *Campylobacter* of some 40% and in Salmonellosis of around 60% on the previous year, is that the current food regulatory regime must be working.

C. Options for government involvement in food safety and food suitability

The New Zealand Food and Grocery Council considered that there continued to be a place for all three options (regulatory, non-regulatory and no response) in addressing food safety issues.

The response to the options available to the government of 'regulatory', 'non-regulatory' and 'no response needed' was implied in many submitters' comments on other parts of the Paper. A number of district councils considered their application of existing regulations and powers to be effective in addressing food safety issues in their jurisdictions. This suggests either no further government response is needed, or that the current regulatory response is appropriate.

A number of other themes emerged in submissions, and can be summarised as follows:

- there is an under-emphasis on individual consumers'/private citizens' responsibility for food safety in the home and at point of purchase;
- there is an over-emphasis on commercial food outlets as a source of food-borne illness;
- there is a large extent of conscientious self-regulation which should not be discouraged;
- the current regulatory regime is working and does not require alteration;
- compliance costs must be kept to a minimum;
- there is a risk of over-regulating low risk areas and under-regulating areas of high risk;
- a 'one size fits all' regulatory model is not appropriate.

D. Policy Principles

Policy Principle 1: Level of government involvement and cost of compliance

The few submitters that commented on Principle 1 were generally supportive. This was qualified, however, by comments to the effect that minimising compliance costs is critical (particularly for SMEs, and that such costs will, probably and undesirably, be passed on to consumers. One submitter suggested that compliance costs should be considered across all of the principles. Several submitters commented on the reference to ‘suitable’ in this Principle, and applying the definition given in the paper, questioned its relationship to food safety. This latter issue is discussed further under Part E, Glossary.

Policy Principle 2: Regulatory Model (based on Regulator/Verifier/Industry)

The future suitability and current application of the three-tiered regulatory model, described as the basis for government involvement in the food sector, was questioned by half of the district councils which made submissions on this paper. The current and potential applicability of the model, specifically to SMEs, was noted by many. Several submitters suggested that the model risked establishing a ‘verification industry’ which, for commercial reasons, would work primarily in urban areas, leaving local governments with a de facto responsibility for verification services in rural areas which would impose increased costs on businesses. A small number of submitters suggested the third-party verification model may align verifiers with industry, rather than with the regulator, creating the potential for a conflict of interest. An analogy was drawn to the building industry. The third-party verification model was seen as removing the public health objective of food safety, potentially creating public health and safety risks.

Policy Principle 3: Risk based approach (rational and proportionate interventions)

A few submissions included comment on this principle. Some suggested that the qualifying words ‘as far as possible’ were inappropriate, and a comment was made that risk-based regulatory controls could not, for practical reasons, be applied universally.

Policy Principle 4: Responsibility for food safety and suitability

One submitter questioned why the definition of ‘persons’ did not expressly extend to individuals. The definition of ‘suitable/suitability’ was also questioned. Those comments are discussed under Part E: Glossary.

Policy Principle 5: Consistency of application

Key themes commented on by submitters were: that specific reference should be made to consistency across geographical territories; that such consistency would require the same regulatory requirements applying to domestic and imported food; and that consistent application of regulatory requirements is impractical, given variance in the size, capability and field of effect, across the food industry.

Policy Principle 6: Coherent and seamless

Principle 6 mirrored one of the areas identified earlier in the paper as being a key driver for the Review. Submitters' responses to the concept of a 'coherent and seamless regulatory programme', whether made in express reference to Principle 6 or without such specific linkage, are discussed below as a group. Comments on this policy principle included:

- in order to be comprehensive, a seamless and coherent regulatory regime must include public education initiatives to ensure consumer food safety awareness (Foodstuffs (New Zealand) Ltd)
- providing such a regulatory programme will be the biggest challenge for government
- a seamless and coherent regulatory programme is more an issue for big business, not for SMEs
- NZFSA can only achieve such a regulatory programme for food control. Other related regulations and compliance requirements: e.g. building, liquor licensing, and the Resource Management Act, are outside NZFSA's ambit
- a seamless and coherent regulatory programme for food is desirable, but should not translate to all parts of the food industry being treated the same

Policy Principle 7: Trade Facilitation

The Hospitality Association of New Zealand and the Hastings District Council noted specific support for the principle, and the Poultry Industry Association of New Zealand questioned how such facilitation will be monitored, given that the scope of the Review extends to food imported for both human and animal consumption.

E. Glossary

The definition of the terms 'food safety', 'persons' and 'suitability' were questioned by submitters.

The Avocado Industry Council suggested that the definition of 'suitability' should not include factors not directly related to food safety, (for example 'aesthetics' which, for their industry, is a factor already addressed through grade standards). Federated Farmers of New Zealand observed that food 'suitability' issues should not be the focus of regulation and would be better addressed through generic consumer protection legislation. One submitter suggested that the definition of 'persons' should include individuals/community. The Retail Meat Association commented that the definition of 'food safety' describes the process of achieving food safety, and not 'food safety' itself.

2. Submission summary: Structure (Paper 2)

Introduction

The purpose of Paper 2 was to:

- describe how the regulator currently operates at each level
- identify issues associated with that operation
- describe the functions and responsibilities of the regulator within the future food regulatory model
- explore options for the future regulatory regime for the food sector

The scope of this Paper included all aspects of government regulation of food and food-related products. Government involvement included central government, District Health Boards and local government.

This Paper did not include consideration of the functions and responsibilities of others in the food sector (such as Occupational Health and Safety) where food safety was not likely to be involved. Also excluded were any other functions and responsibilities of the regulator, such as market-access responsibilities (central government) and environmental functions, such as implementing the Resource Management and Building Acts (local government) – although the paper noted that there was an interface issue between food businesses and the Building Act that needed to be considered.

Overview of submissions

Businesses of all sizes, industry organisations and government agencies, Territorial Authorities and District Health Boards were the main submitters on regulatory structures.

Sixty eight written submissions commented on structure. These comprised of:

- 30 government bodies (including Territorial Authorities and Public Health Units/District Health Boards)
- 14 companies
- 14 industry organisations

- four academic/professional institutions
- two members of the public
- one anonymous

Half of the submitters who commented on roles, responsibilities and structures, did not comment on the options presented in the discussion paper, but identified the features of an ideal system. The remaining submitters expressed their views on which structural options should be adopted. A few of these submitters chose two options.

Submitters also provided suggestions for modified options. These were largely based on the Local Government New Zealand (LGNZ) submission, which had been discussed with Territorial Authorities, and reflected the views gathered through that process (for example, Porirua City Council proposed a variation to Option 2). The LGNZ position from the outset was that “local authorities do have a role in food safety”, a position that was largely (although not universally) supported. Although LGNZ came out in support of Option 2, they also suggested an enhanced status quo/variation to Option 2 which would result in:

- retaining the existing organisational structures while clarifying the roles of agencies
- improving communication lines and co-ordination
- improving training opportunities for food safety inspectors and food handlers
- maintaining the existing situation where food operators can opt to voluntarily prepare a Food Control Plan
- “updating the woefully old Food Hygiene Regulations to address the current context and problems with them” (Local Government New Zealand)

Christchurch City Council staff favoured Option 3, because it offered a regional office network, entry point for businesses via Territorial Authorities and offered the best fit in terms of criteria. The Council staff also suggested another option which entailed Health Protection Officers joining NZFSA, which would then operate a regional office network based at larger Territorial Authority offices, with an entry point for businesses through Territorial Authorities.

Where options were chosen, they were chosen as follows (noting that this does not take account of the representation of the submitter):

- *Option 1: Status quo - 1*

- *Option 2:* NZFSA and Public Health Units align on compliance, investigation, calibration, systems audit and complex Food Control Plan assessments and approvals; Territorial Authorities operate as entry points - **18**
- *Option 3:* Health Protection Officers join the NZFSA, which operates a regional office network; entry point for businesses is through territorial authorities - **5**
- *Option 4:* Environmental Health Officers and Health Protection Officers join NZFSA which operates a regional network. Entry point for business is through NZFSA regional office(s) - **5**
- *Option 5:* NZFSA separate, Environmental Health Officers join Public Health Units, entry point for business is via Public Health Units - **4**
- *Option 6:* NZFSA remains separate, Health Protection Officers join Territorial Authorities, entry point for business is at the Territorial Authority level - **3**
- *Alternative Options:* - **2**

A major reason provided by submitters for favouring Option 2 was that it was least disruptive of the options entailing change. Other reasons given were that the option involved clarification of the roles of each organisation and that it offered continued access to communities around New Zealand.

Themes

Whether or not submitters made a choice of structural option, they expressed views on future structure and function. Some submitters also provided opinions on current regulators. The following are themes arising from these comments:

1. *Criteria for judging the best model*

There was general agreement that the criteria identified were appropriate for assessing the best way forward, although some submitters thought that there were too many criteria. Those criteria particularly noted were:

- must deliver on food safety and suitability
- must be cost effective and efficient
- should provide a single point of contact/entry for business and consumers as far as possible
- must promote consistency and equity
- must promote a seamless and coherent regulatory programme

- must provide accessibility and geographical spread across New Zealand
- must ensure capability and capacity for delivery
- must ensure ease and low cost of implementation and transition to the new regime

Additional criteria proposed included:

- equity
- improved communication (via email, networks, etc)
- systems and processes that retain local discretion to suit local needs and preferences
- healthier communities and improved community wellbeing

2. *Desired characteristics*

- central control
- clear accountabilities and transparent processes
- consistency in approach (e.g. with penalties, functions)
- equity
- improved communication (via email, networks, etc)
- minimised costs
- simplicity – including one front door, as few tiers as possible (several submitters commented that three tiers/organisations was too many)
- accessible, straightforward system
- no negative impacts on export but rather interface with export requirements
- retain the positive aspects of the current system

3. *Impact on small business/small local government authorities*

Whatever the roles, the impact on small business and small local governments needed to be considered. One submitter suggested the current proposals were suitable only for larger operators because of their access to the staff and resources necessary to make the system work.

Waikato District Health Board argued that:

“Some smaller councils may struggle to provide the level of service that is being asked for by the new system [and] the system should be flexible enough to allow for this [contracting out] if necessary”.

Gore District Council noted that:

“due to the small number of food premises in rural territorial authorities, many Environmental Health Officers undertake multidisciplinary functions with only part of their time involved in food safety”.

Similarly, Hawkes Bay District Health Board indicated that:

“the risk for a small Public Health Unit with the removal of the food safety activities will impinge on its resource capacity”.

Palmerston North City Council suggested that:

“concern would be that smaller Territorial Authorities might not have qualified staff to undertake their required duties”.

The New Zealand Retailers Association noted:

“Our work to date on this issue with smaller and medium sized traders confirms that there is considerable support to retain a strong role for TLA [Territorial Local Authority] enforcement officers to support, educate and verify food control plans”.

One submitter argued that NZFSA in particular needed “to ensure the smaller operators were communicated [with] and resourced sufficiently to protect them from unrealistic costs”

4. *Clarity around public health/health protection and environmental health roles and synergies with other work*

Several submitters identified the importance of a structure that was as simple as possible, with roles and responsibilities clearly spelt out.

Several submitters noted that the food safety roles were enhanced by elements of other roles in Public Health Units and Territorial Authorities. A related argument suggested that if resources were taken out of these units and centralised, this would not only have a large

effect on the capacity and capability of public and environmental health roles, but would also impact on the other roles undertaken by Public Health Units and Territorial Authorities.

The Waikato District Health Board stated that:

“Public health issues involving sewage, waste disposal and air pollution all have some potential to affect the food chain. Information provided by the Communicable Disease activities and the Resource Management control are useful in identifying risky food situations and ensuring that steps are taken eliminating the issue as far as possible”.

The Waipa District Council noted that:

“A person wanting to construct a new food premises will already be dealing with a local authority in regards to resource management and planning issues, building codes and compliance, bylaws relating to signage, parking and public places, water supply, sewerage, refuse collection and recycling, liquor, gambling and smoke free”.

Synergies were identified for both Territorial Authorities and Public Health Units with other legislative obligations involving the Resource Management Act, the Building Act, the Occupational Safety and Health Act and, more frequently, the Sale of Liquor Act.

5. Workforce issues, capability and capacity

Workforce issues were highlighted by many submitters. One submitter wrote of serious problems with workforce in the south of the South Island – which meant, for example, that one district council does not have an Environmental Health Officer at the moment, and that large numbers of unregistered food premises (such as rest homes and bed and breakfasts) do not receive attention unless there is a complaint. This submitter's view was that there were insufficient resources in Territorial Authorities, Public Health Units and the NZFSA. Another submitter suggested that NZFSA will require more auditors than the total number of Environmental Health Officers currently employed by the Territorial Local Authorities in New Zealand.

Some submitters were critical of local government involvement, or expressed concern about an aspect of government involvement that could be addressed by closer operational liaison between government organisations involved in food safety.

Penford New Zealand Limited stated:

“... it is frustrating for processors to deal with officials involved in their registration who simply have had no experience within that sector”.

The Pork Processors Association and Retail Meat New Zealand Incorporated argued that:

“In many cases, the industry has had to educate the official while paying for the privilege of doing so”.

Many other submitters considered that all the options carried with them a need for up-skilling existing staff in the move to audit from an inspection-based programme. One submitter suggested, however, that with “sufficient training, calibration and resources [they] would be equipped to manage food premise registrations and verification activities”.

Others noted the importance of maintaining the existing skill-base. The Rodney District Council suggested that;

“It is critical for local authorities to maintain capability across a broad range of regulatory functions”.

Mid-central Health argued for “the necessity of maintaining a critical mass of skilled staff”.

Waikato District Health Board suggested that the regulator should take “advantage of the training and knowledge of staff already working in the food areas”.

6. Access and geographical spread

Some submitters indicated that they would be concerned if geographical range was reduced, particularly in relation to registration of Food Control Plans, while others noted the importance of accessibility. The point was made that Territorial Authorities are useful in food regulation because of their geographical spread and that they should provide a one-stop shop. The Hospitality Association of New Zealand, for example, stated that:

“We would go further than just looking at this from a food safety point of view to look at it in the broader context of compliance with other legislation also. The main point of contact for most compliance requirements is the Territorial Authority, so there is an extra advantage to making this the single point of entry for businesses in that they already

have contact with their Territorial Authority regarding Sale of Liquor Act, Building Act requirements and so on”.

Te Wakahauora Public Health South, while noting the challenges in achieving consistency across Territorial Authorities, considered that “removing Territorial Local Authorities from any option may reduce geographic cover or spread”.

Waikato-Bay of Plenty Institute of Environmental Health argued that “The Council is the first place that a potential food business occupier goes to find out about registration and to obtain information about food law”. Similarly, Tararua District Council stated “In rural communities, the council is closest to people on a day to day basis”.

Massey University Institute of Food, Nutrition and Human Health favoured Territorial Authorities being the entry point for all operators, arguing that “the local knowledge and skills of the Environmental Health Officer can often be used to deal with small issues before they become national nightmares”.

7. Consistency

Some submitters commented favourably on Territorial Authority performance, while others commented unfavourably. For example, the Hospitality Association of New Zealand argued that: “... members do experience an alarming degree of inconsistency across the country due to differing structures, approaches and levels of competence within different Territorial Authorities. Consistency must be a priority ...”.

The Distilled Spirits Association argued:

“The Association’s prior dealings with Territorial Authorities has yielded many instances of dismissive responses, ignorance and contempt of statutory duty. It is the Association’s opinion that food safety is likely to be a low or non-existent priority for Territorial Authorities. Territorial Authorities have a poor management and enforcement performance record in a number of regulatory areas including dog catching”.

These views support the view that standards vary across Territorial Authorities and that there is a need for consistent approaches and requirements. Some suggestions were made around achieving consistency. The Clutha District Council suggested, for example,

that NZFSA should have the authority “to impose performance standards to which all local authorities should be subject. In the absence of a degree of uniformity there is no level playing field for food businesses across the country” while Sanitarium Health Food Company suggested that “problems at the field inspection level are most likely to arise because of inconsistency of interpretation due to a lack of training and/or confusion of policy objectives and standards at a higher level”.

A number of submitters expressed their concern at the prospect of private verifiers in competition with Territorial Authorities.

8. Information

Submitters highlighted the need to think about the location of information. For example the Porirua City Council commented, in connection with Territorial Authorities’ role in relation to emergency management and product recall, that “the proposals in the paper overlook a very important issue in this area. Presently, Territorial Authorities have access to a vast amount of information relating to food premises in their district. All of this information is kept in the same place and is easily accessible.” The Council went on to highlight a number of problems relating to the introduction of private verifiers and assessors – in particular, where information is held, access to it in an emergency management situation, knowledge held in the head of the assessor/verifier, and Privacy Act issues around disclosure.

The Taranaki Health Protection Unit proposed “a national registration system/centre for food control plans and food premises. Once these had been processed, they could be forwarded to the appropriate unit for further action.”

9. Accountability

Strong strategic direction from NZFSA and effective reporting chains were seen as crucial to the functioning of the future regulatory system. Wellington City Council suggested that local authorities should “provide NZFSA with an annual report detailing work undertaken similar to reporting to the Liquor Licensing Authority”. Accountabilities of the Minister for Food Safety and of Local Authorities to communities needed to be addressed in clarifying roles and responsibilities.

3. *Submission summary: Food Control Plans and Alternatives* ***(Paper 3)***

Introduction

Paper 3 proposes that in the future, Food Control Plans will be the basic core component of New Zealand's Food Regulatory Programme.

Overview of submissions

103 submissions included comments on Food Control Plans. These comprised of:

- 25 government agencies, including Territorial Authorities and Public Health Units/District Health Boards
- 22 companies (including small/rural)
- 21 community groups, including clubs, associations, non-profit organisations and schools
- 16 members of the public
- 15 industry organisations
- three academic or professional bodies
- one anonymous

Not all submitters who commented on Food Control Plans indicated whether or not they supported the introduction of Food Control Plans. More submitters, however, favoured Food Control Plans than opposed their use.

Proposed rationalisation approach

Submitters generally agreed that there were problems with the current safety and suitability regime. The regime, delivered under varying requirements of New Zealand's food-related acts, was largely considered to be inefficient, costly and inconsistent. Harmonisation of the methodology used to provide safe and suitable food was therefore supported.

Some submitters noted that there was no evidence that Food Control Plans would be effective in reducing food-related illness. Submitters considered that Food Control Plans may work well for large business. Submitters did, however, suggest that there was no evidence that they worked for SMEs, which make up approximately 80-90% of food businesses.

One submitter suggested that a method was needed to measure the success of Food Control Plans. Another expected that industry would, in all likelihood, face increased complexity and cost to implement Food Control Plans. In such circumstances, it was considered crucial that the incidence of food-borne illness was measured accurately so that the effect of the new system was clear. It was considered important that the proposed rationalisation be given full and proper consideration in the setting-up of Food Control Plans and not merely lip-service.

Content of Food Control Plans

Flexibility

Many submitters suggested NZFSA needed to give due consideration to the range of food-related activities that occur, and ensure Food Control Plans are sufficiently flexible to cater for 'persons' preparing and selling food in the following situations:

- SMEs
- volunteer and fundraising groups
- farming families, providing food for workers
- volunteers who do commercial catering
- produce sectors (fruit and vegetable growers)

The Sporting Club Association of New Zealand argued that if Food Control Plans were to apply across all food related activities, they would penalise the volunteer sector. They also stated that if the legislation was applied to all organisations to establish 'equality' in the application of the law, activities such as cake stalls, fairs and galas would cease to be viable as a means of financially supporting sports clubs. The Sporting Club Association of New Zealand suggested that "where volunteer labour is required to undertake basic food

handling training in order to be ‘permitted’ to volunteer their time and support club activities, there is likely to be strong opposition”.

Another submitter argued that small and large businesses should all have Food Control Plans because small businesses have the potential to poison just as many people.

Simplicity

Another key issue raised by submitters was that Food Control Plans must use simple language and avoid complexity, as the process needed to be easy to follow. Submitters suggested minimal documentation should be required and that NZFSA should ensure verifiers were aware of this. Some submitters suggested that the Food Control Plans be practical.

Equivalence of various existing food safety programmes

Submitters who were already operating risk-based management plans (such as Food Safety, Product Safety, Risk Management or Wine Standards Management Plans) under other legislation were concerned that there might be transitional difficulties. Most assumed that there would be very little change, such as minor technical modifications, so they supported the change on that basis. They would be concerned, however, if there were substantive changes. Submitters stated that this must be clearly understood by those developing the Domestic Food Review proposals.

Another submitter suggested that when harmonising the different legislation, the regulator will need to ensure that the benefits will flow to the consumer.

Several submitters considered that the issue of equivalence needed to be addressed and that a procedure for establishing equivalence needed to be developed. The Avocado Industry Council Limited suggested legislation should avoid duplication and unnecessary compliance costs, especially for growers of multiple crops. The Avocado Industry Council Limited also had concerns around registration and suggested that:

1. Where registration is already required, as part of a sector-specific Code of Practice for purposes of product traceability, individual growers should not be required to register separately.

2. Where registration with a sector body occurs already, the grower should be exempt from the registration requirement, provided the sector has an approved Code of Practice in operation.
3. Registration at the grower level should continue to be administered by the lead sector body.
4. Growers with multiple crops should not be forced to have a separate registration for each crop.

Codes of Practice

Submitters were generally supportive of Codes of Practice assisting in the development of Food Control Plans, where appropriate. One submitter pointed out that there are problems when industry does not have a representative body, such as the case with a large number of the SMEs. One submitter supported the idea of developing Codes of Practice for industry groups such as restaurants, dairies, bakeries etc. Another suggested that industry could not be relied upon to develop Codes of Practice.

Templates

Some submitters suggested generic food safety templates should be developed. Others suggested generic templates may not be workable because there are so many variants between premises. These submitters considered that a more workable approach would be to have generic programmes for each food type (e.g. raw meat or preparing sandwiches). One submitter suggested templates could be developed by the relevant industry. Another suggested that the templates needed to be published in different languages, particularly for SMEs.

Miscellaneous

Other comments on the content of Food Control Plans from submitters included:

- Food Control Plans should include structural features and designs of food premises
- Food Control Plans should include support programmes such as sick leave
- calibration, chemical testing and microbiological testing do not appear to be covered by Food Control Plans
- the system of requiring food premises to be licensed could be incorporated into Food Control Plans

- documents would require some control information – for example, version number or date
- Food Control Plans must provide accurate, meaningful information on how to deal with people with allergies
- watch for ‘regulatory creep’ where, people end up spending more time and resources on regulations in relation to outcomes
- the regulator, together with industry, should provide a high level of assistance with Codes of Practice, templates, etc
- food-related legislation should be easy to obtain
- make sure that the New Zealand Qualifications Authority standards are changed accordingly
- use a simple on-line facility for registration

Application, operation and implementation of Food Control Plans

Many submitters expressed concern about the extent of the application of Food Control Plans. Some submitters indicated that Food Control Plans were not warranted for ‘persons’ preparing or selling food in the following situations:

<ul style="list-style-type: none"> • volunteer and fundraising groups; 	<ul style="list-style-type: none"> • charitable organisations;
<ul style="list-style-type: none"> • SMEs; 	<ul style="list-style-type: none"> • sports clubs;
<ul style="list-style-type: none"> • volunteers who do commercial catering; 	<ul style="list-style-type: none"> • motor camps; • produce sectors which supply farmers’ markets etc (fruit and vegetable growers), as distinct from uncontrolled markets, such as flea markets;
<ul style="list-style-type: none"> • farming families, including providing meals for workers, roadside stalls, or vendor declarations; 	<ul style="list-style-type: none"> • local church groups; • non-profit organisations;
<ul style="list-style-type: none"> • guest and hosted accommodation; 	<ul style="list-style-type: none"> • bring a plate.

Principles that are proposed to underpin Food Control Plans

Principle 1 – All ‘persons’ to have Food Control Plans

Submitters indicated they supported the principle that “all ‘persons’ will have and will implement a documented Food Control Plan unless agreed alternative mechanisms are in place”.

One submitter considered that Food Control Plans must apply to all food businesses, otherwise it would dilute their importance and acceptance. Other submitters indicated that Food Control Plans were particularly important for dairies, takeaways and restaurants.

Some individual submitters argued that ‘persons’ involved in the following food-related activities should be required to have Food Control Plans, i.e. those:

- transporting food
- importing food items
- storing food (warehouse operators)
- offering guest and hosted accommodation to tourists (even if only acting as impromptu hosts at peak tourist times)

One submitter wanted clarification of whether ‘persons’ involved in preparing food on maraes were to be included in the requirements to have Food Control Plans.

Imports

Some submitters noted that imported food should not be given an unfair advantage over locally produced food. Another submitter suggested that NZFSA must recognise where overseas countries have already provided relevant assessment of food.

New Zealand food producers supply both the domestic and export markets. One submitter noted that, in many cases, food produced for export markets is required to meet importing country regulations, arguing that some of the importing countries’ regulations are of questionable food safety significance. The submitter went on to suggest the same requirements should not be imposed for the purpose of supplying the domestic market.

Principle 2 – Cover safety and suitability issues

Some submitters specifically indicated that they supported the principle of ‘Food Control Plans covering all relevant safety and suitability issues’.

There was some discussion around the inclusion of the term ‘suitability’. Some submitters considered that suitability issues should not be a consideration in Food Safety Plans. Clarification of the term ‘suitability’ with regard to fresh fruit was sought. Some submitters considered issues such as cosmetic appearance, were not relevant from a food safety perspective, arguing that for most fresh produce sectors, this issue was already addressed by applicable grade standards.

Some submitters were concerned that they might have to provide ‘experience, science and risks assessments’ each time there was a safety and suitability issue.

Principle 3 – Food Control Plans to be based on GOP and HACCP principles

Several submitters said there was too little detail on how Good Operating Practice (GOP) and Hazard Analysis and Critical Control Point (HACCP) principles would work, to enable them to express their views on the use of these principles in Food Control Plans.

Good Operating Practice (GOP)

Of the submitters who commented on this element, most indicated that they supported the principle that Food Control Plans would be based on GOP, covering both safety and suitability. However, some were opposed.

Further comments from submitters included:

- the term GOP needed to be clarified, consistent and permanent
- GOP is suitable to be applied to SMEs. However the key thing is to have appropriate check sheets which can be used by any size business
- GOP should be implemented with good science
- a raft of accepted science-based controls (such as validation and acceptance of temperature requirements) should be established to avoid unnecessary duplication of effort in the development of a business’s Food Control Plan

- each element of GOP does not require its own purpose and scope etc. This method is out of date and largely discredited as emphasis is on screeds of writing. The preferred method is a more pictorial approach, such as flowcharts
- could use a video to record GOP elements of a Food Control Plan

Hazard Analysis and Critical Control Points (HACCP)

Of the submitters who commented on this element, the large majority supported using HACCP principles for food safety in relation to the process and intended use of the product. Some submitters were opposed to the use of HACCP principles. Individual comments from submitters included:

- HACCP was very complex
- HACCP was only applicable to large business
- HACCP could be redesigned to suit SMEs
- HACCP could be difficult to understand for those with English as their second language
- clarification of 'HACCP based' was required
- clarification on what was meant by calibration or products testing was required
- clarification on why most businesses would use HACCP if there are no Critical Control Points, was required
- according to World Health Organization strategies for implementing HACCP in small businesses, and developments in Australia, United Kingdom, Ireland, Europe and North America, success is dependent upon developing a tailored approach to SME food operations

Successful implementation of HACCP was seen as key by submitters. Evaluations of the introduction of HACCP-based Food Control Plans in the UK and Ireland identified the following key issues as being critical to the success of HACCP principles in SME food operations:

- provision of generic templates for Food Control Plans, as a basis for plans tailored to actual food processes, in individual premises
- significant training and support for food operators and handlers in food hygiene and HACCP principles
- an ongoing role for local authority/Environmental Health Officers in providing advice, support and undertaking audit functions for the Food Control Plans

- increased competency-based training of food operators, resulting in improved understanding among food operators of their roles and willingness to co-operate
- ongoing advice and support provided by Environmental Health Officers, including the continuation of their audit/enforcement role

Principle 4 – Alternative methods to meeting requirements set in law may be used where equivalent control of hazards, safety and suitability issues can be demonstrated to the regulator’s satisfaction

Of submitters who commented on alternative methods, all indicated they supported the principle that ‘alternative methods to meet requirements set in law may be used where equivalent control of hazards, safety and suitability issues can be demonstrated to the regulator’s satisfaction’.

A number of submitters commented that they required more information on what exactly the alternative mechanisms would be. Other submitters had specific suggestions to help reduce food-related illness. These included the use of:

- real-life historical data on food safety problems, especially of specific produce types or business groups, including case studies, on the NZFSA website
- a six stage action plan for planning and building commercial kitchens
- temperature loggers to determine what storage conditions a product has been stored under
- guidelines on sale of products that have passed their use-by dates
- magnetic separators to remove contamination from product lines
- foot operated rubbish bins
- a requirement that all food handlers must wear plastic gloves, and double wrap raw chicken portions on trays

A number of submitters had suggestions relating to specific mechanisms. These included:

- adhering to Codes of Practice was a better mechanism where appropriate
- adoption of Chapter 3 of the Food Standards Australia New Zealand Food Standards Code, together with the provision of limited application of HACCP food safety plans, for high risk food product lines. This is also consistent with ongoing

efforts to harmonise Trans-Tasman regulation and with harmonisation that has already occurred with the remainder of the Food Standards Code

- improving enforcement
- that most food businesses just wanted to be told what to do
- managing food safety and suitability issues by including coverage of such issues in school policies
- education and training could be used instead of Food Control Plans in many cases – (refer to education and training section)
- if catering for ‘at risk’ groups, i.e. children and the elderly (such as schools, churches, takeaway outlets) persons must be registered and supply a Food Control Plan to the regulator
- using the ‘Qualmark’ endorsement where appropriate. Work with Tourism Association NZ on Qualmark as a way of maintaining food safety in smaller businesses while minimising compliance costs

Options other than Food Control Plans

A number of submitters were critical that regulatory response options other than Food Control Plans were not presented in the discussion paper. Submitters had the following suggestions:

- status quo
- status quo with adjustments such as updating the Food Hygiene Regulations, stronger enforcement, HACCP, GOP to be enforced by Council, risk-based plans for small businesses, or use of a goal-based system, that can be defined using Codes of Practice
- research on the experience of the various Territorial Authorities and Public Health Units, to determine what worked best
- guidelines for food safety practices in preparing and cooking food for non-profit events
- if health problems do occur while preparing and cooking food for non-profit events it may be helpful to have a free service, whereby these organisations can notify their local council
- a grading system for all food businesses, for example, a type of ‘star’ display similar to that of accommodation houses

- the model that is used by the United Kingdom is far simpler, less intense and within the competence of small businesses to work through by themselves, or with minimal outside help, and without the necessity for costly external evaluations and verifiers. Further to this, an average management time to the order of 10 hours is being predicted to devise the programme, and monitoring inputs of an average of 30 minutes per week
- entry into the food industry should only be permitted after knowledge and competence has been demonstrated
- all persons should be registered, as well as hold a current Food Safety Certificate
- small businesses should be given tax holidays to improve their premises.

4. Submission summary: Implementation (Paper 4)

Introduction

Paper 4: Implementation of Food Control Plans covered the implementation of the proposed new food regulatory regime. This involved:

- Food Control Plan design and development
- Food Control Plan evaluation
- Food Control Plan assessment and registration
- Food Control Plan verification (third-party external verifiers)
- competencies of evaluators and verifiers

Overview of submissions

Sixty-two submissions were made in relation to Food Control Plan implementation. These comprised of:

- 23 from government bodies (including Territorial Authorities and Public Health Units/District Health Boards)
- 15 from companies
- 11 from industry organisations, councils or associations
- six from community groups, clubs, associations, non-profit organisations or schools
- five from members of the public
- two from universities/professional bodies

Summary

1. Food Control Plan Design and Development

This section of Paper 4 discussed Food Control Plan design and development, notably, Codes of Practice involving templates/a template or model of Food Control Plans to simplify the Food Control Plan process and reduce costs for food businesses. Such Codes of Practice would set out regulatory requirements, recommend approaches or processes, and offer guidance and general information.

The idea of Codes of Practice, containing a template or model Food Control Plan, was generally supported by submitters, provided there was adequate industry involvement in the design and development processes. Submitters suggested templates for Codes of Practice should:

- be simple, clear and appropriate to the user
- be “fit for purpose” and industry specific
- be easy to implement
- be based on good science
- involve industry in a key development role
- involve consultation from businesses up- and down-stream of the sector concerned
- be easily understood by those who need to use them
- be suitable to smaller, as well as larger businesses
- be accessible to all businesses, not confined to industry association members
- follow overseas models developed by countries facing the same food safety hazards as New Zealand
- streamline compliance and verification costs for companies producing food for both the domestic and export markets

A number of submitters suggested that existing food safety plans (such as Food Safety, Product Safety, Risk Management or Wine Standards Management Plans), should be recognised under the new Food Control Plan system. Many of these submitters suggested that Food Control Plans should not incur additional costs or added complexity. A small number of submissions suggested recognition of other food safety systems based on international best practice.

One submitter questioned what happens when there is no industry organisation in place to develop a Code of Practice for a food business type, asking who would develop the Code of Practice and how it would be funded.

Another submitter suggested modifying the current Food Hygiene Regulations 1974 to develop a Code of Practice for low-risk businesses.

A further submitter suggested Food Control Plans should be time-limited, with a suggested period of three years.

One submitter agreed with Codes of Practice, provided they allowed different options and contained some degree of flexibility. Codes of Practice were optimally seen as a guideline, containing recommended practice with suggestions and options for flexibility.

1. Food Control Plan evaluation

The Evaluation section of Paper 4 covered the evaluation of Food Control Plans that were not developed using an approved Code of Practice template. Such Food Control Plans were to be evaluated by an independent body to ensure compliance with regulatory requirements and that plans are appropriate to the business concerned.

Some submissions supported external bodies being able to approve and evaluate Food Control Plans within a contestable environment, while others were concerned about potential increased costs from third-party evaluation.

Several submissions contained comment on the need for clarification over what would constitute a 'significant variation', from a Code of Practice template. Some suggested that 'significant variation', should be agreed upon by industry and NZFSA through a collaborative process.

One submitter supported the straight-forward approach that excludes the need for independent evaluation of a Food Control Plan where there is no significant variation from an approved Code of Practice.

Several submissions suggested that clarification was required around how an independent evaluation of a Food Control Plan would be managed, noting the importance of consistency and transparency. One submitter pointed to lessons learnt from the meat processing sector in this regard.

One submitter indicated strong support for the evaluation of Food Control Plans, indicating it provided certainty that suppliers were doing what they were supposed to do, reducing liability.

A small number of submitters argued that, where a risk-based management plan was already used, there should be no need for an evaluation of a Food Control Plan, as it should be registered automatically.

Another submitter expressed concern over the potential costs to small businesses to fund external evaluation (and verification), arguing the costs would be out of proportion to perceived or anticipated food safety benefits.

Some submitters warned of the large number of ‘consultants’ that appear when new processes such as Food Control Plans arise, suggesting serious consideration be given to the use of an approval, licensing or other control mechanism to recognise reputable or appropriately skilled/qualified consultants, in order to protect or give guidance to those seeking to have a consultant design or implement their Food Control Plan. Suggestions included a New Zealand Qualifications Authority, Quality Systems Assurance or NZFSA-approval process.

A number of submitters highlighted the importance of languages other than English, urging NZFSA to release information in a variety of languages. This was particularly an issue in relation to consultants, where there was a perception that disreputable consultants might take advantage of food business owners who did not have English as a first language.

2. Food Control Plan assessment and registration

Registration and associated assessment were described in this section of Paper 4. Registration is the mechanism by which the regulator is provided with information on who has Food Control Plans and who has responsibility for those Food Control Plans. Registration would be a regulatory requirement, with information held on a public register. Triggers for re-registration were also discussed.

Some submissions were concerned that if the onus for registering a Food Control Plan rested solely on the food business, there would be a high potential for failure to comply with registration, resulting in a low level of voluntary compliance.

One submission indicated that the section of the paper referring to Food Control Plan assessment and registration did not make it clear what sort of ‘assessment’ would occur at this stage.

Another submitter argued that there was no credible policy justification for a public register containing details of ‘persons’ registered with a Food Control Plan. The submitter thought such details being held by the regulator was sufficient for policy and regulatory purposes.

Several submitters noted that a transition period should be allowed when ownership changes. The Sale of Liquor Act was given as an example, in particular the provision that allows a new owner to continue trading for up to three months under the same conditions as the previous liquor license holder.

Another submitter argued that ownership of a business triggering re-registration may not be necessary in large businesses, as there is a degree of separation between ownership and management.

Several submitters expressed concern about new businesses and registration of Food Control Plans. One submitter indicated that it may not be financially practical for a new business to have a Food Control Plan developed, evaluated, assessed and registered before commencing operation. The submitter argued this could be a barrier to new businesses. Several other submitters argued it is important that there is an interim step allowing a business to operate before a Food Control Plan is fully developed, as businesses are naturally evolving and not all processes can be put in place before operation commences. However, one submitter was concerned at the possibility of a food business operating for any length of time without a Food Control Plan, potentially producing unsafe food over that period.

One submitter argued that a further trigger for re-registration should include any major failure of the Food Control Plan.

3. Food Control Plan verification

This section of Paper 4 described the regulatory model for Food Control Plan verification, which involved central and local government focusing on being manager of the regulatory system, rather than deliverer of regulatory services. Under this model, recognised third-party verifiers would undertake performance-based verification processes, address non-compliance, keep records and be subject to a review process if a complaint was made.

General comments

Many submissions from Territorial Authorities emphasised the importance of random verification, arguing that the random inspections currently undertaken by Environmental Health Officers increase food handling safety and decrease costs by allowing less frequent regular inspections.

A number of submissions indicated that it was vital that the verification process involves a physical inspection of the premises. It was argued that a desk-top audit was insufficient, as records could be completed retrospectively and having good records did not necessarily indicate clean or well-maintained premises, or that staff were undertaking hygienic practices.

Another submitter emphasised the need for consistency and efficiency in Food Control Plan assessment to prevent excessive hourly charges through a lack of competency or experience. It was unclear whether the submitter was referring to the evaluation, assessment, or verification steps referred to in Paper 4, though the comment could equally fit into any category and refer to any type of 'assessment' against criteria.

A number of submissions indicated concern over the lack of information about developing a dispute resolution process, suggesting an additional step was required in the verification process to allow for independent dispute resolution.

One submitter suggested compulsory verification was not valid and needed to be rethought. The submitter argued that if you complied you should be left alone, but if you did not comply you should be seriously punished. The submitter supported instant fines for non-compliance.

Many submissions pointed to other third-party verification models, suggesting they would hold some important lessons. These included:

- independent building certifiers under the Building Act 1991
- test certifiers under the Hazardous Substances and New Organisms Act
- occupational Health and Safety Inspectors
- liquor licensing under the Sale of Liquor Act
- Melbourne's implementation of Victoria's new Food Act

Main themes

Many submitters commented on Food Control Plan verification, in particular referring to the model of third-party verification. Some endorsed the model, while others saw potential for failure. Several main themes arose in submissions:

- potential for market failure
- market/private sector capacity
- accreditation
- potential for conflicts of interest

Potential for market failure

Many submissions, particularly those from Territorial Authorities, pointed to the lessons learnt from the Building Act private certifier model. Submitters noted that, under the building certifier model, the market failed to provide for less profitable or less desirable businesses, focusing instead on urban premises with good track records. The submitters indicated a belief that this would occur under the Food Control Plan third-party verification model. They suspected that the market would not provide for businesses that were perceived as difficult; in terms of management, location, etc, which would leave Territorial Authorities with a legislative backstop role, and the market biased towards 'good' (compliant) businesses. Such submitters argued that there was a need for a strong regulatory component in verification, to ensure premises would not fall outside of the verification framework.

Many submissions referred to the potential for market failure in rural areas, in terms of the geographical availability of verification providers. Arguments centred around both the likelihood that the rural market would not support a verification company with such a small population base, and that if there was no local service provision, rural businesses would

be required to pay a non-local verifier for travel time and mileage, resulting in significant increases in costs.

A large number of submitters indicated the likelihood of increased costs to SMEs with a Food Control Plan third-party verification model. Many expressed concerns at increasing costs to SMEs.

Many submitters from Territorial Authorities argued that the verification model would result in the loss of a cohesive regulatory structure, highlighting the importance of the current role of Environmental Health Officers in terms of relationship building, education and advice to local SMEs. Many suggested Environmental Health Officers were thought of as helpful, and as a result their recommendations were often taken on board and implemented.

However, the use of third-party verifiers for large businesses was largely supported.

One submitter pointed to the current independent verification of Approved Food Safety Programmes (under the Food Act) that occurs for chains of SMEs, although the submitter highlighted the difference between such corporate businesses and small-medium sole traders in terms of corporate structure and resources.

Another submitter suggested that NZFSA should audit third-party verifiers to ensure consistency of compliance with the verification process and regulatory requirements.

Some submissions indicated Food Control Plans for SMEs should reflect the potential sphere of influence the food business could have, suggesting the wider the sphere and the higher the risk, the higher the level of control and inspection required.

One submitter suggested the proposed minimum set of qualifications for evaluators and verifiers (three years recent experience), would inadvertently restrict the number of third-party verifiers, therefore causing difficulties for market entry.

Many submitters suggested the third-party verification model would fail due to the lack of skilled staff currently available. One submitter suggested NZFSA should train verifiers.

Market/private sector capacity

Some submitters indicated concern over private sector capability, capacity and quality assurance, questioning how these concerns would be addressed.

A number of submissions referred to time-lags before the private sector would have the capacity to function as third-party verifiers.

Many submitters suggested the private sector did not currently have the capacity to undertake the verification role outlined in the Papers. Some submitters argued there were not enough people skilled in verification under the current system, suggesting up-skilling of the current workforce was urgently required. A number of submitters urged undertaking a workforce development plan as soon as possible, predicting significant workforce issues.

Concerns were expressed over the potential for Territorial Authorities to lose trained staff to private companies, leaving councils with problems undertaking other regulatory functions.

Some of the capacity issues outlined by submitters related to accreditation.

Accreditation

A number of submissions referred to ISO 17020 and ISO 65. Some submissions indicated that the benefits of ISO 17020 as a standard were outweighed by increased compliance costs and inefficiencies. Some suggested the rigidity of ISO 17020, which required approval of individuals before they can operate on their own, was problematic preferring ISO 65 instead. Many pointed to the high costs of ISO 17020 accreditation, cautioning that these costs would be passed on to food businesses.

A number of submissions expressed support for the use of ‘accredited individuals’ as ISO 17020 ‘signatories’ who can supervise staff undertaking verification of Food Control Plans, without having to accredit all verifiers.

Potential for conflicts of interest

Many submissions highlighted the potential for conflicts of interest under the third-party verification model. Many indicated the potential for failure within a profit-driven model,

where compliance becomes ‘paper compliance’, where the minimum is done in the fastest way possible.

Others indicated that accountability relationships would be driven by payment of fees, aligning verifiers with food businesses rather than with the regulator. Submitters indicated the relationship between the verifier and the food business could cloud the verifier’s judgement, as it was in the verifier’s commercial interest to gain repeat business and not be seen by the industry as ‘too hard’. Those viewed as ‘soft’, the submitters predicted, were likely to gain the business of those premises with lower food safety practices. Submitters went on to argue that verification is a role best undertaken by Environmental Health Officers (working for Territorial Authorities).

A small number of submissions indicated that the terms ‘assessors’, ‘evaluators’, ‘verifiers’ and ‘auditors’ were used interchangeably, and that clarification of the terms and their roles was required. One submitter suggested that the legislative powers and protections for verifiers need to be clearly specified.

Several submissions indicated concern that the move towards a profit-driven model would shift the process away from its food safety and public health objectives.

Transitional arrangements and timing of implementation

A number of submitters indicated concern over the lack of discussion about transitional arrangements and many submitters queried the timing of the implementation of the Food Control Plan system. Some of these submissions have been summarised above, particularly in relation to market readiness.

Many submissions expressed a preference for staging the introduction of Food Control Plan requirements to allow food businesses to learn about, adopt, adapt to and meet the requirements over time. Some acknowledged staging could be administratively burdensome, but suggested it could help with buy-in.

A number of submissions referred to the importance of training, education and buy-in by food handlers and operators. Some indicated that the success or failure of Food Control Plans depended on the extent of investment in convincing SMEs of the benefits of Food

Control Plans. Many of these comments have been summarised in the Training and Education section. The importance of conveying information in a variety of languages was emphasised by a number of submitters, particularly in relation to getting buy-in from small food business owners.

One submitter was of the opinion that businesses that did not implement Food Control Plans at the expiration of a stated transition period should not be allowed to operate, provided there was ample publicity via the media and current regulatory authorities. The submitter went on to argue that there would be some businesses that would fail to meet the new Food Control Plan requirements, and that consideration should be given to these premises having to cease trading.

Several submitters emphasised the need for clear messages to provide food businesses with a level of certainty in the short term. One submitter indicated some food businesses are reluctant to register Food Safety Programmes under the current system due to uncertainty as to the future direction of New Zealand's food regulatory system. These submitters emphasised the importance of clear messages as to future directions and the need for indications of timing.

Other submitters suggested there needed to be deadlines for food businesses to comply, and that these deadlines needed to be met by food businesses.

General

Several submitters commented that there are inconsistencies in how current requirements are checked off or enforced, suggesting requirements should be enforced consistently across the board. Some submitters commented that some food businesses are not complying and nothing is being done about it.

5. Submission summary: Training and Education

Introduction and overview of submissions

Around 80 submissions received during the Domestic Food Review public consultation contained comments relating to education and training. Comments can be grouped into the following categories:

- communication issues
- the role of education and training in the Domestic Food Review
- responsibility for education and training
- training of food industry staff in food safety
- community organisations and volunteers
- education of the consumer, in the home and in schools
- training for the evaluators and verifiers
- delivery of education and training
- language issues
- independent consultancy services
- compliance costs to business

Communication Issues

A number of submissions indicated that there were/would be important communication issues involved in the implementation of Food Control Plans and sometimes reference to communication was combined with the need for education. The key theme in submissions was that the success of the implementation of Food Control Plans would depend on effective communication and education to ensure people understand Food Control Plans, especially who is responsible for what and why.

The role of education and training in the Domestic Food Review

Comments relating to the role of education and training in food safety were made by many submitters. Submissions argued that:

- the implementation of Food Control Plans will require a shift in attitudes and behaviours through education and the use of social marketing tools

- there should be more emphasis on education and training and the Domestic Food Review should be expanded to establish an effective education strategy
- the discussion papers assume that regulatory change will result in a change in behaviour and commitment among food operators and handlers. Regulation alone will not be sufficient to shift responsibility and will need to be accompanied by an extensive education (and communication) campaign to change attitudes and behaviours
- the Domestic Food Review should identify the responsibilities of producer, processor, retailer, and consumer as well as the appropriate education and/or training requirements for each sector
- education and training should be a major component in any regulation
- training should be mandatory in some cases, depending on the risk. It was suggested that training should be a requirement for new businesses commencing operation and phased in for existing businesses
- education, rather than regulation, was the appropriate means to ensure food safety
- education should be voluntary and provided as a public good, particularly for community and voluntary groups
- NZFSA should look overseas and to multi-national operators to identify good food handling practice

Responsibility for education and training

Views regarding responsibility for the provision of food safety education and training were expressed by a large number of submitters. Key points were:

- there is a need to clarify and define territorial authority/ Public Health Unit/ NZFSA roles in relation to the provision of education to encourage good food handling and safety practices, both in the food industry and in the home
- the close working relationships between food regulatory staff and communicable diseases staff should be maintained
- Environmental Health Officers provide ongoing education, advice and support to food operators, a function that will be important in the successful introduction of HACCP based Food Control Plans. Similarly, it is important to engage with Health Protection Officers as they have a lot of local knowledge

- one submission (from Environmental Health Officers) suggested that the use of independent auditors would result in lower standards of food safety among small businesses, whereas the current approach of regular policing with a mix of planned and random visits to premises provided better food safety outcomes
- local fee setting for training, as provided for by the Local Government Act 1992, would ensure fees took account of ability to pay

Training of food industry staff in food safety

Specific training for food industry staff was referred to by many submitters. Key points made were:

- training is required for all involved – food handlers, managers and ‘persons’ under the Act
- training should focus on food hygiene and the use of HACCP principles for industry, particularly for small businesses, and should be incorporated into the writing, setting up and implementation of Food Control Plans
- training on food handling should be a priority
- training should be nationally coordinated to ensure consistency and should be competency based for food operators and handlers
- training for food industry staff might be more effectively phased in so that separate elements of a standardised Food Control Plan are delivered over different time periods e.g. personal hygiene and cleaning, record keeping, temperature, outwards stock control
- one submission suggested training should be subsidised
- the ‘person’ under the Act should have an accepted qualification that indicates comprehensive knowledge of the causes and symptoms of food poisoning, methods of control, storage, labelling and regulatory requirements
- one submission suggested that all staff involved in food preparation and handling attend a Polytechnic course on basic food hygiene and food safety, and be required to pass an examination

Community organisations and volunteers

Views on the appropriate training and education for community and voluntary groups were expressed by some submitters. Key points made were:

- education and the provision of information, rather than training, should be the mechanism to ensure requirements relating to food safety are met by community and voluntary groups
- voluntary Codes of Practice were the appropriate tools to ensure food safety for fund raisers engaged in the preparation and handling of food
- training must be easy to access and affordable for charitable organisations
- regulators should value the practices that are part of New Zealand culture (such as bring-and-buy and cooking for shearers);
- training for community and voluntary groups should be defined as a public good and be funded by the government

Education of the consumer, in the home and in schools

The need for education and information on food safety in schools and in the home was commented on by many submitters. The key points were:

- schools should include safe food preparation and handling in the curriculum; one submission commented that schools would need extra funding for this
- the public should be informed and educated about food preparation, handling and storage through public education and information campaigns
- the Review should produce an education strategy for food safety in the home
- specific 'at risk' groups, such as the elderly, pregnant women and the very young should receive targeted education

Training for the evaluators and verifiers

Some submitters commented on specific training needs for evaluators and verifiers. Shortages of trained evaluators and verifiers were identified as significant issues for the implementation of Food Control Plans.

Delivery of education and training

Many submitters commented on the form that education and training should take. Key points were:

- public campaigns utilising newspapers, television and radio and, where necessary, leaflets delivered to households, targeted at the consumer
- the media and industry associations should be targeted to pass on key messages and information
- Codes of Practice, guidelines, handbooks, checklists and CD-ROMS could be used to inform those involved in food preparation and handling
- national and regional workshops could be held to provide information on Food Control Plan requirements and good practice, although it should not be assumed that all will turn up to such events
- delivery of education and training should be provided nationally to ensure consistency but should be accessible locally
- training must be ongoing
- information and guidance should be simple and easy to understand, e.g. case studies of inattention to food hygiene, smiley faces and simple indicators - the story of the house fly from faeces to food

Language issues

Some submissions commented on language barriers affecting some involved in the food industry. Submissions indicated that there was a need for training and/or training materials in appropriate languages and appropriate forms.

Independent consultancy services

Concerns relating to independent consultants were expressed by some submitters. These included concern that, because of a shortage of qualified trainers, consultants would be able to charge businesses excessive fees to enable them to complete their Food Control Plans. However, some suggested that the government should not intervene unless lack of competition resulted in unreasonable costs. Concerns were expressed that an efficient competitive market for consultancy services did not exist in many rural locations (the

shortage of certifiers under the Building Act 1989 and test certifiers under the Hazardous Substances and New Organisms Act 1996 were cited as examples). There was also concern about the quality of some consultancy services that might be offered. Several submissions suggested that there should be a register of competent consultants.

Compliance costs to business

Many submissions made specific comments on the potential costs of education and training for those required to implement Food Control Plans. Territorial Authorities argued for government resourcing of education and training for food safety. Key points expressed were:

- margins in the food industry were not high and many businesses could not bear the cost of expensive training of staff given high staff turnover
- clear net benefit of any regulation should be demonstrated before costs are imposed on the food industry
- there should be an evidence-based approach to food regulation, whereby the effectiveness of mandatory food safety training is assessed in terms of impact on levels of food-borne illness
- there should be a clear statement of the ‘public good’ element of the food safety and the benefits to all rather than a ‘user pays’ model applied to industry alone
- government agencies should provide resources to ensure capacity and capability of regulators and industry to implement Food Control Plans

Comparative analysis

Some submissions indicated that good education and training practice existed overseas, which New Zealand could learn from. It was suggested that the British experience of implementing HACCP in butchery premises, and the difficulties experienced by the United States Food and Drug Administration could provide important lessons. Domestically, it was suggested NZFSA could learn about the barriers to implementing Food Control Plans from the Environmental Health Officer Review of strategies for implementing HACCP. One submission suggested that NZFSA could learn from where regulation had failed (the Building Regulations were cited); another submission suggested we could learn much from how McDonalds trained their staff.

6. Submission summary - Cost Recovery (Paper 5)

Introduction

Paper 5 outlined the current regulatory environment for cost recovery in the food sector and proposes principles and possible methods for a cost recovery framework for the domestic food sector. The main points are:

- food regulatory services will be provided by the regulator and by agents acting on behalf of the regulator
- to ensure consistency, a national rate will be set through legislation that will apply to all agents acting on behalf of the regulator
- regulatory activities are classified into nine broad categories¹
- contestable services provided by third party suppliers will be recovered at market rates by commercial arrangement between the supplier of the service and the person receiving the service. Government intervention would only occur where there was evidence of market failure
- principles for cost recovery are outlined: they follow Treasury guidelines
- provision be made for memorandum accounting to deal with over and under-recovery

Overview of submissions

Fifty-six submissions commented on costs. These were comprised of:

- 20 government bodies (including Territorial Authorities and Public Health Units/District Health Boards)
- 13 companies (of which 7 were large companies)
- nine industry organisations
- seven community organisations
- five members of the public
- one academic/professional institution
- one anonymous

¹ Following a relatively standard classification to be adopted for the purpose of harmonising cost recovery across the NZFSA generally.

Cost Recovery Framework

Few submitters commented specifically on the cost recovery framework. Of those that did, they either broadly supported the framework or, more generally, supported having a consistent approach to cost recovery.

Some submissions, however, noted that the paper dealt with cost recovery at a conceptual level and lacked detail on implementation (actual costs, costs and benefit analysis, charges and charging mechanisms). Their ultimate view of the proposed framework would depend on seeing such substantive detail.

A small number of submissions did not agree with the proposed cost recovery framework. One industry organisation considered that:

- the cost recovery framework should be based on a single criterion of efficiency only, rather than on the four criteria of efficiency, equity, justifiability and transparency outlined in Paper 5
- where government agencies are statutory monopolies and businesses are required to buy their outputs, user charges are less likely to induce efficient outcomes. Government ownership may further weaken the incentives for cost minimisation

Comments from other submitters on why they did not agree with the proposed cost recovery framework included:

- public goods should be funded by general taxation. There is a tendency for public goods to be redefined by government agencies as club goods, with charges consequently imposed on businesses. This is essentially a discriminatory tax on business and a means for government agencies to increase revenue
- the cost recovery framework only addressed central government charges and did not take account of local authority charges. They considered that consistent principles and processes should be applied at the local government level
- any future cost recovery framework should recognise and not hinder the ability of local authorities to determine their own cost recovery framework. Fee setting at the local level enabled local authorities to take into consideration local conditions and ability to pay. Setting fees at a national rate would penalise rural areas: local

authority fee structures should therefore enable a degree of cross-subsidy to encourage business in their districts

Costs of Domestic Food Review Proposals

Concern was raised that the proposals in the Review papers (e.g. for implementing and auditing Food Control Plans) would impose added complexity and higher costs, with particular detriment to small businesses. The key concerns were:

- the detrimental impacts on sporting organisations, community and volunteer groups
- no clear international model that provided evidence that the proposed system of Food Control Plans would reduce food-borne illness. This heightened industry concern at the increased levels of complexity, documentation and cost associated with the proposed system
- the detrimental impacts to rural communities and businesses in rural areas. Rural businesses would be bear higher costs of travel and other expenses for verification bodies
- the potential compliance costs, costs of having to engage professional advice to design a Food Control Plan, costs of training food operators to prepare Food Control Plans and to implement new systems
- the potential costs in training local authority officers to assess, audit and verify Food Control Plans
- proposals on the regulatory regime were based on an assumption that there will be contestable provision of services (e.g. for verification), but some submitters were concerned that a lack of suitably qualified persons would preclude a fully competitive market. Businesses would consequently face higher costs
- competitive provision of verification on the grounds that private regulatory bodies would impose higher costs on business
- local authorities are already facing significant resource constraints and would not be able to take on significant additional responsibilities or staff without additional funding streams.

7. Submission summary: Social and Cultural

Introduction

The Domestic Food Review consultation documents did not include specific discussion of the social or cultural context of the Review, or the social or cultural implications of the current or potential arrangements for the regulation of domestic food.

Paper 1: Introduction and Context referred to issues such as, ethnic changes in New Zealand's demographic; different cultural practices in relation to food; and changes in the nature and level of consumer demand for food products, as factors giving rise to the reconsideration of government's current level of involvement in domestic food regulation.

Working Definition

For the purposes of categorisation, submissions were considered to include commentary on 'Social and Cultural' issues where reference was made to:

- a 'community', a population sector, a geographically defined area, or a network of social relationships
- implications for, or effects on, established 'social', 'community' or 'cultural' activities
- a described 'way of life', culture or 'tradition'

Overview of submissions

Forty-two submissions commented on cultural and social issues. These comprised:

- 11 community groups, including clubs, associations, not-for-profit organisations & schools
- nine government bodies (including Territorial Authorities and Public Health Units);
- nine industry organisations
- eight members of the public
- four companies (including one large company and two small rural businesses)
- one anonymous

Summary

Most of the submissions falling within the Social and Cultural category were from individuals living within rural communities. Of the eight submissions received from members of the public, only one was from an individual living in a metropolitan area. All of the six Territorial Authorities that made submissions have local government jurisdiction over predominantly rural areas (these being Clutha, Gore, Waipa, Hastings, Gisborne and the far north).

A recurring theme that emerged across the submissions was the importance of food-based fundraising in small and rural communities, and the role of such fundraising in holding the community together; providing social and community services; and raising funds for sports groups, kindergartens, schools, clubs etc.

Several submissions suggested that if Food Control Plans were imposed on volunteers undertaking food-based fundraising, consideration be given to small communities being compensated by the Crown for loss of community earnings from food-based fundraising, as the costs of Food Control Plans were viewed as being prohibitive to community groups.

Of equal significance, was the theme of small businesses and local caterers filling what would otherwise be a servicing void in rural communities. Several submitters suggested that imposing further compliance costs on small food-based businesses could result in the failure of those businesses and resulting social and economic costs to the communities in which they had been based.

A number of associated themes, listed below, emerged from the submissions, based on the assumption that all food-related activities would require Food Control Plans. Food-related activities were understood by submitters to include fundraising, sausage sizzles, cake stalls, bring-and-buys, together with community or volunteer based catering for weddings, funerals and marae events:

- locally catered food available at occasions such as weddings, funerals and sports events could not be provided if locals relied on catering services from other areas, and the absence of such local services will result in outward population migration

- local catering facilities maintain the tourist trade, and the loss of these businesses would have flow-on effects for other sectors of the local business community
- ‘regulating’ food based fundraising such as sausage sizzles and cake stalls will potentially discourage such activities and will result in significant loss for small communities that rely on such funds to maintain their community infrastructure
- rural communities and cities are fundamentally different: the former ‘self-regulate’ in terms of food safety, because they all know each other and have maintained a long standing tradition of food based social activities
- people will be discouraged from volunteering to assist in food-based fundraising if additional compliance/ regulatory requirements are perceived as onerous
- the issues giving rise to the Domestic Food Review are associated with large cities, and increased ethnic diversity (and associated differences in food hygiene practices)

Oral Submissions

Questions about the potential effect of regulation on community-based fundraising were raised in the Domestic Food Review Road-show forums held in Gore, Invercargill and Balclutha. Fundamental differences between large cities and rural communities, particularly in terms of the role of food-based fundraising, were suggested at both meetings.

Social and cultural issues (as defined above) did not arise in the urban-based Road-shows (Auckland, Christchurch, Hamilton, Dunedin and Napier). However, the meetings held in Auckland with people from the Asian and Chinese communities, did expose some cultural issues. For example at the former it was commented that what Asian consumers want, or are accustomed to, may ‘clash’ with NZFSA’s requirements or policies. At the meetings with Indian and Asian communities, comments were made about the need for NZFSA to produce educational material and information in a range of different languages, and in appropriate detail.

8. Summary submission: Miscellaneous

There were eighteen submissions classified as miscellaneous. These submissions did not fit readily into any of the other categories of submission.

Enforcement

Of these submissions, many held concerns regarding increased powers for enforcement:

- key reason for ongoing breaches of the regulations and standards hinge on the fact that there is currently a non-existent or disconnected monitoring and enforcement regime practiced by the NZFSA and/or by its delegated/contracted agencies for product labelling and packaging compliance;
- regulatory authorities should have the power to impose instant fines for non-compliance. One submitter suggested that these should be similar to those imposed under the Sale of Liquor Act – different fines for different offences;
- penalties need to be more like those for other sectors – for example sale of liquor and building – and include tools such as food seizure provisions, premises closure and infringement notices to simplify procedures and allow enforcement authorities to administer timely penalties;
- there is a need for increased support for enforcement action by the courts in terms of taking non-compliance with food safety controls seriously, by imposing adequate penalties for non-compliance and sanctions where appropriate;
- some submitters commented that policing community-related food events would be difficult due to the number of community groups working with food

Overall, submissions from Territorial Authorities sought changes to enable them to undertake their current regulatory roles more effectively. Contrastingly, the New Zealand Retailers Association argued that enforcement should be the last resort for persistent offenders, not a core tool to change thinking. Porirua City Council proposed a process for complaints that require some form of enforcement action.

Process of the Review

Several submissions related to some aspect(s) of the process of the Review, including:

- lack of notice given prior to workshops;
- insufficient effort being made to alert persons involved as to the ramification of this project on the entire food industry;
- favourable comment regarding road-shows being held in places other than just in the main centres.

9. *The next step*

This document is intended to summarise the issues, ideas and concerns expressed by people and organisations that contributed submissions to the Domestic Food Review on any of the first five Papers.

The next step involves the release of a further two Domestic Food Review papers. These are Paper 6: **Compliance and sanctions: Criteria and tools for the future** and Paper 7 **Criteria and processes for various approvals**, which are to be released in June 2005.

Submissions will be sought on these two new papers, and then a position paper on the future food regulatory framework in New Zealand will be developed. This will address the questions, issues and suggestions of submitters and will be open for consultation. It is expected to be available later in the year, following the conclusion of the submission period for the two new Domestic Food Review papers.

Appendix 1: List of Submitters

Submitter type	Code
Anonymous	AN
Business	B
Community groups, clubs, associations, not-for-profit organisations and schools	C
Industry organisations	IO
Members of the public	MP
Academic or professional bodies	A
Government, including Territorial Authorities and Public Health Units (District Health Boards)	G

Sub no.	Submitter	Code	Sub no.	Submitter	Code
1	General Counsel Regulatory Affairs Fonterra Co-operative Group Limited	B	67	National President Rural Women New Zealand	C
2	Elaine Fletcher & WI Heriot	MP	68	Public Health Leaders Group	A
3	Secretary Owaka Museum Caitlins Historical Society	C	69	Health Protection Officer Public Health Services Mid Central Health	G
4	Sporting Club Association of New Zealand – SCANZ	C	70	Manager-Environmental Health Gore District Council	G
5	Milton Supermarket	B	71	National Operations Manager Hospitality Assoc. of NZ	IO
6	Consumer's Institute of New Zealand	C	72	Executive Officer The National Organisations for Fruit and Vegetable Growers - Vegfed	IO
7	St Mary's Scout Group (Gore)	C	73	Pork Processors Association Inc	IO
8	National Catering Programme Manager National Heart Foundation of New Zealand	C	74	General Manager Retail Meat New Zealand Inc	IO
9	Waihola Store (2001) Ltd	B	75	Team Leader Environmental Health Environmental Health Team New Plymouth District Council	G
10	Team Leader Environmental Health Hastings District Council	G	76	Environmental Health Manager Environmental Health Officers Rodney District Council	G
11	Secretary/ Treasurer Waikato-Bay of Plenty Centre of NZ Institute of Environmental Health Inc	A	77	New Zealand Pork Industry Board - NZPIB	IO
12	Environmental Services General Manager Environmental Health Unit Hamilton City Council staff	G	78	Foodstuffs (NZ) Ltd	B
13	Chief Executive Distilled Spirits Association of New Zealand	IO	79	Glenys Dickson	MP

Appendix 1: List of submitters

Sub no.	Submitter	Code	Sub no.	Submitter	Code
14	Secretary Poolburn-Moa Creek Rural Women	C	80	Chief Executive Auckland City Council	G
15	Environment & Planning Manager Tasman District Council	G	81	Manager, Food & Nutrition Auckland Regional Public Health Service	G
16	Bridge Café (Alexandra)	B	82	Executive Director New Zealand Food and Grocery Council - FGC	IO
17	Hauraki District Council	G	83	Mary Pullar	MP
18	Senior Health Protection Officer Nelson Marlborough District Health Board	G	84	Chief Executive Local Government New Zealand	G
19	Regional Manager Auckland Regional Public Health Service	G	85	Senior Policy Analyst Federated Farmers of New Zealand (Inc) and Bee Industry Group	IO
20	Health protection Officer Community and Public Health and Public Health South (2 submissions)	G	86	Executive Director Poultry Industry Association of New Zealand	IO
21	Food Safety Lecturer School of Hospitality Otago Polytechnic	A	87	National Health & Food Safety Manager Progressive Enterprises Ltd	B
22	R & D Manager Penford New Zealand Ltd	B	88	Regulatory Services Manager Far North District Council	G
23	Health Protection Officer Waikato District Health Board- (2 submissions)	G	89	Positively Clutha Women + 33 community groups & 20 individuals	C
24	Frank Cook	MP	90	Brian Burgess	MP
25	Matt Kirkbride	MP	91	Co-Founder Whangarei Growers Market	B
26	Chief Executive Officer New Zealand Winegrowers	IO	92	Quality Manager New Zealand Dairy Foods Ltd	B
27	Quality Manager Gisborne Milk Co-op Ltd	B	93	President Sorooptimist International (Gore)	C
28	Tony Bakewell	MP	94	Food Quality Management NZ Ltd	B
29	Avocado Industry Council Ltd	IO	95	Secretary Tahatika Rural Women NZ	C
30	General Manager Penguin Wholesalers Ltd	B	96	Company Quality Control Manager Griffins Foods Ltd	B
31	Mr Gary Brunton	MP	97	President National Beekeeper's Assoc. of NZ	IO
32	Executive Manager Training Clubs New Zealand Inc	C	98	Mrs Avis Fenton	MP
33	Avivet Ltd	B	99	Environmental Compliance Field Services Environmental Health Unit Waitakere City Council	G
34	Environmental Health Officer Clutha District Council	G	100	Health Protection Officer Member NZ Institute of Environmental Health	G
35	Robyn Stewart	MP	101	Professional Advisor/ Health Protection Officer Public Health South	G

Appendix 1: List of submitters

Sub no.	Submitter	Code	Sub no.	Submitter	Code
36	Managing Director Verification New Zealand Ltd	B	102	Education & Food Industry Relations Coordinator Allergy New Zealand	C
37	Denise Timblicks	MP	103	Technical Programme Manager Telarc Ltd	B
38	President Balclutha Primary School PTA	C	104	Corporate Services Administrator Clutha District Council, on behalf of Zone 6 of LGNZ (Clutha DC, Dunedin CC, Environment Southland, Gore DC, Invercargill CC, Otago RC, Queenstown Lakes DC, Southland DC & Waitaki DC)	G
39	Secretary Milton Lions Club	C	105	Director Building Consents and Licensing Services Wellington City Council staff	G
40	Tessa Chisman- McLeod	MP	106	President Kawakawa Bay/Clevedon Lioness Club	C
41	Technical Account Executive Magnets New Zealand	B	107	Principal Environmental Health Officer Rotorua District Council	G
42	Regional Manager Toi te Ora-Public Health, Bay of Plenty District Health Board	G	108	Secretary South Catlins Promotions Inc.	C
43	Public Health Unit Manager Public Health Unit Hawke's Bay District Health Board	G	109	DM Burridge District Environmental Health Officer (Ashburton)	G
44	Managing Director IMS Auditing Limited	B	110	Chief Executive New Zealand Cold Storage Assoc. Inc	B
45	Director The Wild Walnut (South Otago)	B	111	Lesley Mowat	MP
46	Secretary Board of Trustees Hurunui College	C	112	Regulatory Policy Analyst Porirua City Council officers	G
47	Director TDL Sales	B	113	Chief Executive Meat & Wool New Zealand	IO
48	Senior Health Protection Officer Health Protection Unit Taranaki District Health Board	G	114	Corporate Technical Manager Sanitarium Health Food Company	B
49	Health Protection Team Leader Regional Public Health Hutt Valley District Health Board	G	115	Y Maeva Smith	C
50	Pukerau Women's Institute	C	116	TJ Sprott Consulting Chemist/ Forensic Scientist	MP
51	JE Jarvis	MP	117	Team Leader Environmental Monitoring Christchurch City Council officers	G
52	President NZ Assoc. of Farm and Farm Hosts Inc	IO	118	Scottish Country Dance Club	C
53	Secretary Gore Hokonui Lions Club	C	119	Chief Executive Officer Healthcare Providers New Zealand	IO

Appendix 1: List of submitters

Sub no.	Submitter	Code	Sub no.	Submitter	Code
54	Alice McAlister	MP	120	Rural Women NZ-North Otago Provincial	C
55	Senior Lecturer Environmental Health Institute of Food, Nutrition & Human Health Massey University	A	121	Manager Environment & Planning Gisborne District Council staff	G
56	Team Leader Inspections and Enforcement Environmental Inspections and Enforcement Hutt City Council	G	122	Manager Environmental Services Tararua District Council	G
57	Executive Director New Zealand Business Roundtable	IO	123	Kaipoi Guide District	C
58	Environmental Safety Manager Waipa District Council	G	124	Matou Motor Camp	B
59	Vera A Jarvis	MP	125	Kaitangata Dairy	B
60	Manager Aqualab (NZ) Ltd	B	126	Dorothy Christensen	MP
61	Manager Food Safety (NZ) Ltd	B	127	Chief Executive NZ Retailers Association	IO
62	Head of Environmental Sciences Palmerston North City Council	G	128	Secretary South Otago Aero Club	C
63	John Waetford Environmental Health Officer Auckland City	G	129	President Owaka Rugby Club	C
64	Annette Jarrold	MP	130	Anonymous	AN
65	Policy Manager Tourism Industry Association of NZ - TIANZ	IO	131	Secretary - Southern Area Rural Women NZ - Invercargill	C
66	Treasurer Gore League of St John	C	132	General Manager FSANZ	G

Appendix 2: List of roadshows

Date	Location
1 December 2004	Auckland
2 December 2004	Christchurch
3 December 2004	Dunedin
6 December 2004	Wellington
7 December 2004	Hawkes Bay
1 February 2005	Queenstown
2 February 2005	Invercargill
14 February 2005	Gore
14 February 2005	Balclutha
16 February 2005	Hamilton
16 March 2005	Auckland – Chinese community
16 March 2005	Auckland - Indian community