



Approval of a **Food Safety Programme**

Applying for an exemption from
the Food Hygiene Regulations 1974



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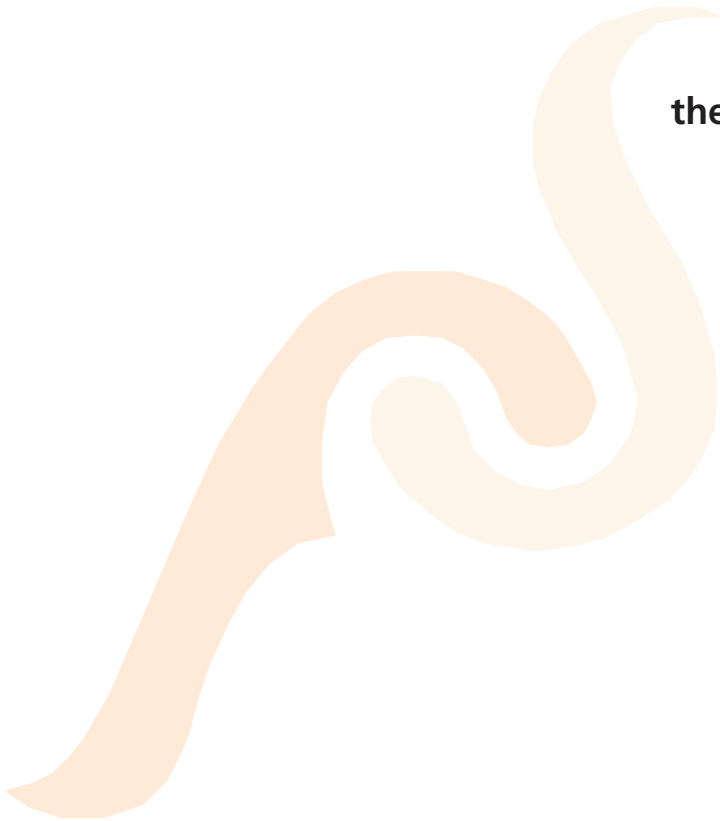
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Application for an exemption from the Food Hygiene Regulations 1974 &

Approval of a Food Safety Programme

The approval of your food safety programme by the New Zealand Food Safety Authority (NZFSA) will exempt your business from the requirements of the Food Hygiene Regulations 1974 and local authority (Council) registration.

A food safety programme will free you to concentrate time, effort and resources on issues that are important to the safety of food. In order to be exempt operators of a food business must have in place an effective food safety programme based on the principles of Hazard Analysis Critical Control Point (*HACCP*). Periodic audits must demonstrate continued compliance with the programme.

Who Can Apply for Exemption?

The Food Hygiene Regulations 1974 apply to all premises and operations manufacturing, preparing or presenting food for sale in New Zealand. 'Sale' is comprehensively defined in the Food Act 1981. The circumstances in which the Food Hygiene Regulations are applicable are defined in the Regulations.

All operations that manufacture, prepare, sell or provide food to customers, paying guests, clients, patients, employees or students are subject to all or part of the Regulations whether or not they are required by the Food Hygiene Regulations to be registered by a local authority (Council).

Exemption is granted because an approved food safety programme will give a greater level of confidence in the safety of food than could be expected by compliance with the Regulations.

Food Safety Programmes

A food safety programme is defined in the Food Act as '*a programme designed to identify and control food safety risk factors in order to establish and maintain food safety*'.

The food safety risk factors may relate to the production, manufacture, preparation, packaging, storage, handling, transport, distribution or sale of food.

A food safety programme must relate to a particular food operation or process and must be based on the principles of HACCP. The programme must be in writing.

What Does the Food Act Require?

Before you apply for an exemption you should be sure that your food safety programme systematically identifies and manages the following:

- the hazards involved in the preparation of food at the premises or vehicle concerned
- how you will control those hazards
- how you will supervise the process
- the food preparation tasks or categories of tasks that will be carried out and the skills required

- who will do the work and what training, instruction including continuing development is needed
- regular maintenance tasks
- appropriate record-keeping
- if appropriate, a procedure for the recall of unsafe food

The programme must be audited on a regular basis by an independent approved auditor.

Developing the Food Safety Programme

The New Zealand Food Safety Authority publications *An Introduction to HACCP* and *What Does a Food Safety Programme Look Like?* will give you the basic information you need to develop a food safety programme. Both of these publications, along with a range of other resources designed to assist you develop and implement a food safety programme, can be downloaded from the New Zealand Food Safety Authority's website (www.nzfsa.govt.nz).

A Health Protection Officer (HPO) at your local public health service or an Environmental Health Officer (EHO) at your local authority (Council) can offer general advice on how to develop and implement a food safety programme.

Further guidance may also be available from some industry organisations. Many codes of practice are being developed and these can provide good assistance. A list of industry-owned codes of practice can be obtained from your local public health service.

Consultants

You may develop a programme yourself or with the help of a consultant. Any person may offer their services as a consultant. You may find it is helpful to use a consultant who is also an approved auditor as they should be best able to develop a programme that meets the requirements of the Act.

Please note that the consultant who assists you to develop your programme cannot be engaged as the auditor you employ for independent audits. This is to prevent any conflict of interest that might arise if auditors were allowed to audit their own work.

Responsible Person

The agency that receives your application needs to know who will be responsible for ensuring that your programme is maintained in place. It may be the applicant or it may be someone else to whom direct responsibility is given for the job.

Independent Audit

Exemption will be conditional on regular satisfactory audits by an independent NZFSA approved auditor.

The audit frequency will be set as a condition of exemption giving consideration to the relative risks and any other relevant circumstances.

In general an independent audit will be required:

- within 28 days of granting the exemption (unless an acceptable audit report accompanies the application)
- after the initial audit, at least once a year or as required on the exemption (periods in excess of one year may be acceptable in some instances)
- within a period agreed with the auditor following any audit identifying a significant deviation
- whenever requested by the regulatory authority following an investigation indicating a significant deviation.

Independent Auditor

You have 14 days after the approval of your food safety programme to name the auditor you have engaged. You may, if you wish, name your auditor with your application and you may even submit the initial audit report with the application.

Any consultant who has made a significant contribution to the development of the food safety programme cannot be engaged as an independent auditor.

A list of auditors who have been approved by the NZFSA will be available at any public health service. The list of approved auditors is also on the NZSFA website (www.nzfsa.govt.nz).

Internal Audits

Partial or complete audits, using staff or a consultant, should be as frequent as necessary to verify the effectiveness of the programme. It is advisable to carry out an internal audit at any change or observed deviation, after a customer complaint, and at a frequency sufficient to give you confidence that the independent audit will not discover a deviation significant enough to jeopardise the continued operation.

Where to Apply

You may lodge your application with the New Zealand Food Safety Authority through the Health Protection Officers at your local public health service (see page 6 for contact details).

What Will it Cost?

There is a charge associated with processing an application for exemption. Fees are set by regulation and are the same for all agencies. They are based on the regulatory body recovering costs associated with the process. Exact cost will depend on factors such as the complexity of the programme and the time and resources needed to assess it. Your local public health service will give you full details.

Your annual registration cost will cease once exemption is granted. Your overall exemption costs will depend on the frequency of audit and the fees of your auditor as well as any costs associated with extra audits that may result from investigations of deviations. The fees of an auditor are a matter of negotiation between you, the client, and the auditor you engage.

How Long Does an Exemption Last?

An exemption is granted for an indefinite period subject to continued compliance with the food safety programme and any terms and conditions specified on the exemption.

Under some circumstances, an exemption may be granted for a limited period. An exemption may be revoked under certain circumstances and may be surrendered by the holder. An exemption is not transferable.

Terms and Conditions

Every exemption will be subject to conditions. Terms and conditions will be printed on the exemption certificate. The conditions may be varied (changed) but unless they are varied at your own request you must be advised and given a reasonable opportunity to make a written submission. A variation might be needed, for example, if new technical information arises regarding the appropriate control needed for a particular hazard.

Variations

You must apply for a variation to your exemption whenever you make any significant change to your procedures or to your premises. It is not intended that minor changes should be cause for a variation. Discuss with your local public health service if you are unsure.

Revocation

An exemption may be revoked. You, the holder, must take all reasonable steps to ensure the provisions of the exemption are met.

There will be an opportunity to be heard before this step is taken. In general it would only be taken to protect the public.

At any time you may surrender the exemption by writing to the issuing authority. Unless you request to surrender sooner, the exemption expires three months after you give notice. You must surrender the exemption certificate on or before the expiry date.

Substitution

Where the terms or conditions of the existing exemption are varied a substitute may be issued or the existing certificate may be endorsed. If the existing exemption has become disfigured or dilapidated, or contains a mistake, or has been lost or destroyed, you may apply for a substitute.

Disputes and Appeals

If you disagree with a decision with respect to an exemption you may apply to have the decision reviewed. Ask at the public health service for more information on how to appeal.

Where do I apply?

You can apply for exemption from the Food Hygiene Regulations 1974 through your local Public Health Unit (see page 6).

Public Health Units

For further advice on food safety programmes contact a Health Protection Officer at your local Public Health Unit.

Auckland DHB	Private Bag 92 605	Auckland	(09) 262 1855
Choice Health	Private Box 58	Masterton	(06) 370 5020
Community and Public Health	Private Box 443	Greymouth	(03) 768 1160
Community and Public Health	PO Box 1475	Christchurch	(03) 379 9480
Community and Public Health	Private Box 510	Timaru	(03) 688 6019
Hawke's Bay DHB	PO Box 447	Napier	(06) 834 1815
Health Waikato	PO Box 505	Hamilton	(07) 838 2569
Hutt Valley DHB	Private Bag 31 907	Lower Hutt	(04) 570 9002
MidCentral Health	Private Bag 3003	Wanganui	(06) 348 1775
MidCentral Health	Private Box 2056	Palmerston North	(06) 350 9110
Nelson Marlborough DHB	Private Box 647	Nelson	(03) 546 1537
Nelson Marlborough DHB	Private Box 46	Blenheim	(03) 520 9914
Northland DHB	Box 742	Whangarei	(09) 430 4100
Pacific Health	Private Bag 1858	Rotorua	(07) 349 3520
Pacific Health	PO Box 2121	Tauranga	(07) 571 8975
Pacific Health	PO Box 241	Whakatane	(07) 306 0720
Public Health South	PO Box 5144	Dunedin	(03) 474 1700
Public Health South	PO Box 1601	Invercargill	(03) 211 0900
Public Health South	PO Box 2180	Queenstown	(03) 442 2500
Tairāwhiti District Health	PO Box 119	Gisborne	(06) 867 9119
Taranaki Health	Private Bag 2016	New Plymouth	(06) 753 7798

What Needs to be in an Application for Exemption?

On page 9 is a form for you to use when applying for an exemption. Below is an example form with explanatory notes in italics of information required in each section of the form.

Applicant

Name of Applicant: <i>Person who is filling out the form on behalf of the applicant company</i>		
Company's Legal Name: <i>The company's legal name – which may be the same as the premises' operating name</i>		
Address: <i>Address for the service of documents</i>		
Phone:	Fax:	Email:
As provided in section 8B(1) of the Food Act 1981, I apply for exemption from the requirements of the Food Hygiene Regulations 1974.		

Business Details

Trading as: <i>State the name of the business or premises</i>			
Situated at: <i>Actual physical location of the operation/address of premises</i>			
Nature of Business: <i>State type of operation (baker, retail sale of groceries, meat manufacture, etc)</i>			
Owner/Manager: <i>Name of person in charge at the premises</i>			
Manager of FSP: <i>Name the person at the premises responsible for the day-to-day operation and implementation of the FSP</i>			
Owner (tick as appropriate)	<input type="checkbox"/> Sole Trader	Business (tick as appropriate)	<input type="checkbox"/> Single Premises Company
	<input type="checkbox"/> Partnership		<input type="checkbox"/> Franchisee Business
	<input type="checkbox"/> Limited Liability Company		<input type="checkbox"/> Managed Branch of Company
	<input type="checkbox"/> Other (specify) _____		<input type="checkbox"/> Other (specify) _____

Food Safety Programme

This application relates to a Food Safety Programme developed in accordance with the requirements of HACCP and is (tick as appropriate):	
<input type="checkbox"/> Novel ("tailor-made");	
or made in accordance with the requirements of a:	
<input type="checkbox"/> Code of Practice (Specify Code) _____	
<input type="checkbox"/> General Agreement (Specify GA) _____	
Does your FSP vary from the Code/GA? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes include details with your application).	

Nominated NZFSA Approved Auditor

Name of Auditor: <i>This information does not have to be submitted with the application, but it must be supplied within 14 days of an exemption being granted</i>		
Audit Company:		
Contact Address:		
Phone:	Fax:	Email:
<input type="checkbox"/> (Tick if agreed) I have no objection to the NZFSA assessor contacting my auditor directly to clarify any issues related to my FSP.		

Declaration

I understand that exemption from the provisions of the Food Hygiene Regulations 1974 will depend on approval of the attached food safety programme and continued acceptable audit reports. Amendments to the programme will be by agreement between the exempting Authority and the Company. I undertake to implement the food safety programme as agreed and to comply fully with all requirements of the Food Act 1981 and other pursuant Regulations.	
Signed (Applicant):	Date:

Application for an exemption from the Food Hygiene Regulations 1974 & APPROVAL OF A FOOD SAFETY PROGRAMME

Applicant

Name of Applicant:		
Company's Legal Name:		
Address:		
Phone:	Fax:	Email:
As provided in section 8B(1) of the Food Act 1981, I apply for exemption from the requirements of the Food Hygiene Regulations 1974.		

Business Details

Trading as:			
Situated at:			
Nature of Business:			
Owner/Manager:			
Manager of FSP:			
Owner <i>(tick as appropriate)</i>	<input type="checkbox"/> Sole Trader <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Other <i>(specify)</i> _____	Business <i>(tick as appropriate)</i>	<input type="checkbox"/> Single Premises Company <input type="checkbox"/> Franchisee Business <input type="checkbox"/> Managed Branch of Company <input type="checkbox"/> Other <i>(specify)</i> _____

Food Safety Programme

This application relates to a Food Safety Programme developed in accordance with the requirements of HACCP and is <i>(tick as appropriate)</i> :	
<input type="checkbox"/> Novel <i>("tailor-made")</i> ; or made in accordance with the requirements of a:	
<input type="checkbox"/> Code of Practice <i>(Specify Code)</i> _____	
<input type="checkbox"/> General Agreement <i>(Specify GA)</i> _____	
Does your FSP vary from the Code/GA? <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(if yes include details with your application)</i> .	

Nominated NZFSA Approved Auditor

Name of Auditor:		
Audit Company:		
Contact Address:		
Phone:	Fax:	Email:
<input type="checkbox"/> <i>(Tick if agreed)</i> I have no objection to the NZFSA assessor contacting my auditor directly to clarify any issues related to my FSP.		

Declaration

I understand that exemption from the provisions of the Food Hygiene Regulations 1974 will depend on approval of the attached food safety programme and continued acceptable audit reports. Amendments to the programme will be by agreement between the exempting Authority and the Company. I undertake to implement the food safety programme as agreed and to comply fully with all requirements of the Food Act 1981 and other pursuant Regulations.	
Signed <i>(Applicant)</i> :	Date:

For further information please contact:

