**Food Act consultation, 25 October 2016**

**List of questions**

**Proposals for changes to Regulations**

**Part two: refining the rules for national programme businesses**

1. Do you agree that the Food Regulations 2015 should be amended to allow for differential cleaning requirements across national programme levels?
2. Do you agree that lower-risk businesses should have fewer records keeping and procedural requirements than higher-risk businesses?
3. Do you see any issues with reducing the records keeping and procedural requirements as proposed?
4. Are there any additional requirements that you think should be removed? If so, why? Which sectors should no longer be subject to those requirements?

**Part three: adjustments to verification requirements.**

1. Do you agree that there should be greater flexibility with initial verification timeframes?
2. What do you think of the proposed maximum extension timeframes? Do they strike the right balance between ensuring safe and suitable food, and what is practical?
3. Do you agree that the decision to extend maximum timeframes should lie with the relevant registration authority?
4. Are there additional or alternative criteria that registration authorities should use to make decisions on extending initial verification timeframes?
5. Do you agree that verification reports should have to include the names of technical experts who provided information, their reports and information about their competency (where a technical expert is consulted)?

**Part four: review of the Food (Safety) Regulations 2002**

1. Do you agree that regulation 6 (misuse of food containers) should be revoked? Why/why not?
2. Do you agree that regulation 7 (safety of articles) should be revoked? Why/why not
3. Do you agree that regulation 8 (identification of articles) should be revoked? Why/why not?
4. Do you agree that regulation 9 (labels on bottles containing food) should be revoked? Why/why not?
5. Do you agree that regulations 10-12 (infected persons and food) should be revoked? Why/why not?
6. Do you agree that regulations 16 and 17 (muttonbird) should be revoked? Why/Why not?
7. Do you agree that regulation 20(1) (wine) should be revoked, and the 75 percent varietal rule for imported wine continue to be provided for via a new regulation within the Food Regulations 2015? Why/why not?
8. Do you agree that regulation 20(2) (sales from off-licences) should be revoked? Why/why not
9. Do you agree that the policy intent of regulation 24 (fluoridated water) should be retained and updated for water added to food from reticulated supplies? Why/why not?
10. Do you agree that the permission contained in regulation 26 (hemp seed oil industry) should be retained? Why/why not?
11. Do you agree that regulation 27 (analyst’s certificate and fees) should be revoked? Why/why not?
12. Do you agree that the new Food Act will achieve the same or better safety and compliances outcomes as the Food (Safety) Regulations that we propose to revoke? Why/Why not?
13. What (if any) disadvantages or risks do you see with the new Food Act taking the place of these different Food (Safety) Regulations?

**Part five: amendment to the Animal Products (Exemptions and Inclusions) Order 2000**

1. Do you agree that the Animal Products (Exemptions and Inclusions) Order 2000 should be amended to ensure that the following persons or types of processing are covered by a risk-based measure under the Food Act 2014:

* fishmongers selling fish by way of retail sale (clause 10(1));
* processing of certain dairy products consumed on premises (clause 7A(1)); and
* processing of certain products that are food (clause 7B(1))?

**Part six: maximum residue levels**

1. Do you agree that the words “including in the production of wine” should be removed from clause 142(1)(c) of the Food Regulations 2015?

**Proposals for changes to Notices**

**Section 1: More detailed requirements for specific food processes**

1.1. Do you agree with the proposed food processing criteria?

1.2. Are there alternative criteria for any of the above food processes that are in common use that will achieve the same level of control? For example, they need a longer time or higher temperature to pasteurise or bottle them safely, or use different criteria to be dried? What are these, what bugs (harmful microorganisms) do they control, and what foods are the processes used for?

1.3. Do you agree that where there are commonly-used alternative methods for any of the above food processes that will achieve the same level of control, and a business can show that their process will meet these criteria, the business should be able to operate under a national programme?

1.4. Do you agree that businesses that wish to use alternative (unique) processing criteria to those proposed for notice should operate under a food control plan?

**Section 2: Innovative and unique food processes**

2.1. Do you agree that a business using the innovative or unique processes on the above list should register a food control plan?

2.2. Are there criteria that MPI could set for these processes where criteria haven’t been set? What are these, what bugs (harmful microorganisms) do they control, and what foods are the processes used for?

2.3. Are there other innovative or unique processes operated under national programmes that should be added to the list above?

2.4. Do you agree that where process criteria have not been set for a food process, businesses should operate the process under a food control plan?

**Section 3: Low acid canning**

3.1. Do you agree that low-acid canning requirements should be revoked from regulation and re-stated in a notice under the Food Act 2014?

**Section 4: Changes to the Food Notices**

4.1. Do you have any concerns relating to the proposed changes to the Food Notices?