



PRACTICE NOTE 5

January 2018

FOOD ACT 2014 Informing Third Party Verifiers of newly registered Food Businesses

Purpose

This document provides guidance for registration authorities to assist Third Party Verifiers (TPV) in ensuring food businesses are verified within appropriate time frames.

Approach

This document draws on the content of the Food Act 2014 and current practice of a variety of registration authorities. It has been developed in collaboration with multiple territorial authorities and stakeholders within MPI.

Intended audience

Registration Authorities, Verification Agencies, Verifiers.

Context

When a food business registers for the first time it is required to provide the details of a verification agency that will work with them. The verification agency must be recognised under the Food Act 2014 (the Act). A suitable verification agency could be the territorial authority the business registers with, or a TPV.

Once a new food business has registered, the Act requires it to be verified within 6 weeks. Businesses that encounter difficulties that prevent them from being verified within that first 6 week period can apply to their registration authority for an extension to this time period of an additional 6 weeks.

Section 80(e) of the Act states it is the responsibility of the operator to ensure a food business is verified. However, it is helpful if a registration authority takes the step of notifying an associated TPV that a food business has been registered on a given date and will require verification. This is a practical step to encourage compliance and help ensure verifications occur in a timely fashion.

Scheduling verification audits of new businesses within the required time frame can present some challenges for verification agencies, particularly TPV. Many TPV are programming verifications several weeks ahead. Accordingly, it is important for TPV to be made aware of the date of any new registrations involving businesses they will verify, as soon as practicable.

By using a system of notification registration authorities can reduce the likelihood of additional monitoring or time consuming enforcement action.

The role of guidance

This guidance draws on approaches currently taken by registration authorities and MPI. This is not intended as a 'one size fits all – must do' document. The practical realities of day to day business may create degrees of variation in approach for different registration authorities.

How TPVs can assist in this process

TPVs can provide contact details, including an email addresses, with the letter of agreement to act as verifier for a food business operator. Requesting client food business operators to inform them of the date of initial registration may also assist. These steps will enable the food business or relevant registration authority to contact them in a timely manner.

Possible Approaches

MPI currently notifies the verification agency nominated by an applicant when a registration is issued. This is generally in the form of an email to the nominated agency. Identifying information about the verification agency is drawn from the registration application form and the verification agency's recognition information.

Registration authorities may be able to adopt a similar approach with minor adjustments to existing information management systems.

In addition to notifying the nominated TPV the following approaches may encourage timely verification:

- Including in the documentation that confirms their registration status, a note that alerting new registrants they are required make contact with their verification agency. This could also be included in coaching businesses may receive prior to registration. While this approach recognises it is the responsibility of the food business to get verified it may not be as effective in ensuring verification actually occurs.
- Registration authorities can impose a standard condition on registrations requiring the business to notify the verification agency within 24 hours of date of registration. Alternatively a condition could be crafted requiring provision of a summary verification report after the verification has taken place but within the statutory time frame. However, these options could result in considerable work downstream for the registration authority, as there would need to be follow-up action to ensure businesses are meeting the condition, and further compliance action may need to be taken if businesses are failing to meet the condition.

- Registration authorities could also encourage verifiers to create weekly reports in the MPI 'MAPS' registration system, to create an extract of their registrations processed that week, with the corresponding verification agency.

Working relationships with TPV and food businesses

It is up to each registration authority the extent to which they establish working relationships with TPV. Strong channels of communication between registration authorities and TPV will help promote a more robust regulatory regime. It may also assist in minimising the regulatory input required of registration authority staff.

Registration authorities have implicit functions under the Act. Sections 62 and 90 empower registration authorities to take action to prevent ineffective operation of Food Control Plans and National Programmes where they believe this is occurring. This implies some awareness of the status of verification associated with registered businesses and corrective action where verification is not occurring as required by the Act.

Provision of registration information to TPVs should assist in minimising the regulatory input required of territorial authorities acting a registration authorities. Informing TPV requires time and resource from registration authorities. However, achieving compliant food business operation at this end of the registration process is likely to be more efficient than monitoring and enforcement action associated with unverified food businesses.

The approaches set out above provide options to encourage timely verification of newly registered food businesses. They serve as steps to support the process of a food business meeting its obligations under the Act and strengthen the co-regulatory network with TPV.

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