



# Terms of Reference

## DOMESTIC FOOD REVIEW

### Table of Contents

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<b>1</b>	<b>PROJECT BACKGROUND .....</b>	<b>2</b>
<b>2</b>	<b>PROJECT OBJECTIVES .....</b>	<b>2</b>
<b>3</b>	<b>PROJECT SCOPE .....</b>	<b>3</b>
3.1	Project Inclusions.....	3
3.2	Project Exclusions .....	3
<b>4</b>	<b>CONSTRAINTS .....</b>	<b>4</b>
<b>5</b>	<b>ASSUMPTIONS .....</b>	<b>5</b>
<b>6</b>	<b>RISKS .....</b>	<b>5</b>
<b>7</b>	<b>ISSUES.....</b>	<b>5</b>
<b>8</b>	<b>PROJECT DELIVERABLES .....</b>	<b>6</b>
<b>9</b>	<b>OTHER PROJECTS .....</b>	<b>6</b>
9.1	Sub Projects .....	6
9.2	Related Projects .....	7

## 1 Project Background

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- When the New Zealand Food Safety Authority (NZFSA) was established on 1 July 2002, it was charged with ensuring New Zealand delivered an effective food regulatory programme.
- Note, in this context and all further references to ‘food’ in this document is meant ‘food and food related products’.
- In order to meet this objective, and to meet the stated needs to Government and stakeholders, NZFSA is undertaking a review of the New Zealand regulatory programme. The needs of Government and stakeholders include that:
  - “persons” take responsibility for producing safe and suitable food and where applicable meeting market access requirements;
  - regulatory compliance costs and interventions are minimised consistent with adequate regulatory control (controls over safety and suitability and costs minimised);
  - requirements are applied consistently and equitably across sectors;
  - the regulatory programme is seamless and coherent;
  - food borne illness in New Zealand is reduced (reduced risk of food borne illness) and consumers of New Zealand food, both domestically and in international markets, are protected; and
  - commerce in food and food related products is facilitated.
- An important factor in the future success of this review and future domestic food regulation will be ensuring inputs from a broad range of those stakeholders directly involved in the domestic food sector.

## 2 Project Objectives

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- The purpose of the “Review” is to set in place a New Zealand food regulatory programme applicable across the board that will build on the existing programme and better achieve Government/ stakeholder policies and objectives (set out in 1. above).

### 3 Project Scope

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- Reviewing the New Zealand food regulatory programme covering the roles and responsibilities of those in the food sector, the audit function and the regulator function and structure. It includes issues that fall within the ambit of the relevant food policy and legislation and related issues and linkages including:
  - reviewing existing policy concerning risk-based management programmes, their implementation and regulatory alternatives;
  - where appropriate, considering generic application of risk based management plans across all New Zealand food businesses;
  - risk profiling of food businesses;
  - considering structural arrangements associated with regulation; and
  - considering linkages with public health and import trade strategies and policies.
- Consultation, communication and identification of measures required to implement outcomes.
- Implementation plan.

#### 3.1 Project Inclusions

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- Current domestic food regulation including both food safety and suitability.
- Administrative and legislative tools underpinning the regulatory programme.
- Specific and generic consultation and communication.
- Identifying legislative and other policy change requirements.
- Linkages with public health and import trade strategies.

#### 3.2 Project Exclusions

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- Non-food safety and suitability related Government requirements (e.g. taxation, building, fair trading etc)
- Market access and importing country requirements.
- Multi and bi-lateral arrangements.

## 4 Constraints

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- Resourcing.
- Working through issues with stakeholders.
- Territorial authority meeting and planning deadlines.
- Maintaining business as usual as the rethink programme develops.
- Current legislation.
- Phased implementation across different legislation.

## 5 Assumptions

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- That NZFSA will consult to ensure outcomes are practical and accepted the greatest extent possible by all stakeholders.
- The review programme will cover an extended period of time in order to ensure inclusiveness in the developmental process.
- The review programme will be both incremental and iterative in its progress.
- There will be a large number of sub-projects operating under this umbrella project.

## 6 Risks

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- Resistance to change by those who have implemented risk management based plans and those who have not.
- Potential for inequity through incremental change.
- The liability of change and the potential for legal challenge due to changes between existing risk based management plans and plans for change before all have had to implement such plans.
- A food safety event overseas or domestically that creates the political impetus to move too rapidly for sound policy development.
- Needs and expectations for short term milestones disrupting the development and consultation process.
- Loss of key staff.
- Change in government policy.
- Resource capture by food safety crises.

## 7 Issues

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- Those affected having seen a history of attempted change.
- The need for broad communications over time.
- Buy in by key stakeholder groups.
- Balancing focus group needs and input with demands for information from related and broader groups.
- Need to identify and deliver on short-term and medium outcomes.

## 8 Project Deliverables

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- Terms of Reference
- Project Timeline
- Communication Plan
- Concept papers for Reference groups
- Policy papers for public consultation
- Transitional plan
- Cabinet papers for policy approval
- Legislative change programme
- Implementation programme
- Proposals for consequential change in other areas

## 9 Other Projects

### 9.1 Sub Projects

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#### Priority

High

#### Sub-Project Title

- Communications (ongoing)
- Food Control Plans
- FCPs and CoP template generic development
- CoPs and resources for programme development
- Accreditation of verifiers
- Accreditation of laboratories
- Accreditations – other
- Development of generic competency standards
- Registrations and approval of FCPs
- Audit/verification/inspection
- Regulatory roles and infrastructure (role of the parties in overall terms, regulatory terms)
- Risk profiling (premises and food)
- Science and standards
- Data collection/research – TA survey
- Data systems, information requirements of regulators, reporting
- Review of FoodNet
- Transitional arrangements
  
- Legislation programme
  - Cabinet process
  - Intro of Bill to Parliament
  - Select Committee
  - Passage of Bill

**Medium**

- Implementation plan
  - Compliance costs/cost recovery
  - Standards of delivery by regulators (contract delivery)
  - Sanctions/corrective actions
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- Training and education of regulators - capacity building
  - Training and education of food handlers/processors/manufacturers etc
  - Codes of Practice, templates and guidance tools for businesses
  - Grading premises/name and shame activities

**9.2 Related Projects**

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- Animal Products Act implementation
- Dairy into APA
- Wine Bill development
- ACVM Act amendments
- Elements of the science strategy
- Imported Food Review
- Emergency response capability and recall procedures reviews
- Local Government Amendment Act – Territorial Authority planning requirements and outcomes development (by 2006)