

Approvals Operations Group
New Zealand Food Safety
Ministry for Primary Industries
TSB Bank House, 147 Lambton Quay
PO Box 2526, Wellington, New Zealand 6140
Tel: 04 894 2550
Email: approvals@mpi.govt.nz

Application Form FA12

Section 33 exemption from the requirement to operate under a food control plan or national programme under the Food Act 2014

PLEASE READ BEFORE APPLYING

If you are only selling food intended for immediate consumption less than 20 times/year, then, based on the infrequency of catering at a rate that is less than 20 times a year, your business would fit into the definition of "Food Service: Catering of a Specified Nature" under Schedule 3 of the Food Act 2014:

<http://www.legislation.govt.nz/act/public/2014/0032/latest/DLM2996786.html>

This means you are already exempt from registration by the Food Act, so DO NOT submit this form. Please see the webpage below for more information, in particular page 2 "Small scale catering", or contact approvals@mpi.govt.nz if you're unsure:

<https://www.mpi.govt.nz/dmsdocument/32674-exemption-from-food-act-registration-guidance>

You are unlikely to be granted an exemption if you produce or manufacture high-risk foods, if you supply foods to high-risk consumers such as young children or hospitals, or if you are exporting your products. If you think you fall into one or more of these categories but you still want to be exempt, please contact approvals@mpi.govt.nz before applying, so we can discuss the best options available to you.




Some factors considered by MPI when assessing exemption applications include:

- Hazards associated with the food being produced and the processes used;
 - Potential impact on consumers;
 - Frequency and scale of the operation; and
 - Comparison against similar businesses that have undergone registration.
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Before you start, let's check that you have everything you need:

- You are filling in this form because you believe you should be exempted from the requirement to operate under an FCP or NP. **DO NOT submit this form if your business fits under section 31 or Schedule 3 of the Food Act 2014.** You can check this by visiting www.mpi.govt.nz/food-safety/food-act-2014/ "Exemptions from plans or programmes". If your business comes under section 31 or Schedule 3 of the Food Act 2014, your business is already exempted by the Food Act 2014, and you do not need to submit this form.
 - You need to be able to provide us with details about the food you want to sell, to whom, how it will be processed, where it will be produced and who will be involved. For more information, see exemption guidance at www.mpi.govt.nz/food-safety/food-act-2014/ "Exemptions from plans or programmes".
 - If your business is a registered limited liability company, a copy of the company registration certificate and your New Zealand Business Number (NZBN). See www.companiesoffice.govt.nz
 - If you are or have been previously registered before 1 March 2016 under the Food Act 1981 with either the Ministry for Primary Industries (MPI) or your local council, make sure you have your previous registration IDs on hand. These are IDs such as *FSA-JBIP-12345* or *WEBB-12345*. Also include any registrations you have or have had under the Animal Products Act 1999 or Wine Act 2003.
 - Your application fee of \$155.25 (incl. GST). Note, in addition to the application fee, an assessment time fee based on an hourly rate of \$155.25 (incl. GST) per hour and \$38.81 (incl. GST) per 15 minutes may be charged in instances where applications take longer than expected to process.
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Read these notes before you start filling out the form

-  Click the pencil icon on the far right to edit this form
- This form must be used when applying to MPI for exemption under section 33 of the Food Act 2014 from the requirement to operate under a registered FCP or NP. **DO NOT submit this form if your business fits under section 31 or Schedule 3 of the Food Act 2014.** Exemptions are granted through the issue of a notice under section 405 of the Food Act 2014. If your application is successful, a copy of the notice will be e-mailed to you and/or published on the following internet site www.mpi.govt.nz/food-safety/food-act-2014/
- Send the completed application form together with the fee and the other documentation (see above) to MPI at the above address. We prefer email files. Processing time is up to 20 working days from the time we determine that your application is complete.
-  This icon is used when you need to make a decision. The question will help you decide whether you need to complete a particular section.
-  This icon is used when you need to pay special attention or provide technical information.
- Throughout this form you will need to tick boxes that look like this: ☐. A checked box indicates a 'yes' answer.
- If there are any changes to the details provided in this application after the application has been sent to MPI, you must promptly inform us of the changes in writing.

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Processing time is up to 20 working days from the time we determine that your application is complete.



Question A: Have you been registered as a food business under the Food Act 1981 with MPI or your local council, or do you have any registrations under the Animal Products Act 1999 or Wine Act 2003?

- ☐ Yes → Complete section 1
☐ No → Go straight to section 2

1. Previous IDs

If you have been registered with MPI or your local council, enter your registration ID number or numbers and provide details of type of registration and business:

2. Applicant Details

Enter the details of the person who is either the owner or person in control of the food business.

Legal Name(s) of Operator (e.g. registered company, partnership or individual):

New Zealand Business Number (NZBN)

For more information about NZBNs, see www.nzbn.govt.nz

Trading Name, if any (i.e. 'Trading As'):

☐ Same as legal name above

Operator Address and Contact Details			
<i>You must provide this information to be exempted.</i>			
Postal Address		Physical / Courier Address (if different to Postal Address)	
Address:		Address:	
Town/City:		Town/City:	
Postcode:		Postcode:	
Country:		Country: New Zealand	
Contact Details			
<i>The contact details entered below will be used for communications about your exemption, such as sending exemption documents. Contact MPI if the details change.</i>			
Mobile telephone no.		Other telephone no.	
Email	By entering an email address you consent to being sent information and notifications electronically, if required.		
Business day-to-day manager* name and position	Name: Position: <i>*This is the person responsible for day-to-day food safety management at your business</i>		



Question B: Is this the first time you have produced/sold this type of food?

- ☐ Yes → Go straight to section 4
- ☐ No → Complete section 3

3. Provide details of where you produced/sold the food previously. <i>Include detail about any previous exemptions (if applicable). Attach additional pages to your application if necessary.</i>

4. Provide details about why you are applying for an exemption from the requirement to operate under a food control plan or national programme. <i>Give reasons to support why your business should not be required to operate under either a food control plan or a national programme. Attach additional pages to your application if necessary.</i>



Complete the next section about the food you'd like to sell. Attach additional pages to your application if necessary. If this information is already detailed in a separate, attached document, then refer to the corresponding sections here.

5. The food you'd like to sell	
What food(s) do you want to sell? (describe all)	
How often do want to sell this food?	
Where will you be selling the food? (including if the food might be exported)	
Is any of the food intended to be sold specifically for the elderly, the very young, pregnant women, ill people or people recovering from illness?	
How will you ensure that the food and/or ingredients that you obtain are safe and suitable to use in your products? Provide broad details such as where you source your products, certification or testing you require, how the integrity of the food chain is preserved.	
What food preparation, and/or processing will you do? Provide details of how you will do this - e.g. include storing, handling, cooking, cooling, packaging, transporting etc.	
What are the particular food safety hazards that you will come across and need to manage?	

<p>What will you do to make sure that your food will be safe for people to eat?</p> <p>(If you have written down how you do this, please provide copies)</p>	
<p>What quantity of food do you anticipate preparing for sale each time that you operate the business? Please identify quantities against each food type.</p>	



Complete the next section about the place(s) you'll be using, and the people in your food business. Attach additional pages if necessary. If this information is already detailed in a separate, attached document, then refer to the corresponding sections here.

6. The places you'll be using and the people in your food business	
<p>Where will you prepare, handle, process and sell the food? Provide separate details of the places you use for food.</p>	
<p>What facilities will you have available at place(s) you use? E.g. for storing food, keeping cold food cold or hot food hot, preparing food, for people to keep themselves clean, for cleaning places and equipment?</p>	
<p>Do other people or businesses use the same place(s) when your business isn't using it/them?</p> <p>If so, what do they do there? And how will you make sure that these other people/businesses don't affect the safety of your food?</p>	
<p>Who else will be involved in preparing, handling and selling the food?</p> <p>What will you do to make sure that they know what to do to keep food safe?</p>	
<p>Will you be transporting food that needs to either be kept cold or hot to keep it safe?</p> <p>If yes, how will you do this?</p> <p>What will you do to keep this food hot or cold at the place where it is sold?</p>	

7. Applicant Statement

Complete for all applications. We accept PDF or scanned versions of signatures.

I confirm that:

1. I am authorised to make this application as the operator or a person with legal authority to act on behalf of the operator; and
2. The information supplied in this application is truthful and accurate to the best of my knowledge and belief; and
3. Neither I nor any directors, partners, or managers of the business concerned have been convicted, whether in New Zealand or overseas, of any offence relating to fraud or dishonesty, or relating to management, control, or business activities in respect of businesses of a kind (whether in New Zealand or elsewhere) that are regulated under the Food Act 2014; and
4. The operator of the food business covered by the exemption is able to comply with the requirements of the Food Act 2014 (other than the requirement to operate under a registered food control plan or a national programme).

Name		Job Title	
Signature		Date	

Section 8. MPI Service Charge

ON PAYMENT THIS BECOMES A TAX INVOICE GST No: 64-558-838

FEE: \$155.25 incl GST for new, amendment or renewal applications.

Note: In addition to the application fee above, an assessment time fee based on an hourly rate of \$155.25 (incl. GST) per hour and \$38.81 (incl. GST) per 15 minutes may be charged for time taken processing an application after the first hour.

PAYMENT OPTIONS: Payments comprising multiple fees must be supported by a remittance advice. Attach your payment confirmation to this application or send it separately to: **approvals@mpi.govt.nz**

MPI does not accept cash. Payment must be made using credit/debit card or direct credit. (Please tick and fill in the appropriate section).

☐

CREDIT/DEBIT CARD (preferred option):

1. To pay by credit card (Visa or MasterCard) go to <https://www.mpi.govt.nz/food-safety/payments> and follow the instructions.

☐

I have attached my credit card payment receipt

☐

DIRECT CREDIT:

1. Pay into Bank Account no. **03 0049 0001709 002**
2. In the 'Reference' details, put the code: **Food Act {your trading name}'**
3. Enter the date of deposit and your name (payer) on this form below:

Date of Deposit		Your Name (Payer)	
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9. Final Check and Document Package to send to MPI

Have you:

- ☐ filled this form in completely and legibly?
- ☐ attached copies documents where required?
- ☐ attached a copy of your company registration certificate if you have a registered limited liability company?
- ☐ read and signed the Applicant Statement?
- ☐ included payment for this application?

Collection of Information

Collection of Personal Information

Pursuant to Principle 3 of the Privacy Act 1993, we advise that:

- This information is being collected for the purpose of determining whether an exemption should be granted under section 33 of the Food Act 2014; and
- The recipient of this information, which is the agency that will collect and hold the information, is MPI, PO Box 2526, Wellington 6140; and
- The collection of information is authorised under section 33 of the Food Act 2014. The provision of this information is necessary in order to process an application for exemption under section 33; and
- The supply of this information is voluntary; however, failure to provide the requested information is likely to result in a return of this application form to the applicant, and may ultimately result in a refusal to grant exemption, in accordance with section 33 of the Food Act 2014; and
- Under Principles 6 and 7 of the Privacy Act 1993, you have the right of access to, and correction of, any personal information that you have provided.

Collection of Official Information

All information provided to MPI is official information and may be subject to a request made under the Official Information Act 1982.

If a request is made under that Act for information you have provided in this application, MPI must consider any such request in accordance with its obligations under the Official Information Act 1982 and any other applicable legislation.