



Exemption from operating under a registered food control plan or national programme

Section 33 Exemption

16 October 2020

TITLE

Food Notice: Exemption from operating under a registered food control plan or national programme.

COMMENCEMENT

This Food Notice comes into force on 16 October 2020.

REVOCATION

This Food Notice revokes and replaces:

- Food Notice: Exemption from operating under a registered food control plan or national programme, issued 3 July 2020.

ISSUING AUTHORITY

This Food Notice is issued under section 405 of the Food Act 2014.

Dated at Wellington this 16th day of October 2020.

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(Acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

Purpose

This Notice specifies the food businesses that have been granted an exemption from the requirement to operate under a registered food control plan or national programme under section 33 of the Food Act 2014. This Notice also lists the previous exemptions that are in force.

Background

The purpose of the Food Act 2014 (the Act) is to achieve the safety and suitability of food for sale, to maintain and improve confidence in New Zealand's food safety regime and to provide for risk-based measures that minimise and manage risks to public health.

Under section 33 of the Act, MPI may grant an exemption from the requirement for a food business to operate under a registered food control plan or national programme. An exemption must be granted by a notice issued under section 405.

Before granting an exemption, MPI must be satisfied that the applicant has demonstrated:

- a valid and appropriate reason to be exempted that outweighs the public interest in treating persons and businesses in the same food sector consistently; and
- an understanding and awareness of the importance of hazards and other factors that are relevant to achieving safe and suitable food.

In determining whether to grant an exemption, MPI must consider all of the following:

- the hazards and other factors that are relevant in achieving safe and suitable food;
- the potential impact on consumers;
- the frequency and scale of operation;
- the feasibility, effectiveness and efficiency of operating under a food control plan or national programme;
- the appropriateness of regulatory control in comparison with controls specified for similar food sectors or types or descriptions of food business;
- any other relevant matters.

Who should read this Food Notice?

- (1) Exempted food businesses.
- (2) Evaluators, verifiers, food safety officers and registration authorities under the Food Act 2014 should also be aware that the listed food businesses are exempted from the requirement for registration.

Why is this important?

All New Zealand food businesses are required to operate under a registered food control plan or register as a business subject to a national programme unless they have been exempted under the section 33 of the Act.

Other information

Businesses operating under the Act must also meet the relevant requirements under the:

- Animal Products Act 1999; and
- Wine Act 2003.

A summary of all exemptions granted is on the MPI website.

- <http://www.mpi.govt.nz/food-safety/food-act-2014/overview/exemptions-from-plans-or-programmes/>

Part 1: Requirements

1.1 Application

- (1) This Notice applies to operators of food businesses that have been exempted under section 33 of the Food Act 2014 (the Act), and as per 1.3 of this Notice, from the requirement to operate under a registered food control plan or national programme.

1.2 Definitions

- (1) In this Notice:

Food Act 2014 Section 33 List of Exempt Businesses means Schedule 1 of this Notice, being businesses granted exemptions by MPI under section 33 of the Food Act 2014.

MPI means the Ministry for Primary Industries which is the Ministry responsible for administering the Food Act 2014.

operator means the operator of a food business that has been exempted under section 33 of the Food Act 2014 from the requirement to operate under a registered food control plan or national programme.

regulations means the Food Regulations 2015.

- (2) All terms used in this Notice and that are defined in the Act or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

1.3 Who is exempted?

- (1) All food businesses listed in Schedule 1 of this Notice are exempt from registering under a food control plan or national programme for the period specified in Schedule 1.

1.4 Conditions applying to exempt businesses

- (1) Specific conditions that apply only to that food business are listed in Schedule 1.
 - a) The operator is responsible for all of the following:
 - i) ensuring all reasonable steps are taken to make sure that the business operates according to the safe methods it has identified in its application for exemption under section 33 of the Act, and general good hygiene practices;
 - ii) ensuring all food meets the requirements of the Australia New Zealand Food Standards Code, Food Act 2014, Food Regulations 2015 and associated Notices;
 - iii) informing MPI if there are any changes to the operation that impacts on the exemption;
 - iv) informing MPI if there is a critical non-compliance that is likely to pose an immediate threat to people's health. MPI must be notified as soon as practicable after the business becomes aware of the critical non-compliance.

Schedule 1 – Businesses exempt under section 33

The businesses listed in the [Food Act 2014 Section 33 List of Exempt Businesses](#) have been granted exemptions by MPI under section 33 of the Food Act 2014.

Schedule 2 – Version History

Version	Version Date	Section Changed	Change(s) Description
1	8 March 2017	New notice	
2	5 May 2017	Schedule 1	Exemption for Jeets Meals Ltd
3	6 December 2017	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Joshua Whelan • Graduates Ski Club (Inc)
4	1 March 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Spreydon Baptist Community Network Trust trading as Easy Eats • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated • Christiania Ski Club Incorporated • New Zealand Defence Force
5	25 June 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Gizzy School Lunches Charitable Trust • Keith Brunt • Olives New Zealand Incorporated • Tarrangower Primary School
6	20 July 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Welly Brew Amendment to exemption expiry dates for: <ul style="list-style-type: none"> • Graduates Ski Club (Inc) • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated • Christiania Ski Club Incorporated
7	4 September 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Sally Caskey Addition of exemption condition for: <ul style="list-style-type: none"> • Tarrangower Primary School.
8	12 November 2018	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Graduates Ski Club (Inc)
9	22 December 2018	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated
10	13 February 2019	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Christiania Ski Club Incorporated
11	18 March 2019	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Lee Cooper trading as Coopers Garden • Deborah M Bradley trading as Kara Valley Olives • Susanne Linow trading as Pauanui Farm Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Welly Brew

Version	Version Date	Section Changed	Change(s) Description
12	19 September 2019	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Steve McGee trading as Oakleaf Farm • Amanda and Paul Woodgate trading as Oruaiti Olive Estate • Empower Fitness Limited • JWAI Enterprises Limited trading as Palm Court Motel Otorohanga
13	2 October 2019	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Shirley Community Trust trading as MacFarlanes on the Park Café • dHydrate
14	20 December 2019	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Hannah Airey trading as Badass Brownies • Kevin Montague and Catherine Fletcher • Ian Geoffrey and Heather Stewart • Darrell Johnston and Karen Johnston t/a River Terrace Nurseries • Tohu Enterprises Limited t/a Trinity Farm Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • dHydrate
15	3 July 2020	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Ministry of Education • Fifty South Fishing Co Ltd • Carolina Carson trading as Carolina's Fusion • Ed and Mary Merrill • The Hazelnut Company Limited • M.J. & J.M. Horwell Partnership trading as Uncle Joes Walnuts and Hazelnuts • Walnuts New Zealand Co-operative Limited trading as Walnuts NZ • Pinoli Limited Exemption expiry and removal from Schedule 1 for: <ul style="list-style-type: none"> • Jeets Meals Limited
16	16 October 2020	Schedule 1	Weblink to section 33 list of exempted businesses inserted.