Guidance Document

Approval of Templates, Models and Codes of Practice

Animal Products Act 1999

17 April 2017

1 Purpose

This Guidance Document has been prepared by the Ministry for Primary Industries (MPI) and provides the procedure that is followed when formally approving Risk Management Programme (RMP) templates, models and codes of practices under the Animal Product Act 1999 (APA).

This Guidance Document:

a) clarifies section 12(3A) of the APA regarding the Director-General (DG) forming the "view that the template, model or code of practice is valid and appropriate for businesses of that kind"; and
b) Describes the procedure for assessing and approving templates, models, and code of practices.

2 Definitions

In this Guidance Document:

business means an animal product business as described in section 4(1) of the Act

code of practice means a document reflecting acceptable industry good operating practice and the application of HACCP principles, and other RMP components. A code of practice may incorporate a template and/or model. A code of practice includes an operational code

good operating practice (including good agricultural practice, good hygienic practice and good manufacturing practice) means documented procedures relating to practices that —

a) are required to ensure animal material and animal product are fit for intended purpose; and
b) are appropriate to the operating circumstances

model means a completed RMP, or completed components of a RMP, for a particular type of operation that businesses in that industry can use as an example

MPI means the Ministry for Primary Industries

RMP means Risk Management Programme

template means a 'form' RMP that contains the necessary good operating practice, application of HACCP principles and regulatory requirements in a standardised format

Any term or expression that is defined in the APA, or regulations made under the APA and used, but not defined, in this document has the same meaning as in APA or those regulations.

3 Background

Section 12(3A) of the APA provides for a RMP for a particular business, or part of a business, to be based on a template, a model, or a code of practice, if in the view of the DG the template, model, or code of practice is valid and appropriate for businesses of that kind.

This provision requires the establishment of a procedure to manage the way in which the DG is to form the view that the template, model, or code of practice is valid and appropriate for businesses of that kind.

A template, model, or code of practice may include recommended ways of operating to ensure that the regulatory requirements are met and guidance material. A code of practice may also include commercial quality type requirements, or other aspects such as animal welfare, OSH or resource management.

A template, model, or code of practice may be produced by:

a) MPI;
b) MPI in conjunction with industry;
c) An industry group or group of operators for a specific sector or process; or
d) Other organisations (e.g. research institutes, universities).

4 Approval Regarding Validity and Appropriateness

(1) The DG will approve only those components of a template, model, or code of practice that relate to hazards, wholesomeness and false or misleading labelling for the purpose of animal product safety and suitability. This may result in approval of the entire template, model, or code of practice or parts thereof.

(2) The DG approval is to be in writing, and clearly:

a) indicate that the whole template, model or code of practice is approved; or
b) specify the components of the template, model or code of practice that are approved; and
c) state the application of the template, model, or code of practice to the kind of businesses it covers.

(3) It should also be made clear in the written approval via an appropriate disclaimer that MPI is not liable for any shortcomings or operational deficiencies or non-compliances that may occur as a result of implementing an approved template, model, or code of practice.

4.1 Validity

(1) All regulatory requirements that are incorporated in each template, model, or code of practice, will be considered to be valid in terms of meeting the requirements set out in sections 12 and 17 of the Act.

Note 1: Where a code of practice includes a template and/or model, then the code of practice is assessed as one document.

4.2 Appropriateness for Business

(1) The approval must be limited to businesses of a particular kind by a ‘statement of application’.

(2) The ‘statement of application’ must be described in a way that minimises any misapplication and may include clarification of the business kinds that are not covered.

(3) The ‘statement of application’ should include reference to the key operational processes that MPI considers are defining for the kinds of businesses covered.

(4) Without limiting the ‘statement of application’, it may include references to animal materials, animal products, process flows, and the products intended use as appropriate.

Note 2: Within a business kind, MPI wants to allow for reasonable variation, thus enabling a code of practice to have a broader rather than narrower application if suitable.

5 General Procedure for Approval

(1) MPI will ensure that the template, model, or code of practice meets the following criteria as appropriate to its scope:

a) incorporation of regulatory requirements that are applicable for the kind of businesses concerned;
b) incorporation of good operating practice, the application of HACCP principles and other RMP components that are appropriate for the kind of businesses concerned;
c) appropriate identification of regulatory requirements and guidance (strongly recommended practice, helpful information), and as relevant, what this distinction means in terms of application to a business;
d) practical and achievable for the kind of businesses concerned; and
e) the form and structure of the template, model, or code of practice should readily enable MPI to prepare appropriate statements in accordance with Part 4.2 of this guidance

(2) The DG (or his delegate) should sign and date the approval statements.

(3) Where inadequacies in the template, model, or code of practice mean that the approval criteria are not met, MPI should take appropriate action to communicate its concerns, but the approval process does not place a responsibility on MPI to provide remedial solutions.

Contact for further information

Ministry for Primary Industries
Regulation & Assurance Branch
Animal Products
PO Box 2526
Wellington 6140
Email: animal.products@mpi.govt.nz

Disclaimer

This Guidance Document does not constitute, and should not be regarded as, legal advice. While every effort has been made to ensure the information in this guidance is accurate, the Ministry for Primary Industries does not accept any responsibility or liability whatsoever for any error of fact, omission, interpretation or opinion that may be present, however it may have occurred.