



**MEAT ACT 1981
TECHNICAL DIRECTIVE 01/198**

TD 01/198 Regulatory Requirements: Specifications Clarifications; Complaints and Appeals Procedure: Animal Products Act 1999 (APA) and Meat Act 1981

Meat and Seafood Technical Directive		Priority	Normal
From:	Tony Zohrab Director Animal Products (NK)	File:	
Date:	20 December 2001 (1)	Publication Ref:	Meat Act 1981 Animal Products Act 1999

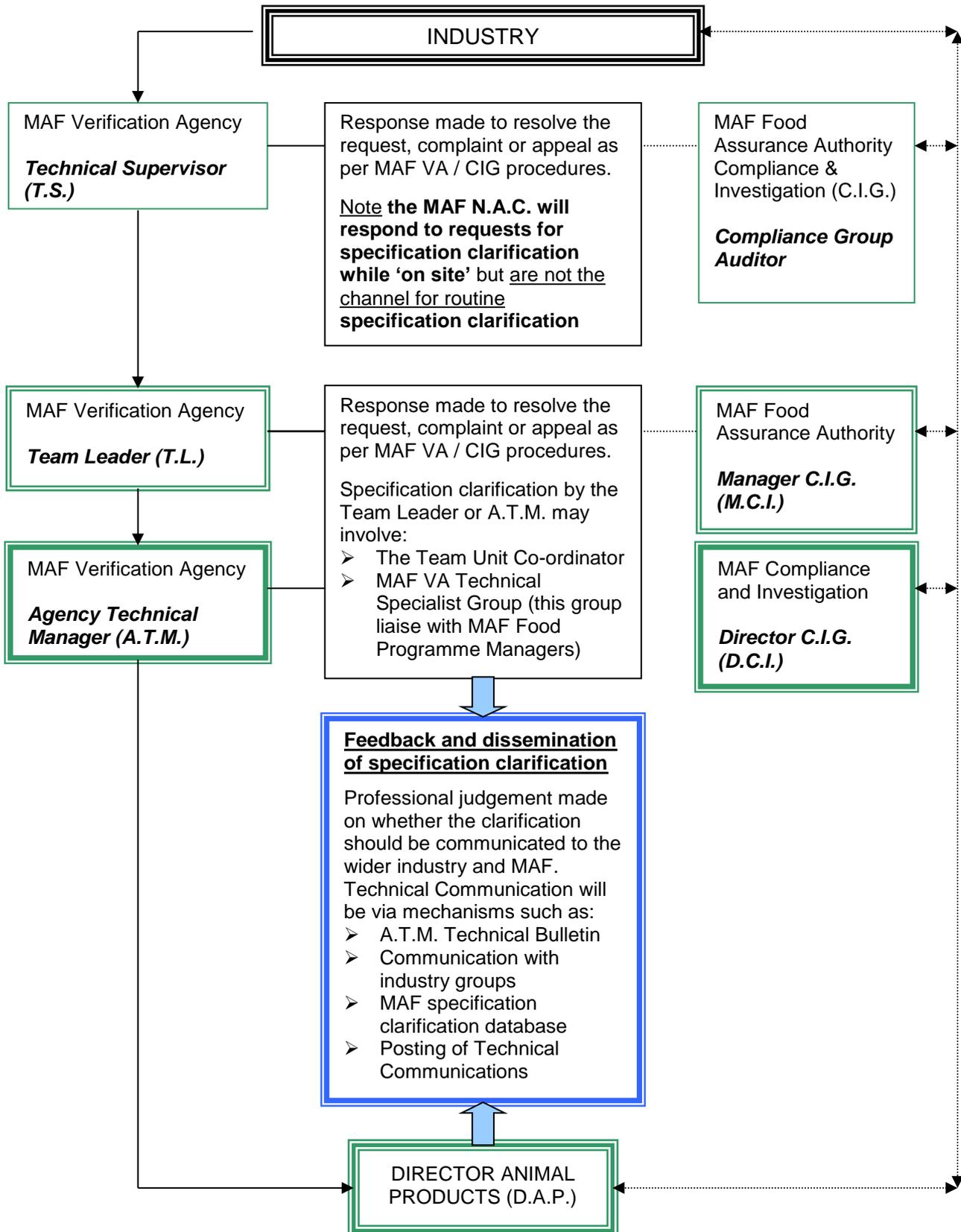
1	Definitions
1.1	For the purposes of this TD the use of the term "specification clarification" applies to all clarifications relating to the APA, the Meat Act, any associated Regulations, Orders-in-Council and any OMAR or TD issued by MAF Food.
1.2	The term "Licensee" when used in this document refers to that person holding a licence issued under the terms of the Meat Act 1981.
1.3	Any term or expression that is defined in the Animal Products Act 1999 and used but not defined in this document has the same meaning as in this Act.
2	Background
2.1	Technical Directive (TD) 98/89 "MAF Verification Agency: Specification Clarification and Compliance Resolution" has expired under the sunset provisions for TDs. It is now timely to restate the principles outlined in TD98/89 and to update the procedures for specifications clarifications as it appears that problems outlined in Section 2.3 of this TD are still occurring.
2.2	Under the Animal Products Act 1999, there are provisions for the registration of alternative verification agencies. Due to the restrictions placed on New Zealand by major overseas trading partners, it is likely that MAF VA will be the only verification agency responsible for export premises in the immediate future. However, it should be noted that, for the purposes of this document, the term "verifier" is synonymous with MAF VA.

2.3	<p>The MAF Verification Agency (MAF VA) has a role in responding to enquiries from parties subject to MAF specifications and the supporting legislation. Assistance is often sought by industry in locating the appropriate requirement(s) for a particular circumstance or for clarification of the effect or meaning of various requirements. TD98/89 set out a procedure for this process in an attempt to eliminate the problems identified at the time, that included;</p> <ul style="list-style-type: none"> • Multiple entry points to both MAF Food and MAF VA. • Advice received by one party not readily available to others. • Essential background information being overlooked. • The tendency for some parties to "shop around" until they receive the answer that suits their purpose (even though the answer may be wrong). • The lack of consistency resulting from the above is seen to be detrimental to all concerned and leaves the NZ Competent Authority (MAF Food) exposed to criticism from industry organisations and overseas auditors.
2.4	<p>In addition to the above, the KPMG report commissioned by MAF Food and the Meat Industry Association highlighted the need for improved communication between MAF Food/MAF VA and industry.</p>
3	Specifications Clarification Procedure: Operator/Licensee and MAF VA
3.1	<p>MAF VA personnel are able to provide advice and clarification of MAF Food specifications but cannot vary, amend, or provide exemptions to the specifications, unless specified within the specification or relevant legislation. The only exception to this is where there is a specific written delegation from MAF Food to do so.</p>
3.2	<p>The initial point of contact for operators/licensees seeking clarification of specifications, including overseas market access requirements (OMARs), will be the MAF VA Technical Supervisor (TS), the Travelling Technical Supervisor (TTS) responsible for the premises, or the signing officer dealing with certification. Operators/licensees contacting MAF Food directly will be referred back to the MAF VA TS/TTS except under the circumstances described in Section 4.1 of this TD or, in the case of an exporter, in the Official Assurances Programme (OAP) Part 12, Section 61.</p>
3.3	<p>Where the TS/TTS is unable to provide the clarification sought by the operator/licensee, the TS/TTS will refer the query to the appropriate MAF VA Team Leader (TL) who will, if necessary, consult the MAF VA Agency Technical Manager (ATM). The ATM may utilise the expertise of the MAF VA Technical Specialist Group (TSG).</p> <p>NB: In certain circumstances, and with the agreement of the TS/TTS, the operator/licensee may directly approach the ATM.</p>
3.4	<p>Where the ATM is unable to resolve any issues raised s/he will refer the query to the appropriate MAF Food Programme Manager or other MAF Food personnel. The ATM will provide written clarification to the operator/licensee and TS/TTS after any necessary consultation with the appropriate MAF Food Programme Manager or other MAF Food personnel.</p>
3.5	<p>Official communication with foreign governments and New Zealand diplomatic posts remains the responsibility of MAF Food as set out in the OAP, Part 2, Section 7. Exporters seeking MAF Food assistance with problem consignments must submit the relevant data to MAF VA at Central Certification, Auckland, for an assessment and subsequent recommendation to MAF Food.</p>
4	Complaint and Appeal Provisions for Operator/Licensee
4.1	<p>Where any operator/licensee believes, after following the flow chart in Appendix A, that information, clarification, or sanctioned is demonstrably unfair, inaccurate, or impinges on the operator/licensee's ability to conduct operations, they may contact the Director Animal Products (DAP).</p>

4.2	The operator/licensee is required to advise the TS/TTS and any other MAF VA personnel directly affected, prior to any direct contact with DAP. The operator/licensee should be aware that the likely first action of the DAP will be to seek the views of the TS/TTS or other affected MAF VA personnel.
4.3	DAP, after investigating the situation, must advise the operator/licensee and MAF VA in writing of the outcome of such investigation.
4.4	There are provisions in the Animal Products Act 1999 for operators/Licensees to appeal to the Director-General (D-G) in cases where they believe they have been treated unfairly by MAF officials. These provisions are to be used after the procedures outlined in sections 4.1 to 4.3 above have been followed without resolution. Under Section 86 of the Animal Products Act 1999, the D-G's powers may be delegated to other MAF officials. In this instance, the powers of the D-G are delegated to the Director Animal Products.
5	Additional Procedure
5.1	The internal MAF procedure for ensuring that specification clarifications and/or complaints and appeals are dealt with in the prescribed manner, and disseminated to all interested parties, is set out in a Policy document that will be agreed to and signed by the MAF VA ATM and the Director Animal Products. This will be available to interested parties on the MAF Food website. Click here for the link . A flow chart outlining the full procedure for specification clarifications and/or complaints and appeals is attached as Appendix A to this TD.
6	Implementation
	From the date of issue of this TD

Appendix A

Communication Flow between Industry and Ministry of Agriculture



2001-December-20

Policy Agreement



Ministry of Agriculture and Forestry
Te Manatu Ahuwhenua, Ngaherehere

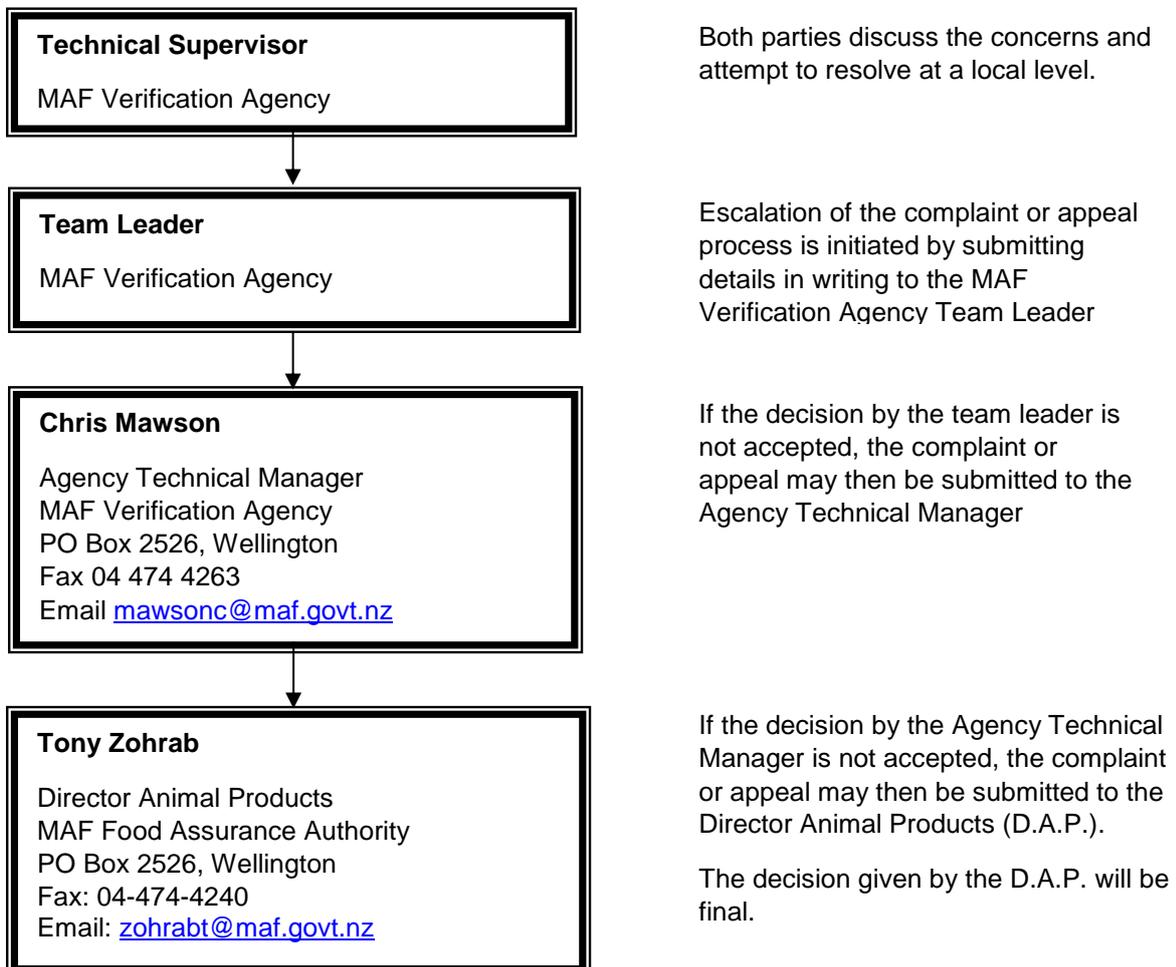
COMPLAINTS AND APPEALS

20 December 2001

1 Policy

MAF Verification Agency process for managing complaints and appeals will ensure the response is timely, made impartially, kept confidential to parties concerned, based on objective information and is technically accurate.

2 Making a complaint or appeal



3 Principles for managing a complaint or appeal:

MAF employees receiving a written complaint or appeal will follow the principles below:

- Respond to the submitter within 48 hours. If a decision cannot be made within this time, advise will be provided on the actions being taken and the expected time frame for completion.
- Maintain impartiality and confidentiality throughout the process

- Final decisions must be based on sufficient balanced objective evidence and relating specifications
- The operator / licensee and all MAF Verification Agency personnel whom the appeal or complaint was made against will be advised in writing of the decision.
- All record relating to the appeal or complaint will be maintained for at least seven years

MAF Verification Agency:

- The management review process will include a review of the complaint and appeal process at least annually.
- The complaint and appeal process will be subject to internal audit and external audit as part of the ISO17020 process.

4 MAF Verification Agency and MAF Food Assurance Authority responsibilities

4.1 Technical Supervisor Responsibility (MAF VA)

Appeal or Complaint received by the Technical Supervisor

- In situations where the licensee / operator does not accept a decision is justified, the Technical Supervisor will;
- Review and discuss the objective evidence and relating specifications with the licensee / operator and give justification for the decision made.
- As required, the Technical Supervisor may contact their 'Unit Co-ordinator' or team leader for guidance or clarification. If agreement cannot be reached with the licensee / operator, they must be advised of their right of appeal.
- Advise the operator the appeal process should be formally initiated by appealing in writing to the Team Leader.
- Notify the operator / licensee that all decisions made by the technical supervisor will remain and will be required to be acted upon until repealed in writing by the team leader.
- Notify the team leader of the situation.
- In situations where the team leader modifies the decision, the Technical Supervisor will append relating documentation to the verification report for the period.

4.2 Team Leader Responsibility (MAF VA)

- Contact the submitter to confirm receipt of the complaint / appeal and give a planned time frame for addressing it.
- Where the appeal or complaint is against a person(s) within MAF VA these people must be informed as above.
- Act on the appeal or complaint as promptly as is practical
- Evaluate the appeal / complaint
- Obtain objective evidence, technical advise, and initiate an investigation if deemed appropriate
- Keep all records generated in response to the appeal or complaint
- Advise both the submitter of the appeal / complaint and the affected technical supervisor in writing of the decision
- Report details to the Agency Technical Manager via the Inspection Report
- Follow the quality improvement procedure / corrective action procedure

- Where the submitter of the appeal / complaint does not accept the decision of the Team Leader, they must be advised of their right to escalate the appeal in writing to the Agency Technical Manager

4.3 Agency Technical Manager Responsibility (MAF VA)

- Contact the submitter to confirm receipt of the complaint / appeal and give a planned time frame for addressing it.
- Communicate with the Team Leader involved, obtain sufficient objective evidence, and evaluate the investigative process that was used.
- Decide whether the information and process used by the Team Leader has been sufficient, whether further information or clarification is required.
- Make a decision either to uphold the Team Leader decision or modify it.
- Consideration will be given to whether an internal audit, or procedural review is justified
- Follow the quality improvement / corrective action procedure
- Keep a record of all formal appeals received directly by the A.T.M., the records of any investigation conducted and the result of process undertaken.
- Advise both the submitter of the appeal / complaint and the Team Leader in writing of the result of the process

The Agency Technical Manager will ensure a complaint and appeal register is maintained and records:

- *Details of the written appeals and complaints received by the Agency*
- *The result of the appeal / complaint process*
- *Reference supporting documentation.*

Where the submitter of the appeal / complaint does not accept the decision of the Agency Technical Manager, they must be advised of their right to escalate the appeal in writing to MAF Food Assurance Authority, Attention Director Animal Product.

4.4 Director Animal Products

The Director will;

- Follow the principles detailed in section three above
- Take actions as deemed appropriate.
- Make a final decision

Signed

Chris Mawson

Tony Zohrab

*Agency Technical Manager
MAF Verification Agency*

*Director Animal Products
MAF Food Assurance Authority*

APPENDIX ONE

MAF VERIFICATION AGENCY - Team Leader contact details:

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