

# National Programme and Food Control Plan Client Guidebook

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**Revision History**

Rev No	Revision Date	Author	Approved by	Page No	Sec. No	Brief Description of Change
1	December 2017	Stephanie Vincent	Stephanie Vincent			New

**Related Documents**

Document Number	Title
ANZ Food Standards Code	Australia New Zealand Food Standards Code 2016
Codex	Codex Alimentarius HACCP System and Guidelines for its Application Annex to CAC/RCP 1-1969, Rev.4, 2003
New Zealand Food Act	New Zealand Food Act - 2014
New Zealand Food Regulations	Food Regulations - 2015 <b>Regulations in force until 28 February 2019:</b> Food Hygiene Regulations - 1974 Dietary Supplements Regulations - 1985 Food (Safety) Regulations - 2002
Food Notices	Requirements for Food Control Plans and National Programme - 15 December 2015 Requirements for Recognized Agencies and Persons – 15 December 2015 Importing Food – 1 March 2016 Official Template Food Control Plans for Schedule 1 Food Businesses: Food Service and Food Retail Maximum Residue Levels for Agricultural Compounds – 15 February 2016 Exemption from operating under a registered food control plan or national programme <b>Legislation</b>
	(Deemed/Custom) Food Control Plan to determine compliance with the Food Act 2014, Food (Safety) Regulations 2015, Food (Safety) Regulations 2002 and the Australia New Zealand Food Standards Code 2016
	The Food (Prescribed Foods) Standard 2007
	New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standards 2007
	New Zealand (Bee Product Warning Statements - Dietary Supplements) Food Standards 2002
	Codex Alimentarius HACCP System and Guidelines for its Application Annex to CAC/RCP 1-1969, Rev.4, 200
	Client Information Change Request Form

## **1 Introduction**

This Registration Guidebook is designed to assist your business on the requirements for approval to a National Programme (Level 1,2 or 3) or Food Control (template and custom) to the New Zealand Food Act 2014 as per the requirements of the (New Zealand Ministry of Primary Industries) MPI.

BSI's scope for approval as a Recognized Agency;

- Custom Food Control Plan – Evaluation
- Custom Food Control Plan – Verification
- Template Food Control Plan – Verification
- National Programme Level 1 – Verification
- National Programme Level 2 – Verification
- National Programme Level 3 – Verification

## **2 Accreditation status**

This scheme is offered as an accredited scheme. The New Zealand Ministry of Primary Industries is the scheme owner.

Accreditation for ISO17020:2012 Type A.1 is held with JAS-ANZ.

## **3 The registration process**

The following section outlines the steps that apply during the BSI approval process for National Programmes 1, 2 and 3 and Food Control Plans. The MPI scheme is a risk based scheme which includes evaluation of custom Food Control Plans and verification of Food Control Plans and verification of national programme.

### **3.1 Initial inquiry and proposal**

BSI will respond to either verbal or written expressions of interest from food businesses interested in one or more of our programmes. If your food business is located near a BSI office, an advisory visit may be arranged to discuss your certification requirements and how BSI can help your food business achieve them.

BSI will, on request and receipt of a Service Request Form, prepare a proposal tailoring our services to your food business's needs. The proposal includes a copy of the BSI Standard Terms and Conditions. This document (National Programmes and Food Control Plan Registration Guidebook) is an addendum to the Standard Terms and Conditions and outlines additional contractual requirements that your food business is required to follow to ensure registration with MPI or local council (where applicable) once achieved, is maintained.

Receipt of the signed proposal along with the accompanying payment of the non-refundable application fee forms the contract between your food business and BSI.

### **3.2 New Client Set Up**

Your business and operator details, scope and requirements will be entered into our database and a scheduler will be appointed to look after your evaluation and/or verification requirements. Your scheduler will be your primary point of contact with BSI and their responsibility is to ensure that our services are delivered to your business in the most effective manner possible.

Your scheduler will call you once you have been set up in our system to schedule your evaluation and verification.

If you are working with a consultant it is often useful for that person to be party to the communication process.

### **3.3 Existing client set up**

If your food business is already set up in BSI's systems our database will be updated to include the additional registration requirements. Your scheduler will call you to discuss to schedule your assessment.

### **3.4 Evaluation**

If your food business has a custom Food Control Plan you are required to have an evaluation for new programmes or when there are any significant changes. Custom Food Control Plans are required to be evaluated prior to registration with MPI.

National Programme and template Food Control Plans are not required to undergo evaluation on the proviso that they have followed the standard guidance provided by the MPI.

#### **3.4.1 Arranging the evaluation**

If you require an evaluation assessment your scheduler will arrange this with you. We will try and book as far in advance to ensure that your food business can have flexibility in terms of assessment dates. An evaluator will be assigned to you to conduct this activity who has MPI approval to conduct this assessment and they will be experienced in your industry sector. You will be able to find their registration on the MPI register.

Once the evaluation date has been confirmed we will send you a confirmation letter which outlines the details relating to the assessment. This letter also serves as the agreement to conduct the assessment. Your business is not required to respond to this letter however, no contact from your business is taken to be agreement.

If, for some reason, you are not happy with the evaluator that we have assigned let us know as soon as possible and we will make arrangements for another evaluator.

#### **3.4.2 Evaluation**

Food Businesses operating with a custom Food Control Plan that are new or where there have been changes to the process, products or personnel are required to undergo an evaluation.

The purpose of the Evaluation is to ensure that your business has;

- Prepared the necessary procedures and policies appropriate for your business

...making excellence a habit.™

- Identified all the hazards likely to occur
- Conducted validation activities to demonstrate that the procedures and activities and the facilities, equipment and essential services used in relation to those procedures will enable safe and suitable food to be produced and/or sold, and
- Provided accurate information

The Evaluation is comprised of two parts – a document review and an on-site inspection. The document review and the on-site inspection can take place together or be separate activities. In some instances, i.e. for new businesses, the evaluation may require more than one document review and on-site assessment.

The on-site assessment is carried out at your premises as the evaluation process is centred around your product/s and the processes and people.

For both the document review and the on-site inspection the evaluator will have a checklist that needs to be completed. The checklist is BSI's record of what is covered during the evaluation.

All evaluators are required to follow a standard process on every activity they conduct.

At the start of each evaluation (desk top and on-site) an entry meeting will be conducted. The desk top entry meeting will be carried out by phone if the activity is being conducted remotely. This is an opportunity for the evaluator to meet the key people within your food business and to ensure that both yourselves and the evaluator are in agreement with regards to the scope of registration.

The evaluator will re-iterate the evaluation process that they will be following and outline the process for raising and closing findings.

The on-site evaluation process involves interviews with key personnel including people involved in the monitoring and measuring activities and the evaluator is required to record their findings as evidence of what has been looked at.

The evaluator is required to advise your business of their findings and areas of non-conformance as the inspection progresses.

At the conclusion of the inspection the evaluator needs to have a period of time to collect their thoughts prior to conducting the closing meeting. The closing meeting is a short meeting to report the findings from the evaluation and outlines the timeframes and process for close out of the findings.

As your recognition agency, BSI is not able to provide any solutions to any of the findings that are raised.

### **3.4.3 Evaluation Outcome**

#### **3.4.3.1 Document Review**

The main purpose of the document review is to ensure that the site complies with the relevant sections of the Food Act 2014 and various sections of the Food Regulations 2015 with particular regard to validation protocols, contents, applicable regulatory, legislation, codes of practices and any other associated requirements for the products being made.

The document review ensures that all appropriate documentation is available and complies with each element of the programme requirements. The review focuses on the food safety system and product specifications to ensure the appropriateness of the food safety hazards addressed and quality assessment criteria are in place.

At the document review there may be some findings identified where your food control plan does not meet the requirements of the Food Act 2014. The evaluator will discuss these findings with your food business at the closing meeting however, they are not able to provide any guidance on how they are to be corrected.

Where the document review and the site assessment are conducted at different times an interim report will be prepared and provided you within 5 days following the evaluation which includes findings that are required to be addressed before registration can be recommended.

### **3.4.3.2 On Site Assessment**

A site assessment is conducted to determine if the fundamentals of the custom Food Control Plan have been implemented and to ensure that the processes in place render the food products safe and suitable as a result.

The site assessment typically includes observation of the site, design and construction, equipment and facilities, assessments for the potential for cross contamination, implementation of monitoring records as designed, people and processes etc.

Any findings from the site visit are added to the interim report (unless the two activities are combined) and the site must then address those findings.

### **3.4.4 Evaluation Report and Outcome**

Once the evaluator has completed both parts of the evaluation the report is collated and the evaluator makes one of the following recommendations;

- Recommendation that the custom FCP be registered; or
- Recommendation that the custom FCP be registered with conditions; or
- Registration is not recommended

If the recommendation is made with conditions these conditions will be listed in the Evaluation Report.

You are required to send evidence that you have addressed any findings that have been raised. The evaluator reviews the information that has been provided and determines if the information is sufficient to fully address the findings.

The evaluator will contact you directly to advise you in writing if the findings have been satisfactorily addressed. In some instances the evaluator may require additional information from you to ensure that the findings have been appropriately addressed.

The Evaluation Outcome may then be changed to;

- Recommendation that the custom FCP be registered with conditions
- Recommendation that the custom FCP be registered



**3.4.5 Evaluation Report Review**

Once the findings have been accepted by the evaluator the report is passed to BSI’s Compliance and Risk team to conduct a review.

The evaluation report, the information that is obtained during the document review, the on-site assessment and the findings information are reviewed by an independent person at BSI to ensure that the evaluator and your food business have completed all the requirements for registration.

**3.4.6 Submission to MPI**

Once you have received your report and confirmation from BSI that you have successfully completed your evaluation your food business can then submit your registration form along with the report and all applicable information as per MPI requirements to lodge your custom FCP. MPI will contact you and advise BSI once your business has been registered.

MPI may, at this point, impose additional conditions, revoke or amend any conditions that have been made following the evaluation assessment.

**3.5 Verification**

Once BSI has been advised of your registration with MPI your scheduler will be in contact with you to arrange the Verification Assessment. The verification will be scheduled in the same manner as the evaluation.

This verification is required to be carried out by a different verifier than your evaluation (if applicable).

The focus of this assessment is the implementation of the procedures and policies and ensuring that the Food Control Plan or National Programme is effective at ensuring the production and sale of food.

A verification report is prepared and provided to your business within five (5) days.

**3.5.1 Arranging the verification**

BSI will try and book as far in advance to ensure that your business can have flexibility in terms of verification dates. The following table outlines the timeframe for the conduct of the verification following MPI’s notification that your food business has been registered.

Type of plan	New Business@	Existing Business#	Frequency of Verification	Registration Renewal
NP1	1 month	12 months	Once (if there are no problems)	2 yearly
NP2	1 month	12 months	Up to 3 years	2 Yearly
NP3	1 month	6 months	Up to 2 years	2 Yearly

Template FCP	1 month	12 months	Up to 18months	Annually
Custom FCP	3 months	6 months	Renew annually	Annually

@ New businesses are required to have their initial Verification assessment completed within this timeframe of registration

# Existing businesses are required to have their initial Verification assessment following Evaluation completed within this timeframe of registration

A verifier will be assigned to you to conduct this activity who has MPI approval and they will be experienced in your industry sector. You will be able to find their registration on the MPI Recognized Persons register.

Once the verification date has been confirmed we will send you a confirmation letter which outlines the details relating to the assessment. This letter also serves as the agreement to conduct the assessment. Your business is not required to respond to this letter however, no contact from your business is taken to be agreement.

If, for some reason, you are not happy with the verifier that we have assigned let us know as soon as possible and we will make arrangements for another verifier.

**3.5.2 Verification**

All verifiers are required to follow a standard process on every verification they conduct.

At the start of the verification an entry meeting will be conducted. This is an opportunity for the verifier to meet the key people within your food business and to ensure that both yourselves and the verifier are in agreement with regards to the scope of registration.

The verifier will re-iterate the verification process that they will be following and outline the non-conformances that could be raised and what will occur if an unacceptable outcome is identified.

The verification process involves interviews with key personnel including people involved in the monitoring and measuring activities and the verifier is required to record their findings as evidence of what has been looked at.

The verifier is required to advise your food business of their findings and areas of non-conformance as the verification progresses.

At the conclusion of the verification the verifier needs to have a period of time to collect their thoughts prior to conducting an exit meeting. The exit meeting is a short meeting to report the findings from the verification and outlines the timeframes and process for close out of any non-conformances. The process also provides your food business an opportunity to determine the actions that will be taken to address the findings. Sometimes you may not be able to determine all the actions at the exit meeting.

At the conclusion of the verification the verifier will leave a written copy of any non-conformances so your food business can work to address these before receiving the final report.

As your recognized agency, BSI is not able to provide any solutions to any of the non-conformances or observations that are raised.

### **3.5.3 Verification Findings**

At the conclusion of the assessment findings will be assigned the following categories;

- Performing
- Conforming
- Non-Conforming
- Non-Complying

What these mean is explained below.

#### **3.5.3.1 Performing**

Your Food Business is fully meeting applicable requirements of the Act

- Your food business has demonstrated comprehensive knowledge of the applicable requirements of the Act and how to meet them; and
- There are excellent systems and procedures in place and documented where required; and
- The procedures have been followed; and
- There are full records available where required

#### **3.5.3.2 Conforming**

Your Food Business adequately meets the applicable requirements of the Act. Observations made of potential for a current activity to deteriorate into a non-conformance if allowed to persist.

- The systems and procedures in place and documented where required; and
- The procedures are followed in the majority of cases; and
- There are recording sheets / systems in place with minimal gaps in recording

#### **3.5.3.3 Non-Conforming**

Applicable requirements of the Act are not fully met by your food business but the deficiency(s) are not likely to affect the safety or suitability of food

- Definite improvement is needed in systems and procedures; or
- There are isolated or sporadic lapse in implementation of procedures; or
- The practices observed/demonstrated are at a variance with applicable requirements of the Act; or there is consistent failure to keep records, or absence of required recording sheets that do not directly relate to controlling food safety and suitability.

Non Conformances are required to be closed out within 30 days from the last day of the verification.

### **3.5.3.4 Non-Complying**

Where there is significant deficiency or failure of the procedures and systems that directly impact on safety and suitability. Your food businesses procedures and systems are not being followed and this constitutes a risk to food safety.

The verifier is required to immediately inform the BSI Scheme Specialist if a Non-Compliance was raised. Non-Compliances are required to be closed within 14 days.

- Applicable requirements of the Act are not met and finding can be referenced to an offence provision in part 4 of the Act.
- There is a significant deficiency or failure to manage risks or comply with an applicable requirement of the Act is evident to the extent that food safety and/or suitability is threatened either immediately (Critical Non-compliance) or in the future if improvements aren't made.
- The procedures and systems that directly impact safety and suitability of food are absent or insufficient to manage the risks; or
- The procedures and systems are not followed and this constitutes a risk to food safety and suitability directly; or
- Records that directly relate to controlling food safety and suitability is significantly absent, incomplete, or altered.
- Previously reported non-conformance/s impacting food safety and suitability have not adequately been addressed.
- A number of non-conformances against an applicable requirement of the Act or a pattern of non-conformances of a single requirement over successive verifications are observed.

### **3.5.4 Acceptable or Unacceptable Outcome**

At the end of the verification the verifier must decide if your food business' procedures and compliance according to the Food Act 2014 is Acceptable or Unacceptable;

#### **Acceptable**

A verification outcome will be deemed to have an Acceptable outcome if;

- The applicable risk based measure is suitable and effective to the operations and is appropriate to the operations on site
- The non-compliances raised have a corrective action plan which have been resolved or will resolve the issues raised
- The verifier identifies that the findings raised do or do not need follow up but once resolved the site processes pose no risk to food safety and that the verification processes are managed as per the programme
- Any site deemed as acceptable may have findings which are raised but these do not pose a risk to food safety and operator can and will address. Findings may be approved based on a corrective action plan or a mix of corrective action plan and follow up evidence.

**Unacceptable**

The following may determine a FCP or NP as an unacceptable outcome:

- A non-compliance has been raised that is likely to result in food being unsafe or unsuitable; or
- The risk-based measure is not applicable to the operations of the Food business; or
- The risk-based measure is not effective; or
- The operator verification process has failed repeatedly to identify deficiencies that affect the safety or suitability of food
- The operator has failed to identify or effectively address a problem or deficiency that has the potential to cause a critical non-compliance
- BSI has no confidence in the operations of the food business because of the combined effect of several instances of non-compliance
- BSI has no confidence in the operations overall due to the extent to which records required under the applicable requirements of the Act are absent, incomplete, or altered.

**Critical Non-compliance**

A critical non-compliance is where it is likely to pose an immediate threat to consumer's health.

Critical non-compliances are to be immediately reported to the BSI MPI scheme specialist before reporting to the MPI.

**3.5.5 Unacceptable findings follow up**

If there is an unacceptable outcome the verifier will work with your food business to;

- Agree to a period of time within which you, the operator has to prepare a corrective action plan for the consideration by the verifier; and
- Agree to a corrective action plan, which must state the corrective actions to be carried out and the time within which each action must be carried out.

Your food business is required to comply with the corrective action plan and provide the verifier with evidence that the corrective action plan has been implemented. The verifier is required to re-visit the site with the unacceptable result to verify that the client has taken the appropriate action.

**3.5.6 Non-Compliant findings**

At the closing meeting your verifier will state if any corrective actions are needed. A corrective action is required for every non-compliance but not necessarily every non-conformance.

Your food business need to determine the corrective action and agree a time frame for addressing the non-compliances. The corrective action plan needs to be agreed within 48hours of the last day of the verification. This would typically be expected to be 14days for a non-compliance and 30days for a non-conformance from the last day of the verification.

Once the operator has completed the corrective action the information is to be sent to the BSI Food Division and will be reviewed by the verifier. Depending on the nature of the non-compliance a re-visit to the site may be necessary to verify that the corrective action has been implemented and is effective. It is not expected that an on-site visit would be necessary for the close out of a non-conformance.

If the evidence sent for review is appropriate to address the non-conformance or non-compliance the verifier will close out the finding and advise the operator, in writing, of the close out.

### **3.5.7 Addressing the Findings**

Your food business is required to send the information outlining how you have addressed the findings. The information that you need to provide contains three (3) parts;

- Correction: What your business has done to fix the immediate problem?
- Root Cause Analysis: Why did this problem occur?
- Corrective Action: What have you done to ensure that this does not happen again?

Corrective Action Plans (CAPs) are required to be sent to BSI ([food.division@bsigroup.com](mailto:food.division@bsigroup.com)) within the stated time frame along with appropriate information to support the actions taken. The verifier will be notified that the corrective action information is available for review.

Once your verifier has reviewed the information you will be advised, in writing, if this has been accepted or whether more information is required to be provided.

It is your business' responsibility to respond to the findings detailed in your report by the designated time frame. Failure to do so may result in suspension or cancellation of your registration.

### **3.6 On-going non-compliances**

If there are ongoing non-compliance issues recorded at your food business, BSI is required to notify MPI in writing outlining our concerns and include time frames of when concerns were raised and any response received from your food business.

### **3.7 Unscheduled verification**

An unscheduled verification may be required if MPI considers there are, in respect of a food business or the operations of a registered importer, potential food safety or suitability issues based on;

- any recalls of food undertaken at the direction of the chief executive or undertaken by any food business or any registered importer:
- any contamination, or suspected contamination, of the food by any hazard:
- any information that the registration authority considers is reasonable grounds for suspecting that the food is not safe or suitable or otherwise does not comply with any applicable requirements of the Act:

- any information that the registration authority considers is reasonable grounds for suspecting that the food business or operations of the registered importer do not comply with any applicable requirements of the Act:
- any findings from monitoring, surveys, or auditing conducted by the registration authority of activities of food businesses or importers:
- any other factors the registration authority considers relevant.

The MPI will advise BSI in writing if an unscheduled verification is required. BSI is required to conduct this assessment within a specified time frame as advised by the MPI.

Unless advised by MPI an unscheduled verification is announced which means that you will know that BSI will be conducting an assessment and when this will take place. Your scheduler will advise your business that there has been a request for an unscheduled verification to take place. You will be provided with a confirmation letter which will outline the scope and objective of the assessment.

The verification frequency will be reviewed as a result of any unscheduled inspection.

### **3.8 On-going Verification**

Once your business has been registered a verification frequency will be set based on the previous verification outcome and whether your food business has a National Programme or a Food Control Plan.

Your verifier will give you an indication of the expected verification frequency at the closing meeting however, this will be confirmed by your scheduler.

### **3.9 Certificates**

When your business has met the requirements and a positive review decision has been made, BSI will provide you with a Certificate as a statement that your business has achieved verification for your National Programme or Food Control Plan.

The certificate will include important information such as your business' registration number, the date of registration and the expiry date. The certificate should be displayed where it will be seen by customers and potential customers.

Where copies or elements of the certificate are used in tenders or offered to potential or existing customers, the entire certificate should be provided. When certificates are presented in part not all of the information that reflects your registration status is sent and this could be misleading.

All original certificates remain the property of BSI Group ANZ Pty Limited and must be returned on request.

#### **3.9.1 Scope of Registration**

The scope of registration fully details the scope of your business' registration in terms of:

- Names and addresses of all locations covered by the registration;
- Achievement of registration to the risk based programme

- The capability statement (range of products, services, and activities) for each location covered by the registration and
- Any specific exclusions from the scope of registration

Your food business is required to ensure that BSI has been formally briefed in a timely manner when any changes (variations) occur. You should not wait until the next scheduled assessment to notify BSI. Failure to do so may compromise the business' registration status.

### **3.10 Variations to Registration**

Your business is required to ensure that MPI is informed of any changes to the registered business as this will likely require an evaluation and re-submission of your Food Control Plan.

BSI also requires your business to formally advise us of any changes that occur. Failure to do so may compromise your business' registration status.

Variations to registration may originate from:

- Changes to the product
- Changes to the premises and equipment
- Changes to the CCPs or operational limits
- Voluntary withdrawals
- Cancellation or suspension of registration
- Change of registration scope
- Change of ownership
- Change of management
- Change of company name and/or legal entity
- Death, bankruptcy, receivership, voluntary administration or liquidation of the operator or the food business

MPI's requirements will determine if the degree of change is significant to require an additional evaluation or if the changes can be assessed at the next schedule verification.

Your business is required to complete either;

- Form FA11NP – National Programme or
- Form FA11FCP – Food Control Plans

Both of these documents are available on the MPI website.

### **3.11 Suspension or refusal of registration**

MPI or the local council may suspend all or part of your business' operations under a registered food control plan or national programme if it has reasonable grounds to believe that;

- The food control plan/national programme may not be, or is no longer, effective (for example, because of a failure to have the plan verified in accordance with the applicable requirements of this Act); or



- The food traded does not meet, or no longer meets, the applicable requirements of this Act; or
- The food traded may pose a risk to human life or public health; or
- There is or has been a serious failure of operations or there are or have been other matters (including non-compliance with the conditions of registration) under the plan that cast doubt on the safety and suitability of food traded under it.

The maximum suspension period is 3months but may be extended for a further 3months.

### **3.11.1 Voluntary Suspension**

You can request a voluntary suspension from MPI for at least 3months with a maximum suspension period of 12months.

### **3.11.2 Effect of Suspension - MPI**

If all or part of your food business operations under a registered food control plan or national programme are suspended MPI or the local council may;

- direct that any food imported, produced, or processed and handled under any affected operations must not be sold; and
- direct the operator of your food business or person in control of any affected food, food-related accessory, or operations of your food business, to take appropriate action to deal with the affected food, food-related accessory, or operations.

During the period of suspension the registered food control plan or national programme the status of the registration will be recoded on the relevant MPI public register and in BSI's public register.

### **3.11.3 Effect of Suspension - BSI**

When your business's registration is suspended the business shall, for the period of suspension or refusal:

- Withdraw and cease to use any advertising or promotional material that promotes or advertises the fact that the business is registered
- Ensure that all copies of certificates and scopes of registration are removed from areas of public display and
- Cease to use the BSI mark on stationery and other documents including media and packaging that are circulated to existing and potential clients, or in the public domain

You are required to advise BSI, in writing, of action taken with respect to the requirements listed above;

- BSI shall advise the business in writing of the registration processes that will need to be completed to restore registration; and
- During the period of suspension the business shall continue to pay all fees levied by BSI

Suspensions can be applied for 3months however, your business can request a further extension through the MPI.

Your business is required to ensure that BSI is aware of any changes to your registration status.

### **3.12 Cancellation**

MPI or the local council may cancel the your registration for your food control plan or national programme if they are satisfied that suspending operations under the plan would be justified, but it would be more appropriate to cancel the registration of the plan because of;

- the failure of the operator of the plan to properly attend to matters that would lead to the suspension; or
- repeated suspensions in the past under that section or section 64; or
- the period of a suspension of the plan has expired, but the operator of the plan has failed to properly attend to matters that led to the suspension of operations under the plan and there are no reasonable grounds for believing that the operator would properly attend to those matters; or
- whether by reason of the passage of time, changing circumstances, or for any other reason, the plan is no longer capable of achieving the safety and suitability of food traded under it; or
- the plan has ceased to be relevant to the operations it purports to cover because there has been a change in;
  - the operator of the food business concerned; or
  - the place where the relevant operations are carried out; or
  - the food being traded; or
  - the type of trading being carried out; or
- the operator of the plan has ceased to operate as a producer, processor, or seller of food and has either;
  - surrendered the registration of the plan; or
  - failed to surrender the registration of the plan despite reasonable efforts by the registration authority to contact the operator; or
  - the operator of the plan has transferred the food business covered by the plan to a new operator, but the registration authority is not satisfied of the matters in section 56(c) or (d) in relation to the new operator; or
  - the operator of the plan has failed to pay any fees or charges imposed or prescribed by or under this Act or any regulations made under this Act (excluding any infringement fee).

If MPI or the local council decide to cancel the registration of your food control plan/national programme they will, as soon as practicable, advise BSI of the change in registration status.

### **3.12.1 Effect of Cancellation**

If your registration for your food control plan/national programme is cancelled, the MPI or the territorial authority may;

- Direct that any food imported, produced, or processed and handled under any affected operations must not be sold; and
- Direct the operator of the food business or person in control of any affected food, food-related accessories, or operations of the food business to take appropriate action to deal with the affected food, food-related accessories, or operations; and

### **3.12.2 Surrender of Registration**

As an operator of a registered food control plan or national programme you may surrender the plan's registration at any time in writing to the MPI or the local council. You are also advised to notify BSI as a result of the change in registration status.

## **3.13 On-going non-compliance**

If there are on-going non-compliance issues with your food business, the verifier is required to notify the MPI in writing outlining their concerns, providing a time frame of when concerns were raised and any response received from the operator.

### **3.13.1 Enforced by BSI**

BSI may recommend suspension to MPI on the following grounds;

- Failure to pay for services provided by BSI
- Providing misleading information about your registration status
- Breaching the BSI Standard Terms and Conditions
- Failing to close out non-conformances

### **3.13.2 Re-instatement of registration**

When your business is ready to re-instate registration either an evaluation or a verification is required to be undertaken to ensure that your Food Safety Programme is still in operation.

Any changes that may have occurred during the period of suspension are required to be notified to MPI and BSI. If your food business is under a custom Food Control Plan an evaluation may also be required.

### **3.14 Reduction in scope of registration**

When an business's scope of registration is reduced, BSI shall issue revised certificates and scopes of registration as appropriate and the certified business shall:

- Return all superseded certificates
- Ensure that use of the BSI mark is adjusted to reflect the reduced scope of registration
- Ensure that all advertising and promotional activities and materials are adjusted to reflect the reduced scope of registration and
- Pay any fees that are applicable for the facilitation of this activity

A reduction in scope includes removing products from the scope or removing sites.

## **4 Use of the BSI mark**

Your business is entitled to use the appropriate BSI 'kitemark' whilst you maintain registration to this program with BSI. For a copy, visit our website at [www.bsigroup.com](http://www.bsigroup.com)

Use of the logo is subject to conditions and rules of its application.

## **5 Use of the JAS-ANZ logo**

Organisations that have been granted registration under the Food Act 2014 by BSI are entitled to use the JAS-ANZ Accreditation Symbol. The rules for the use of this mark are governed by JAS-ANZ. The JAS-ANZ Accreditation Symbol is required to be used in alongside the BSI Accreditation mark at all times.

Your organisation is required to use the specifications and use of the JAS-ANZ Accreditation Symbol described in the following hyperlink -

<https://www.bsigroup.com/LocalFiles/EN-AU/JAS-ANZ%20Mark%20Use%20Guidelines.pdf>

## **6 Standard owner information**

The Ministry of Primary Industry is the regulator.

BSI is obligated to advise the MPI as soon as practical of;

- Any unacceptable outcome from a verification decision relating to a food business or the operations of a registered importer
- Any critical non-compliance, identified by BSI
- BSI is required to provide a recommendation of the actions to be taken to the MPI in these instances.

BSI is also required to provide information relating to the verification of your business any information relating to your NP or FCP and operations as a registered importer.

## **7 Confidentiality**

All information of a confidential nature relating to your business that is disclosed to BSI in connection with the services will be maintained as confidential for six (6) years after it has been received and it will not be disclosed except where BSI is;

- conducting its obligations under the Terms and Conditions
- asked to release information by MPI or any other governmental/regulatory/accreditation authority,
- instructed by a court or other authority of competent jurisdiction.

BSI is not required to notify your organisation of such disclosure and cannot oppose to any demand made by your business.

## **8 Additional obligations**

Following registration, there are a number of managerial responsibilities which your business will need to observe to maintain registration. These include ensuring that your food business;

- maintains continued compliance with the relevant risk based programme;
- complies with the BSI Standard Commercial Terms and Conditions and obligations as specified in this document as well as other guidance documentation that may be specifically provided from time-to-time;
- conducts regular internal reviews of your system, with appropriate documentation of such reviews and of any subsequent corrective actions;
- notify BSI of any significant changes in the structure (key responsibilities and management system), ownership and operations of your food business to enable the impact of such changes on the certified ownership system to be evaluated and/or verified; and
- notify BSI of any litigation or serious events or matters that relate to the scope of your registration. In the event of a product recall, you are required to inform BSI with 3 working days of the decision to recall.

### **8.1 Complaints**

Your food business is required to keep a record of all known complaints. These records must be made available to the evaluator or verifier and BSI when requested.

Your food business is required to demonstrate that you have taken appropriate action to address these complaints through investigation and correct any deficiencies found. These actions must be documented.

### **8.2 Registration guidebook**

Your food business is required to meet the requirements of this Registration Guidebook. This requires that your business and products remain compliant with the scheme requirements at and the conditions of registration at all times.

Your food business is required to implement appropriate changes as communicated by BSI in a timely appropriate manner.

### **8.3 Assessment scheduling**

Your food business is required to make all necessary arrangements to allow the evaluation and verification activities to take place. This includes but is not limited to; Equipment, Product, Locations, Personnel and Sub-contractors.

### **8.4 Misleading statements**

Your food business is not permitted to use its registration in a manner that could bring the BSI into disrepute. This includes making misleading or unauthorized statements.

If you are unsure if a statement could be misleading you are advised to contact BSI prior to making the statement. Statements include, but are not limited, to the use of the logo on non-certified product, advertising (including your website) and internal communication.

If your business is required to provide copies of their registration documents these must be reproduced in its entirety. Failure to do so may be misleading to the recipient as to the scope of registration.

### **8.5 Observers**

From time to time BSI requires an observer to be in attendance at an evaluation or verification. This may be related to training of new staff, witness assessment of existing staff, accreditation bodies and regulators. It is a requirement of registration that your business allows these activities to occur. The observer does not take an active part in an assessment and the evaluation or verification outcome should not be influenced by the presence of an observer.

Failure to allow this activity to occur may result in cancellation of your registration.

BSI will, at all times, ensure that the use of observers is kept to a minimum and your business will be advised prior to the assessment activity.

## **9 Complaints and reconsideration of verification and evaluation decisions**

Appeals against verification or evaluation decisions and / or complaints against service delivery levels may be raised with your evaluator or verifier. If you remain dissatisfied, contact the BSI General Manager Compliance and Risk in writing.

All complaints will be investigated and the originator of a complaint will be advised of the outcomes, as appropriate.

BSI will also investigate legitimate documented complaints, relevant to operation of the system, from customers of the registered food business and the accreditation body. Registered food businesses shall, at all reasonable times, provide representatives of BSI with access to its premises and records for the purposes of investigating such complaints.

Complaints relating to BSI's conduct may be made directly to the MPI.

### **9.1 Appeals**

If your food businesses application for registration has been refused; or your registration has been suspended, withdrawn, or reduced in scope, you may appeal against the decision to a Review Committee constituted and operated as set out below:

- Your food business is required to lodge an appeal (in writing) within 15 working days of receiving the evaluation or verification report.
- BSI is required to consider the decision within 20 working days of receiving the appeal.
- Where appropriate, the appeal review may be considered by a person independent of the assessment process. The qualifications of the independent person will be considered to ensure that the concerns of your food business are understood but can be placed into the context of the product/s risk and the requirements of the assessment criteria.

To raise a complaint or appeal against the service delivery by BSI or the evaluation or verification outcome please notify;

Stephanie Vincent

GM Compliance and Risk (ANZ)

Email: [Stephanie.vincent@bsigroup.com](mailto:Stephanie.vincent@bsigroup.com)

Phone: 61 (2) 8877 7100