

Auckland Regional Public Health Service

Rātonga Hauora ā Iwi o Tamaki Makaurau



Working with the people of Auckland, Counties Manukau and Waitemata

Auckland Regional Public Health Service

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Jackie Lay
Policy Group
New Zealand Food Safety Authority
PO Box 2835
Wellington

Dear Jackie,

Submission from the Auckland Regional Public Health Service on the Cost Recovery Proposals under the Food (Fees and Charges) Regulations 1997

1. Thank you for the opportunity for the Auckland Regional Public Health Service to provide a submission on the Cost Recovery Proposals under the Food (Fees and Charges) Regulations 1997.
2. This submission represents the views of the Auckland Regional Public Health Service (ARPHS). ARPHS provides public health services for the three district health boards in the Auckland region (Auckland, Counties Manukau and Waitemata District Health Boards), with the primary governance mechanism for the Service resting with Auckland District Health Board. This submission represents the views of ARPHS and does not necessarily represent the views of the three District Health Boards.
3. The Service understands that all submissions will be available under the Official Information Act 1982, except if grounds set out under the Act apply.
4. The primary contact point for this submission is:

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Introduction

5. ARPHS's food safety programme delivers food regulatory services in the greater Auckland region, and provides the Auckland Central Clearing House for the clearance of nationally imported foods. The Service's food safety programme is the largest provider of public health food safety in New Zealand due to:
 - The size of the population it serves
 - Auckland's role as a major entry point of imported food into the country
6. ARPHS supports the cost recovery proposals but would like to clarify some technical inconsistencies as well as highlight some activity that is not included in the cost recovery proposal (see paragraph 15 and 22 below).

Purpose of the paper

7. There is no expiry clause set on the paper; the Service would like clarification on the period for which this cost recovery paper is applicable. If this interim period is in excess of two years then the rates in this proposal need to be increased annually by the CPI otherwise ARPHS would not support the proposal.

Legislative Framework

8. Under the table of Imported Foods under section 5.1.1 tableware has been mentioned twice in regards to the inspecting, and under the clearance of prescribed foods. All references to tableware and ceramics should be omitted as those items have been removed from the prescribed list as of 2 October 2006.
9. We seek the legal definition of "inspecting" and "processing" used in the proposal, as in the Food (fees and charges) Regulations 1997 to clarify if this could also include other activities associated with food work such as those listed in paragraphs 15 and 22. There are no definitions currently and these definitions should form part of the cost recovery proposal.

Services Provided

10. Under section 6.1 Imported Foods tableware should be removed from the inspecting and clearance definitions.

Proposed fees and charges

11. The charges, fees and hourly rates stated in the cost recovery proposal are, in the main, acceptable to ARPHS. There are, however, some activities that are not listed under the cost recovery proposals which are noted under paragraphs 15 and 22.

Imported Food

12. The table under section 9.2 refers to the hourly rate for ACCH for the Auckland Central Clearing House. This should in fact read PHU for public health unit.
13. Tableware is mentioned twice under the clearance of goods and should be removed.
14. The table refers to Food Act and Food Regulations 1984. These were repealed and replaced with the Food Amendment Act 1996.

15. As mentioned in paragraphs 6 and 9 there are activities associated with imported foods that are not currently listed as cost recoverable. We seek clarity in the proposal by the inclusion of a definition of activities covered, to include the list below:
- Administration work on the arranging of inspections and sampling
 - Data entry onto Foodnet
 - Verification of documentation
 - Permits not requiring physical inspection or sampling
 - Supervising disposal of rejected foods
 - Processing of manual permits
 - Processing of imports for personal use

Multiple Release Permits

16. On page 14 under section 9.3.1 'Sampling and inspecting of prescribed foods by Auckland Central Clearing House' should read 'Sampling and inspecting of prescribed foods by public health units'.
17. The Food (fees and charges) Regulations 1997 (Schedule – Fess and charges) allows cost recovery for issuing and renewing of multiple release permits. The audits conducted by PHUs are part of the renewal process and therefore should be cost recovered; although PHUs are not currently able to recover these costs.

Sampling, assessment and inspection of MRPs

18. On page 15 under section 9.3.1.1 'Auckland Central Clearing House sample, assess and inspect prescribed foods or tableware, including collecting or dispatching samples' should read 'Public health units sample, assess and inspect prescribed foods including collecting or dispatching samples'.
19. Currently ARPHS does not charge for the above service although it appears that from this proposal that we will be able to in the future.

Clearance of prescribed foods or tableware

20. References to tableware should be omitted from the proposal and rationale section as this is no longer a prescribed item.

Food Safety Programmes

21. As per the heading 'Processing applications for the surrender, revocation, or replacement of an exemption mentioned above', public health units are also involved in surrenders and so should be mentioned here alongside NZFSA.
22. As highlighted earlier in paragraphs 6 and 9 we seek clarification of the term 'processing' of applications of exemptions to clarify whether or not this includes the following activities;
- Following up conditions relating to FSP approval (interim approvals and submissions)
 - Assessing audit reports on an annual basis and updating Foodnet exemption database
 - Monitoring audit reports of a monthly basis
 - Monitoring audit reports to ensure that corrective actions are cleared within agreed timeframes
 - Investigating food complaints in exempted premises

- Investigating exempted premises where critical exceptions have occurred; providing advice and guidance
- Discussions with food safety consultants and auditors on the exemption process, specific food safety programmes being processed, audit report findings.

This definition should then be included in the proposal for clarity.

23. Non-compliance issues are also not addressed as a cost recoverable activity. Under section 8F of the Act (Food Regulations 1997) exempted premises can be charged for all non-compliance activities, therefore if an applicant fails to take all reasonable steps then the applicant can be charged for investigation of that non-compliance. This needs to be made clear in any regulations or guidance material on the cost recovery regime.

Processing an application for the issue or variation of an exemption under Food Hygiene regulations 1974

24. Clarification is sought whether variation includes processing of substitution. Public Health Units are involved in the processing of variations and substitution and therefore should be mentioned here.

Processing applications for the surrender, revocation or replacement of an exemption mentioned in the table above

25. Currently public health units are not able to charge for this and would like to recover cost for this activity at the proposed rate.

Conclusion

26. Thank you for the opportunity to provide feedback on your cost recovery proposals, ARPHS supports the intention of this proposal. We have, however, provided some minor amendments to ensure that the information contained in the document is accurate and included details of activity that are not currently considered in this proposal for your attention.

Yours sincerely

Monica Briggs
Regional Manager
Auckland Regional Public Health Service