



KAWERAU DISTRICT COUNCIL
General Bylaw 2009: Part 4 - Food Safety

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Explanatory Statement

The General Bylaw 2009: Part 4 - Food Safety is the fourth of a series of parts that makes up the Kawerau District Council General Bylaw 2009. This part of the Bylaw replaces the Kawerau District Council Food Premises Bylaw 1995.

General bylaws, by their nature, address a diverse range of matters. This part of the new general bylaw is based on the Standards NZ Model General Bylaw for Food Safety. It is incorporated into the general bylaw in keeping with the best practice example provided by that model. This part can be read and used on its own. Taken together, all the parts make up the General Bylaw 2009.

This part of the General Bylaw 2009 aims to ensure the safety of food available in the food premises in the District by setting requirements for staff training in food hygiene and allowing Council to close any premises that do not meet minimum requirements.

This part of the Bylaw is made pursuant to Part 8 of the Local Government Act 2002 and section 64 of the Health Act 1956.

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Kawerau District Council
General Bylaw 2009: Part 4 - Food Safety

1 Title

This part of the Kawerau District Council General Bylaw 2009 shall be known as the Kawerau District Council General Bylaw 2009: Part 4 - Food Safety.

2 Commencement

This part of the Bylaw shall come into force on the 1st day of December 2009.

3 Repeal

As from the day this part of the Bylaw comes into force, the Kawerau District Council Food Premises Bylaw 1995 and any amendments in force in the Kawerau District shall be repealed.

4 Application of Bylaw

This part of the Bylaw shall apply to the Kawerau District.

5 Scope

- 5.1 The purpose of this part of the General Bylaw 2009 is to set requirements so that all premises, where food is prepared or presented for sale, employ staff who are adequately trained in food hygiene.
- 5.2 This part of the Bylaw also allows Council to close any premises that are unclean and/or do not meet any minimum statutory requirements for food premises.
- 5.3 The aim of this part of the Bylaw is to ensure that safe food is available in all food premises throughout the District.

6 Definitions

- 6.1 The definitions in the Kawerau District Council General Bylaw 2009: Part 1 – Introductory shall apply to this part of the Bylaw.

For the purposes of this part the following definitions shall also apply:

QUALIFICATION means a unit standard in Food Safety that meets standards prescribed by the New Zealand Qualifications Authority or alternatively any certificate that has been approved by the Council.

FOOD shall have the same meaning as it has in section 2 of the Food Act 1981.

FOOD HANDLER means any person employed in, or on any food premises who at any time may be involved in the manufacture, preparation or packing of food.

EXEMPTED FOOD HANDLER means:

- (a) Any person employed in any food premises who is not involved in the manufacture, preparation or packing of food, but does handle prepackaged foodstuffs at the point of sale or in storage.

- (b) Any other person employed in food premises, or who works in connection with any food premises, who, in the opinion of an authorised officer, is an exempted food handler.

Exempted food handlers may include:

- (i) Supermarket checkout operators.
- (ii) Persons employed exclusively in the handling of packaged goods in storage or the carriage of goods to and from storage.
- (ii) Persons employed exclusively in the delivery of packaged goods to and from food premises.
- (iv) Persons employed predominantly in the wholesale or retail sale of fruit or vegetables.

EXEMPTED FOOD PREMISES means any premises participating in a Food Safety Programme or operating a Food Control Plan approved by the NZ Food Safety Authority.

FOOD PREMISES shall have the same meaning as in Regulation 2 of the Food Hygiene Regulations 1974.

OCCASIONAL FOOD PREMISES shall have the same meaning as in Regulation 2 of the Food Hygiene Regulations 1974, and in addition, shall also include food premises that are used:

- (i) Less often than once per fortnight; or
- (ii) For charitable or fund raising purposes on no more than 3 occasions in any 12 month period.

OCCUPIER shall mean the owner of the food premises or any person or persons, occupying the premises and includes any supervisor, food handler, manager or agent acting or apparently acting in the general management, or control of the food premises.

7 Required training for food handlers

- 7.1 All food premises are required to have a complement of food handler staff trained to the appropriate qualification levels as set out under the First Schedule to this part of the Bylaw.
- 7.2 It shall be the duty of the occupier of every food premise to ensure that all staff are trained to the appropriate level required by the First Schedule.
- 7.3 Every food premise shall have at least one person employed in a supervisory and staff training capacity who is trained to the standard required under the First Schedule, provided that an authorised officer may grant an exemption or partial exemption where full compliance may be unreasonable having regard to the site and the nature of the premise.
- 7.4 In the case of food premises which consist of separate departments or sections, each of which functions more or less in isolation from the others; at least one person shall be appointed to act in a supervisory position within each separate department or section.

- 7.5 The occupier of every food premise shall ensure that adequate records are kept relating to staff training under the First Schedule and that copies of all qualifications gained by staff are kept on the premise for perusal by any authorised officer upon request.

8 Closure of premises

- 8.1 Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may become unfit for human consumption, an authorised officer may serve a notice in writing on the occupier of the premises requiring the occupier:

- (a) To cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises:

in accordance with the requirements and within the time specified in the notice.

- 8.2 Where an occupier has been directed to cease to use any food premises, the occupier shall not recommence use of those food premises until permission has been given in writing by an authorised officer.

9 Appeals

- 9.1 Any occupier of a food premises who has been issued with a notice by an authorised officer may appeal the requirements of the notice. Appeals must be in writing and must be submitted within 14 days of the notice being issued.
- 9.2 Where an appeal to a notice is made, the notice remains in force until either the notice is complied with or until the recipient is notified that the notice is cancelled or changed following consideration of the appeal, whichever is earlier.
- 9.3 Council may, on considering the appeal, confirm, cancel or change the original requirements of the notice issued by the authorised officer.

Revocations

The Food Premises Bylaw 1995 is hereby revoked.

The Kawerau District Council General Bylaw (Food Safety) 2009 was duly made by a resolution passed at a meeting of the Kawerau District Council held on 24 November 2009 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date

FIRST SCHEDULE - QUALIFICATION LEVELS OF FOOD HANDLERS

Type of Food Premises	Qualification Level Required	
	Food Handlers	Occupier
Requires registration under the relevant legislation	Unit standard 167 Unit standard 168	Unit standard 167 Unit standard 168
Fruit and vegetable preparation or packing	Unit standard 167 Unit standard 168	Unit standard 167 Unit standard 168
Occasional	Nil	Attendance at Kawerau District Council Safe Food Handling Seminar
Exempted	At the discretion of an authorised officer	At the discretion of an authorised officer

NOTE: Alternative qualifications equivalent to unit standards 167 and 168 can be recognised at the discretion of an authorised officer.