Imported Food Control Order 2019

I, Bridget McKenzie, Minister for Agriculture, make the following order.

Dated 17 September 2019

Bridget McKenzie
Minister for Agriculture

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1 Name

This instrument is the *Imported Food Control Order 2019*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	Immediately after the commencement of the *Imported Food Control Regulations 2019*.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under regulation 10 of the *Imported Food Control Regulations 2019.*

4 Definitions

Note 1: A number of expressions used in this instrument are defined in the Act, including:
(a) compliance agreement;
(b) food;
(c) recognised foreign government certificate.

Note 2: A number of expressions used in this instrument are defined in the *Imported Food Control Regulations 2019*, including:
(a) Act;
(b) compliance agreement food;
(c) risk food;
(d) Scheme;
(e) surveillance food.

In this instrument:

beef means the flesh, bone, offal or any other tissue of cattle.

beef products means food prepared from or containing beef, but does not include gelatine, collagen, rendered fats, tallow or di-calcium phosphate.

dried meat means meat that has been dried but does not include slow cured dried meat.

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New Zealand product means food to which the Act applies that is produced in or imported into New Zealand, being food to which the Trans-Tasman mutual recognition principle set out in Part 2 of the *Trans-Tasman Mutual Recognition Act 1997* applies.

ready-to-eat*:* food is ***ready-to-eat*** if it is ordinarily consumed in the same state as that in which it is sold.

sausage means a food that:

(a) consists of meat that has been minced, meat that has been comminuted, or a mixture of both, whether or not mixed with other foods, and which has been encased or formed into discrete units; and

(b) is not formed or joined into the semblance of cuts of meat.

5 Identification and classification of food

Risk food

(1) Food of a kind to which the Act applies that is mentioned in clause 1 of Schedule 1:

(a) is classified as risk food; and

(b) is required to be inspected, or inspected and analysed, under the Scheme as risk food.

(2) Subsection (1) does not apply to:

(a) food that is New Zealand product; or

(b) compliance agreement food.

Risk food—New Zealand product

(3) New Zealand product of a kind to which the Act applies that is mentioned in clause 1 of Schedule 2:

(a) is classified as risk food; and

(b) is required to be inspected, or inspected and analysed, under the Scheme as risk food.

(4) Subsection (3) does not apply to compliance agreement food.

Compliance agreement food

(5) Food to which a compliance agreement applies is classified as compliance agreement food.

Surveillance food

(6) Food to which the Act applies:

(a) is classified as surveillance food; and

(b) is required to be inspected, or inspected and analysed, under the Scheme as surveillance food.

(7) Subsection (6) does not apply to:

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(a) risk food; or
(b) compliance agreement food; or
(c) food that is the subject of a holding order.

Note: See section 7 of the Act for food to which the Act applies.

6 Risk food that must be covered by recognised foreign government certificate

Risk food—general

(1) Food of a kind to which the Act applies that is mentioned in any of items 1, 2, 5, 13 and 25 of the table in clause 1 of Schedule 1 must be covered by a recognised foreign government certificate.

New Zealand product

(2) New Zealand product of a kind to which the Act applies that is mentioned in item 1 or 2 of the table in clause 1 of Schedule 2 must be covered by a recognised foreign government certificate.

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Schedule 1—Risk food

(subsection 5(1))

1 Kinds of food

For subsection 5(1), the kinds of food are each kind of food that is described in 1 or more items of the following table. Each item of the table is to be read separately and in addition to each other item.

Kinds of food that are required to be inspected, or inspected and analysed	
Item	**Kinds of food**
1	Beef
2	Beef products
3	Cassava chips that are ready-to-eat
4	Cheese in which growth of *Listeria monocytogenes* can occur
5	Raw milk cheese
6	Cooked chicken meat that is ready-to-eat, but is not canned
7	Coconut that is dried
8	Crustaceans, including prawns, that are cooked (whether or not chilled or frozen), but are not canned
9	Fish of the following kinds: (a) all fish in the Family Carangidae; (b) all fish in the Family Clupeidae; (c) all fish in the Family Coryphaenidae; (d) all fish in the Family Engraulidae; (e) all fish in the Family Pomatomidae; (f) all fish in the Family Scomberesocidae; (g) all fish in the Family Scombridae
10	Fish products that contain more than 300 grams per kilogram of all or any of the kinds of fish in the families mentioned in item 9
11	Ready-to-eat finfish
12	Manufactured meat that is cooked, including meat pastes and pâté
13	Ready-to-eat meat of the following kinds: (a) uncooked dried meat; (b) uncooked sausages; (c) uncooked spreadable sausages
14	Marinara mix (whether or not chilled or frozen)
15	Bivalve Molluscs (whether cooked or uncooked)
16	Paprika that is dried
17	Peanuts and any food that contains peanuts
18	Peanut products and any food that contains peanut products
19	Pepper that is dried

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Kinds of food that are required to be inspected, or inspected and analysed	
Item	**Kinds of food**
20	Pistachios and any food that contains pistachios
21	Pistachio products and any food that contains pistachio products
22	Cooked poultry paté and poultry livers that are ready-to-eat, but are not canned
23	Seaweed—brown only
24	Sesame seeds and sesame seed products
25	Human milk and human milk products

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Schedule 2—Risk food that is New Zealand product

(subsection 5(3))

1 Kinds of food

For subsection 5(3), the New Zealand product is each kind of food that is described in 1 or more items of the following table. Each item of the table is to be read separately and in addition to each other item.

Kinds of New Zealand product that are required to be inspected, or inspected and analysed

Item	Kinds of New Zealand product
1	Beef
2	Beef products
3	Cassava chips that are ready-to-eat
4	Seaweed—brown only

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