

# **Animal Products (Ancillary and Transitional Provisions) Act 1999**

**094**

Commenced: 1 November 1999; 8 September 1999

Analysis

Title

1 Short Title and commencement

## 1: Preliminary Provisions

2 General outline of this Act

3 Continued application of requirements of existing regimes

4 Interpretation

## 2: Repeals and Amendments Ancillary to Animal Products Act 1999

5 Repeal of Meat Act 1981 on 1 November 2002

6 Meat Act 1981 amended pending repeal

7 Other Acts and regulations repealed or revoked

8 Other Acts and regulations consequentially amended

## 3: Transitional Provisions

### Risk Management Programmes

9 Existing businesses have until 1 November 2002 to register risk management programme

10 Application for registration should be made at least 3 months before 1 November 2002

11 New businesses

12 Certain foreign-owned fishing vessels have 12-month period in which to register risk management programme

13 Meat Act and Apiaries Act regimes cease to apply to operations covered by registered risk management programme or regulated control scheme

### Regulated Control Schemes

14 Regulated control schemes

### Animal Product Standards and Specifications

15 Animal product standards and specifications

16 Equivalence of animal product produced under either regime

### Export of Animal Products

17 Exporters must register within 6-month transitional period

18 Export animal product may be produced under either regime

19 Persons who may issue official assurances during transitional period

### Homekill and Recreational Catch Service Providers

20 Homekill and recreational catch service providers must register within 6-month transitional period

21 Dual operator butchers

### Cost Recovery

22 Fees, charges, and levies

23 Part IIIA of Meat Act 1981 continues to apply until regulations otherwise provide, etc

24 Avoidance of application of 2 separate cost recovery regimes in respect of single plant

### Regulations, Etc

25 Regulations in respect of transitional matters

26 Consultation before commencement of Animal Products Act 1999 qualifies as consultation for purposes of that Act

27 Standardisation of requirements under different Acts during transitional period

### Miscellaneous Matters

- 28 Records under Meat Act 1981 to be retained for 3 years
- 29 Animal product officers to have powers of Inspectors under Meat Act 1981

#### 4: Amendments to Meat Act 1981 Pending its Repeal on 1

- 30 Part to be part of Meat Act 1981
- 31 Interpretation
- 32 Sale of meat for human consumption
- 33 Sale of uninspected meat
- 34 Conditions in respect of export meat
- 35 Certain exports, and re-exports
- 36 Sale of game or game meat
- 37 Game and game meat exporters
- 38 Licensing not required for premises covered by risk management programme registered under Animal Products Act 1999
- 39 Abattoirs and export slaughterhouses
- 40 Custom-killing premises
- 41 Other licensed premises
- 42 Premises proposed as licensed premises
- 43 Application for grant of licence may not be made after commencement of Part 2 of Animal Products Act 1999, unless pursuant to undertaking
- 44 Local authority abattoirs and slaughterhouses
- 45 Hygienic condition of licensed premises
- 46 Branding of carcasses
- 47 Branding of products
- 48 Obligation of licensee to accept certain stock
- 49 Rural slaughterhouses
- 50 Keeping of records
- 51 New sections inserted
- 52 Application of this Part
- 53 Interpretation---recovery of inspection costs
- 54 Meat inspection services
- 55 Director-General to consult managers
- 56 Certain decisions of Minister may be considered by committee
- 57 Offences and penalties
- 58 Regulations

#### 5: Apiaries Act Provisions

##### Preliminary Matters

- 59 Part contains former provisions of Apiaries Act 1969
- 60 Repeals and revocation

##### Apiaries Act Provisions

- 61 Interpretation
- 62 Restriction on drugs for prevention or treatment of disease in bees
- 63 Procuring of samples
- 64 Analysis of samples and certificate of analyst
- 65 Analyst's certificate prima facie evidence
- 66 Tampering with sample
- 67 Restricted areas
- 68 Keeping of bees in restricted area
- 69 Honey derived from restricted area
- 70 Powers of Inspectors, etc
- 71 Proof of consent
- 72 Recovery of expenses incurred by Inspectors
- 73 Regulations

74 Expiry of this Part

Schedule(s)

- 1 SCHEDULE 1: Repeal of Meat Act 1981 on 1 November 2002
- 2 : Consequential Amendments to Other Acts
- 3 : Regulations Amended
- 4 : Fees and Charges
- 5 : Levies

An Act to provide for matters ancillary to the enactment of the Animal Products Act 1999, and in particular to---

- (a) Repeal the Meat Act 1981 on 1 November 2002; and
- (b) Amend that Act pending its repeal; and
- (c) Make related and consequential amendments to other Acts and regulations; and
- (d) Provide for transitional matters concerning the coming into effect of the Animal Products Act 1999, and particularly its relationship with the Meat Act 1981 over the 3-year period to 1 November 2002

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement--- (1) This Act may be cited as the Animal Products (Ancillary and Transitional Provisions) Act 1999.

(2) This Act comes into force on 1 November 1999, except for sections 53 to 55.

(3) Sections 53 to 55 come into force on the day on which this Act receives the Royal assent.

## PART 1 Preliminary Provisions

2. General outline of this Act--- In general terms, this Act---

- (a) Repeals the Meat Act 1981, with effect on and from 1 November 2002:
- (b) Amends that Act pending its repeal, with the main effect of such amendments being---
  - (i) To phase out the issue of licences under the Meat Act 1981 to persons who have not applied for (or taken specified steps to apply for) such licences before the commencement of Part 2 of the Animal Products Act 1999:
  - (ii) To remove various provisions relating to export certification and to homekill and recreational catch matters, which are now dealt with under Parts 5 and 6 of the Animal Products Act 1999:
  - (iii) To specifically exclude from the inspection costs that may be recovered under Part IIIA of the Meat Act 1981 the costs of services provided by persons outside the Ministry:
  - (iv) To allow for a single branding regime under both Acts:
- (c) Amends other Acts as a consequence of the enactment of the Animal Products Act 1999 (and in particular restates in Part 5 provisions of the Apiaries Act 1969 that were saved by section 171 of the Biosecurity Act 1993 and section 111 of the Biosecurity Amendment Act 1997):
- (d) Provides transitional provisions in relation to the Animal Products Act 1999, in particular,---
  - (i) The provision of a 6-month period of grace for registration as an exporter (with certain persons already deemed to be registered as exporters for that period):
  - (ii) The provision of a 6-month period of grace for listing as a homekill or recreational catch service provider (with certain persons already deemed to be so listed for that period):
  - (iii) Provision of a general 3-year transitional period

starting with the commencement of the Animal Products Act 1999 within which existing animal product businesses must register risk management programmes, subject to certain exceptions:

(iv) Provision for a staggered transition to the new cost recovery regime under the Animal Products Act 1999.

3. Continued application of requirements of existing regimes--- Except as otherwise provided by this Act, all the provisions of the Meat Act regime and the Apiaries Act regime (as amended and restated in Parts 4 and 5) continue to apply according to their tenor until 1 November 2002.

In general terms, such regimes (or parts of them) cease to apply---

- (a) To operations covered by a registered risk management programme or a regulated control scheme:
- (b) If and to the extent that regulations made under section 166 of the Animal Products Act 1999 or section 25 of this Act specify that the regimes are not to apply, or revoke or repeal any specified provisions.

4. Interpretation--- (1) In this Act, unless the context otherwise requires,---

"Apiaries Act regime" means the provisions of Part 5 (being, with minor amendments, provisions of the Apiaries Act 1969 that were saved by section 171 of the Biosecurity Act 1993 and section 111 of the Biosecurity Amendment Act 1997):

"Existing business", or "existing animal product business", means a business that, as at the commencement of Part 2 of the Animal Products Act 1999, was operating as an animal product business; but does not include any business or operation referred to in paragraphs (a) to (c) of the definition of "new business":

"Meat Act regime" means the provisions of the Meat Act 1981 (as amended by Part 4 of this Act), and includes all regulations and other requirements made or imposed under that Act:

"New business", or "new animal product business", means a business that first commences operations as an animal product business on or after the date of commencement of Part 2 of the Animal Products Act 1999, and includes---

(a) A business that first becomes a dual operator butcher after the date of commencement of Part 2 of the Animal Products Act 1999 by reason of first becoming a retail butcher or a person who provides services in relation to homekill or recreational catch after that date:

(b) Any new operations that are added, on or after the date of commencement of Part 2 of the Animal Products Act 1999, to a business covered by an existing licence or licences under the Meat Act 1981, to the extent that the operations are not covered by the existing licence or licences (or a licence granted after the commencement of Part 2 of the Animal Products Act 1999 in certain limited circumstances):

(c) Any new primary processing operations that are added, on or after the date of commencement of Part 2 of the Animal Products Act 1999, to any business, whether or not subject to the Food Act regime, to the extent that the operations are not covered by an appropriate licence under the Meat Act 1981.

(2) Terms defined in section 4 of the Animal Products Act 1999 have the meanings given by that section.

(3) References to the commencement or commencement date of the Animal Products Act 1999 are references to the date specified in section 1 (2) of that Act for the coming into force of that Act except for Part 2.

## PART 2

### Repeals and Amendments Ancillary to Animal Products Act 1999

5. Repeal of Meat Act 1981 on 1 November 2002--- (1) The enactments listed in Part 1 of Schedule 1 are repealed with effect on and after 1 November 2002.

(2) The regulations and order specified in Part 2 of Schedule 1 are, to the extent not previously revoked, revoked with effect on and after 1 November 2002.

6. Meat Act 1981 amended pending repeal--- Pending its repeal by section 5, the Meat Act 1981 is amended in the manner indicated in Part 4.

7. Other Acts and regulations repealed or revoked--- (1) The Meat Inspection Seasons Act 1994 is repealed.

(2) The following regulations, order, and notice are revoked:

(a) The Poultry Processing Regulations 1978 (S.R. 1978/40):

(b) The Poultry Processing Regulations 1978, Amendment No. 1 (S.R.1979/76):

(c) The Poultry Processing Regulations 1978, Amendment No. 3 (S.R.1981/154):

(d) The Meat (Poultry) Order 1987 (S.R. 1987/348):

(e) The Meat Industry Authority Notice No. 35 (Meat Industry Authority 3/8/2) Declaring Meat Areas (Gazette 1981, p. 2799).

8. Other Acts and regulations consequentially amended--- (1) The Acts specified in Schedule 2 are amended in the manner indicated in that schedule.

(2) The regulations specified in Schedule 3 are amended in the manner indicated in that schedule.

## PART 3

### Transitional Provisions

#### Risk Management Programmes

9. Existing businesses have until 1 November 2002 to register risk management programme--- (1) Except as provided in section 12 of this Act in the case of certain fishing vessels, nothing in the Animal Products Act 1999 requires any existing animal product business to operate under a registered risk management programme at any time before 1 November 2002.

(2) Despite subsection (1), once an existing business that was subject to the Meat Act regime or the Apiaries Act regime as at the commencement of Part 2 of the Animal Products Act 1999 has had a risk management

programme registered under that Part in respect of all or any part of its business operations---

- (a) Part 2 of the Animal Products Act 1999 and all the other relevant provisions of that Act apply, and will continue to apply, in respect of those operations; and
- (b) Those operations must continue to be carried out in accordance with Part 2 of the Animal Products Act 1999 and all other relevant requirements of that Act, without the opportunity to revert to being subject to the Meat Act regime or the Apiaries Act regime.

10. Application for registration should be made at least 3 months before 1 November 2002--- (1) Where an animal product business has applied for registration of a risk management programme at least 3 months before 1 November 2002, the Director-General must take all reasonable steps to ensure that registration of the programme can occur before 1 November 2002, provided the programme was properly submitted in a reasonable form.

(2) Nothing in subsection (1) requires the Director-General to register a risk management programme before 1 November 2002 in any case where---

- (a) The risk management programme was not properly submitted in accordance with sections 17 to 20 of the Animal Products Act 1999, or is seriously deficient; or
- (b) Any delay in registration of the programme is primarily attributable to any act or omission of the person submitting the programme for registration.

11. New businesses--- Except in the case of a fishing vessel to which section 12 of this Act applies, any business or operations that start as a new animal product business after the commencement of Part 2 of the Animal Products Act 1999 are subject to that Part, and must operate under a registered risk management programme in accordance with that Part.

12. Certain foreign-owned fishing vessels have 12-month period in which to register risk management programme--- (1) This section applies to animal product operations carried out on foreign-owned New Zealand fishing vessels (as defined in section 2 (1) of the Fisheries Act 1983) of a kind that are exempt from licensing under the Fish Export Processing Regulations 1995 by virtue of regulation 21 (1) of those regulations.

(2) Nothing in the Animal Products Act 1999 requires any such operations to be carried out under a registered risk management programme at any time before the expiry of the period of 12 months following the commencement of Part 2 of that Act, but, after the expiry of that period, such operations may be carried out only to the extent that---

- (a) The operations are covered by an appropriate risk management programme registered under Part 2 of that Act, or a regulated control scheme made under Part 3 of that Act; or
- (b) The operations are specifically exempted (whether individually or as a class) from the requirement to have a risk management programme.

13. Meat Act and Apiaries Act regimes cease to apply to operations covered by registered risk management programme or regulated control scheme--- Where any operation of an animal product business subject to the Meat Act regime or the Apiaries Act regime has become subject to a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act, or is specifically exempted by or under that Act, whether individually or as a class, from the requirement to be carried out under a registered risk management programme, then---

- (a) Nothing in those regimes applies to that operation once the risk management programme is registered or the regulated control scheme or exemption takes effect, except to the extent that---
  - (i) Regulations made under section 25 or section 73 of this Act specifically apply any requirement of or under the relevant regime to such an operation; or
  - (ii) Part IIIA of the Meat Act 1981 continues to apply in respect of cost recovery matters (but subject to section 24 of this Act); and
- (b) The Animal Products Act 1999 applies in respect of the operation accordingly; and
- (c) As specified in section 9 (2) (b), an operation may not revert to being subject to the Meat Act regime or the Apiaries Act regime once it has been subject to a registered risk management programme.

#### Regulated Control Schemes

14. Regulated control schemes--- (1) Any regulated control scheme imposed under Part 3 of the Animal Products Act 1999 takes effect and applies according to its tenor on and from the date specified in the regime.

(2) Where there is any conflict between the provisions of a regulated control scheme and those of the Meat Act regime or the Apiaries Act regime, the provisions of the regulated control scheme prevail.

#### Animal Product Standards and Specifications

15. Animal product standards and specifications--- (1) Subject to subsection (2), any animal product standards and specifications made under Part 4 of the Animal Products Act 1999 take effect and apply according to their tenor.

(2) Such animal product standards and specifications do not apply in respect of any animal product businesses or operations that are still subject to the Meat Act regime or the Apiaries Act regime by reason of not being covered by a registered risk management programme or a regulated control scheme (or a specific exemption from the requirement to have a risk management programme), unless the standards or specifications specifically state that they apply to businesses or operations subject to the Meat Act regime or the Apiaries Act regime (as the case may be).

## "Regulated Animal Product" Equivalence

16. Equivalence of animal product produced under either regime---  
For the purposes of the Animal Products Act 1999,  
any animal product that is produced under and in compliance with the  
Meat Act regime (or, as the case may be, the Apiaries Act regime) is to  
be treated as equivalent to animal product, at the comparable stage of  
processing, produced under and in compliance with Parts 2 to 4 of the  
Animal Products Act 1999.

## Export of Animal Products

17. Exporters must register within 6-month transitional period--- (1)  
Nothing in the Animal Products Act 1999 requires any person to be  
registered as an exporter under Part 5 of that Act until the expiry of  
the period of 6 months commencing on 1 November 1999, and no person  
commits an offence against that Act by reason merely of a failure to  
register as an exporter before the expiry of that period.

(2) Despite subsection (1), a person may not apply for, or be issued,  
an official assurance under Part 5 of the Animal Products Act 1999  
unless the person is registered as an exporter under that Part (or is  
deemed to be so registered under subsection (3) of this section, or is  
exempt from registration under section 50 of the Animal Products Act  
1999).

(3) For the 6-month period commencing on 1 November 1999, the  
following persons are deemed to be registered as exporters under Part 5  
of the Animal Products Act 1999, but their registration ceases on the  
expiry of 30 April 2000 unless they earlier register under that Part of  
that Act:

- (a) Persons who, as at 31 October 1999, held a current licence granted  
or renewed under the Fish Export Licensing Regulations 1982:
- (b) Persons who, as at 31 October 1999, held a current export licence  
issued or renewed under section 22 of the Meat Board Act 1997:
- (c) Persons who, as at 31 October 1999, held a current game exporter's  
licence issued or renewed under regulation 10 of the Game  
Regulations 1975.

18. Export animal product may be produced under either regime--- For  
the purposes of section 51 of the Animal Products Act 1999 (which sets  
out the duties of exporters of animal products) and section 61 of that  
Act (which provides for the issue of official assurances), any animal  
product for export (including any byproduct or bee product) that is  
produced under and in compliance with the requirements of the Meat Act  
regime (or, as the case may be, the Apiaries Act regime) is to be  
treated as equivalent to animal product, at the comparable stage of  
processing, produced under and in compliance with Parts 2 to 4 of the  
Animal Products Act 1999.

19. Persons who may issue official assurances during transitional  
period--- (1) Despite anything in section 65 of the Animal Products Act  
1999, any person who, as at 1 November 1999, was an Inspector appointed  
under section 4 of the Meat Act 1981 with an assigned function of  
certifying meat and meat products or fish and fish products for  
export,---

(a) May, until 1 November 2002 or such earlier time as his or her appointment as an Inspector is revoked, issue official assurances for the purposes of the Animal Products Act 1999; and

(b) Is to be treated as having been designated under section 65 of the Animal Products Act 1999 as an authorised person able to issue official assurances for the purposes of Part 5 of that Act.

(2) Despite anything in section 65 of the Animal Products Act 1999, the Director-General may, under that section, designate any person as an authorised person who may issue official assurances during any period ending before 1 November 2002, notwithstanding that the person may not be employed within the Ministry.

#### Homekill and Recreational Catch Service Providers

20. Homekill and recreational catch service providers must register within 6-month transitional period--- (1) Nothing in the Animal Products Act 1999 requires any person to be listed as a homekill or recreational catch service provider under Part 6 of that Act until the expiry of the period of 6 months commencing on 1 November 1999, and no person commits an offence against that Act by reason merely of a failure to be listed under Part 6 of that Act as a homekill or recreational catch service provider before the expiry of that period.

(2) For the 6-month period commencing on 1 November 1999, the following persons are deemed to be listed as homekill or recreational catch service providers under Part 6 of the Animal Products Act 1999, but their listing ceases on the expiry of 30 April 2000 unless they earlier list under that Part of that Act:

(a) Persons who, as at 31 October 1999, are the holders of a custom-killing premises licence issued under the Meat Act 1981:

(b) Persons who, as at 31 October 1999, are the operators of rural slaughterhouses recognised as licensed under section 40 of the Meat Act 1981.

(3) Nothing in this section authorises any person (other than a retail butcher) to contravene the prohibition in section 70 of the Animal Products Act 1999 on the carrying out at the same premises or place of both---

(a) Homekill or recreational catch processing operations; and

(b) The processing of, or trade in, any regulated animal product for consumption by humans or animals.

(4) In this section and in section 21, "regulated animal product" includes product and byproduct derived from licensed premises to which the Meat Act regime applies, other than custom-killing premises.

21. Dual operator butchers--- A person who, on the day that Part 2 of the Animal Products Act 1999 comes into force, is a retail butcher who also processes homekill or recreational catch on the same premises as those where the retail butcher processes or trades in regulated animal product,---

(a) In accordance with section 9 of this Act has until 1 November 2002 to register a risk management programme covering the dual operation; and

(b) Remains subject to regulation 10A of the Food Hygiene Regulations

1974 in relation to the butcher's homekill or recreational catch operations, until the risk management programme covering the dual operation is registered under Part 2 of the Animal Products Act 1999; and

- (c) Ceases to be subject to that regulation 10A on registration of the risk management programme.

### Cost Recovery

22. Fees, charges, and levies--- (1) The fees and charges specified in Schedule 4 are payable in respect of the matters specified in that schedule, until superseded by regulations made under Part 9 of the Animal Products Act 1999 or under section 25 of this Act (and also subject to section 24 of this Act).

(2) The levies specified in Schedule 5 are payable in respect of the matters specified in that schedule by persons operating under a registered risk management programme in respect of operations under that programme, until superseded by regulations made under Part 9 of the Animal Products Act 1999 or under section 25 of this Act (and also subject to section 24 of this Act).

(3) The fees, charges, and levies specified in Schedules 4 and 5 are payable---

- (a) On the making of the relevant application or on performance of the relevant service, as the case may require; or  
 (b) Within 10 days, or within such longer period as the Director-General may allow, after receipt of a demand for the appropriate amount from the Director-General.

(4) For the purposes of providing a transition to the charging of fees, charges, and levies by regulations made under Part 9 of the Animal Products Act 1999, regulations made under that Part, or under section 25 of this Act, may repeal or amend any fee or charge or levy specified in Schedule 4 or Schedule 5, or any matter in respect of which a fee or charge or levy is specified in those schedules.

(5) Where there is any shortfall or over-recovery of costs for any industry sector in respect of any period at whose expiry a fee, charge, or levy specified in Schedule 4 or Schedule 5 ceases to apply by reason of being superseded by regulations made under Part 9 of the Animal Products Act 1999 or section 25 of this Act, that shortfall or over-recovery may be taken into account in setting, under Part 9 or section 25, the relevant fee, levy, or charge that is to apply for any subsequent period to that industry sector or any relevant part of that industry sector.

(6) The Director-General may grant an exemption from, or waive or refund, any fee, charge, or levy specified in Schedule 4 or Schedule 5, in whole or in part, in any particular case or class of cases.

(7) Except as otherwise specifically provided in those schedules in relation to fees and levies determined on an hourly basis or on the basis of the number of animals involved in a relevant activity, the amounts specified in Schedules 4 and 5 are inclusive of goods and services tax.

23. Part IIIA of Meat Act 1981 continues to apply until regulations otherwise provide, etc--- (1) Part IIIA of the Meat Act 1981 (as amended by Part 4 of this Act) continues to apply to plants under the Meat Act regime until the close of 31 October 2002 in respect of the recovery of inspection costs, but subject to section 24 of this Act and to regulations made under Part 9 of the Animal Products Act 1999 or under section 25 of this Act.

(2) For the purposes of providing a transition to the charging of fees, charges, and levies by regulations made under Part 9 of the Animal Products Act 1999, regulations made under that Part or under section 25 of this Act may repeal or amend all or any of the provisions of Part IIIA of the Meat Act 1981, and any related provisions of that Act.

(3) Any such regulations may make different provision for different animal material or products or classes or description of animal material or product, and provide for a graduated transition of different animal material or products, or classes or description of animal material or products, from the charging regime in Part IIIA of the Meat Act 1981 to the charging regime under Part 9 of the Animal Products Act 1999.

(4) For the purpose of avoiding any shortfall or over-recovery of costs in respect of any season or period at whose expiry the cost recovery regime under Part IIIA of the Meat Act 1981 will cease in respect of any plant or plants,---

- (a) The Director-General may negotiate with the manager of the plant for a variation of charges in relation to the plant; and
- (b) Sections 43D and 43E of the Meat Act 1981 apply in relation to any such negotiation, so far as is practicable and with any necessary modifications.

(5) Where there is any shortfall or over-recovery of costs in respect of any season or period at whose expiry the cost recovery regime under Part IIIA of the Meat Act 1981 ceases to apply in respect of any plant or plants, that shortfall or over-recovery is to be taken into account in setting, under Part 9 of the Animal Products Act 1999 or section 25 of this Act, fees, levies, and charges that apply in subsequent seasons or periods to plants of the kind or description (by sector) concerned.

(6) Where, in respect of the season ending on 31 October 1999, there has been any shortfall or over-recovery of costs in relation to plants where front-line inspection services (as defined in section 43A of the Meat Act 1981) for that season have been performed by persons outside the Ministry,---

- (a) Any recovery of the shortfall or allowance for the over-recovery in any subsequent season or period may be by way of levy, charge, refund, or other means based on the throughput of those plants for the season ending on 31 October 1999; and
- (b) The provisions of any contract under Part IIIA of the Meat Act 1981 or any regulations made under Part 9 of the Animal Products Act 1999 or under section 25 of this Act may provide accordingly.

24. Avoidance of application of 2 separate cost recovery regimes in respect of single plant--- (1) The purpose of this section is to avoid, as far as practicable, the application of 2 separate cost recovery

regimes in respect of a single plant (a "double-regime plant") that is both---

- (a) Subject to cost recovery by way of contract under Part IIIA of the Meat Act 1981 in respect of any part of its operations; and
- (b) Also subject to cost recovery under the Animal Products Act 1999 in respect of any other part of its operations (other than cost recovery in respect of any regulated control scheme).

(2) For the purposes of this section, any contract under Part IIIA of the Meat Act 1981 may, by agreement between the Director-General and the plant manager, provide that the costs to be recovered in respect of operations at a double-regime plant are to be recovered---

- (a) By applying the cost recovery regime of the Animal Products Act 1999 (including Schedules 4 and 5 of this Act) to the whole of the animal product business at the plant (with any appropriate modifications that may be needed to provide for the application of comparable costs); or
- (b) By applying the cost recovery regime of Part IIIA of the Meat Act 1981 to the whole of the animal product business at the plant (except to the extent of any fees and charges payable under Part 1 of Schedule 4 of this Act);---

and, where a contract does so provide, the relevant cost recovery regime applies to operations at the double-regime plant in accordance with this section despite anything in this Act, the Animal Products Act 1999, or the Meat Act 1981.

(3) Where under subsection (2) (a) the contract applies the cost recovery regime of the Animal Products Act 1999 to all the animal product business operations of a double-regime plant,---

- (a) That fact must be noted in the contract; and
- (b) The contract must identify the kinds of fees, charges, and levies under the Animal Products Act 1999 that are to apply in respect of the plant's operations under the Meat Act 1981; and
- (c) The contract must specify any modifications that may be necessary to allow for the proper application of those fees, charges, or levies (such as deeming services provided by the Ministry under the Meat Act 1981 to be equivalent to verification or other services or related functions performed by the Ministry under the Animal Products Act 1999); and
- (d) The contract then has effect according to its tenor, and the fees, charges, and levies concerned (including any amendments of those fees, charges, and levies) apply in relation to the plant (with the necessary modifications) as if it were subject to the cost recovery provisions of the Animal Products Act 1999.

(4) Where under subsection (2) (b) the contract applies the cost recovery regime of Part IIIA of the Meat Act 1981 to all the animal product business operations of a double-regime plant,---

- (a) That fact must be noted in the contract; and
- (b) The contract must identify the kinds of fees, charges, and levies that are not to be recovered under the Animal Products Act 1999 and are instead to be recovered under the contract; and
- (c) The plant manager, and any relevant operation at the plant, are to be treated as exempt from any requirement for the payment of the identified fees, charges, and levies under the Animal Products Act 1999.

(5) For the purpose of facilitating agreement under this section, the Director-General must notify the 2 options set out in subsection (2) to any person who applies for registration of a risk management programme that will cover operations at a double regime plant, and give the applicant (or plant manager, if different) at least 20 working days within which to specify which option the applicant prefers (if any).

(6) If the Director-General and the plant manager fail to agree on an option set out in subsection (2) within such time after the expiry of the period of 20 working days as the Director-General may allow,---

- (a) No such option will apply; and
- (b) The 2 separate cost recovery regimes relate to the operations subject to them at the plant concerned according to their tenor.

(7) The provisions of a contract to which this section relates may at any time be modified, or reversed to change to the other cost recovery regime, by agreement between the Director-General and the plant manager.

(8) This section ceases to apply to any plant, and the cost recovery regime of the Animal Products Act 1999 applies to the whole animal product business at the plant,---

- (a) At the end of the season in which all operations at the plant have ceased to be subject to the Meat Act regime; or
- (b) On 31 October 2002; or
- (c) On such other date as may be specified by regulations made under Part 9 of the Animal Products Act 1999 or section 25 of this Act.

(9) Regulations made under section 25 may provide for matters relating to the application of a single cost recovery regime to all the animal product business at any double-regime plant, and in particular may---

- (a) Specify the kinds of fees, charges, and levies under the Animal Products Act 1999 that may apply to a plant under the Meat Act regime, and any modifications that may be necessary to allow for the application of those fees, charges, and levies to a Meat Act regime plant in an appropriate way;
- (b) Provide for such other matters as may be necessary or desirable to allow the smooth working of a single cost recovery regime for the purposes of this section.

## Regulations, Etc

25. Regulations in respect of transitional matters--- (1) Without limiting the generality of section 166 of the Animal Products Act 1999, regulations under that section may prescribe transitional and savings provisions relating to the coming into force of the Animal Products Act 1999 and to transitional matters during the period ending with 31 October 2002.

(2) Any such regulations may be in addition to or in place of any of the provisions of this Act and, without limiting the generality of subsection (1), may provide that---

- (a) Specified provisions of the Animal Products Act 1999 or this Act, or of the Meat Act regime or the Apiaries Act regime, are or are not to apply, in all or in any specified cases;
- (b) Specified terms used in the Animal Products Act 1999 or this Act,

or in the Meat Act regime or the Apiaries Act regime, are to have the meanings set out in the regulations:

- (c) Specified provisions repealed or amended by this Act, or specified provisions of regulations, Orders in Council, notices, licences, approvals, authorisations, circulars, or rights or requirements given or imposed under the provisions, are to continue to apply.

(3) Any such regulations may---

- (a) Apply at any time during the 3-year transitional period ending with 31 October 2002:
- (b) Provide for matters occurring beyond that date, but only to the extent that it is necessary to save the position of any matter occurring on or before that date.

(4) Any such regulations may repeal or revoke, or appropriately amend, any provision of the Meat Act regime or the Apiaries Act regime (whether in a statute, regulations, or otherwise) that is no longer to apply.

(5) Any such regulations, and any regulations made under the Animal Products Act 1999, may revoke or amend any of subclauses (2A) to (8) of regulation 78 of the Food Regulations 1984 (which relate to the sale of certain shellfish).

26. Consultation before commencement of Animal Products Act 1999 qualifies as consultation for purposes of that Act--- (1) Any consultation undertaken before the commencement of the Animal Products Act 1999 (or before the commencement of Part 2 of that Act, as the case may require) in respect of the making of any order or regulations or any other matter requiring consultation under that Act is to be treated as consultation for the purposes of that Act.

(2) Despite section 163 of the Animal Products Act 1999 or any other provision of that Act, no consultation is required in respect of the making of any order or regulation, or any other matter, to the extent that the content of the order, regulation, or other matter is substantially similar to the content of---

- (a) Any order, regulation, or other matter having effect under the Meat Act 1981 or any other enactment immediately before the commencement of the Animal Products Act 1999 (or of Part 2 of that Act, as the case may require); or
- (b) Any regulation made under section 25 of this Act.

27. Standardisation of requirements under different Acts during transitional period--- Despite anything in the Animal Products Act 1999 or in the Meat Act regime,---

- (a) Any animal product standard or specification or other requirement prescribed or made under the Animal Products Act 1999 may, until the expiry of the 3-year transitional period ending with 31 October 2002, incorporate by reference any relevant requirement imposed by or under the Meat Act regime, Apiaries Act regime, or Food Act regime:
- (b) Any regulation, direction, directive, circular, or other requirement under the Meat Act regime or Apiaries Act regime may incorporate by reference any relevant requirement imposed by or under the Animal Products Act 1999.

## Miscellaneous Matters

28. Records under Meat Act 1981 to be retained for 3 years--- A person who, immediately before the lapse of their licence under any of sections 43AA to 43AC of the Meat Act 1981 (as inserted by section 51 of this Act), or the earlier cancellation of their licence at any time before the expiry of the 3-year transitional period ending with 31 October 2002, was a licensee of licensed premises under that Act must retain all records required to be kept under that Act for a period of not less than 3 years following the lapse or cancellation of the licence.

29. Animal product officers to have powers of Inspectors under Meat Act 1981--- Every animal product officer appointed under Part 7 of the Animal Products Act 1999 has all the powers and functions of an Inspector under the Meat Act 1981; and references in that Act to Inspectors include references to animal product officers.

## PART 4

## Amendments to Meat Act 1981 Pending its Repeal on 1 November 2002

30. Part to be part of Meat Act 1981--- This Part is part of the Meat Act 1981 (in this Part referred to as "the principal Act").

31. Interpretation--- Section 2 of the principal Act is amended---

- (a) By repealing the definitions in subsection (1) of the terms "custom-killing premises", "rural meat area", and "rural slaughterhouse":
- (b) By repealing subsection (3).

32. Sale of meat for human consumption--- (1) Section 9 of the principal Act is amended by repealing subsections (3) and (5).

(2) Section 9 of the principal Act is amended by adding the following subsection:

"(6) This section does not apply to---

- "(a) Meat derived from animals whose slaughter and processing is covered by a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act; or
- "(b) Meat derived from animals slaughtered by a person listed as a homekill or recreational catch service provider under Part 6 of the Animal Products Act 1999 and supplied to employees in accordance with section 67 (2) of that Act."

33. Sale of uninspected meat--- Section 10 of the principal Act is repealed.

34. Conditions in respect of export meat--- (1) Section 11 (1) of the principal Act is amended---

- (a) By adding to paragraph (a) the words ", or in premises where the slaughter and processing operations are covered by a risk management programme registered under Part 2 of the Animal Products Act 1999 (or, to the extent not so covered, are covered by a regulated control scheme made under Part 3 of that Act)":

- (b) By inserting at the beginning of paragraph (b) the words "Subject to subsection (1B),":
- (c) By adding to paragraph (e) the words ", or premises where the operations in relation to the meat are covered by a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act":
- (d) By repealing paragraph (h).

(2) Section 11 (1A) of the principal Act is amended by inserting, at the beginning of paragraph (a), the words "Subject to subsection (1B),".

(3) Section 11 of the principal Act is amended by inserting, after subsection (1A), the following subsection:

"(1B) Nothing in this section applies to any meat whose slaughter and processing has, by virtue of Part 3 of the Animal Products (Ancillary and Transitional Provisions) Act 1999, ceased to be subject to this Act, and this section applies subject to any regulations made under section 25 of that Act."

35. Certain exports, and re-exports--- Sections 11A and 11B of the principal Act are repealed.

36. Sale of game or game meat--- Section 13 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:

"(4) This section does not apply to---

"(a) Game or game meat or product processed under a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act:

"(b) Recreational catch product, within the meaning of the Animal Products Act 1999, that---

"(i) Is derived from game processed by a person listed as a homekill or recreational catch service provider under Part 6 of that Act; and

"(ii) Is used or consumed in accordance with section 68 of the Animal Products Act 1999 or prepared and served or otherwise dealt with in accordance with section 69 (1) (b) or (c) of that Act:

"(c) The sale or supply of killed game for the purpose of its being processed or packed in a game packing house:

"(d) The sale or supply of any antler harvested from live deer for the purpose of it being processed or packed in a game packing house."

37. Game and game meat exporters--- (1) Section 14 of the principal Act is repealed.

(2) Section 4 of the Meat Amendment Act 1983 is consequentially repealed.

38. Licensing not required for premises covered by risk management programme registered under Animal Products Act 1999--- The principal Act

is amended by inserting in Part III, immediately before section 15, the following section:

"14A. Despite anything in this Part, nothing in this Act requires operations in relation to the slaughter and dressing of animals or the processing, packing, storage, or transport of meat or any other product or byproduct to which this Act applies to be carried out in premises licensed under this Act if---

"(a) Those operations at those premises are covered by 1 or more risk management programmes registered under Part 2 of the Animal Products Act 1999; or

"(b) To the extent that such operations are not so covered, they are covered by a regulated control scheme made under Part 3 of that Act or are specifically exempted by or under that Act (whether individually or as a class) from the requirement to be carried out under a registered risk management programme."

39. Abattoirs and export slaughterhouses--- The principal Act is amended by inserting at the beginning of both section 15 (1) and section 16 the words "Subject to section 14A,".

40. Custom-killing premises--- Section 17 of the principal Act is repealed.

41. Other licensed premises--- (1) The principal Act is amended by inserting at the beginning of each of sections 18 (1), 18 (2), 19 (2), 20 (2), and 21 (1) the words "Subject to section 14A,".

(2) The principal Act is amended by inserting in sections 22 (1), 23 (1), and 24 (1), in each case after the words "Subject to", the words "section 14A and to".

42. Premises proposed as licensed premises--- Section 25 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

"(2) The Director-General must undertake to grant a licence in respect of the premises if---

"(a) The plans and specifications submitted under subsection (1) were submitted before the commencement of Part 2 of the Animal Products Act 1999; and

"(b) He or she approves the plans and specifications; and

"(c) The premises are completed to his or her satisfaction; and

"(d) The provisions of this Act have been complied with; and

"(e) The licence is duly applied for before the earlier of---

"(i) The date 12 months after the date of undertaking, or such later date as the Director-General allows; or

"(ii) The date 12 months after the date of commencement of Part 2 of the Animal Products Act 1999."

43. Application for grant of licence may not be made after commencement of Part 2 of Animal Products Act 1999, unless pursuant to undertaking--- Section 26 of the principal Act is amended by inserting, after subsection (1), the following subsection:

"(1A) No application may be made under this section after---

"(a) The date of commencement of Part 2 of the Animal Products Act

1999, except in a case to which paragraph (b) applies:

"(b) The expiry of the period of 12 months following the commencement of Part 2 of the Animal Products Act 1999, in the case of a licence applied for pursuant to an undertaking of the Director-General under section 25 (2) of this Act,--- and the Director-General may not consider any purported application made after that relevant date or period."

44. Local authority abattoirs and slaughterhouses--- Sections 30 and 31 of the principal Act are repealed.

45. Hygienic condition of licensed premises--- Section 33 of the principal Act is amended by repealing subsection (2).

46. Branding of carcasses--- (1) Section 35 (1) of the principal Act is amended by inserting, after the word "branded", the words "(if required)".

(2) Section 35 of the principal Act is amended by inserting, after subsection (1), the following section:

"(1A) For the purposes of subsection (1), a carcass that is branded or otherwise similarly identified in accordance with regulations or specifications made under the Animal Products Act 1999 that apply in relation to carcasses and premises of the appropriate class is to be treated as branded in an approved manner with a brand approved by the Director-General in respect of the premises."

47. Branding of products--- Section 36 of the principal Act is amended by inserting, after subsection (1), the following subsection:

"(1A) For the purposes of subsection (1), a product that is branded or otherwise identified in accordance with regulations or specifications made under the Animal Products Act 1999 that apply in relation to products and premises of the appropriate class is to be treated as branded in the approved manner and marked with the means of identification allocated to the premises under section 26 (4) of this Act."

48. Obligation of licensee to accept certain stock--- Sections 37 to 39 of the principal Act are repealed.

49. Rural slaughterhouses--- Sections 40 and 41 of the principal Act are repealed.

50. Keeping of records--- Section 43 (1) of the principal Act is amended by repealing paragraph (c).

51. New sections inserted--- The principal Act is amended by inserting, after section 43, the following heading and sections:

"Lapse of Licences Following Commencement of Animal Products Act 1999

"43AA. Lapse of custom-killing premises and rural slaughterhouse licences---Every custom-killing premises licence issued under section 17 and every rural slaughterhouse licence recognised by section 40 lapses on the date of commencement of the Animal Products Act 1999, and no such

licence may be applied for or granted on or after that date.

"43AB. Lapse of licences for premises becoming subject to registered risk management programmes--- Where any premises are licensed under any of sections 15, 16, and 18 to 24 of this Act in respect of operations in relation to meat or other products or byproducts to which this Act applies, the licence lapses once all the operations pertaining to that licence at those premises are---

"(a) Covered by 1 or more risk management programmes registered under Part 2 of the Animal Products Act 1999; or

"(b) To the extent that such operations are not so covered, they are covered by a regulated control scheme made under Part 3 of that Act or are specifically exempted by or under that Act (whether individually or as a class) from the requirement to be carried out under a registered risk management programme.

"43AC. Lapse of remaining licences on repeal of this Act--- To the extent not already lapsed, all licences and approvals under this Act lapse on 1 November 2002."

52. Application of this Part--- The principal Act is amended by inserting in Part IIIA, immediately before section 43A, the following section:

"43AD. Application of this Part--- (1) This Part applies only until repealed, and as amended if appropriate, by regulations made under the Animal Products Act 1999 or the Animal Products (Ancillary and Transitional Provisions) Act 1999.

"(2) The repeal of any provision of this Part by such regulations does not affect the ability of the Ministry to recover any sum owing to it, or costs arising but not yet recovered by it, before the effective date of the repeal."

53. Interpretation---recovery of inspection costs--- (1) Section 43A of the principal Act is amended by inserting, before the definition of "inspection contract", the following definition:

" `Front-line inspection services' means the routine meat inspection services provided at any plant supplied on a day-to-day or intermittent basis, including tasks related to ante and post mortem inspection:"

(2) Section 43A of the principal Act is amended by adding the following subsection:

"(2) For the purposes of the definition of `inspection costs', and for the avoidance of doubt,---

"(a) Those costs do not include the costs of front-line inspection services provided by persons outside the Ministry, except to the extent that such services are provided by such persons, by agreement with the Director-General and for valuable consideration from the Director-General, specifically as agents of or otherwise on behalf of the Director-General; and

"(b) The fact that a person carrying out such services is an Inspector appointed under section 4 (2) does not mean that the Inspector is providing such services as an agent of or otherwise on behalf of the Director-General."

54. Meat inspection services--- The principal Act is amended by inserting, after section 43A, the following section:

"43BA. (1) Nothing in this Act requires the Director-General to---  
 "(a) Provide front-line inspection services at all or any plants; or  
 "(b) Carry out consultations and enter into meat inspection contracts with managers of plants under this Part, except to the extent that such consultations and contracts are necessary or appropriate to recover the direct and indirect costs to the Ministry of---  
 "(i) Front-line inspection services in fact provided by the Director-General at those plants; or  
 "(ii) Meat inspection services, being services other than front-line inspection services, in respect of which costs are incurred by the Ministry.

"(2) Subsection (1) does not derogate from the responsibility of the Director-General and the Minister to ensure, so far as is practicable, that sufficient Inspectors are appointed under section 4 for the purposes of this Act."

55. Director-General to consult managers---Section 43E of the principal Act is amended by inserting, at the beginning of subsection (1), the words "Subject to section 43BA,".

56. Certain decisions of Minister may be considered by committee--- Section 45 of the principal Act is amended by inserting, after subsection (1), the following subsection:

"(1A) No appeal may be brought under this section more than 21 days after the date of commencement of the Animal Products Act 1999."

57. Offences and penalties--- Section 47 (2) of the principal Act is amended---

- (a) By omitting from paragraph (a) the expression "\$20,000", and substituting the expression "\$50,000":
- (b) By omitting from paragraph (b) the expression "\$100,000", and substituting the expression "\$300,000".

58. Regulations--- Section 49 (1) of the principal Act is amended by inserting, after paragraph (yb), the following paragraph:

"(yc) Prescribing matters of the kind specified in section 25 of the Animal Products (Ancillary and Transitional Provisions) Act 1999:".

## PART 5 Apiaries Act Provisions

### Preliminary Matters

59. Part contains former provisions of Apiaries Act 1969--- (1) This Part contains provisions of the Apiaries Act 1969 that were saved by section 171 of the Biosecurity Act 1993 and section 111 of the Biosecurity Amendment Act 1997.

(2) For the purposes of sections 20A and 21 of the Acts Interpretation Act 1924, this Part is to be treated as having repealed the Apiaries Act 1969 and having been passed in substitution for that Act.

60. Repeals and revocation--- The following enactments are repealed:

- (a) Sections 171 and 182 of the Biosecurity Act 1993;
- (b) Sections 111 and 113 of the Biosecurity Amendment Act 1997.

(2) The Honey Export Certification Regulations 1980 (S.R. 1980/263) are revoked.

#### Apiaries Act Provisions

61. Interpretation--- (1) In this Part, unless the context otherwise requires,---

"Analyst" means a person accredited under section 101 of the Animal Products Act 1999 as an analyst for the purposes of this Part:

"Apiary" means any place where bees or appliances are kept:

"Appliance" means any hive, bee-comb, extractor, or other appliance that has been used in connection with beekeeping:

"Bee" means the honeybee (*Apis mellifera*) including its eggs, larvae, pupae, and semen:

"Bee product" means any honey, honey-dew, beeswax, venom, propolis, or royal jelly; and includes any other product collected by bees or derived from bees or bee products:

"Beekeeper" means any person who keeps bees or appliances; and, in relation to any apiary, means the person by whom the bees and appliances on that apiary are owned:

"Director-General" means the chief executive of the Ministry of Agriculture and Forestry or such other Ministry as has, with the authority of the Prime Minister, for the time being assumed responsibility for the administration of this Part:

"Disease"---

(a) Subject to subsection (2), means any of the following diseases or pests:

- (i) Acarine (*Ararapis woodi*):
- (ii) Varroa (*Varroa Jacobsoni*):
- (iii) American brood disease (*Bacillus larvae*):
- (iv) European brood disease (*Streptococcus pluton*):
- (v) Amoeba disease (*Malpighamoeba mellificae*):
- (vi) Acute bee paralysis virus, chronic bee paralysis virus, Kashmir bee virus, or sacbrood virus:
- (vii) Chalkbrood (*Asosphaera apis*):
- (viii) Nosema (*Nosema apis*):
- (ix) Bee louse (*Braula coeca*):
- (x) Wax moths (*Galleria mellonella* and *Achroia grisella*):

(xi) Parasitic mite (*Tropilaelaps clareae*):

(b) Includes any disease or pest included in this definition by Order in Council made under subsection (2):

"Honey" means the fluid, viscous, or crystallised substance produced by bees from the nectar or blossoms or from secretions of, or on, living parts of plants other than blossoms, which bees collect, transform, or combine with substances of their

own, and store and leave to mature in honeycombs:

"Infected" means infected with disease:

"Inspector" means any animal product officer or official assessor appointed under Part 7 of the Animal Products Act 1999 who is authorised under that Part to exercise powers and functions as an Inspector for the purposes of this Part:

"Minister" means the Minister of Food, Fibre, Biosecurity and Border Control, or such other Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part:

"Occupier", in relation to an apiary, means the person by whom the bees and appliances on that apiary are owned:

"Restricted area" means any area declared to be a restricted area pursuant to section 67 of this Act or the corresponding provisions of any former Act.

(2) The Governor-General may from time to time, by Order in Council, amend the definition of "disease" in subsection (1)---

(a) By including in that definition the name of any disease or pest:

(b) By omitting from that definition the name of any disease or pest.

Cf. 1969, No. 53, s. 2, First, Second, and Third Schedules

62. Restriction on drugs for prevention or treatment of disease in bees--- (1) No person may use any drug, substance, or mixture of substances for the prevention or treatment of any disease in bees, other than a drug for the time being approved for that purpose pursuant to subsection (2).

(2) The Minister may from time to time, by notice in the Gazette, approve the use, subject to such conditions as the Minister specifies, of any specified drug for the prevention or treatment of any specified disease.

(3) Where an Inspector, on inspecting any apiary, believes on reasonable grounds that any drug or substance or mixture of substances, not being a drug for the time being approved for the purpose pursuant to subsection (2), has been used for the prevention or treatment of any disease, the Inspector may, by notice in writing to the beekeeper, prohibit or restrict the sale, transfer, or barter of any bees, bee combs, or appliances, or their removal from the apiary, until such time as the provisions of sections 63 and 64 have been complied with and, where proceedings for an offence against this section are taken, until the proceedings are completed.

Cf. 1969, No. 53, s. 25

63. Procuring of samples--- (1) Where an Inspector gives a notice under section 62, the Inspector must as soon as practicable, and not later than 3 working days after giving the notice, take a sample of the bees or bee comb believed by the Inspector to be affected by a drug or substance or mixture of substances, for the purpose of determining by analysis by an analyst the drug or substance or mixture of substances used in the treatment of disease.

(2) Every such sample must be taken in the presence of the beekeeper, if available, or, if unavailable, in the presence of some other witness,

and must be sufficient in size for the purpose of having an accurate analysis made.

(3) Where an Inspector has procured a sample under subsection (1), the Inspector must---

- (a) Issue to the beekeeper a receipt that identifies the sample; and
- (b) Divide the sample into 3 parts, and mark and seal or fasten up each part in such manner as its nature will permit; and
- (c) Leave one part with the beekeeper, deliver another part to the analyst, and retain the third part.

Cf. 1969, No. 53, s. 26

64. Analysis of samples and certificate of analyst--- (1) In respect of any honey, the certificate of the analyst must be in a form approved by the Director-General.

(2) Any certificate of the result of an analysis given by an analyst in pursuance of this section must be signed by the analyst, but the analysis may be made by any person acting under the direction of the analyst.

(3) Where any sample is procured by an Inspector under this Act and submitted for analysis, the person from whom the sample was procured must be supplied as soon as it is available with a copy of the analyst's certificate or, if there is no such certificate, with a copy of the report made by the analyst in respect of the sample.

(4) If a sample of honey is submitted for analysis and is found to contain a drug or substance or mixture of substances not for the time being approved under section 62 (2), then, on the conviction of the person from whom the sample was procured of an offence against that section, all the honey from which the sample was taken may be destroyed in accordance with the provisions of this Act.

(5) If the sample of honey submitted for analysis is found not to contain any such drug or substance or mixture of substances,---

- (a) There is to be paid, out of money appropriated by Parliament, to the person from whom the sample was procured such amount as the Minister determines as being the reasonable expenses incurred by that person in making the sample available for analysis:
- (b) There may, if the Minister thinks fit, be paid out of money appropriated by Parliament, to the person from whom the sample of honey was procured, such amount as the Minister, with the concurrence of the Minister of Finance, determines, as an *ex gratia* payment in respect of any undue hardship suffered by that person by reason of any prohibition or restriction imposed by a notice under section 62 (3) on the sale, transfer, barter, or removal of any honey until the sample had been analysed under this section.

(6) Every person commits an offence who knowingly causes or permits any copy of an analyst's certificate or report obtained under subsection (3) to be used in any advertisement.

Cf. 1969, No. 53, s. 27

65. Analyst's certificate prima facie evidence--- (1) In any proceedings for an offence against section 62, the production by the

prosecutor of a certificate of analysis purporting to be signed by an analyst is, without proof of the signature of the analyst, sufficient evidence, in the absence of proof to the contrary, of the facts stated in it, unless the defendant requires the analyst to be called as a witness, in which case the defendant must give the prosecutor notice not less than 7 clear days before the date of the hearing that the defendant requires the analyst to give evidence at the hearing.

(2) In any such proceedings, the production by the defendant of a certificate of analysis purporting to be signed by an analyst is, without proof of the signature of that analyst, sufficient evidence, in the absence of proof to the contrary, of the facts stated in it, unless the prosecutor requires the analyst to be called as a witness. The analyst must forward to the prosecutor not less than 7 clear days before the date of the hearing a copy of the certificate to be produced by the defendant.

Cf. 1969, No. 53, s. 28

66. Tampering with sample--- Every person commits an offence who wilfully breaks the seal of or tampers with any part of a sample taken pursuant to this Part.

Cf. 1969, No. 53, s. 29

67. Restricted areas--- Where the Director-General believes on reasonable grounds that honey produced in any specified part of New Zealand is likely to contain poison, the Director-General may, by notice in the Gazette, declare that part of New Zealand to be a restricted area for the purposes of this Act.

Cf. 1969, No. 53, s. 30

68. Keeping of bees in restricted area--- No person may establish or keep bees in any restricted area without a prior permit in writing from the Director-General, or otherwise than in accordance with such conditions as may be specified in the permit.

Cf. 1969, No. 53, s. 31

69. Honey derived from restricted area--- All honey in or derived from a restricted area may at any time be seized by an Inspector in accordance with section 90 of the Animal Products Act 1999 and, if appropriate, destroyed.

Cf. 1969, No. 53, s. 33

70. Powers of Inspectors, etc--- For the purposes of this Part, an Inspector has all the powers of an animal product officer (or, as the case may be, an official assessor) under Part 7 of the Animal Products Act 1999, and references in section 133 of that Act to animal product officers and official assessors include references to Inspectors.

71. Proof of consent--- Where it is proved in any proceedings in relation to matters under this Part or under any regulations made under this Part that any person has done or omitted to do any act, then, if the person would be liable for a penalty unless the act was done or omitted with the permission or consent of the Minister or the Director-General or an Inspector, the onus is on the person who did or omitted to do the act to prove that he or she had that permission or consent.

Cf. 1969, No. 53, s. 44

## 72. Recovery of expenses incurred by Inspectors--- Where---

- (a) Under any provision of this Part or of Part 7 of the Animal Products Act 1999 an Inspector lawfully gives to any beekeeper or other person a notice requiring the beekeeper or other person to carry out any work on any land or premises; and
- (b) On default by the beekeeper or other person in complying with the notice an Inspector or any person authorised by an Inspector lawfully enters on the land or premises pursuant to any provision of this Part or of the Animal Products Act 1999 and carries out that work,---

the amount of the expense of the work so carried out, so far as that work is reasonably necessary for the purpose of complying with the requirements of the notice, is recoverable from the beekeeper or other person by any Inspector by action in any court of competent jurisdiction.

Cf. 1969, No. 53, s. 45

## 73. Regulations--- The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for the inspection, grading, packing, marking, stamping, branding, labelling, analysis, and certification as being fit for the purposes prescribed of honey and bee products and, where appropriate, of bees:
- (b) Regulating the export of honey, bee products, and bees, and for this purpose authorising the Director-General---
  - (i) To prohibit the export of any honey or bee product or bee unless it complies with any standard required in relation to the country to which the honey or bee product or bee is being exported and is certified accordingly:
  - (ii) To set, from time to time by notice in the Gazette, standards to which any honey or bee product or bee intended for export must comply before having a certificate relating to its suitability for export issued in respect of it:
- (c) Exempting any honey or bee product or bee from the requirements of all or any regulations made under this section:
- (d) Prescribing fees in respect of matters under this Part, and, for this purpose, section 117 of the Animal Products Act 1999 applies in respect of the prescribing of any such fees.

Cf. 1969, No. 53, s. 46 (a) to (ab)

## 74. Expiry of this Part--- This Part expires on 1 November 2002, and, to the extent not earlier repealed, is repealed on and from that date.

-----

## SCHEDULES

-----

### SCHEDULE 1

#### Section 5

Repeal of Meat Act 1981 on 1 November 2002

#### PART 1

##### Section 5 (1)

##### Enactments Repealed

1981, No. 56---The Meat Act 1981 (R.S. Vol. 38, p. 735)  
 1982, No. 82---The Meat Amendment Act 1981 (R.S. Vol. 38, p. 788)  
 1983, No. 121---The Meat Amendment Act 1983 (R.S. Vol. 38, p. 789)  
 1985, No. 142---The Meat Amendment Act 1985 (R.S. Vol. 38, p. 789)  
 1987, No. 196---The Meat Amendment Act 1987 (R.S. Vol. 38, p. 791)  
 1988, No. 120---The Meat Amendment Act 1988 (R.S. Vol. 38, p. 792)  
 1991, No. 96---The Meat Amendment Act 1991 (R.S. Vol. 38, p. 793)  
 1992, No. 54---The Meat Amendment Act 1992 (R.S. Vol. 38, p. 793)  
 1999, No. 39---The Meat Amendment Act 1999

#### PART 2

##### Section 5 (2)

##### Regulations and Order Revoked

Instrument	Revoked	Statutory Regulations Serial Number
Meat Regulations 1969		1969/192
Slaughter of Stock, Game, and Poultry Regulations 1969		1969/194
Game Regulations 1975		1975/174
Meat Regulations 1969, Amendment No. 8		1976/83
Slaughter of Stock, Game, and Poultry Regulations 1969, Amendment No. 1		1977/266
Meat Regulations 1969, Amendment No. 19		1983/125
Meat Regulations 1969, Amendment No. 21		1986/173
Meat Regulations 1969, Amendment No. 22		1987/163
Meat Regulations 1969, Amendment No. 23		1989/165
Meat (Payments) Regulations 1990		1990/68
Meat (Payments) Regulations 1990, Amendment No. 3		1992/244
Meat (Payments) Regulations 1990, Amendment No. 4		1993/325
Fish Export Processing Regulations 1995		1995/54

Meat (Payments) Regulations 1990, Amendment No. 6	1995/55
Game Regulations 1975, Amendment No. 4	1996/198
Meat (Residues) Regulations 1996	1996/199
Meat (Game and Stock) Order 1998	1998/77
Meat (Residues) Amendment Regulations 1999	1999/211

-----

## SCHEDULE 2

### Section 8 (1)

#### Consequential Amendments to Other Acts

Enactment Amended	Amendment
1956, No. 65---The Health Act 1956 (R.S. Vol. 31, p. 467)	By repealing paragraph (h) of section 22C (2), and substituting the following paragraph: " (h) Any employee of the Ministry of Agriculture and Forestry authorised by the chief executive of that Ministry to receive the information, for the purposes of administering the Meat Act 1981 or the Animal Products Act 1999: ".
1974, No. 66---The Local Government Act 1974 (R.S. Vol. 25, p. 1)	By omitting from section 684 (1) (12) the words "the Meat Act 1981 and to any regulations in force in that Act", and substituting the words "the Meat Act 1981 or the Animal Products Act 1999 and any regulations in force under those Acts".
1981, No. 45---The Food Act 1981	By inserting, after section 8A, the following section: "8AA. Relationship between this Part and Animal Products Act 1999---(1) The following persons are exempt from the requirements of the Food Hygiene Regulations 1974, and therefore from the application of this Part, in respect of any operations carried out under a risk management programme registered under Part 2 of the Animal Products Act 1999: " (a) Primary processors of animal material, dual operator butchers, and other persons required by that Act to operate under a registered risk management programme: " (b) Secondary processors of animal products that are food who have elected, by registering a risk management programme as provided in

section 32 of that Act, to be subject to the provisions of that Act rather than the Food Act regime:

"(c) Subject to subsection (2), secondary processors of animal products that are food who have, in accordance with section 34 of the Animal Products Act 1999, registered a food safety programme as a risk management programme for the purpose of operating under the 2 programmes alternatively or intermittently.

"(2) A person who is subject to any regulated control scheme under the Animal Products Act 1999 is also exempt from the requirements of the Food Hygiene Regulations 1974, and therefore from the application of this Part, in respect of any operations that are covered by the regulated control scheme, unless the regulated control scheme specifically states that such operations are not to be treated as exempt from the Food Act regime.

"(3) The exemption from the requirements of this Part or of the Food Hygiene Regulations 1974 of secondary processors referred to in subsection (1) (c) relates only to operations carried out under the registered risk management programme in accordance with the terms and conditions of its registration.

"(4) Any food safety programme that is so registered as a risk management programme is to be subject to whichever audit or verification regime is specified for it under section 34 (3) of the Animal Products Act 1999.

"(5) The terms 'primary processor' and 'secondary processor' have the meanings given by section 4 of the Animal Products Act 1999."

1983, No. 14---The  
Fisheries Act 1983  
(R.S. Vol. 27, p. 137)

By adding to section 66 (1) (e) the following subparagraph:

"(iv) The operators of risk management programmes registered under Part 2 of the Animal Products Act 1999, or persons subject to regulated control schemes under Part 3 of that Act."

By inserting in section 89 (1) (h), after the words "Meat Act 1981", the words ", or of risk management programmes registered under Part 2 of the Animal Products Act 1999 or relevant elements of regulated control schemes imposed under Part 3 of

1993, No. 28---The Privacy Act 1993	<p>  that Act,".</p> <p>  By adding to Part I of the Second Schedule the following item:</p> <p>  "Animal Products Sections 18, 52, 73, Act 1999 and 112".</p>
1996, No. 88---The Fisheries Act 1996	<p>  By inserting in section 89 (2), after paragraph (h), the following paragraph:</p> <p>  "(ha) Samples of fish, aquatic life, or seaweed under the authority of Part 7 of the Animal Products Act 1999 by an animal product officer or official assessor as defined in that Act, or by a person assisting such an officer or assessor; or".</p>
1997, No. 87---The Agricultural Compounds and Veterinary Medicines Act 1997	<p>  By inserting in section 55 (3), after the words "Meat Act 1981,", the words "the Animal Products Act 1999,".</p> <p>  By omitting from section 79 the word "or".</p> <p>  By inserting in section 79, after the words "New Organisms Act 1996", the words ", or the Animal Products Act 1999".</p>
1997, No. 105---The Meat Board Act 1997	<p>  By omitting from section 2 (1) the definitions of "licensed export slaughterhouse" and "licensed premises", and substituting the following definitions:</p> <p> </p> <p>  " `Licensed export slaughterhouse', or `export slaughterhouse' means---</p> <p>  "(a) A licensed export slaughterhouse within the meaning of the Meat Act 1981:</p> <p>  "(b) The premises of any animal product business within the meaning of the Animal Products Act 1999 in which livestock are slaughtered to produce export product under a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act:</p> <p>  " `Licensed premises' means---</p> <p>  "(a) A licensed abattoir or licensed export slaughterhouse (within the meaning of the Meat Act 1981):</p> <p>  "(b) The premises of any animal product business within the meaning of the Animal Products Act 1999 in which livestock are slaughtered under a risk management programme registered under Part 2 of that Act or a regulated control scheme made under Part 3 of that Act:</p> <p>  " `Licensee', in relation to premises of a kind referred to in paragraph (b) of the definition of `licensed premises', means the</p>

1997, No. 106---The Pork Industry Board Act 1997	<p>operator of the animal product business concerned:".</p> <p>By omitting from section 2 the definition of "licensed premises", and substituting the following definitions:</p> <p>" `Licensed premises' means---</p> <p>"(a) A licensed abattoir or licensed export slaughterhouse (within the meaning of the Meat Act 1981):</p> <p>"(b) The premises of any animal product business within the meaning of the Animal Products Act 1999 in which pigs are slaughtered under a risk management programme registered under Part 2 of the Animal Products Act 1999 or a regulated control scheme made under Part 3 of that Act:</p> <p>" `Licensee', in relation to premises of a kind referred to in paragraph (b) of the definition of `licensed premises', means the operator of the animal product business concerned:".</p>
--------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

-----

SCHEDULE 3

Section 8 (2)

Regulations Amended

Regulations and Orders Amended	Amendments
Meat Regulations 1969 (S.R. 1969/192)	<p>By revoking regulations 4 to 12.</p> <p>By revoking regulations 13 to 15.</p> <p>By revoking regulations 16 to 20.</p> <p>By revoking regulations 25 to 27.</p> <p>By revoking regulations 32, 77, 81, and 135.</p> <p>By revoking the definition of "approved pet food factory" in regulation 179, and substituting the following definition:</p> <p>" `Approved pet food factory' means any premises licensed under section 20 of the Meat Act 1981 as suitable for the slaughter, processing, or packing of food for dogs or cats:".</p> <p>By revoking regulations 202 to 235.</p> <p>By revoking the definition of "approved by-products works" in regulation 251, and</p>

	substituting the following definition:   " `Approved by-products works' means   any premises licensed under section   20 of the Meat Act 1981 as a   by-products works for the purpose of   rendering operations:".
	By revoking the First, Second, and Fifth   Schedules.
Food Hygiene Regulations 1974 (S.R. 1974/169)	By inserting in regulation 2A, after   paragraph (b), the following paragraphs:   "(ba) Operations that are carried   out under a risk management   programme registered under Part 2 of   the Animal Products Act 1999:   "(bb) Operations that are covered   by a regulated control scheme under   the Animal Products Act 1999, unless   the regulated control scheme   specifically states that such   operations are not to be treated as   exempt from the Food Act regime:".
	By adding to regulation 10A the following   subclause:   "(3) Subclause (1) does not apply to any   dual operator butcher within the meaning   of the Animal Products Act 1999 who   operates under a registered risk   management programme as required by   section 71 (1) of that Act."
Game Regulations 1975 (S.R. 1975/174)	By revoking the definition of "game   exporter's licence" in regulation 2 (1).   By omitting from the definition of   "licence" in regulation 2 (1) the words   "a game packing house licence, or a game   exporter's licence", and substituting the   words "or a game packing house licence".   By inserting, after regulation 4, the   following regulation:   "4A. No game establishment licences to   be issued following commencement of Part   2 of Animal Products Act 1999---No person   may apply for a licence of a kind   described in regulations 5 to 8 at any   time after the commencement of Part 2 of   the Animal Products Act 1999, or such   later date as may be allowed under   section 26 (1A) of the Meat Act 1981, and   no such licence may be issued in respect   of an application made after that   commencement."
	By revoking regulation 9.
	By revoking Part II (comprising regulations   10 and 11).
	By revoking regulations 79, 143 to 148, and   150.
	By revoking the First Schedule.
Food Regulations 1984	By inserting in regulation 78, after

(S.R. 1984/262)	subclause (2), the following subclause:   "(2A) In this regulation, `officer'   includes an animal product officer within   the meaning of the Animal Products Act   1999."
Game Industry Board Regulations 1985 (S.R. 1985/154)	By inserting in regulation 2 (1), in their   appropriate alphabetical order, the   following definitions:   " `Deer slaughtering premises'   means---   "(a) Deer slaughtering premises   within the meaning of the Meat Act   1981:   "(b) The premises of an animal   product business within the meaning   of the Animal Products Act 1999 in   which deer are slaughtered under a   risk management programme registered   under Part 2 of that Act or a   regulated control scheme made under   Part 3 of that Act:   " `Game packing house' means---   "(a) A game packing house within the   meaning of the Meat Act 1981:   "(b) The premises of an animal   product business within the meaning   of the Animal Products Act 1999 in   which deer or game, game carcasses,   or deer antler are processed under a   risk management programme registered   under Part 2 of that Act or a   regulated control scheme made under   Part 3 of that Act:".
Fisheries (Recordkeeping) Regulations 1990 (S.R. 1990/219)	By revoking Part III (regulations 23 to 34).   By inserting in regulation 18, after the   expression "Meat Act 1981", the   expression ", Animal Products Act 1999,".
Fish Export Processing Regulations 1995 (S.R. 1995/54)	By adding to the definition of "overseas   requirements" in regulation 2 (1) the   words ", as notified by the   Director-General under section 60 of the   Animal Products Act 1999".   By revoking the definition of "tourist   lodge".   By adding to regulation 4 the following   subclause:   "(3) These regulations do not apply to   fish, or fish products or byproducts,   whose processing---   "(a) Is covered by a risk   management programme registered   under Part 2 of the Animal Products   Act 1999 or a regulated control   scheme made under Part 3 of that   Act; or   "(b) Is exempted under that Act

	(whether individually or by class)
	from the requirement to be covered
	by a risk management programme."
	By revoking regulation 15.
Biosecurity (National	By inserting in clause 14 (1), after the
Bovine Tuberculosis	words "disease diagnostic laboratory,"
Pest Management	the words "operator of a risk management
Strategy) Order 1998	programme registered under Part 2 of the
(S.R. 1998/179)	Animal Products Act 1999,".
	By inserting in clause 14 (1), after the
	expression "Meat Act 1981," the words
	"or at premises of an animal product
	business within the meaning of the Animal
	Products Act 1999 in which mammals are
	slaughtered, dressed, or processed under a
	risk management programme registered under
	Part 2 of that Act or a regulated control
	scheme made under Part 3 of that Act,".
	By adding to clause 16 (1) the following
	paragraphs:
	" (j) An operator of a risk
	management programme registered
	under Part 2 of the Animal Products
	Act 1999:
	" (k) A person subject to the
	requirements of a regulated control
	scheme made under Part 3 of the
	Animal Products Act 1999:
	" (l) A person listed (or deemed by
	section 20 of the Animal Products
	(Ancillary and Transitional
	Provisions) Act 1999 to be listed)
	as a homekill or recreational catch
	service provider under Part 6 of the
	Animal Products Act 1999."
Biosecurity (National	By adding to clause 14 (2) the words ", or
American Foulbrood	with a standard or specification made under
Pest Management	Part 4 of the Animal Products Act 1999 or a
Strategy) Order 1998	regulated control scheme made under Part 3
(S.R. 1998/260)	of that Act."
Meat Board Regulations	By omitting the definition of "processor"
1998 (S.R. 1998/323)	in regulation 2, and substituting the
	following definition:
	" `Processor' means a person who is
	liable to pay Meat Board levy in
	respect of livestock slaughtered in
	licensed premises and who is---
	" (a) A licensee of an abattoir
	(within the meaning of the Meat Act
	1981) other than an abattoir in the
	Chatham Islands; or
	" (b) A licensee of an export
	slaughterhouse (within the meaning of
	the Meat Act 1981) other than an
	export slaughterhouse in the Chatham
	Islands; or
	" (c) The operator of the animal

Biosecurity (Bovine Tuberculosis---Cattle Levy) Order 1998 (S.R. 1998/457)

product business (within the meaning of the Animal Products Act 1999) whose premises constitutes the licensed premises, other than premises in the Chatham Islands:".

By omitting from clause 2 (1) the definition of "licensed premises", and substituting the following definitions:

" `Licensed premises' means---

"(a) A licensed abattoir or licensed export slaughterhouse (within the meaning of the Meat Act 1981):

"(b) The premises of an animal product business within the meaning of the Animal Products Act 1999 in which cattle are slaughtered under a risk management programme registered under Part 2 of that Act or a regulated control scheme made under Part 3 of that Act:

" `Licensee', in relation to premises of a kind referred to in paragraph (b) of the definition of `licensed premises', means the operator of the animal product business concerned:".

-----

SCHEDULE 4

Section 22 (1)

Fees and Charges

PART 1

Schedule of Fees

-----

Matter in Respect of Which Fee Payable Under Animal Products Act 1999	Fee*
1. Application under section 20 for registration of risk management programme .. .. .	\$100 plus assessment charge on hourly basis specified in Part 2

-----

Fee\*

\$100

plus assessment charge on hourly basis specified in Part 2

	\$100
	plus assessment charge on hourly basis specified in Part 2
2. Application under section 25 for agreement to amendment of risk management programme .. ..	
	\$100
	plus assessment charge (if any) on hourly basis specified in Part 2
3. Fee in relation to update of risk management programme under section 26 .. .. .	
4. Application under section 34 for registration of food safety programme as risk management programme	
	\$100
	plus assessment charge on hourly basis specified in Part 2 in respect of assessing of conditions
5. Application under section 54 for registration as exporter .. .. .	\$130
6. Annual exporter registration fee under section 57 .. .. .	\$150
7. Application under section 75 for listing as homekill or recreational catch service provider	\$100
8. Annual listing fee under section 77 .. ..	\$105
9. Application under section 102 for recognition or accreditation .. .. .	\$110
	plus assessment charge on hourly basis specified in Part 2
10. Annual recognition or accreditation fee under section 108 .. .. .	\$80
	plus assessment charge on hourly basis specified in Part 2
11. Application for provision under section 111 of substituted notice of recognition or accreditation	\$40
12. Issue of official assurance under section 63	\$25
13. Reissue of official assurance under section 64	

(2), if replacement assurance demanded by importing country .. .. .		\$1,000
14. Issue, on request, of statement of New Zealand standard under section 83 .. .. .		\$25

\*Fee exclusive of any applicable travel costs payable under Part 3

## PART 2 Assessment Charges on Hourly Basis

Where Part 1 specifies an assessment charge on an hourly basis, that charge is to be determined as follows in respect of each hour (or final part hour) beyond the first hour spent on assessing the matter concerned:

(a) For each hour (excluding final part hour) spent by an officer or employee of the Ministry	\$80
For each 15-minute block in final part hour	\$20
(b) For each hour (excluding final part hour) spent by a person engaged by the Ministry to assess the matter concerned who is not an officer or employee of the Ministry .. .. .	\$150
For each 15-minute block in final part hour	\$37.50

## PART 3 Travel Costs

Where travel of a Ministry officer or employee is required for any of the matters specified in Parts 1, 2, and 4, an additional amount of \$0.54 per kilometre travelled by the officer or employee is payable on top of the specified fee or charge.

## PART 4 MAF Verification Charges

### NOTES

- The charges set out in this Part apply where any verification function under the Animal Products Act 1999 is carried out by an officer or employee of the Ministry.
- The charges set out in this Part that are determined on an hourly basis or on the basis of the number of animals involved in a relevant activity are exclusive of GST, and GST on these charges will be added to the total invoice.
- In this Part,---  
"Circuit charges" refer to charges payable in respect of any place or premises where the verification functions are performed by

Ministry verifiers who are not permanently or semi-permanently based at the place or premises:

"Double time" refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to double time rates:

"Establishment charges" refer to charges payable in respect of any place or premises where the verification functions are performed by Ministry verifiers who are permanently or semi-permanently based at the place or premises:

"Non-veterinary verifier" means a verifier who is not a veterinarian registered under the Veterinarians Act 1994:

"Shift rates" refers to the case where a verifier is entitled, by his or her employment contract, to extra remuneration for working shifts:

"Supervising veterinary verifier" means a veterinary verifier who has prime responsibility for the verification function at a place or premises:

"Time and a half", or "1[1/2] time", refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to time and a half rates:

"Veterinary verifier" means a verifier who is a veterinarian registered under the Veterinarians Act 1994.

1. Establishment charge:

A. Charge per animal slaughtered and dressed at establishment

Lambs, sheep, bobby calves, goats	\$0.06 per head
Pigs	\$0.15 per head
Cattle, horses	\$0.42 per head
Deer	\$0.88 per head
Other species (other than fish)	\$0.15 per head

B. Hourly charges for verifiers

(1) Veterinary verifier---

(a) Non-shift rates:

Per hour	\$41.08
Per hour at 1[1/2] time	\$49.62
Per hour at double time	\$66.16

(b) Shift rates

the relevant rate specified in paragraph (a), plus an additional rate of---

(i) \$16.20 per shift per verifier for morning shift

(ii) \$29.16 per shift per verifier for evening shift

(iii) \$39.96 per shift per verifier for night shift

(2) Supervising veterinary verifier---

(a) Non-shift rates:

Per hour	\$43.06
Per hour at 1[1/2] time	\$52.02
Per hour at double time	\$69.35

(b) Shift rates

the relevant rate specified in paragraph (a), plus an additional rate of---

(i) \$16.20 per shift per verifier for morning shift

(ii) \$29.16 per shift per verifier for evening shift

(iii) \$39.96 per shift per verifier for night shift

(3) Non-veterinary verifier---

(a) Non-shift rates:

Per hour	\$23.80
Per hour at 1[1/2] time	\$26.69
Per hour at double time	\$39.59

(b) Shift rates

the relevant rate specified in paragraph (a), plus an additional rate of---

(i) \$16.20 per  
shift per verifier  
for morning shift

(ii) \$29.16 per  
shift per verifier  
for evening shift

(iii) \$39.96 per  
shift per verifier  
for night shift

2. Circuit charge:

A. Basic hourly charge on primary  
processors who slaughter or dress  
animals other than fish

(a) Lambs, sheep, bobby calves,  
pigs, cattle, horses, goats, and deer,  
for each hour spent by a verifier in  
verification function

\$11.19 per hour

(b) Game

\$8.32 per hour

B. Basic hourly charge on secondary  
processors (other than processors of  
fish and operators of coolstores or  
other storage premises)

(a) For game processors, for each  
hour spent by a verifier in  
verification function

\$8.32 per hour

(b) For all other processors, for  
each hour spent by a verifier in  
verification function

\$11.19 per hour

C. Annual charge for coolstores or other  
storage premises, and for processors  
of fish

(To be pro-rated on a monthly basis  
where verification contract for less  
than a full year)

(a) Coolstores or other storage  
premises, per coolstore or other  
premises

\$199.27 per annum

(b) Processing under a risk  
management programme (including on a  
fishing vessel) in respect of fish  
other than bivalve molluscan shellfish

\$845.08 per annum

(c) Processing under a risk management programme in respect of bivalve molluscan shellfish	\$1,999 per annum
--------------------------------------------------------------------------------------------	-------------------

D. Hourly charges for verifiers

(1) For verification activities in relation to lambs, sheep, bobby calves, pigs, cattle, horses, and goats---

(a) Non-veterinary verifier:

Per hour	\$45.72
Per hour at 1[1/2] time	\$64.27
Per hour at double time	\$82.81

(b) Veterinary verifier:

Per hour	\$70.15
Per hour at 1[1/2] time	\$98.56
Per hour at double time	\$126.97

(2) For verification activities in relation to deer---

(a) Non-veterinary verifier:

Per hour	\$44.82
Per hour at 1[1/2] time	\$64.53
Per hour at double time	\$84.24

(b) Veterinary verifier:

Per hour	\$63.87
Per hour at 1[1/2] time	\$89.94
Per hour at double time	\$116.01

(3) For verification activities in relation to fish---

(a) Non-veterinary verifier:

Per hour	\$59.41
Per hour at 1[1/2] time	\$77.52
Per hour at double time	\$95.62

## (b) Veterinary verifier:

Per hour	\$82.42
Per hour at 1[1/2] time	\$108.18
Per hour at double time	\$133.93

## (4) For verification activities in relation to coolstores and other storage premises---

## (a) Non-veterinary verifier:

Per hour	\$48.76
Per hour at 1[1/2] time	\$67.06
Per hour at double time	\$85.36

## (b) Veterinary verifier:

Per hour	\$74.76
Per hour at 1[1/2] time	\$102.47
Per hour at double time	\$130.18

## (5) For verification activities not covered by subclauses (1) to (4)---

## (a) Non-veterinary verifier:

Per hour	\$66.25
Per hour at 1[1/2] time	\$89.11
Per hour at double time	\$118.82

## (b) Veterinary verifier:

Per hour	\$89.26
Per hour at 1[1/2] time	\$123.63
Per hour at double time	\$164.84

## 3. Costs incurred by Ministry at request of operator, etc:

Actual and reasonable expenses incurred by an officer or employee of the Ministry may be recovered by the Ministry where those expenses arise from---

- (a) Request by the operator of risk management programme; or
- (b) Act or omission of the operator of risk management programme.

-----

## SCHEDULE 5

## Section 22 (2)

## Levies

## NOTES:

1. The levies set out in this schedule are payable by the operator of a risk management programme in respect of operations under the programme, and are payable irrespective of who performs any verification or other function in relation to the programme.
  2. The levies per head set out in clause 1 are exclusive of GST, and GST on those levies will be added to the total invoice.
1. Levies per head where animals slaughtered and dressed (GST exclusive):

The following levies are payable by the operators (not being homekill or recreational catch service providers) of premises or places where the animals specified are slaughtered and dressed (not being a plant in respect of which an inspection contract under Part IIIA of the Meat Act 1981 is in force, unless otherwise specified in the contract), on the basis of the number of animals slaughtered and dressed:

Lambs, sheep, bobby calves, goats	\$0.10 per head
Pigs	\$0.18 per head
Cattle, horses	\$0.70 per head
Deer	\$0.76 per head
Other species (other than fish)	\$0.20 per head

## 2. Annual levies for fish:

- (a) Processors who operate risk management programmes covering fish other than bivalve molluscan shellfish
- \$3,303 per annum

(b) Processors who operate risk management programmes covering bivalve molluscan shellfish \$3,575 per annum

3. Annual levy for coolstores and other storage premises to which clauses 1 and 2 do not apply:

Operator of a coolstore or other storage premises covered by a risk management programme, per coolstore or other premises \$119 per annum

4. Annual levy for animal processing that excludes slaughter:

Primary or secondary processor (to whom none of clauses 1, 2, 3, and 5 apply) operating under a risk management programme that covers---

(a) Meat, meat byproducts, game, or game meat \$6,319 per annum

(b) Other products \$3,303 per annum

5. Monthly levy for fishing vessels:

Fishing vessel operating under risk management programme \$275.62 per month