

**ANIMAL PRODUCTS (ANCILLARY AND TRANSITIONAL PROVISIONS)
AMENDMENT ACT 2002**

2002 No 30

(25 September 2002)

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SCHEDULES

SCHEDULE

NEW SCHEDULES 3A AND 3B INSERTED IN PRINCIPAL ACT

Legislative history

1. Title—

(1) This Act is the Animal Products (Ancillary and Transitional Provisions) Amendment Act 2002.

(2) In this Act, the Animal Products (Ancillary and Transitional Provisions) Act 1999 is called "the principal Act".

2. Commencement—

This Act comes into force on the day after the date on which it receives the Royal assent.

3. Long Title amended—

The Long Title of the principal Act is amended—

(a) by omitting from paragraph (a) the expression "1 November 2002", and substituting the expression "1 July 2006":

(b) by omitting from paragraph (d) the words "3-year period to 1 November 2002", and substituting the words "period to 1 July 2006".

4. General outline of this Act—

(1) Section 2(a) of the principal Act is amended by omitting the expression "1 November 2002", and substituting the expression "1 July 2006".

(2) Section 2(d) of the principal Act is amended by repealing subparagraph (iii), and substituting the following subparagraph:

"(iii) provision of a staggered transitional period, ending with 30 June 2006, during which different classes of existing animal product businesses must register risk management programmes (subject to certain exceptions):".

5.Continued application of requirements of existing regimes—

Section 3 of the principal Act is amended by omitting the expression "1 November 2002", and substituting the expression "1 July 2006".

6.Repeal of Meat Act 1981 on 1 November 2002—

Section 5 of the principal Act is amended—

(a)by omitting from the section heading the expression "1 November 2002", and substituting the expression "1 July 2006":

(b)by omitting from both subsection (1) and subsection (2) the expression "1 November 2002", and substituting in each case the expression "1 July 2006".

7.New sections 9 and 10 substituted—

The principal Act is amended by repealing sections 9 and 10, and substituting the following sections:

9.Existing businesses to register risk management programme by relevant staggered transition date—

(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—

(a)1 July 2003, in the case of operations other than rendering carried out by—

(i)the licensed processors listed in Part 1 of Schedule 3A (generally red meat processors); and

(ii)the licensed processors listed in Part 2 of Schedule 3A (generally export seafood processors); and

(iii)the licensed processors listed in Part 3 of Schedule 3A (generally meat or game packing houses of the type that perform operations extending beyond cutting and boning):

(b)1 July 2004, in the case of operations carried out by—

“(i)all remaining businesses licensed under any of sections 15, 16, 18, 19, and 22 of the Meat Act 1981, other than the licensees specified in Schedule 3B to whom paragraph (a) does not apply; and

“(ii)all primary processors of ostriches, emus, and possums; and

“(iii)all renderers licensed under section 20(1)(b) of the Meat Act 1981; and

“(iv)all poultry meat primary processors; and

“(v)all egg processors who, as producers, are subject to paying a levy under the Commodity Levies (Eggs) Order 1999 (SR 1999/56):

“(c)1 July 2005, in the case of operations carried out by—

“(i)all primary producers of eggs to whom paragraph (b)(v) does not apply; and

“(ii)all dual operator butchers; and

“(iii)all petfood processors licensed under section 20(1)(b) of the Meat Act 1981; and

“(iv)all processors of byproducts licensed under section 20(1)(c) of the Meat Act 1981:

“(d)1 July 2006, in the case of all other existing animal product businesses (including those specified in Schedule 3B) of a kind required to have a risk management programme.

“(2)The processors, licensees, and business specified in Schedules 3A and 3B are deemed to include any person who, on or after 30 May 2002, is the heir, successor, or assign of the named processor, licensee, or business.

“(3)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 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 relevant transition date—

“(1) Where an existing animal product business has applied for registration of a risk management programme at least 3 months before the relevant transition date fixed for that business under section 9, the Director-General must take all reasonable steps to ensure that registration of the programme can occur before that transition date, 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 the relevant transition date 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.”

8. Persons who may issue official assurances during transitional period—

Section 19 of the principal Act is amended by omitting from both subsection (1)(a) and subsection (2) the expression “1 November 2002”, and substituting in each case the expression “1 July 2003”.

9. New section 19A and heading inserted—

The principal Act is amended by inserting, after section 19, the following heading and section:

“Game estates

“19A. Game estates must list within 6-month transitional period—

“Nothing in the Animal Products Act 1999 requires—

“(a) a game estate to be listed as such under Part 5A of that Act; or

“(b) a game estate operator to be listed as a homekill or recreational catch service provider under Part 6 of that Act in respect of the processing of animals killed or caught on the game estate,—

“until the expiry of the period of 6 months commencing on the date of commencement of the Animal Products Amendment Act 2002, and no person commits an offence against the Animal Products Act 1999 by reason merely of the failure of a game estate or game estate operator to be listed under Part 5A or Part 6 of that Act before the expiry of that period.”

10. Dual operator butchers—

Section 21(a) of the principal Act is amended by omitting the expression “1 November 2002”, and substituting the expression “1 July 2005”.

11. Part 3A of Meat Act 1981 continues to apply until regulations otherwise provide, etc—

Section 23(1) of the principal Act is amended by omitting the expression “31 October 2002”, and substituting the expression “30 June 2006”.

12. Avoidance of application of 2 separate cost recovery regimes in respect of single plant—

Section 24(8) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

“(b) on the relevant transition date fixed under section 9 for animal product businesses of that class (or the latest relevant transition date, if more than 1 applies to the business); or”.

13. Regulations in respect of transitional matters—

(1) Section 25(1) of the principal Act is amended by omitting the expression “31 October 2002”, and substituting the expression “30 June 2006”.

(2) Section 25(3) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

“(a) apply at any time during the transitional period ending with the close of 30 June 2006:”.

14. Standardisation of requirements under different Acts during transitional period—

Section 27(a) of the principal Act is amended by omitting the words “3-year transitional period ending with 31 October 2002”, and substituting the words “transitional period ending with 30 June 2006”.

15. Records under Meat Act 1981 to be retained for 3 years—

Section 28 of the principal Act is amended by omitting the words “3-year transitional period ending with 31 October 2002”, and substituting the words “transitional period ending with 30 June 2006”.

16. New section 29A inserted—

(1) The principal Act is amended by inserting, after section 29, the following section:

“29A. Non-Ministry personnel acting as inspectors under Meat Act 1981—

“Where any person who is not an employee or officer of the Ministry is for any purpose treated as or deemed to be an inspector appointed under the Meat Act 1981, whether by regulation 4(2)(b) of the Animal Products (Ancillary and Transitional Provisions) Regulations 2000 or by any other regulation made under this Act or the Animal Products Act 1999,—

“(a)that person is not for that reason to be treated as an employee of the Ministry, and the Crown is not liable as employer of that person for any act or omission of the person in relation to the purposes for which the person is treated as or deemed to be an inspector; and

“(b)any liability of the person's actual employer in their capacity as employer of the person is unaffected.”

(2)This section is deemed to have come into force on 20 November 2000.

(3)This section does not apply for the purposes of any legal proceedings commenced before 18 December 2001.

17.Part 4 heading amended—

The heading to Part 4 is amended by omitting the expression “1 November 2002”, and substituting the expression “1 July 2006”.

18.Expiry of Part 5—

Section 74 of the principal Act is amended by omitting the expression “1 November 2002”, and substituting the expression “1 July 2006”.

19.Schedule 1 amended—

The heading of Schedule 1 of the principal Act is amended by omitting the expression “1 November 2002”, and substituting the expression “1 July 2006”.

20.New Schedules 3A and 3B inserted—

The principal Act is amended by inserting, after Schedule 3, the Schedules 3A and 3B set out in the Schedule of this Act.

Amendment to Meat Act 1981

21.Lapse of remaining licences on repeal of this Act—

Section 43AC of the Meat Act 1981 is amended by omitting the expression “1 November 2002”, and substituting the expression “the close of 30 June 2006”.

SCHEDULES

SCHEDULE

s 20

NEW SCHEDULES 3A AND 3B INSERTED IN PRINCIPAL ACT

``SCHEDULE 3A

s 9(1)

EXISTING ANIMAL PRODUCT BUSINESSES SUBJECT TO 1 JULY 2003
TRANSITION DATE

``PART 1

RED MEAT PROCESSORS

Business

Premises

(Licensee under Meat Act 1981) (Licence identification
under Meat Act 1981)

AFFCO New Zealand Limited ME 23

ME 32

ME 39

ME 42

ME 47

ME 56

Alliance Group Limited ME 17

ME 18

ME 21

ME 50

Auckland Meat Processors Limited ME 103

Bay City Meats (Timaru) Limited AB 15

Blue Sky Meats (NZ) Limited ME 80

Canterbury Meat Packers Limited ME 70

ME 78

Wallace Meats Limited ME 108

Crusader Meats New Zealand Limited ME 118

Greenlea Premier Meats Limited ME 82

ME 124

Lakeview Meat Processing Limited (in receivership) ME 136

Lamb Packers Feilding Limited ME 128

Land Meat New Zealand Limited ME 131

PPCS Limited ME 26

ME 64

Progressive Meats Limited ME 87

Richmond Limited ME 9

ME 52

ME 58

ME 60

ME 84

ME 88

ME 102

ME 125
Riverlands Eltham Limited ME 43
Taylor Preston Limited ME 86
Te Kuiti Meat Processors Limited ME 104
The Canterbury Frozen Meat Co Limited ME 15
ME 16
ME 34
ME 37
UBP Limited ME 127
Wallace Corporation Limited ME 100

``PART 2

EXPORT SEAFOOD PROCESSORS

Business
Premises
(Licensee under Meat Act 1981) (Licence identification
under Meat Act 1981)
Amaltal Fishing Co Limited PH 46
PH 340
PH 384
PH 475
Antons Seafoods Limited PH 129
Cook Strait Seafoods Limited PH 62
PH 150
PH 156
Fiordland Lobster Company Limited PH 263
Globe Export Fisheries Limited PH 51
Greben Fishing Limited PH 588
Independent Fisheries Limited PH 37
PH 373
PH 476
PH 483
PH 521
J S Fishing Limited PH 468
Kia Ora Seafoods Limited PH 144
Leigh Fisheries Limited PH 126
Marlborough Seafoods Limited PH 187
Moana Pacific Fisheries Limited PH 59
PH 116
PH 188
PH 290
PH 299
PH 439
Mt Maunganui Seafoods Limited PH 63
New Zealand Longline Limited PH 506
Ngai Tahu Fisheries Limited PH 389
PH 397

O P Columbia PH 60
Otakou Fisheries Limited PH 91
Pacific Marine Farms (1996) Limited PH 85
PH 141
Pacifica Seafoods (Christchurch) Limited PH 123
PH 175
Prepared Foods Processing Limited PH 16
Sanford (South Island) Limited FPH 3
FPH 5
PH 148
PH 164
PH 177
PH 250
Sanford Limited FPH 52
FPH 53
PH 48
PH 76
PH 463
PH 464
PH 503
PH 512
PH 513
Seafresh New Zealand Limited PH 184
Sealord Charters Limited PH 160
Sealord Group Limited PH 12
PH 155
PH 411
PH 472
PH 496
Sealord Shellfish Limited PH 181
Simunovich Fisheries Limited PH 194
PH 480
Southern Seafoods Limited PH 168
PH 190
PH 458
Talleys Fisheries Limited PH 1
PH 102
PH 103
PH 107
PH 120
PH 159
The New Zealand King Salmon Co Limited PH 157
Thomas Richard & Co Limited FPH 36
United Fisheries Limited PH 587
Vela Fishing Limited PH 477
PH 495
Wellington Trawling Co Limited PH 192
Westfleet Fishermen's Co-operative Limited PH 143
Westhaven Marketing Limited PH 176
Westpac Mussels Distributors Limited PH 223

``PART 3

MEAT OR GAME PACKING HOUSES (OTHER THAN CUTTING AND BONING ONLY)

Business

Premises

(Licensee under Meat Act 1981) (Licence identification under Meat Act 1981)

Advanced Foods of New Zealand Limited PH 31

Alaron Products Limited PH 412

PH 517

ANZCO Green Island Limited PH 173

Auckland Casings Co Limited PH 88

Back Country Foods Limited PH 500

Bakels Edible Oils (NZ) Limited PH 416

Dairy Meats (Avondale) Limited PH 490

En'Zaq Aquaculture Limited PH 448

Forest Park Taupo (2000) Limited PH 494

Franklin Foods Limited PH 479

Garrett International Meats Limited PH 214

Glovers Food Processors Limited PH 80

Healtheries of New Zealand Limited PH 5

PH 26

Heinz Wattie's Limited PH 233

PH 467

Hygrade Casing Company Limited PH 478

PH 530

Kiwi Pacific Foods Limited PH 445

Levin Casing Company Limited PH 261

Lowe Products New Zealand Limited PH 372

Mandarin International (NZ) Limited PH 306

McCallum Industries Limited PH 134

Meadow Lea Foods Limited PH 482

Nestle New Zealand Limited PH 328

New Zealand Gourmet Supplies Limited PH 504

New Zealand Pastoral Agricultural Research PH 84

Institute LimitedNew Zealand Supreme Natural Foods Limited PH 435

Nutri-Zeal Limited PH 486

Otago Venison Limited PH 376

Ottogi New Zealand Limited PH 461

Pacific Casings Limited PH 516

Park Trading Co Limited PH 82

PPCS Limited PH 401

Prudent Shipping and Processing Limited PH 515

Rapa United Casings (NZ) Limited PH 213

Richmond Limited PH 14

Tasman Extracts Limited PH 444

The Canterbury Frozen Meat Co Limited PH 55
Top Hat Convenience Foods Limited PH 519
Vitality Foods (New Zealand) Limited PH 7
Waikiwi Casings Co Ltd PH 505
PH 149
Waitaki Biosciences International Limited PH 3
Woolworths (New Zealand) Limited PH 529

``SCHEDULE 3B

s 9(1)(b), (d)

BUSINESSES SPECIFICALLY EXCLUDED FROM 1 JULY 2004 TRANSITION DATE

Business
Premises
(Licensee under section 19 of the Meat Act (Licence identification under
1981) Meat Act 1981)
Alba Cosco Limited PH 449
Bioproducts (New Zealand) Limited PH 436
Canterbury Antler (NZ) Limited PH 298
Deer World Limited PH 349
Evergreen Deer and Fish Products Co Limited PH 278
Evergreen Life Limited PH 426
Gamma Natural Products Limited PH 9
Gevir Products NZ Limited PH 358
Global Deer Products Limited PH 522
Hyun Dae Deer Products Limited PH 427
Kornex Corporation Limited PH 140
Luggate Game Packers Limited PH 93
Myung Soo Jeon PH 487
National Deer Horn Limited PH 220
New Bell International Limited PH 267
New Core Deer Products Limited PH 254
New Zealand Deer Horn Limited PH 510
New Zealand Deer Land Limited PH 525
Oxford Deer Products Limited PH 226
Parex International Limited PH 406
Park Trading Co Limited PH 383
Rokland Corporation Limited PH 336
S & K Star Co Limited PH 518
Sebanto Holdings Limited PH 399
Spring International Limited PH 339
Steven Chang PH 320
Sunling Natural Products Limited PH 283
Tasman Velvet Processors Limited PH 39
Tsengs Enterprises (NZ) Limited PH 488"

Legislative history

18 September 2002

Divided from Animal Products Amendment Bill (Bill
194-2) as Bill 194-3A

19 September 2002 Third reading