

**Dairy Industry (National Residue Monitoring Programme) Regulations 2002**  
(SR 2002/139)

**Note**

These regulations are administered in the Ministry of Agriculture and Forestry.

Pursuant to section 32 of the Dairy Industry Act 1952, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

**Contents**

- 1 Title
- 2 Commencement
- 3 Interpretation
- 4 Purpose
- 5 Programme established
- 6 Recognised persons
- 7 Testing only in recognised laboratories
- 8 Results of tests
- 9 Director-General may conduct surveys
- 10 Director-General may conduct surveys [Revoked]

1 Title

- These regulations are the Dairy Industry (National Residue Monitoring Programme) Regulations 2002.

2 Commencement

- These regulations come into force on 1 July 2002.

3 Interpretation

- In these regulations, unless the context otherwise requires,—  
**Act** means the Animal Products Act 1999  
**chemical substance** includes an agricultural compound, a veterinary medicine, an environmental contaminant, an extraneous substance, a toxic substance, and the metabolites of those substances  
**Director-General** means the chief executive of the Department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of the Act  
**farm dairy** has the same meaning as in the Act  
**operator** means—
  - (a) for a dairy processor, including the operator of a farm dairy, every person who controls or manages the dairy processing; and
  - (b) for a registered risk management programme, the person specified in the programme as the operator**programme** means the dairy residue monitoring programme referred to in regulation 5  
**recognised laboratory** means a laboratory recognised under the Act

**recognised person** means a person recognised by the Director-General under regulation 6  
**residue**—

- (a) means a chemical substance that remains in or on raw milk, dairy material, or dairy product and that—
  - (i) is likely to be harmful to a human or an animal; or
  - (ii) fails to comply with the New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standard and Food Standards Code applicable to New Zealand; or
  - (iii) exceeds any maximum allowable level specified in standards or specifications made under the Act:
- (b) includes a contaminant that is of a chemical nature.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 4 Purpose

- The purpose of these regulations is to enable it to be determined whether residues in dairy material or product are controlled effectively.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 5 Programme established

- The dairy residue monitoring programme established and commenced on 1 July 2002 authorises recognised persons to sample and test dairy material or product from farm dairies and dairy factories (whether the dairy material or product is for domestic sale or export sale or for human or animal consumption).

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 6 Recognised persons

- The Director-General may recognise an agency or a person for the purpose of undertaking sampling, testing, or other activities under the programme if the Director-General is satisfied that the person or class of person has the necessary experience and skill.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 7 Testing only in recognised laboratories

- All testing of dairy material or product under the programme must be carried out in a recognised laboratory.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 8 Results of tests

- (1) The Director-General must, within a reasonable time if practicable, advise a risk management programme operator (or the operator of a business to which section 79(2)(a) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 applies) of the results of tests under the programme of that operator's dairy material or product.
- (2) The Director-General may release information on the programme, but must not identify an operator or farm dairy or dairy factory in doing so.
- (3) The Director-General must keep information obtained through the programme confidential unless disclosure is required—
  - (a) under the Official Information Act 1982; or

- (b) to enable a recognised agency or person to sample or test under the programme; or
  - (c) to enable a person to do whatever is necessary or desirable to respond to a finding that a residue in dairy material or product is unsafe or suspected to be so.
- (4) A recognised agency, person, or laboratory that holds information about sampling or other activities under the programme must keep that information confidential unless the programme requires the agency, person, or laboratory to disclose the information.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 9 Director-General may conduct surveys

- (1) The Director-General may conduct or arrange a survey or do research, development, or investigatory work if the Director-General considers that is desirable or necessary to determine—
  - (a) whether or not, or how, to exercise a power or function contemplated by these regulations in relation to the programme; or
  - (b) how best to achieve the purpose of these regulations, including developing or testing legislative, administrative, technical, or other measures.
- (2) The Director-General is authorised under subclause (1) to investigate or confirm the presence, absence, extent, or distribution of a residue in dairy material or product in New Zealand or the risk posed by that residue.
- (3) The Director-General must do everything reasonably practicable to consult the persons likely to be substantially affected by a survey referred to in subclause (1). However, consultation is not required if the Director-General considers that an urgent survey is desirable in the public interest.

Regulations 3 to 9 were substituted, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

#### 10 Director-General may conduct surveys

- [Revoked]  
Regulation 10 was revoked, as from 1 June 2005, by section 77(1)(b) Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Diane Wilderspin,  
Acting for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in Gazette: 30 May 2002.