

Animal Products (Ancillary and Transitional Provisions) Amendment Act 2002

Public Act 2002 No 30
Date of assent 25 September 2002

Contents

	Page
1 Title	2
2 Commencement	2
3 Long Title amended	2
4 General outline of this Act	3
5 Continued application of requirements of existing regimes	3
6 Repeal of Meat Act 1981 on 1 November 2002	3
7 New sections 9 and 10 substituted	3
9 Existing businesses to register risk management programme by relevant staggered transition date	3
10 Application for registration should be made at least 3 months before relevant transition date	5
8 Persons who may issue official assurances during transitional period	6
9 New section 19A and heading inserted	6
<i>Game estates</i>	
19A Game estates must list within 6-month transitional period	6
10 Dual operator butchers	6
11 Part 3A of Meat Act 1981 continues to apply until regulations otherwise provide, etc	6

s 1	Animal Products (Ancillary and Transitional Provisions) Amendment Act 2002	2002 No 30
12	Avoidance of application of 2 separate cost recovery regimes in respect of single plant	7
13	Regulations in respect of transitional matters	7
14	Standardisation of requirements under different Acts during transitional period	7
15	Records under Meat Act 1981 to be retained for 3 years	7
16	New section 29A inserted	7
	29A Non-Ministry personnel acting as inspectors under Meat Act 1981	8
17	Part 4 heading amended	8
18	Expiry of Part 5	8
19	Schedule 1 amended	8
20	New Schedules 3A and 3B inserted	9
	Amendment to Meat Act 1981	
21	Lapse of remaining licences on repeal of this Act	9
	Schedule	9
	New Schedules 3A and 3B inserted in principal Act	

The Parliament of New Zealand enacts as follows:

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”.

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**

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

Schedule 3A—*continued*
1—*continued*

Business	Premises
	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

Schedule 3A—*continued*1—*continued*

Business	Premises
	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

2

Export seafood processors

Business	Premises
(Licensee under Meat Act 1981)	(Licence identification under Meat Act 1981)
Amaltal Fishing Co Limited	PH 46

Schedule 3A—*continued*
2—*continued*

Business	Premises
	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

Schedule 3A—*continued*2—*continued*

Business	Premises
	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

Schedule 3A—*continued*
2—*continued*

Business	Premises
Sanford Limited	FPH 52
	FPH 53
	PH 48
	PH 76
	PH 463
	PH 464
	PH 503
	PH 512
	PH 513
	Seafresh New Zealand Limited
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

Schedule 3A—*continued*2—*continued*

Business	Premises
	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

Schedule 3A—*continued*

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

Schedule 3A—*continued*3—*continued*

Business	Premises
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 Institute Limited	PH 84
New 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

Schedule 3A—*continued*
3—*continued*

Business	Premises
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 1981)	(Licence identification under Meat Act 1981)
Alba Cosco Limited	PH 449
Bioproducts (New Zealand) Limited	PH 436
Canterbury Antler (NZ) Limited	PH 298

Schedule 3B—*continued*

Business	Premises
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

Schedule 3B—*continued*

Business	Premises
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
