

Animal Products (Ancillary and Transitional Provisions) Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Animal Products Amendment Bill as reported from the Primary Production Committee. The committee of the whole House has divided the bill into the following bills:

- The Animal Products Amendment Bill, comprising clauses 1 and 2, Part 1 and Schedule 1
 - This bill, comprising Part 2 and Schedule 2
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Key to symbols used in reprinted bill

As reported from a select committee

New (unanimous)

Subject to this Act,

Text inserted unanimously

~~(Subject to this Act,)~~

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon Annette King

Animal Products (Ancillary and Transitional Provisions) Amendment Bill

Government Bill

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

Schedule 2
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 1999¹ is called “the principal Act”.

¹ 1999 No 94

- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 33 Long Title amended** 5
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**”. 10
- 34 General outline of this Act**
- (1) Section 2(a) of the principal Act is amended by omitting (*from paragraph (a)*) the expression “1 November 2002”, and substituting the expression “1 July 2006”. 15
- (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):”. 20
- 35 Continued application of requirements of existing regimes** 25
Section 3 of the principal Act is amended by omitting the expression “1 November 2002”, and substituting the expression “1 July 2006”.
- 36 Repeal of Meat Act 1981 on 1 November 2002** 30
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”.

37 New sections 9 and 10 substituted

The principal Act is amended by repealing sections 9 and 10, and substituting the following sections: 5

“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— 10

“(a) 1 July 2003, in the case of operations other than rendering carried out by— 15

“(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): 20

“(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 25

“(ii) all primary processors of ostriches, emus, and possums; and 30

“(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): 35

“(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 40

- “(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. 5

New (unanimous)

- “(1A) 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. 10
- “(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,— 15
- “(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 20
- “(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. 25
- “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. 30

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Transitional Provisions) Amendment**

- “(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.”
- 38 Persons who may issue official assurances during transitional period** 10
- 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”. 15

New (unanimous)

- 38A 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** 20
- 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.” 30

- 39 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”.
- 40 Part IIIA of Meat Act 1981 continues to apply until regulations otherwise provide, etc** 5
Section 23(1) of the principal Act is amended by omitting the expression “31 October 2002”, and substituting the expression “30 June 2006”.
- 41 Avoidance of application of 2 separate cost recovery regimes in respect of single plant** 10
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” 15
- 42 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”. 20
(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:”. 25
- 43 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”. 30
- 44 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”.

45 New section 29A inserted

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

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“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,—

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“(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

15

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

20

- (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**.

25

46 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**”.

47 Expiry of Part 5

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

- 48 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**”.
- 49 New Schedules 3A and 3B inserted** 5
The principal Act is amended by inserting, after Schedule 3, the **Schedules 3A and 3B** set out in **Schedule 2** of this Act.
- Amendment to Meat Act 1981*
- 50 Lapse of remaining licences on repeal of this Act** 10
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”.
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Schedule 2 s 49
New Schedules 3A and 3B inserted in principal Act

Schedule 3A s 9(1)
Existing animal product businesses subject to 5
1 July 2003 transition date

Part 1—Red meat processors

Business	Premises	
(Licensee under Meat Act 1981)	(Licence identification under Meat Act 1981)	10
AFFCO New Zealand Limited	ME 23 ME 32 ME 39 ME 42 ME 47 ME 56	15
Alliance Group Limited	ME 17 ME 18 ME 21 ME 50	20
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	25
<i>(Coromandel Meat Processors Limited)</i>	ME 108	
<u>Wallace Meats Limited</u>		
Crusader Meats New Zealand Limited	ME 118	
Greenlea Premier Meats Limited	ME 82 ME 124	30
Lakeview Meat Processing Limited <u>(in receivership)</u>	ME 136	
Lamb Packers Feilding Limited	ME 128	
Land Meat New Zealand Limited	ME 131	
PPCS Limited	ME 26 ME 64	35
Progressive Meats Limited	ME 87	
Richmond Limited	ME 9 ME 52 ME 58 ME 60	40
	ME 84	

Schedule 3A—continued

Part 1—Red meat processors—continued

Business	Premises	
	ME 88	
	ME 102	
	ME 125	
Riverlands Eltham Limited	ME 43	5
Taylor Preston Limited	ME 86	
Te Kuiti Meat Processors Limited	ME 104	
The Canterbury Frozen Meat Co Limited	ME 15	
	ME 16	
	ME 34	10
	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)	15
Amatal Fishing Co Limited	PH 46	
	PH 340	
	PH 384	20
	PH 475	
Antons Seafoods Limited	PH 129	
Cook Strait Seafoods Limited	PH 62	
	PH 150	
	PH 156	25
Fiordland Lobster Company Limited	PH 263	
Globe Export Fisheries Limited	PH 51	
(<i>Greban</i>) <u>Greben</u> Fishing Limited	PH 588	
Independent Fisheries Limited	PH 37	
	PH 373	30
	PH 476	
	PH 483	
	PH 521	
J S Fishing Limited	PH 468	
Kia Ora Seafoods Limited	PH 144	35
Leigh Fisheries Limited	PH 126	
Marlborough Seafoods Limited	PH 187	
Moana Pacific Fisheries Limited	PH 59	
	PH 116	
	PH 188	40
	PH 290	
	PH 299	

Schedule 3A—continued

Part 2—Export seafood processors—*continued*

Business	Premises	
	PH 439	
Mt Maunganui Seafoods Limited	PH 63	
New Zealand Longline Limited	PH 506	
Ngai Tahu Fisheries Limited	PH 389	5
	PH 397	
O P Columbia (<i>Limited (Centre Island Seafoods Limited)</i>)	PH 60	
Otakou Fisheries Limited	PH 91	
Pacific Marine Farms (1996) Limited	PH 85	
	PH 141	10
Pacifica Seafoods (Christchurch) Limited	PH 123	
	PH 175	
Prepared Foods Processing Limited	PH 16	
Sanford (South Island) Limited	FPH 3	
	FPH 5	15
	PH 148	
	PH 164	
	PH 177	
	PH 250	
Sanford Limited	FPH 52	20
	FPH 53	
	PH 48	
	PH 76	
	PH 463	
	PH 464	25
	PH 503	
	PH 512	
	PH 513	
Seafresh New Zealand Limited	PH 184	
Sealord Charters Limited	PH 160	30
Sealord Group Limited	PH 12	
	PH 155	
	PH 411	
	PH 472	
	PH 496	35
Sealord Shellfish Limited	PH 181	
Simunovich Fisheries Limited	PH 194	
	PH 480	
Southern Seafoods Limited	PH 168	
	PH 190	40
	PH 458	
Talleys Fisheries Limited	PH 1	
	PH 102	
	PH 103	
	PH 107	45

Schedule 3A—continued

Part 2—Export seafood processors—*continued*

Business	Premises	
	PH 120	
	PH 159	
The New Zealand King Salmon Co Limited	PH 157	
Thomas Richard & Co Limited	FPH 36	5
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	10
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)	15
Advanced Foods of New Zealand Limited	PH 31	
Aaron Products Limited	PH 412	
	PH 517	20
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	25
En'Zaq Aquaculture Limited	PH 448	
<i>(F J Ramsey Meats (Paerata) Limited)</i>	<i>(PH 69)</i>	
Forest Park Taupo (2000) Limited	PH 494	
Franklin Foods Limited	PH 479	
Garrett International Meats Limited	PH 214	30
Glovers Food Processors Limited	PH 80	
Healtheries of New Zealand Limited	PH 5	
	PH 26	
Heinz Wattie's Limited	PH 233	
	PH 467	35
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	40
Mandarin International (NZ) Limited	PH 306	
McCallum Industries Limited	PH 134	

Schedule 3A—continued

Part 3—Meat or game packing houses
(other than cutting and boning only)—*continued*

Business	Premises	
Meadow Lea Foods Limited	PH 482	
Nestle New Zealand Limited	PH 328	
New Zealand Gourmet Supplies Limited	PH 504	5
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	10
Ottogi New Zealand Limited	PH 461	
Pacific Casings Limited	PH 516	
Park Trading Co Limited	PH 82	
PPCS Limited	PH 401	
<i>(Premium Game Limited)</i>	<i>(GIP 6)</i>	15
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	20
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	25
Woolworths (New Zealand) Limited	PH 529	

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

Schedule 3B

Businesses specifically excluded from 1 July 2004 transition date

Business	Premises	5
(Licensee under section 19 of the Meat Act 1981)	(Licence identification under Meat Act 1981)	
Alba Cosco Limited	PH 449	
<i>(Bio Products) Bioproducts (New Zealand) Limited</i>	PH 436	
Canterbury Antler (NZ) Limited	PH 298	10
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	15
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	20
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	25
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	30
Sebanto Holdings Limited	PH 399	
<i>(South Pacific Deer and Fish Limited)</i>	<i>(PH 335)</i>	
Spring International Limited	PH 339	
Steven Chang	PH 320	
Sunling Natural Products Limited	PH 283	35
Tasman Velvet Processors Limited	PH 39	
Tsengs Enterprises (NZ) Limited	PH 488	
<i>(Unity Enterprises Limited)</i>	<i>(PH 342)</i>	

Legislative history

18 September 2002	Divided from Animal Products Amendment Bill (Bill 194-2) as Bill 194-3A
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