

Version
as at 1 July 2022



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

Dairy Industry (National Residue Monitoring Programme) Regulations 2002: revoked, on 1 July 2022, by regulation 267(f) of the Animal Products Regulations 2021 (SL 2021/400).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 27th day of May 2002

Present:

Her Excellency the Governor-General in Council

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.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

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 a regulation or a notice under the Food Act 2014; 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.

Regulation 3: substituted, on 1 June 2005, by section 77(1)(b) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Regulation 3 **residue** paragraph (a)(ii): amended, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

4 Purpose

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

Regulation 4: substituted, on 1 June 2005, by section 77(1)(b) of the 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).

Regulation 5: substituted, on 1 June 2005, by section 77(1)(b) of the 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.

Regulation 6: substituted, on 1 June 2005, by section 77(1)(b) of the 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.

Regulation 7: substituted, on 1 June 2005, by section 77(1)(b) of the 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.

Regulation 8: substituted, on 1 June 2005, by section 77(1)(b) of the 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.

Regulation 9: substituted, on 1 June 2005, by section 77(1)(b) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

10 Director-General may conduct surveys

[Revoked]

Regulation 10: revoked, on 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 Legislation Act 2019.
Date of notification in *Gazette*: 30 May 2002.

Notes

1 *General*

This is a consolidation of the Dairy Industry (National Residue Monitoring Programme) Regulations 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Animal Products Regulations 2021 (SL 2021/400): regulation 267(f)

Food Act 2014 (2014 No 32): section 447

Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94): section 77(1)(b)