



ANALYSIS

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1985, No. 142

An Act to amend the Meat Act 1981

[7 December 1985]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Meat Amendment Act 1985, and shall be read together with and deemed part of the Meat Act 1981 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 9th day of December 1985.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting in paragraph (b) of the definition of the term “meat”, after the word “offal”, the words “(other than casings)”.

3. New sections inserted—The principal Act is hereby amended by inserting, after section 11, the following sections:

“11A. Export of products and byproducts in certain cases—(1) Notwithstanding anything to the contrary in section 11 of this Act or in any regulation made under this

Act, the Director-General may authorise the export of any consignment or sample of any product or byproduct if he is satisfied that that consignment or sample is—

“(a) For the personal use of the person seeking its export;
or

“(b) To be used for the purposes of research or development;
or

“(c) To be used to assess any overseas market for it;—
and, subject to subsection (2) of this section, in that case that consignment or sample may be exported accordingly.

“(2) The Director-General may authorise the export of any product or byproduct under subsection (1) of this section either generally from time to time by notice in the *Gazette* (and may amend or revoke such notice) or specifically in respect of any application made in that behalf, and may impose any conditions he thinks fit.

“11B. Re-export of certain imported products or by-products—(1) Subsection (2) of this section applies to every product or byproduct that is lawfully imported into New Zealand if the Director-General is satisfied—

“(a) That it was produced in the country, State, or territory from which it was imported, or, in the case of fish, taken outside New Zealand fisheries waters (within the meaning of the Fisheries Act 1983); and

“(b) That between being so produced or taken and being so imported, it has been dealt with in accordance with standards at least equal to those in accordance with which it would have been required to have been dealt with if it had been a product or byproduct produced in New Zealand or taken from New Zealand fisheries waters (as the case requires).

“(2) Any product or byproduct to which this subsection applies may be exported from New Zealand in the same manner and to the same extent as if it had been originally produced in New Zealand or taken from New Zealand fisheries waters (as the case requires).”

4. Unlawful to slaughter animals other than stock in export slaughterhouse—Section 34 of the principal Act is hereby amended by adding the following subsection:

“(3) Notwithstanding subsection (1) of this section, the Director-General may by notice in writing to the licensee of premises that are a licensed export slaughterhouse, subject to any conditions he thinks fit, authorise that licensee to process,

pack, or process and pack in those premises any products or byproducts derived from animals other than stock, and may similarly vary or revoke any such notice; and that licensee may act accordingly.”

5. New sections substituted—(1) The principal Act is hereby amended by repealing the heading “*Disposition of Inspection Fees*” and section 44, and substituting the following headings and sections:

“Disposition of Levies

“44. Disposition of levies—(1) Such proportion (if any) as the Minister thinks fit of the levies payable under this Act in respect of—

“(a) Cattle (excluding bobby calves) or meat derived from cattle (excluding bobby calves) inspected under this Act; or

“(b) Game meat inspected under this Act in deer slaughtering premises,—

shall, pursuant to section 52 of the Public Finance Act 1977, be contributed to such schemes to assist the eradication of disease from cattle and deer as the Minister approves.

“(2) Subject to subsection (1) of this section, the levies payable in respect of stock or products inspected under this Act shall, pursuant to section 52 of the Public Finance Act 1977, be paid to Federated Farmers of New Zealand (Inc.) for the purpose of assisting that body to defray expenses incurred or to be incurred in carrying on activities of its head office for the time being specified for the purpose by the Minister.

“Recovery of Costs of Ministry

“44A. Ministry to recover certain costs—(1) In this section, unless the context otherwise requires,—

“‘Agreed Ministry costs’, in relation to any undertaking for any period, means that part of the direct Ministry costs in relation to that undertaking for that period that bears the same relation to the whole of those costs as the number of assigned employees agreed under subsection (2) (a) of this section for that period bears to the total number of assigned employees in relation to that undertaking for that period:

“‘Assigned employee’, in relation to any undertaking, means an officer or employee of the Ministry employed to perform statutory duties in or about that specific undertaking only:

“‘Direct Ministry costs’, in relation to any undertaking for any period, means the total salaries, wages, and allowances, payable by the Ministry to persons who, during that period, were assigned employees in relation to that undertaking:

“‘Extra Ministry costs’, in relation to any undertaking for any period, means the difference between the direct Ministry costs in relation to that undertaking for that period and the agreed Ministry costs in relation to that undertaking for that period:

“‘Occasional employee’, in relation to any undertaking, means an officer or employee of the Ministry employed to perform statutory duties in or about that specific undertaking and also one or more other specific undertakings, on a regular or structured basis:

“‘On-site employee’, in relation to any undertaking, means a person who is an assigned employee or occasional employee in relation to that undertaking:

“‘Statutory duties’ means duties performed, or to be performed, for the purposes of this Act:

“‘Undertaking’ means any premises licensed under this Act.

“(2) The licensee of any undertaking may enter into an agreement with the Director-General as to—

“(a) The number of assigned employees normally required for that undertaking; or

“(b) The normal operating hours of that undertaking,—during any specified future period.

“(3) For the purposes of subsection (1) of this section, if no agreement under paragraph (a) of subsection (2) of this section is in force in respect of any premises for any period, the number of on-site employees agreed under that paragraph to be employed in or about those premises during that period shall be deemed to be one.

“(4) For the purposes of subsection (5) of this section, if no agreement under subsection (2) (b) of this section is in force in respect of any premises for any period, all that period shall be deemed to be outside the normal operating hours of those premises.

“(5) Subject to subsections (7) and (8) of this section, the licensee of any undertaking shall pay to the Director-General, within 30 days of its being demanded by notice in writing from the Director-General served on that licensee, an amount equal to the sum of the following amounts in respect of the period to which that notice relates:

- “(a) Of the agreed Ministry costs for the hours during that period that were normal operating hours for that undertaking, such proportion as is prescribed in that behalf by the Governor-General (by Order in Council in force during the whole of that period):
- “(b) The same proportion of the total salaries, wages, and allowances, and travel costs and expenses, for the hours during that period that were normal operating hours for that undertaking, payable by the Ministry to persons who during that period were occasional employees, in respect of the performance of statutory duties in or about that undertaking during those hours:
- “(c) All extra Ministry costs for the hours during that period that were normal operating hours for that undertaking:
- “(d) All direct Ministry costs for the hours during that period that were not normal operating hours for that undertaking:
- “(e) The total salaries, wages, and allowances, and travel costs and expenses, for the hours during that period that were not normal operating hours for that undertaking, payable by the Ministry to persons who during that period were occasional employees in relation to that undertaking, in respect of the performance of statutory duties in or about that undertaking during those hours:
- “(f) A contribution towards the other costs of the Ministry arising from the employment of on-site employees in or about that undertaking during that period, being such proportion of the sum of the amounts described in paragraphs (a) to (e) of this subsection as is prescribed in that behalf by the Governor-General (by Order in Council in force during the whole of that period).
- “(6) Subject to subsection (8) of this section, the licensee of any undertaking shall pay to the Director-General (in addition to any amounts payable under subsection (5) of this section), within 30 days of its being demanded by notice in writing from the Director-General served on that licensee, an amount equal to the sum of the following amounts in respect of the period to which that notice relates:
- “(a) An amount that bears the same relation to the difference between the amount described in subparagraph (i) of this paragraph and the amount described in

subparagraph (ii) of this paragraph as the amount described in subparagraph (iii) of this paragraph bears to the amount described in subparagraph (ii) of this paragraph:

“(i) The total salaries, wages, and allowances, and travel costs and expenses, paid by the Ministry to each on-site employee in respect of any part of that period when that employee was an occasional employee in respect of that undertaking:

“(ii) The total of the amounts payable by licensees of undertakings to the Director-General under paragraph (b) or paragraph (e) of subsection (5) of this section in respect of the performance by those employees of statutory duties during that period:

“(iii) The total of the amounts payable by that licensee to the Director-General under paragraph (b) or paragraph (e) of subsection (5) of this section in respect of the performance by those employees of statutory duties during that period:

“(b) A contribution towards the other costs of the Ministry arising from the employment of those employees in or about that undertaking during that period, being such proportion of the amount described in paragraph (a) of this subsection as is prescribed in that behalf by the Governor-General by Order in Council.

“(7) Where no Order in Council for the purposes of paragraph (a) of subsection (5) of this section was in force on the first day of any period in respect of which a notice is served under that subsection, there shall be deemed to have been in force during that period an Order in Council fixing a proportion of 100 percent.

“(8) No proportion prescribed for the purposes of subsection (5) (d) or subsection (6) (b) of this section shall exceed one half.

“(9) The Director-General shall cause to be paid into the Consolidated Account all money paid under subsection (5) or subsection (6) of this section.

“(10) Every amount payable under subsection (5) or subsection (6) of this section shall be recoverable as a debt due to the Crown; and the Crown may deduct it, or any part of it, from any amount payable by the Crown to the licensee concerned.

“(11) Where, before the commencement of the Meat Amendment Act 1985, the licensee of any undertaking has entered into any agreement with the Director-General as to—

“(a) The number of assigned employees normally required for that undertaking; or

“(b) The normal operating hours of that undertaking,— during a specified future period commencing on or after that commencement, this section shall apply to that agreement as if it were an agreement under paragraph (a) or paragraph (b) (as the case requires) of subsection (2) of this section.”

(2) Section 49 (1) (w) of the principal Act is hereby consequentially amended by inserting, after the word “fees”, in both places where it appears, the words “and levies”.

(3) The Meat Regulations 1969 are hereby consequentially amended in the manner indicated in the Schedule to this Act; and the provisions of those regulations amended by this subsection may be amended or revoked, and this subsection and the Schedule to this Act may be repealed, by Order in Council as if this subsection and that Schedule were provisions of those regulations.

(4) During the period between the commencement of this Act and the commencement of an Order in Council made for the purposes of section 44A (5) (a) of the principal Act (as inserted by subsection (1) of this section), there shall be deemed to be in force an Order in Council prescribing a proportion of one third for the purposes of the said section 44A (5) (a).

(5) During the period between the commencement of this Act and the commencement of an Order in Council made for the purposes of subsection (5) (d) or subsection (6) (b) of section 44A of the principal Act (as inserted by subsection (1) of this section), there shall be deemed to be in force an Order in Council prescribing a proportion of one quarter for the purposes of the said subsections (5) (d) and (6) (b).

(6) The following enactments are hereby consequentially repealed:

(a) Sections 1 (4) and 43 (6) of the Pork Industry Board Act 1982:

(b) Section 5 of the Meat Amendment Act 1983.

SCHEDULE

Section 5 (3)

CONSEQUENTIAL AMENDMENTS TO MEAT REGULATIONS 1969

Provision Amended	Amendment
Regulation 274 ..	By omitting the word "fees" where it secondly appears, and substituting the word "levies".
Regulation 275 ..	By omitting the word "fees", and substituting the word "levies".
The Sixth Schedule ..	<p>By adding to the heading the words "AND LEVIES".</p> <p>By omitting from clause 8 (as substituted by regulation 2 of the Meat Regulations 1969, Amendment No. 20) the word "fees", and substituting the word "levies".</p> <p>By inserting in clause 9 (as so substituted), after the word "slaughterhouse", the word "levies".</p>

This Act is administered in the Ministry of Agriculture and Fisheries.
