



## ANALYSIS

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| <p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. General powers of Inspectors</p> <p>4. Movement controls</p> | <p>5. Director-General may specify commencement and length of season</p> <p>6. Disposition of levies</p> <p>7. Offences and penalties</p> <p>8. Regulations Schedule</p> |
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1992, No. 54

**An Act to amend the Meat Act 1981**

[17 June 1992]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Meat Amendment Act 1992, and shall be read together with and deemed part of the Meat Act 1981 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, before the definition of the term “approved”, the following definition:

“‘Animal premises’ means any premises used (whether the use is the primary use to which the premises are put, or some secondary, subsidiary, or occasional use) for breeding, farming, fattening, finishing, holding, or raising, stock or farmed deer:”.

(2) The said section 2 (1) is hereby further amended by repealing the definition of the term “defect”, and substituting the following definition:

“‘Defect’, in relation to an animal or product, of any kind or description, means any contamination, disease, fault, inferiority, or other condition that, in an Inspector’s opinion (formed in the light of any standards relating to the fitness for use for human consumption of animals or products, of that kind or description for the time being approved), renders the

animal or product, unfit for use for human consumption; and 'defective' has a corresponding meaning:".

(3) The said section 2 (1) is hereby further amended by inserting, after the definition of the term "offal", the following definition:

" 'Organism' includes micro-organism:".

(4) Section 2 of the principal Act is hereby further amended by adding the following subsection:

"(4) For the purposes of the definition in subsection (1) of this section of the term 'defect', where—

"(a) An Inspector has, in accordance with a random sampling scheme approved by the Director-General for the purpose, inspected any animal or product, (in this section referred to as the inspected item); and

"(b) The Inspector has formed the view that the inspected item is so contaminated, diseased, faulty, or inferior that it is unfit for use for human consumption; and

"(c) The Inspector has also formed the view that, because any other animal or product, or quantity of the same product,—

"(i) Probably came from the same place as the inspected item; or

"(ii) Was probably raised, treated, exposed, transported, slaughtered, dressed, processed, stored, or otherwise dealt with in the same way as the inspected item,—

it is likely to be contaminated, diseased, faulty, or inferior in a similar way and to a similar extent as the inspected item,—

the Inspector is entitled (without inspecting the other animal, product, or quantity) to form the view that the other animal, product, or quantity is also so contaminated, diseased, faulty, or inferior that it is unfit for use for human consumption."

(5) The principal Act is hereby consequentially amended in the manner indicated in the Schedule to this Act.

**3. General powers of Inspectors**—(1) Subsection (1) of section 6 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

"(ab) Any animal premises:".

(2) Subsection (2) of the said section 6 is hereby amended by omitting the word "Subsection", and substituting the words "Paragraphs (a) and (b) of subsection".

(3) The said section 6 is hereby amended by adding the following subsection:

“(6) For the purpose of ascertaining the extent (if any) to which an organism is present in any stock or farmed deer of a particular kind or description, or a substance is present in any stock or farmed deer of a particular kind or description at a level exceeding that prescribed by regulations under this Act as the maximum level permissible for stock or farmed deer of that kind or description, every Inspector has power—

“(a) To take (without fee) from any living stock or farmed deer of that kind or description any blood, excretion, secretion, smear, swab, tissue, or other sample whatsoever:

“(b) To test any living stock or farmed deer of that kind or description:

“(c) To use any reasonable means to identify any stock or farmed deer of that kind or description—

“(i) As having been tested (or tested in a particular way), or as stock or farmed deer from which a sample (or a sample of a particular kind) has been taken; or

“(ii) As not having been tested (or not having been tested in a particular way), or as stock or farmed deer from which a sample (or a sample of a particular kind) has not been taken:

“(d) To require the person in charge of the stock or farmed deer to hold it until the Inspector has (as the case requires) taken the sample, or tested or identified the stock or farmed deer.”

**4. Movement controls**—The principal Act is hereby amended by inserting, after section 7, the following section:

“7A. (1) Subject to subsection (3) of this section, an Inspector who is satisfied that—

“(a) An organism prescribed by regulations under this Act as an organism that is not to be present in stock or farmed deer of a particular kind or description is present in any stock or farmed deer of that kind or description; or

“(b) A substance is present in stock or farmed deer of a particular kind or description at a level exceeding the level prescribed by regulations under this Act as the maximum permissible level for stock or farmed deer of that kind or description; or

“(c) Any stock or farmed deer of a particular kind or description is or has been in a place, or has had access to food, contaminated by—

“(i) An organism prescribed by regulations under this Act as an organism that is not to be present in stock or farmed deer of that kind or description; or

“(ii) A substance the maximum permissible level of which that may be found in stock or farmed deer of that kind or description is prescribed by regulations under this Act,—

may, by written notice to the occupier of any animal premises where the stock or deer is or has been (or to the person for the time being in charge or appearing to be in charge of any such premises), forbid or regulate (whether unconditionally or subject to conditions) the moving of animals outside the premises until an Inspector revokes the notice.

“(2) A notice under subsection (1) of this section—

“(a) May apply to all animals, animals of the kind or description concerned, or any specified class of animals of the kind or description concerned:

“(b) May apply to animals that are or have been anywhere on the premises, or to animals that are or have been in specified parts of the premises.

“(3) No Inspector shall give notice under subsection (1) of this section except in accordance with a plan, approved by the Director-General, for the imposition of controls on animals of the kind or description concerned in relation to the substance or organism concerned.

“(4) The Director-General shall not approve a plan for the imposition of controls on animals of any class or description without consulting—

“(a) Organisations recognised by the Director-General as representing the interests of producers of animals of that class or description; and

“(b) Organisations recognised by the Director-General as representing the interests of licensees of slaughterhouses where animals of that class or description are slaughtered.”

**5. Director-General may specify commencement and length of season—**(1) The principal Act is hereby amended by inserting, after section 43D (as inserted by section 4 (1) of the Meat Amendment Act 1988), the following section:

“43DA. (1) Subject to subsections (2) to (4) of this section, the Director-General may from time to time, by notice in the *Gazette*, specify for the purposes of this Part of this Act the commencement and length of an inspection period.

“(2) The season shall be at least 9 months long.

“(3) The season shall begin no earlier than 3 months after the publication of the notice.

“(4) Before giving the notice, the Director-General shall consult the organisations for the time being recognised by the Director-General under section 43D (1) of this Act on its contents.”

(2) Section 43A of the principal Act is hereby consequentially amended by repealing the definition of the term “season”, and substituting the following definition:

“‘Season’ means an inspection period whose commencement and length have been specified under section 43DA (1) of this Act.”

(3) Every inspection contract (within the meaning of section 43A of the principal Act) for a period commencing on the 1st day of October 1991 or any later day (whether before, on, or after the commencement of this Act) and ending with the 30th day of September 1992 shall have effect as a contract for the period commencing on the day concerned and ending with the 31st day of October 1992; and the definition in that section of the term “season” (as substituted by subsection (2) of this section) shall have effect accordingly.

**6. Disposition of levies**—(1) Section 44 of the principal Act (as substituted by section 5 of the Meat Amendment Act 1985) is hereby amended by adding the following subsections:

“(3) Notwithstanding any rule of law to the contrary, where a licensee has deducted or customarily deducts from a larger amount payable for any animal or animals the amount of any levy payable under this Act,—

“(a) The amount deducted; or

“(b) If the larger amount from which it would normally be deducted is still in the licensee’s possession, the amount yet to be deducted,—

shall be deemed to be money held in trust for the Director-General.

“(4) Notwithstanding any rule of law to the contrary, where a licensee receives, from the owner of an animal that the licensee has slaughtered or has agreed to slaughter, a sum that is or includes the amount of any levy payable under this Act, that

amount shall, if it is still in the licensee's possession, be deemed to be money held in trust for the Director-General."

(2) Section 26 (3) of the Commodity Levies Act 1990 is hereby consequentially amended by inserting, after paragraph (m), the following paragraphs:

"(ma) Section 44 (3) of the Meat Act 1981:

"(mb) Section 5 of the Meat Amendment Act 1985:

"(mc) Section 6 of the Meat Amendment Act 1992:".

**7. Offences and penalties**—(1) Section 47 (2) of the principal Act is hereby amended—

(a) By omitting from paragraph (a) the expression "\$10,000", and substituting the expression "\$20,000"; and

(b) By omitting from paragraph (b) the expressions "\$40,000" and "\$2,000", and substituting, respectively, the expressions "\$100,000" and "\$5,000".

(2) Regulation 287 of the Meat Regulations 1969 is hereby revoked.

**8. Regulations**—(1) Section 49 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraphs:

"(g) Regulating or prohibiting the administration of drugs, organisms, or other substances, to living animals, or the exposure of living animals to drugs, organisms, or other substances:

"(ga) Regulating or prohibiting the sale, or presentation for slaughter or processing, of animals to which drugs, organisms, or other substances, have been administered, or animals that have been exposed to drugs, organisms, or other substances:

"(gb) Prescribing ways in which animals to which drugs, organisms, or other substances, have been administered, or animals that have been exposed to drugs, organisms, or other substances, are to be managed, or otherwise dealt with, while alive:

"(gc) Prescribing ways in which—

"(i) The carcasses of; or

"(ii) Products derived from,—

animals to which drugs, organisms, or other substances, have been administered while alive, or animals that while alive have been exposed to drugs, organisms, or other substances, are to be dealt with".

(2) The said section 49 (1) is hereby further amended by inserting, after paragraph (y), the following paragraphs:

“(ya) Subject to subsection (5) of this section, prescribing, in respect of stock or farmed deer of a specified kind or description, the maximum permissible level at which any substance may be present:

“(yb) Subject to subsection (6) of this section, prescribing, in respect of stock or farmed deer of a specified kind or description, any organism that may not be present.”.

(3) The said section 49 is hereby amended by adding the following subsections:

“(5) The Governor-General shall not make any regulations prescribing, in respect of stock or farmed deer of a specified kind or description, the maximum permissible level at which any substance may be present, except on the recommendation of the Minister; and the Minister shall not recommend the making of any such regulations unless satisfied that the presence in stock or farmed deer of that kind or description of levels of that substance above that level—

“(a) Would be potentially harmful to people eating products of the stock or farmed deer; or

“(b) Is necessary to enable the giving to authorities outside New Zealand of assurances (required by them in relation to the importation of products from New Zealand) as to the levels of substances in animal products from New Zealand.

“(6) The Governor-General shall not make any regulations prescribing, in respect of stock or farmed deer of a specified kind or description, any organism that may not be present, except on the recommendation of the Minister; and the Minister shall not recommend the making of any such regulations unless satisfied that the presence in stock or farmed deer of that kind or description of that organism—

“(a) Would be potentially harmful to people eating products of the stock or farmed deer; or

“(b) Is necessary to enable the giving to authorities outside New Zealand of assurances (required by them in relation to the importation of products from New Zealand) as to the levels of substances in animal products from New Zealand.”

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Section 2 (5)

**SCHEDULE**  
**CONSEQUENTIAL AMENDMENTS**

| Provision amended     | Amendment   |
|-----------------------|---|
| Section 11 (1) (b) .. | By omitting the words "disease or".   |
| Section 12 .. ..      |   |
|                       | By repealing subsection (1), and substituting the following subsection:<br>"(1) No person shall sell or offer for sale for human consumption, or have in the person's possession for sale for human consumption, any product that, to the person's knowledge,—<br>"(a) Is defective; or<br>"(b) Is—<br>"(i) So contaminated, diseased, faulty, or inferior; or<br>"(ii) So affected by some other condition,—<br>that it is unfit for use for human consumption." |

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

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