



House of Representatives

Supplementary Order Paper

Monday, 20 May 2002

Animal Products Amendment Bill

Proposed amendments

Hon Jim Sutton, in Committee, to move the following amendments:

New clause 3A

To insert, after line 6 on page 3, the following clause:

3A General scheme of Act

Section 3(1)(a) of the principal Act is amended by omitting the words "individually tailored", and substituting the word "suitable".

New clauses 6A to 6H

To insert, after line 18 on page 5, the following clauses:

6A What is a risk management programme?

(1) Section 12 of the principal Act is amended by inserting, after subsection (3), the following subsection:

"(3A) Nothing in subsection (3) prevents a risk management programme for a particular business from being based on a template, a model, or a code of practice, if in the view of the Director-General the template, model, or code of practice is valid and appropriate for businesses of that kind."

(2) Section 12 of the principal Act is amended by inserting, after subsection (4), the following subsection:

"(4A) A risk management programme may also apply to one or more comparable animal product businesses in cases where the Director-General has given approval under **section 17A**."

- 6B Who must have a risk management programme?**
Section 13 of the principal Act is amended—
- (a) by omitting from subsection (1) the words “develop and” in both places where they occur (before paragraph (a), and in paragraph (d));
 - (b) by omitting from subsection (3) the words “develop or”.
- 6C Director-General may grant limited exemption from requirement to have risk management programme**
Section 14 of the principal Act is amended—
- (a) by repealing subsection (3);
 - (b) by omitting from subsection (4) the words “(other than an exemption granted on the grounds referred to in subsection (3))”.
- 6D Certain persons may be required to have risk management programme by Order in Council**
Section 15(1) of the principal Act is amended by omitting the words “develop and”.
- 6E Contents of and requirements for risk management programmes**
- (1) Section 17(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:
“(b) specify the name and address (including the electronic address, if available) of—
“(i) the operator whose programme it is; and
“(ii) the animal product business or businesses covered by the programme.”
 - (2) Section 17(1)(c) of the principal Act is amended by adding the expression; “and” to subparagraph (ii), and also by adding the following subparagraph:
“(iii) any other businesses to which the programme applies (if it does not apply only to the business of the person applying for registration).”
- 6F New section 17A inserted**
The principal Act is amended by inserting, after section 17, the following section:
- “17A Multi-business risk management programmes**
- “(1) A registered risk management programme may apply to more than one business, if the Director-General approves.
 - “(2) The Director-General may approve one person’s risk management programme applying to all or part of the business or businesses of 1 or more other persons if satisfied that—

- “(a) the programme is appropriate to the other businesses or part-businesses, as well as to the business of the person whose programme it is; and
- “(b) the registered operator of the programme will have sufficient control, authority, and accountability for all matters covered by the programme in relation to the other businesses or part-businesses subject to its coverage; and
- “(c) the applicant for the approval has obtained the consent or otherwise taken into account the views of any person whose business or part-business is to be covered by the programme.

- “(3) The approval may be given subject to conditions.
- “(4) Application for approval under this section must be made by the operator of the risk management programme, either at the time of application for its registration under section 20, or as an application for amendment under section 25(3).”

6G Matters to be shown in register of risk management programmes

Section 19(f) of the principal Act is amended by adding the words “(or, if more appropriate, a place where the general public can obtain up-to-date information of the location and type of premises or place to which the programme applies”.

6H Registration may not be transferred

Section 24 of the principal Act is amended by inserting, after subsection (2), the following subsection:

- “(2A) Nothing in this section prevents the extension of the programme to the business or part-business of another person in accordance with an approval given under **section 17A**”.

New clause 10A

To insert, after line 14 on page 6, the following clause:

10A New section 28A inserted

The principal Act is amended by inserting, after section 28, the following section:

“28A Removal of business operator from coverage of wider risk management programme

- “(1) The Director-General may at any time remove any animal product business from the coverage of a registered risk management programme that applies to 2 or more comparable businesses if the Director-General is satisfied that deregistration of the programme would be appropriate under section 28(1) if the animal product business were the only one operating under the programme.

- “(2) Subsections (2) to (7) of section 28 apply in relation to the removal of the business from the coverage of the risk management programme as if references in those subsections to deregistration of the programme were references to removal from the coverage of the programme.”

New clause 12A

To insert, after line 21 on page 6, the following clause:

12A Object of Part 5

Section 47 of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph:

- “(c) as a means of facilitating the above 2 aims, providing for—
- “(i) the registration of exporters of animal products intended for human or animal consumption, and exporters of certain other animal material or products; and
 - “(ii) the setting of general requirements relating to exports.”

New clauses 14A and 14B

To insert, after line 31 on page 6, the following clauses:

14A New section 59A inserted

The principal Act is amended by inserting, immediately before section 60, the following section:

“59A Director-General to notify general requirements for animal product or material for export

- “(1) The Director-General may, by notice under section 167, specify requirements that must be met in relation to all or any classes of animal material or animal product intended for export, if the Director-General is satisfied that the setting of the requirements is—
- “(a) necessary or desirable for the purpose of facilitating access to overseas markets, or to maintain consistency with any standards, requirements, or recommended practices that apply or are acceptable internationally; and
 - “(b) in the national interest.
- “(2) Without limiting the generality of **subsection (1)**, the requirements may relate to matters such as—
- “(a) material and product packaging, labelling, and branding;
 - “(b) the use of seals on cartons and containers, and other restraints on material or product;
 - “(c) conveyances and equipment;
 - “(d) the condition in which material or product is stored, held, or contained:

- “(e) the handling of categories of animal materials and products with special risk characteristics:
- “(f) requirements relating to the preparation of animals for live export.”

14B Obtaining of official assurance

Section 63 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

- “(1) A person who wishes to obtain an official assurance in respect of any animal material or product for export may apply in a manner approved by the Director-General, and must—
 - “(a) supply any relevant information prescribed by regulations under this Act or specified by notice under section 167, or otherwise required by the Director-General; and
 - “(b) pay any relevant fee prescribed by regulations under this Act or charged under section 120.”

New clauses 24A and 24B

To insert, after line 13 on page 17, the following clauses:

24A Methods of cost recovery

Section 114(b) of the principal Act is amended by inserting, after the word “scale”, the words “or formula”.

24B Fees and charges to be prescribed by regulations

Section 117 of the principal Act is amended by inserting, after subsection (4), the following subsection:

- “(4A) Where regulations prescribe a formula for determining a fee or charge, the formula may specify the value of 1 or more or its components as being an amount or amounts notified for those variables by the Director-General under section 167.”

Clause 28

To insert, after line 17 on page 18, the following subclause:

- (1) Section 162(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:
 - “(b) a decision to suspend all or any operations under a risk management programme under section 27, or to deregister a programme under section 28, or to remove an animal product business or part-business from coverage of a programme under **section 28A**.”

Clause 31

To insert, after line 3 on page 20, the following subclause:

- (A1) Section 167(1) of the principal Act is amended by inserting, after paragraph (j), the following paragraph:

“(ja) specifying under **section 59A** requirements that must be met in relation to animal material or product intended for export:”.

To add after line 20 on page 20 the following subclause:

(3) Section 167(1) of the principal Act is amended by inserting, after paragraph (m), the following paragraph:

“(ma) specifying the value to be attributed to any component of a formula of a kind referred to in **section 117(4A)** that determines fees or charges:”.

Explanatory note

This Supplementary Order Paper proposes amendments to the Animal Products Bill in relation to the following matters:

Risk management programmes – multi-business programmes and templates

Proposed *new clauses 6A to 6H* specifically allow for adoption of “template” risk management programmes, and also provide that a registered risk management programme may apply to more than 1 business in cases where the Director-General considers it appropriate.

Export requirements

Proposed *new clause 14A*, which inserts a new *section 59A* into the Act, provides specific authority for the Director-General to set requirements as to product identification and labelling, use of security seals, handling, and other matters relating to animal material or product that is for export. This fills a gap in the legislation, in that the existing *section 60* is limited to requirements specifically imposed by individual overseas markets, and normal requirements for the domestic market may not take into account the special requirements for material or product that is to be exported.

Cost recovery

New clauses 24A and 24B relate to the use of formulas in the area of cost recovery, and allow for the value of individual components in a formula to be set by the Director-General by notice from time to time. This allows actual costs to be reflected, and may be used to minimise or avoid under or over-recovery.