



Biosecurity (Meat and Food Waste for Pigs) Regulations 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 7th day of June 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 165(1) of the Biosecurity Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for Biosecurity after consultation in accordance with subsection (2) of that section, makes the following regulations.

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Regulations

1 Title

These regulations are the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Purpose

The purpose of these regulations is to reduce the risk to New Zealand and its livestock industries of an outbreak of foot-and-mouth disease and other diseases—

- (a) by prohibiting the feeding to pigs of untreated meat or food waste containing untreated meat; and
- (b) by regulating the collection and distribution of, and trade in, meat and food waste for feeding to pigs.

4 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Biosecurity Act 1993

animal means any member of the animal kingdom other than a human being

Director-General means the chief executive of the Ministry of Agriculture and Forestry

edible means edible by pigs

food waste—

- (a) means any edible food waste; and
- (b) includes—
 - (i) food prepared for human consumption;
 - (ii) substances prepared to be used as ingredients in food for human consumption;
 - (iii) edible waste from food prepared for human consumption (for example, waste from households, hostels, commercial accommodation, or institutions, or from supermarkets, restaurants, or other businesses):

- (iv) edible waste from food manufacturing processes (for example, broken biscuits, misshapen pies, or bruised fruit);
- (v) edible by-products from manufacturing processes (for example, brewer's grain)

meat—

- (a) means any live or dead animal, or any tissue or other material taken or derived from an animal; but
- (b) does not include eggs, milk, or rendered material

pig means an animal of the genus *Sus*

rendering means the processing of by-products from slaughtered animals using heat to produce—

- (a) fat (tallow); and
- (b) processed animal protein (for example, meat and bone meal)

treated means—

- (a) heated to 100°C for 1 hour; or
- (b) treated to a standard approved by the Director-General and notified in the *Gazette*

untreated food waste—

- (a) means food waste that is or contains untreated meat; and
- (b) includes food waste that has come into contact with other food waste that is or contains untreated meat

untreated meat means meat that has not been treated.

5 Person must not feed pig untreated meat or untreated food waste

- (1) A person must not feed, or allow, cause, or permit any other person to feed, a pig untreated meat or untreated food waste.
- (2) A person must not allow, cause, or permit a pig to eat untreated meat or untreated food waste.

6 Person must not collect, distribute, or trade untreated meat or untreated food waste for or intended for feeding to pigs

- (1) A person must not collect, distribute, or trade untreated meat or untreated food waste for, or intended for, feeding to pigs.

- (2) Subclause (1) does not apply if the person believes, on reasonable grounds, that the untreated meat or untreated food waste will be treated before it is fed to the pigs.

7 Duty of certain people to report on suspected breaches of regulations

- (1) This regulation applies to the following people:
- (a) inspectors and authorised persons under the Act; and
 - (b) inspectors appointed under—
 - (i) section 60 of the Agricultural Compounds and Veterinary Medicines Act 1997; and
 - (ii) section 124 of the Animal Welfare Act 1999 (excluding members of the police); and
 - (c) Inspectors within the meaning of regulation 2(1) of the Food Hygiene Regulations 1974; and
 - (d) animal product officers appointed under section 78 of the Animal Products Act 1999.
- (2) A person must report any potential or suspected breach of these regulations to the Director-General as soon as is reasonably practicable.

8 Strict liability offences

- (1) Every person commits an offence who breaches regulation 5 or regulation 6(1).
- (2) In any proceedings for an offence, it is not necessary for the prosecution to prove that the defendant intended to commit the offence.
- (3) It is a defence in any proceedings for an offence if the defendant proves that—
- (a) the breach was due to an event or cause beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage; and
 - (b) the defendant took all reasonable steps to ensure that the offence was not committed.
- (4) A defendant is entitled to rely on an event or cause beyond the control of the defendant, as part of a defence under subclause (3), only—
- (a) with the leave of the court; or
 - (b) if—

- (i) the defendant has served on the informant a notice in writing identifying the event or cause relied on by the defendant; and
- (ii) the notice is served not later than 14 days before the date on which the hearing of the proceedings begins.

9 Penalties

- (1) A person who commits an offence against regulation 8(1) is liable to the penalties specified in section 157(6) of the Act.
- (2) Section 156 of the Act (which relates to the liability of principals and agents) applies to an offence against these regulations.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, regulate the feeding to pigs of meat and food waste that is or contains meat. Feeding pigs meat or food waste that is or contains meat (particularly illegally imported meat) has been identified as a mechanism by which foot-and-mouth disease could enter New Zealand. This is a risk to New Zealand and its livestock industries. These regulations are one of the responses to managing that risk and the risk of other diseases.

Regulation 5(1) prohibits the feeding to pigs of untreated meat or untreated food waste. *Regulation 5(2)* prohibits a person from allowing, causing, or permitting a pig to eat untreated meat or untreated food waste.

Regulation 6(1) prohibits the collection and distribution of, or trade in, untreated meat or untreated food waste for, or intended for, feeding to pigs. However, under *regulation 6(2)*, the prohibition in *subclause (1)* does not apply if the person believes, on reasonable

grounds, that the meat or food waste will be treated before it is fed to the pigs.

Regulation 7 imposes a duty on certain inspectors and officers to report to the Director-General potential or suspected breaches of the regulations.

Regulation 8 is an offence provision. *Regulation 8(1)* makes it a strict liability offence to breach *regulation 5 or regulation 6(1)*.

Regulation 9(1) sets out the penalty for a breach of *regulation 8(1)*. In all cases, this is the penalty specified in section 157(6) of the Biosecurity Act 1993, being a maximum fine of \$5,000 for an individual and \$15,000 for a corporation. *Regulation 9(2)* applies section 156 of the Biosecurity Act 1993 to an offence against these regulations. That section states the liability of principals and agents if an offence is committed.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 9 June 2005.

These regulations are administered in the Ministry of Agriculture and Forestry.
