

Reprint
as at 1 March 2016



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

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

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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.

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Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 May 2002.

Reprints notes

1 *General*

This is a reprint of the Dairy Industry (National Residue Monitoring Programme) Regulations 2002 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Food Act 2014 (2014 No 32): section 447

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