

Version
as at 1 July 2022



Animal Products (Risk Management Programme Registration—Required Part) Regulations 2020

(LI 2020/10)

Animal Products (Risk Management Programme Registration—Required Part) Regulations 2020: revoked, on 1 July 2022, by regulation 267(e) of the Animal Products Regulations 2021 (SL 2021/400).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 17th day of February 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 166 of the Animal Products Act 1999 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	3

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

5	Part of risk management programme that may be lodged with registration application	3
6	Identifying information	3
7	Product and process information	4
8	Multi-business risk management programmes	5
9	Director-General to issue notice prescribing further information	5
10	Application to register significant amendment to risk management programme	6

Schedule 1 7
Transitional, savings, and related provisions

Regulations

1 Title

These regulations are the Animal Products (Risk Management Programme Registration—Required Part) Regulations 2020.

2 Commencement

These regulations come into force on 19 March 2020.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Animal Products Act 1999

input means any animal material, animal product, additive, processing aid, ingredient, packaging, or other associated thing if that associated thing is contained within, attached to, enclosed with, or in contact with, the animal material or animal product

operator-defined limit means a measurable limit established by a risk management programme operator to manage fitness for intended purpose of animal material or animal product

output means animal material or animal product resulting from an operation undertaken under a risk management programme

unique location identifier means a unique identification code to indicate the location or premises within a risk management programme.

(2) In these regulations, **animal material** and **animal product** include any other food made under a risk management programme that contains a food control plan or components of a national programme relating to that food in accordance with section 17(5) of the Act.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Part of risk management programme that may be lodged with registration application

- (1) An operator who applies to the Director-General for registration of a risk management programme, under section 20 of the Act, may in all circumstances lodge with the application, instead of a copy of the programme, the part of the programme set out in these regulations.
- (2) An operator must ensure that the information referred to in regulations 6 to 8 that is lodged with the application accurately represents the programme at that time.

6 Identifying information

The operator of the risk management programme must provide the following information:

- (a) the name and address, including the electronic address (if available), of the operator whose programme it is:
- (b) the name, position, or designation of the person responsible for the day-to-day management of the risk management programme:
- (c) the name and trading name of the business:
- (d) the business identifier:
- (e) in relation to the business premises or place,—
 - (i) its physical address; or
 - (ii) if the premises are mobile, any vehicle registration number and the location where the mobile premises are based principally; or
 - (iii) if the premises are a fishing vessel, the physical address of the operator, the name of the fishing vessel, and the fisheries registration number:
- (f) in relation to the business premises or place, the physical boundaries within which the risk management programme applies:
- (g) in relation to the business premises or place, any unique location identifier if—
 - (i) the operator is required by notice under section 167(2)(b) of the Act to have 1 or more unique location identifiers; and
 - (ii) it has been already assigned:
- (h) a description of any animal material, animal product, or food that is within the physical boundaries but is excluded from the programme because—

- (i) it is covered under a different risk management programme; or
 - (ii) it is covered under a different regulatory regime:
- (i) if a person other than the risk management programme operator uses areas within the physical boundaries for any activity not covered by the programme, a description of—
- (i) the interfaces with that activity; and
 - (ii) the authorities and accountabilities for resolving any issues associated with that activity.

7 Product and process information

The operator must also provide the following information:

- (a) in relation to animal material or animal product being produced or processed, the name or type that enters or leaves the physical boundaries identified in the risk management programme, and the intended use of that which leaves, including—
 - (i) whether it is intended for human or animal consumption or some other purpose; and
 - (ii) whether it—
 - (A) is to be subject to further processing; or
 - (B) requires additional preparation by the final consumer; or
 - (C) is ready to eat or consume:
- (b) in relation to each animal material or animal product referred to in paragraph (a) that is leaving the physical boundaries identified in the risk management programme, any relevant regulatory limits or operator-defined limits in relation to risks—
 - (i) from hazards to animal or human health; and
 - (ii) from false or misleading labelling or representation; and
 - (iii) to the wholesomeness of the animal material or animal product:
- (c) every process or operation carried out under the programme, including—
 - (i) all inputs; and
 - (ii) the main activities or steps; and
 - (iii) all outputs:
- (d) all information required under section 17(3)(a) to (c) of the Act:
- (e) the following information to confirm the programme is working effectively:
 - (i) any evidence to demonstrate the effectiveness of the risk management programme; or
 - (ii) a protocol containing—

- (A) details of the evidence to be collected to demonstrate the effectiveness of the risk management programme; and
 - (B) a proposal for the disposition of animal material or animal product until the effectiveness of the programme has been demonstrated:
- (f) a list of all the documents that comprise the programme, with their date or version as at the time of application:
 - (g) a statement in writing indicating that the verifier or verifying agency has accepted the responsibility for the verification of the risk management programme.

8 Multi-business risk management programmes

- (1) The operator of a multi-business risk management programme must comply with one of the following options, and may choose which of the options to comply with, unless the Director-General decides on the option for a particular application:
 - (a) in relation to each business, providing all the information required under regulations 6 and 7:
 - (b) providing information about the specific document or recording system where this information is retained.
- (2) For a multi-business risk management programme, the operator of the programme must also provide the following information:
 - (a) evidence in writing that the operator will have sufficient control, authority, and accountability for all matters covered by the programme in relation to the businesses:
 - (b) evidence in writing that the operator has obtained the consent or otherwise taken into account the views of any person whose business is to be covered by the programme.
- (3) The Director-General may exempt a multi-business risk management programme operator from any of the requirements of this regulation to provide information, if the Director-General considers the information is not needed for the purposes of these regulations.

9 Director-General to issue notice prescribing further information

The Director-General may issue a notice under section 167(2)(b) of the Act prescribing further information that must be provided with an application for registration of a risk management programme in relation to which a copy of part only of the programme may be lodged with the application, in terms of section 20(2)(a)(ii) of the Act.

10 Application to register significant amendment to risk management programme

An application to register a significant amendment to a risk management programme must be accompanied by one of the following, with the amendments identified:

- (a) the information set out in regulations 6 and 7 and, in the case of a multi-business risk management programme, regulation 8:
- (b) the full risk management programme.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,
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 19 March 2020, provide the part of a risk management programme that may be lodged with an application for registration of the programme.

The regulations reflect section 20(2)(a)(ii) of the Animal Products Act 1999 as replaced by an amendment made to that Act by section 73 of the Food Safety Law Reform Act 2018. The amendment to section 20 of the Animal Products Act 1999 comes into force on 2 March 2020.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 February 2020.

Notes**1 *General***

This is a consolidation of the Animal Products (Risk Management Programme Registration—Required Part) Regulations 2020 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Animal Products Regulations 2021 (SL 2021/400): regulation 267(e)