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**A GUIDE TO  
HOMEKILL AND  
RECREATIONAL CATCH**

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**ANIMAL PRODUCTS ACT 1999**



**NZFA Public Information Paper**

**No. 03/1**

**Date: February 2004**

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ISBN 0-478-07742-4

ISSN 1176-1652

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### ***Website***

The New Zealand Food Safety Authority's, and the Ministry of Agriculture and Forestry's websites both provide access to the Animal Products Group and material related to the Animal Products Act regime. A copy of this manual can be found at:

[www.nzfsa.govt.nz/animalproducts](http://www.nzfsa.govt.nz/animalproducts)

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# 1. INTRODUCTION

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The objectives of the Animal Products Act 1999 are to manage the risks to human and animal health from the consumption or use of animal products, and to facilitate the trade of animal products. The Government sets the regulatory framework, including the establishment of standards and systems, and the audit of those systems.

## **New Zealand Food Safety Authority**

The New Zealand Food Safety Authority (NZFSA) was established on 1 July 2002. The NZFSA brings together the Ministry of Health's Food Group, MAF's Food Assurance Authority and part of MAF Policy. The NZFSA is responsible for domestic food safety and standards (previously administered by the Ministry of Health) as well as setting standards for animal product primary processing and the monitoring of compliance with export requirements (previously administered by the Food Assurance Authority, MAF).

## **Homekill and Recreational Catch**

This guide provides a general explanation of the treatment of "homekill and recreational catch" under the Animal Products Act 1999.

**Homekill** is the slaughtering and butchering of a person's own animal for their own consumption and use.

**Recreational catch** is a hunted or harvested wild animal for the hunter's own consumption or use.

The policy for homekill and recreational catch under the Animal Products Act is essentially the same as it has been for the last 20 years. Many farmers in New Zealand kill and consume their own stock, and many New Zealanders engage in recreational game hunting and fishing. The provision of homekill slaughter and associated processing services to cater for these pastimes are significant rural activities.

The Animal Products Act distinguishes between two types of animal products.

1. **Regulated animal products** are subject to various standards under the Animal Products Act. These cover hygiene and processing controls, and assessment requirements (e.g. ante-mortem and post-mortem inspection). These standards are made to ensure that the resulting products are fit for human or animal consumption. Regulated animal products can be traded.
2. **Homekill and recreational catch products** are not subject to any standards. Therefore, no assurances can be given on the safety of the resulting product. Those who consume or use homekill or recreational catch products do so at their own risk. It is illegal to trade homekill and recreational catch products that are for human or animal consumption.

The treatment of homekill and unregulated animal product has proven to be a contentious issue over the years. The policy in the Animal Products Act balances two views:

1. The desire of many New Zealanders to have continued access to homekill and recreational catch and the associated service-providing businesses; and

2. Domestic consumer and international market concerns that animal products are safe and wholesome.

For these reasons, the Animal Products Act has very strict rules governing the use and consumption of homekill and recreational catch product.

The aim is to allow for New Zealand's genuine homekill and recreational hunting and fishing to continue, while protecting the integrity of the regulated meat system and its assurances, particularly export certification.

There are comprehensive offence provisions in the Animal Products Act (see Appendix 1) for illegal homekill and recreational catch activity.

## 2. HOMEKILL ACTIVITIES

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Homekill refers to the slaughtering and butchering of an animal by its owner, or by a listed homekill and recreational catch service provider. Homekill is for the animal owner's own consumption and use (e.g. dog tucker).

Homekill cannot be traded<sup>1</sup> for human or animal consumption. As homekill and recreational catch meat has not been subject to any processing standards or any ante-mortem/post-mortem inspection, assurances can not be given on its fitness for consumption. Those who consume or use homekill or recreational catch product do so at their own risk.

### What is allowed for homekill

The basic policy for homekill activity is set out in section 67 of the Animal Products Act.

- Those who can homekill are animal owners who are actively engaged in the day-to-day maintenance of the animal, or animals of the same kind, for a period of at least 28 days.
- Such owners may kill and process the animal themselves on their own property (includes property leased, or where there is other legal right to occupy or use the property), or they may have the animal killed or processed by a listed<sup>2</sup> homekill or recreational catch service provider on the service provider's premises or place or the animal owner's own property.
- Homekill product is for the use or consumption of the animal owner including his or her family or household and must not be traded (see footnote 1).
- A farmer may supply homekill product to an employee of the farmer who is employed in an ongoing manner in farming operations, for the use or consumption of that employee (including his or her family or household).

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1 Section 4 of the Animal Products Act defines trade.

**Trade:** sell for human or animal consumption or use; and includes,-

- (a) Selling for resale (including as a constituent part of another article) for human or animal consumption or use; and
- (b) Offering or attempting to sell, or receiving for sale, or having in possession or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and
- (c) Barter; and
- (d) Supplying an article under a contract, together with other goods or services or both, in consideration of an inclusive charge for the article and the other goods or services; and
- (e) Supplying an article where there is a statutory responsibility to supply; and
- (f) Offering as a public prize or reward, or giving away for the purpose of advertisement or in the furtherance of any trade or business; and
- (g) Every other method of disposition for valuable consideration.

2 **Homekill and recreational catch service providers** are persons who provide services, such as the slaughter, dressing, butchering, and packaging of animals and animal material for farmers and other animal owners and hunters. Homekill and recreational catch service providers must be listed with the New Zealand Food Safety Authority.

Note that animal owners do not have to list as homekill or recreational catch service providers if they only slaughter and/or butcher their own animals for their own use or consumption, or that of their family or household, and do not provide, for reward, a service to other animal owners.

- The parts of the homekill animal that are not for human or animal consumption (such as the hide, skin, horns, antlers) may be traded and waste material may be sold to a renderer. [The process of rendering involves the application of extreme heat and pressure to break animal tissue down to its basic fat and protein elements]

### **Where animals can be killed**

Animal owners may kill and process their own animal on their own property. 'Own property' includes property that is leased, or where there is other legal right to occupy or use the property and the property is in fact used for conducting farming or similar operations.

There may be other legislation (for example Animal Welfare Act, Resource Management Act or Local Authority by-laws) that would prevent the slaughter and dressing of animals on an individual person's property. Backyard slaughter is usually unacceptable under Local Authority by-laws, the Resource Management Act, and/or the Health Act.

A listed homekill and recreational catch service provider may kill an animal on either the animal owner's property, or at the service provider's premises or place. The animal owner must be a person involved in the day-to-day maintenance of that animal.

### ***Injured animals: killing for humane reasons***

The Animal Products Act allows animals to be killed anywhere when necessary for humane reasons, such as at the roadside when an animal has been injured following an accident. Any person may do killing for humane reasons. The resulting product can be treated as homekill product.

### **Day-to-day maintenance of animals**

Only animal owners who are actively engaged in the day-to-day maintenance of an animal may engage a listed service provider to kill that animal. The Animal Products Amendment Act 2002 clarified what was intended by the phrase 'actively engaged in day-to-day maintenance'. It says that that the animal owner who can use a homekill and recreational catch service provider is a person who has been actively engaged in the day-to-day maintenance of the animal, or of other animals of the same kind, for a period of at least 28 days immediately preceding the killing of the animal.

The 28 day period was set by Parliament on the basis of common withholding periods for veterinary medicines.

The reference to being involved with the maintenance of 'other animals of the same kind' was put into the law to enable a sheep and beef farmer or a dairy farmer, for example, to purchase a cattle beast and have it home-killed by a homekill and recreational catch service provider straight away without the need to 'farm' the particular animal for the 28 day period.

## **Use and consumption of homekill product**

Homekill product is for the use or consumption of the animal owner including their family or household and must not be traded.

The inclusion of 'family' and 'household' is to provide for normal family social occasions. The Animal Products Act does not define these, and the NZFSA sees no need to do so. However, a family is not intended to include extended family living elsewhere, and a household is intended to cover the occupants of a house or similar residential unit, but not include an institution or tourist accommodation.

### ***Supplying Farm Employees***

The Animal Products Act specifically allows a farmer to supply homekill product to an employee. An employee of the farmer is to be employed in a continual manner in farming operations. Such a person can use or consume the homekill received and may share it with family or household. For clarity:

- The farm employee must be an employee of the farmer providing the homekill.
- The employment relationship may be salaried or contractual.
- The farm employee's work must be an active part of daily farming operations. This would not include service providers for example accountants, veterinarians, tractor salesmen etc.

### ***Can you feed homekill meat to paying guests?***

Generally, no. Those who supply a meal as part of a tourist package including farm-stays, hunting lodges, or tourist barbecues, cannot use homekill product as part of the food provided to their customers.

Paying guests also include those who pay board, fees or other forms of payment as part of an accommodation package.

Institutions such as boarding schools, universities, hospitals and prisons cannot serve homekill and must provide inspected meat from a regulated source.

## **Select and Slaughter is Prohibited**

*The Animal Products Act specifically prohibits a person (client) selecting an animal from a farmer, and then having the animal immediately slaughtered for the client to take the meat away. It is also illegal for a farmer to provide a facility and equipment for the client to slaughter the animal at the farmers place.*

There is a clear offence provision in the Animal Products Act relating to this illegal activity carrying a maximum fine for a body corporate—\$300,000 and an individual—\$75,000. Under this offence provision, both the person 'selecting' the animal and the person providing the facilities for the 'slaughter' are able to be charged.

## **Animal Welfare**

The Animal Welfare Act 1999 imposes obligations on persons that own or are in charge of animals to ensure that animals are killed in such a manner that the animal does not suffer unreasonable or unnecessary pain or distress.

The Animal Welfare Act itself does not contain detailed guidance on how particular types of animals should be killed. Detailed minimum standards covering areas such as methods of restraint and stunning and killing methods, and any specific religious or cultural practices, will be contained in codes of welfare.

It is anticipated that a Code of Welfare covering regulated slaughter and (commercial) homekill will be issued by the Minister in 2003.

## **Movement between the non-regulated and regulated system**

Every animal owner has the option of having an animal slaughtered and butchered at an abattoir or other regulated premises and returned for personal consumption and use. The animal is processed to the same standards as product for trade, consequently any of the resulting animal products may be traded if desired, including being donated for a raffle prize, served as a homestay meal, at a tourist barbecue or commercial marae visit etc.

Homekill and recreational catch product processed by an animal owner or by a homekill and recreational catch service provider cannot move to the regulated system, and cannot be traded under any circumstances.

Where animal owners choose to have their animals slaughtered in a premises managed under the regulated system (e.g. an abattoir), then the resulting product could be further processed by a homekill and recreational catch service provider: but the product would then become non-regulated and could not be traded.

### **3. RECREATIONAL CATCH ACTIVITIES**

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Recreational catch is the activity of killing, capturing, taking, or harvesting and then processing a wild animal (including fish) for the use or consumption of the hunter, fisherman, or other person.

Recreational catch cannot be traded (see 'trade': it includes barter, supply as part of a service, public prize or reward etc) for human or animal consumption. Those who use or consume recreational catch product do so at their own risk. As recreational catch meat has not been subject to any processing standards or post-mortem inspection, no assurances can be given on its fitness for consumption.

Section 68 (see Appendix 1) of the Animal Products Act describes the types of recreational catch activities that are permitted.

- A person who has hunted or harvested an animal (including fish) as recreational catch is able to process the animal themselves on their own property, or at or near the place where the animal was hunted or harvested.
- The hunter or harvester may have the animal processed by a listed homekill or recreational catch service provider, on the service provider's premises or place, or on the catcher's property, or at or near the place where the animal was hunted or harvested.
- Recreational catch product can only be consumed or used personally by the hunter or catcher (including their family or household, and members of the hunter/catcher's party). This allows a restaurant, hunting lodge, etc to serve as a meal to the hunter/catcher and members of the hunter/catcher's party, the game or fish that the particular individual or their party have killed or caught. This game or fish should not be served generally to other guests.
- Recreational catch product cannot be bartered (that is given in exchange for other money or goods or services).
- Only those parts of the recreational catch product that are not for human or animal consumption (such as the skin, feathers) may be traded.
- Waste material can be sold or disposed of to a renderer.
- For the purposes of the Animal Products Act, customary catch that is authorised under the Fisheries Act 1996 is to be treated as recreational catch that complies with the requirements of this section, so long as it is used for the purposes for which such catch is authorised.

## 4. HOMEKILL AND RECREATIONAL CATCH SERVICE PROVIDERS

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Homekill and recreational catch service providers are people who, for reward, provide:

- slaughter, and/or processing services to animal owners who have been actively engaged in the day-to-day maintenance of the animal; or
- processing services for recreational hunters and harvesters to get product for human or animal consumption, e.g. dressing and butchering of killed animals.

For clarity:

- taxidermists are not homekill and recreational catch service providers.
- those heading, gutting and filleting (etc) fish on recreational charter vessels are not considered homekill and recreational catch service providers.

### Outline of requirements

- Homekill and recreational catch service providers must be listed with the NZFSA.
- Homekill and recreational catch service providers are able to provide their services:
  - in the case of **homekill**, at their own premises or property, or on the animal owner's property; or
  - in the case of **recreational catch**, at their own premises or property, or on the hunter or harvester's property, or at or near the place where the animal was hunted or harvested; or
  - in the case of **game estate animals**, at their own premises or property, or at the game estate.
- Service providers must return homekill/recreational catch product to the animal owner/hunter it came from; ONLY parts of the animal that are not for human or animal consumption, such as hides and skins, may be traded, and offal and fat waste may be sold or disposed of to a rendering operation.
- Some service providers are also retail butchers and special conditions apply (see Dual Operator Butchers<sup>3</sup>).
- No homekill and recreational catch service provider can trade any homekill or recreational catch product for human or animal consumption.
- Basic inventory records must be kept.

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3 **Dual operator butchers** are retail butchers who process homekill or recreational catch at the same place they operate a butcher shop and sell regulated animal product.

Where a service provider processes animal material or product obtained from an abattoir or risk management programme operator, the material or product becomes homekill or recreational catch product once processing begins, and cannot be traded.

It is illegal for a homekill and recreational catch service provider to slaughter and/or provide processing services for an animal owner who has not been involved in the day-to-day maintenance of the animal. The penalty for knowingly doing so as an individual is imprisonment for a term not exceeding two years and a fine up to \$100,000, and for a body corporate is a fine up to \$500,000.

### **Listing as a service provider**

All homekill and recreational catch service providers, including dual operator butchers, must be listed with NZFSA. There are no criteria that need to be met for listing.

To ensure that the list is maintained up-to-date, listing is for a year. It is the homekill and recreational catch service provider's responsibility to renew their listing annually (See section 77). A fee is payable for listing, to cover the administration of the data system. It is illegal to provide homekill and recreational catch services for reward when not a listed provider; the maximum fine for providing such services when not a listed provider is \$75,000 for an individual and \$300,000 for a body corporate.

The *Animal Products (Exemptions and Inclusions) Order 2000*, clause 18 states that a person who transports homekill or recreational catch is exempt from the requirement to be listed as a homekill or recreational catch service provider, if that is the only service the person provides in relation to homekill or recreational catch.

The register of listed service providers is public. Any person may obtain a copy of the list through NZFSA, although a charge is payable. Alternatively, the register is available at the NZFSA website:

[www.nzfsa.govt.nz/animalproducts/registers-lists/service-providers](http://www.nzfsa.govt.nz/animalproducts/registers-lists/service-providers)

### **Application procedure**

To list as a homekill and recreational catch service provider, you need to do the following things:

1. Complete the AP2 application form following the instructions provided.

[www.nzfsa.govt.nz/animalproducts/publications/forms/service-providers](http://www.nzfsa.govt.nz/animalproducts/publications/forms/service-providers)

2. Complete the statutory declaration in section 6 of application form AP2.
3. Send in your listing fee (see section 7 of application form AP2) with your application form. Cheques are to be made out to the New Zealand Food Safety Authority. Receipts will be issued along with a formal notice of homekill and recreational catch service provider listing.

4. Applications are to be forwarded to:

The Programme Manager (Operations)  
Animal Products Group  
New Zealand Food Safety Authority  
PO Box 2835  
WELLINGTON

### **Homekill and recreational catch service provider inventory requirements**

The Animal Products Act requires that every homekill and recreational catch service provider, including dual operator butchers, must keep records.

All records must be kept up-to-date (for audit purposes) and available for inspection by any animal product officer or member of the Police at all times during working hours at the service provider's base of operations.

The records must demonstrate that the animal material is accounted for and provide sufficient information for an Animal Product Officer to be able to ascertain:

- the approximate amount/type/quantity and origin of the animal material received;
- the types of animal material/product returned to the animal owner or hunter; and
- what has happened to the non-edible parts of the animal, such as the hide, that the Act permits to be traded.

Records should include the following information as appropriate to the service provided:

- the date of service;
- the name, address and phone number of the animal owner;
- the animal species, sex and approximate age;
- any distinguishing marks, e.g. eartag number, brand, earmark (for cattle and deer only, the herd identification and individual animal number must be recorded);
- whether or not the hide was taken; and
- a list of the animal parts/products returned to the animal owner;

Additionally, the homekill and recreational catch service provider needs to demonstrate that he either knows or has taken reasonable steps to determine that the client is the animal owner and involved in the day-to-day maintenance of that animal. A signed declaration by the animal owner is one acceptable way of achieving this.

Where a service provider slaughters on the animal owner's property and then delivers the carcass to a second service provider for further processing and return to the animal owner, the records of the slaughterer must identify the second service provider and the date of supply.

Separate records must be kept of hides and skins received and sold by the service provider, the animal species involved, the dates of the transactions and the name of the purchaser of the hides and skins.

In the special case where a service provider processes an animal for humane reasons, e.g. after an accident, when that animal is neither on the animal owner's nor the service provider's property, the service provider must record the date, location, reason for slaughter, and distribution of the animal material.

**Identification of material**

Homekill and recreational service providers must clearly distinguish each animal owner's material and product while in the hands of the service provider.

**Examples of inventory records**

The following examples have come from trials carried out by service providers. They are provided as a guide. Those in the trial have found it convenient to keep a simple exercise book with the left-hand page used for slaughter, incoming product etc and the right-hand page for process information.

The service provider is free to devise his/her own method of recording, provided that it achieves the outcomes required by NZFSA.

**Example of records to be used for slaughter on-farm**

Date of slaughter	Animal Owner		Animal description	Animal material delivered to	Hides taken?
	Name	Address and phone	(species, approx age, sex, distinguishing marks, id number)	(Name and place)	Yes/no

**Example of general service records**

Supplier			Animal material supplied	Service description &/or parts/products returned		Hides taken?
Date	Name	Address and phone	Description (e.g. species, approx age, sex, id number)	Description of service &/or list of parts/products returned	Date Out	Yes/no

**Example of hide records**

Date In	Number In	Hide Supplier: Name, Address and Phone	Date Out	Number Out	Delivered to

**Owner declaration for homekill (for photocopying and direct use)**

**1. Name**

Full Name:

**2. Address**

Physical Address:

Postal Address:

Phone: Fax:

**3. Description of Animal Material to be Processed:**

Describe the animal or animal material to be slaughtered or processed:

**4. Declaration:**

**I declare that I am the owner of the animal material described above and:**

- 1. I have been actively involved in the day-to-day maintenance of the animal, including providing for the physical, health, and behavioural needs of the animal for at least 28 days; OR**
- 2. I am a farmer of animals of this kind.**

Signature \_\_\_\_\_ Date: \_\_\_\_\_

## 5. DUAL OPERATOR BUTCHERS

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Dual operator butchers are defined in section 4 of the Animal Products Act. They are retail butchers that also provide a homekill and recreational catch service at the same premises or place. The phrase "same premises or place" can be applied to a wide range of possible situations including:

- within a single building
- in buildings that are contiguous or in close proximity to one another
- different operations situated on a piece of land with one certificate of title
- different operations that share a perimeter fence
- operations that directly share facilities and/or services.

Dual operator butchers must have a registered risk management programme by 1 July 2005.

Until a risk management programme is registered, dual operator butchers must continue to meet the requirements of the Food Act 1981, and either the Food Hygiene Regulations 1974 or an approved Food Safety Programme for all regulated product within your retail butchery. Dual operator butchers must also maintain any Health registration requirements.

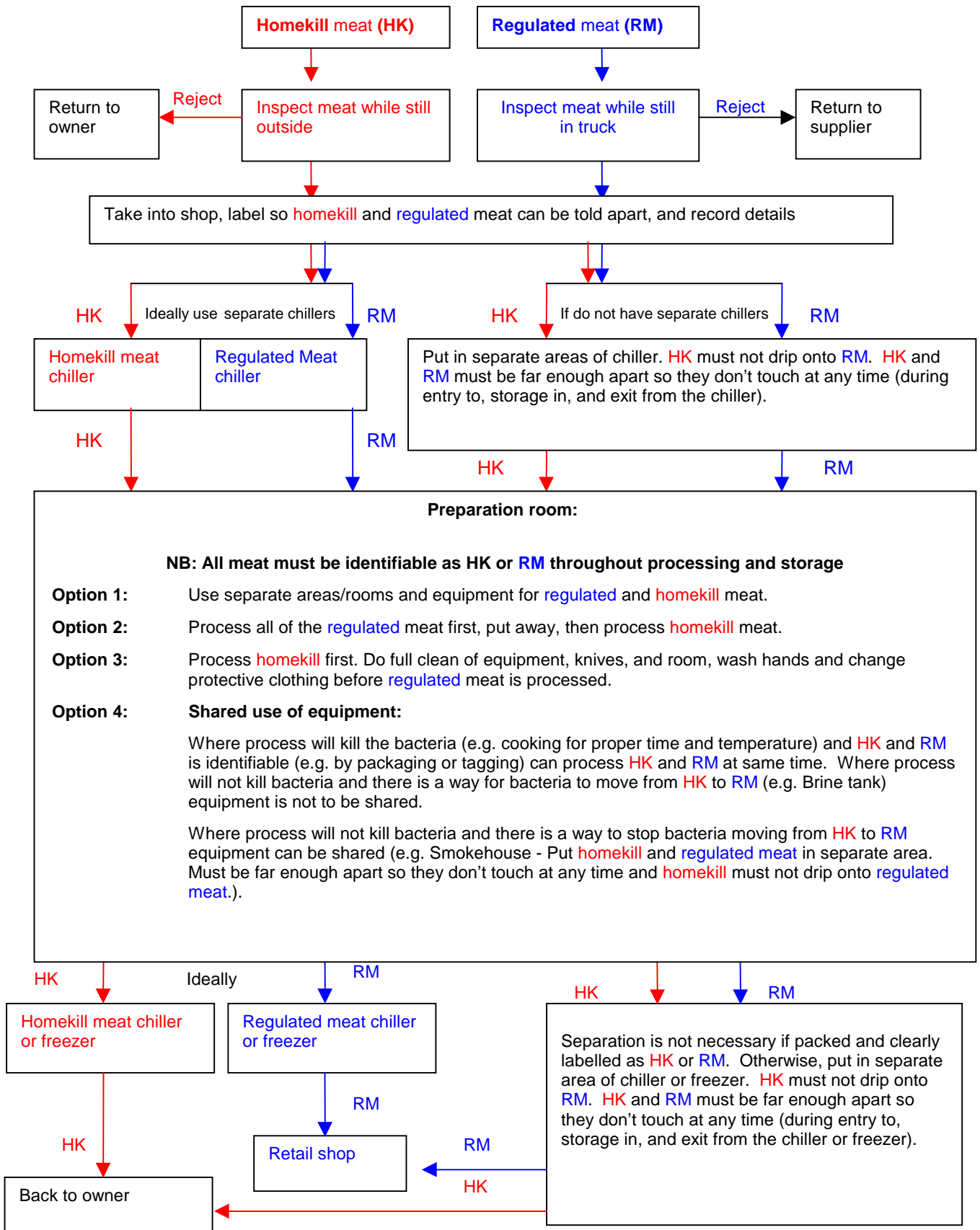
The following requirements apply under the Animal Products Act:

- Being listed as a homekill recreational catch service provider
- Not killing homekill or recreational catch at the premises or place where regulated animal product is processed or traded
- Having separate storage and processing of homekill and recreational catch from regulated animal product – see Table A
- Complying with the prohibition on exporting
- Complying with the notified inventory records and information requirements – see Table B
- Having a notice conspicuously displayed in a public part of your premises, printed in plain letters of not less than 25 mm in face measurement with the following or similar words, as appropriate —

***“Notice – meat and/or fish that is not intended for sale is processed on these premises.”***

The NZ Food Safety Authority (NZFSA) is working with industry on a Code of Practice that will help dual operator butchers to develop a risk management programme.

**Table A: Achieving Separation of Homekill from Regulated Meat**



**Table B: Homekill and Recreational Catch Records**

The left hand column describes what records need to be kept. Put a tick in the right hand column if you already record this. If not, change your records so that they collect the right information then add the tick to show you have done it.

Records to be kept by Dual Operator Butchers	Already Recorded
<p>Records demonstrating that all homekill and recreational catch animal material received is accounted for including:</p> <ul style="list-style-type: none"> <li>• the approximate amount, type, quantity and origin of the animal material received;</li> <li>• the animal material or product returned to the animal owner or hunter; and what has happened to non-edible parts of the animal that can be traded, such as the hide.</li> </ul>	
<p>Slaughtering records (NB: Slaughtering must be done away from Dual Operator Butchers site):</p> <ul style="list-style-type: none"> <li>• the date the service was provided;</li> <li>• the name, address and phone number of the animal owner;</li> <li>• the animal species, sex and approximate age;</li> <li>• any distinguishing marks, e.g. eartag number, brand, earmark:— for cattle and deer only the herd identification and individual animal number must be recorded where the animal has such a number in accordance with the Animal Health Board's "<i>National Herd Identification Scheme</i>"; and</li> <li>• what homekill material/product (including the hide) was delivered and to whom.</li> </ul>	
<p>Processing records:</p> <ul style="list-style-type: none"> <li>• the date the service was provided;</li> <li>• the name, address and phone number of the animal owner;</li> <li>• a description of the homekill or recreational catch received including animal species;</li> <li>• what homekill material/product (including the hide) was delivered and to whom.</li> </ul>	
<p>Records showing how to identify and distinguish each animal owner's material and product from those of others.</p>	
<p>The homekill and recreational catch service provider must keep separate records of hides and skins received and sold, the animal species involved, the dates of the transactions and the name and address of the purchaser of the hides and skins.</p>	
<p>In the special case where a homekill and recreational catch service provider processes an animal for humane reasons (when that animal is neither on the animal owner's nor the service provider's property), the service provider must record the date, location, reason for slaughter, and distribution of the animal material, and if known the name and address of animal owner.</p>	

## **6. RELATED HOMEKILL AND RECREATIONAL CATCH ACTIVITIES**

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The following paragraphs provide clarification on how the Animal Products Act relates to various situations.

### **Petfood**

It is illegal for any person or business to trade, or attempt to trade, any homekill or recreational catch animal material or product as petfood or for processing into feeds to be consumed by other animals.

### **Rendering**

Homekill and recreational catch waste material, such as offal and fat, may be sold or disposed of to a rendering operation.

### **Taxidermists**

The Animal Products (Exemptions and Inclusions) Order 2000 states at clause 14:

*“A person who performs taxidermy operations is exempt from the requirement to have a risk management programme for those operations, and also from the requirements of Part 6 of the Act (which relates to homekill and recreational catch), if —*

- (a) the person does not trade any part of the animals to which the operations relate for human or animal consumption, or any such trade is only to a person carrying out rendering operations under a risk management programme; and*
- (b) the person does not provide any other type of homekill or recreational catch services on the same premises.”*

### **School Galas, Community Fairs etc**

The Animal Products Act specifically prohibits the donation of homekill or recreational catch product for:

- use as a prize in a raffle; and
- the purposes of advertising; and
- the purposes of sale.

### **Farm Lodges, Home Stays etc**

Those who supply a meal as part of an accommodation, recreational or tourist package including homestays, hunting lodges, marae visits, or tourist barbecues, cannot use homekill or recreational catch product as part of the food provided to their customers. Such activity would be illegal trade.

The only exception from this prohibition is that a restaurant, hunting lodge etc may serve as a meal to the hunter/catcher and members of the hunter/catcher's party, the game or fish that the particular individual or their party caught. The game or fish caught by a particular party cannot be served to other guests.

### **Institutions**

The Animal Products Act specifically prohibits homekill or recreational catch product being supplied to employees, residents, patients, students etc, under statutory arrangement (e.g. a prison), or under an inclusive charge for another good or service.

### **Ethnic and religious groups**

There is no provision in the Animal Products Act that allows departures from the basic principle that only regulated product can be traded. Individual animal owners belonging to a particular group cannot supply or distribute this product to the wider group, nor can churches, mosques, and other religious and ethnic group gathering places, be used as a distribution point for homekill or recreational catch.

### **Marae**

NZFSA recognises that marae are used for traditional/cultural activities where the sharing of meals is an integral part of the occasion. For guidance:

- In the **traditional context** (e.g. activities within the iwi or hapu, including hui, tangihanga and unveilings), the assumption is that there is no element of trading. Homekill meat can be used.
- In the **commercial context** (including hui held for other organisations) it is assumed that money will have changed hands, albeit in the form of a koha - IRD policy on GST and taxation of koha can provide guidance on what is a 'commercial' activity. Meat supplied for commercial activity must be from the regulated system, i.e. abattoir or retail outlet, and not homekill.
- In the **social context**, there is a mix of situations and each would need to be considered by marae members on its merits. Generally, if money changes hands homekill meat should not be used even if the participants are aware that homekill is being offered.

If marae member(s) slaughter an animal(s) for use at a traditional activity, they do not have to be listed as homekill and recreational catch service provider(s). In the context of traditional activities, the marae and/or marae members are considered to be the animal owner slaughtering their own animal(s), on their own property, for their own use.

If a marae has slaughtering facilities it wishes to use to slaughter animals for use in commercial activities, these slaughtering facilities must be subject to a risk management programme (under Part 2 of the Animal Products Act). The resulting product would then be regulated product and could therefore be used in any activity undertaken on the marae, whether traditional, commercial or social.

### **Communes**

NZFSA recognises that there are various multi-family cooperative living arrangements in New Zealand. The regular members are regarded as being the equivalent of the extended family based on a Marae. It is expected that the members expect to be treated as 'family'. The use of homekill and recreational catch is permissible, so long as 'trade' does not occur.

## 7. GAME ESTATES

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A game estate is a place within which animals are kept (whether all of the time or only some of the time), as if in the wild, for the purpose of providing opportunities for persons to hunt or catch them as recreational catch as if in the wild.

Animals from a game estate may be processed in premises that have a risk management programme. Animals from game estates that are presented for processing will need to have all relevant procurement declarations and assurances. These include animal health status, pest spray/poison status of procurement area, and confirmation that the animal has been handled according to requirements from the time that animal was killed.

Game estates engaged in certain activities are required to be listed with the NZFSA, and need to comply with various requirements. The policy intent is to:

- allow game estate animals to be treated like wild animals — that is they can be killed and then processed in the regulated system for trade;
- to treat client hunters of game estates the same way as recreational hunters killing animals in the wild — meaning they may personally butcher, consume or use the game estate animal they have bagged or use a homekill and recreational catch service provider if they wish.

### **Specific provisions of the Animal Products Act**

Section 65C of the Animal Products Act allows:

1. A client hunter may kill or process a game estate animal himself or herself (either on the game estate or on the client hunter's own property), or have it processed by a listed homekill or recreational catch service provider.
2. A game estate operator may dress and process a game estate animal for a client hunter only if the operator is a listed homekill or recreational catch service provider, except in the situation where the operator only carries out limited processing, such as removing trophy heads or skinning the killed animal or the preparation and serving of the recreational catch as a meal to its catcher or members of the catcher's party.
3. A game estate operator may also —
  - (a) have any game estate animal from the estate (whether or not caught or killed by a client hunter) killed or processed by a listed homekill or recreational catch service provider for the operator's own use or consumption as if the operator were the owner and farmer of the animal;
  - (b) sell or otherwise dispose of any parts of a game estate animal (including such things as skins, hides, and trophy heads) from the operator's estate, by whomever caught or killed or processed, that are not for human or animal consumption;
  - (c) sell or dispose of any parts of such an animal to a renderer (this may be subject to conditions

imposed by the NZFSA).

4. A game estate operator who is listed with the NZFSA may also present killed game estate animals for primary processing in the regulated system for use or consumption as regulated animal product.

### **Listing of game estates**

A game estate must be listed with the NZFSA if —

1. Any edible parts of game estate animals killed by client hunters on the game estate are allowed by the operator to be removed by the client hunters (except to the extent they are intended for use as trophies); or
2. The operator wishes to supply game estate animal material for processing as regulated animal product.

A person who wishes to operate a listed game estate must apply to the NZFSA. At the current time systems are under development and it is recommended that you directly contact:

[bowdenn@maf.govt.nz](mailto:bowdenn@maf.govt.nz)

## Appendix 1: Homekill and Recreational Catch — Key Sections from the Animal Products Act 1999

### Part 6—Homekill and Recreational Catch

#### 66 **Object of this Part**

(1) The principal objects of this Part are—

- (a) To allow for owners of animals and recreational hunters and fishers to kill and process their own animals and recreational catch, or have it done for them by certain identified persons, outside the normal regulatory requirements of this Act, provided that the animal or recreational catch is for their own use or consumption and is not traded;
- (b) To ensure that homekill and recreational catch is treated entirely separate from, and cannot be mingled with or traded as, regulated animal products.

(2) In particular, this Part provides for—

- (a) The listing of persons who may undertake homekill or recreational catch services on behalf of animal owners or recreational hunters and fishers;
- (b) A prohibition on any person undertaking such services at any premises or place where regulated animal products are processed, except in the case of retail butchers who also list as homekill or recreational catch service providers;
- (c) Dual operator butchers to operate under a risk management programme that specifically recognises and takes account of the [risk factors] involved in carrying out dual operations at the same premises or place.

#### 67 **Homekill allowed**

[(1) Nothing in this Act prevents an animal owner from—

- (a) killing or processing the animal himself or herself on his or her own property; or
- (b) in the case of an animal owner who has been actively engaged in the day-to-day maintenance of the animal, or of other animals of the same kind, for a period of at least 28 days immediately preceding the killing of the animal, having the animal killed or processed, otherwise than in accordance with Parts 2 to 4, by a listed homekill or recreational catch service provider on the service provider's premises or place or the animal owner's own property,—

so long as the resulting homekill product is for the use or consumption of the animal owner (including his or her family or household), and not for trade; and Parts 2 to 4 do not apply to any such homekill.]

(2) For the purposes of subsection (1), homekill product will be treated as being for the use or consumption of the owner, and not for trade, if—

- (a) In the case of an animal belonging to a farmer, the farmer supplies the homekill product to an employee of the farmer who is employed in an ongoing manner in the farmer's daily farming operations, for the use or consumption of that employee (including his or her family or household); or
- [(b) the edible part of the homekill product is for the use or consumption of the owner (or the owner's family, household, or farm employee), and the only parts of the homekill product that are traded—
  - (i) are not for human or animal consumption; or
  - (ii) are sold or disposed of to a renderer in accordance with any conditions imposed by the Director-General by notice under section 167.]

(3) Despite subsection (1), animal product from an animal that is killed at a location other than the animal owner's own property or a listed service provider's premises or place, or by a person other than the owner or a listed service provider, may nevertheless be treated as homekill product if—

- (a) Humane reasons necessitated the killing of the animal at that other location or by that other person; and
- (b) The other requirements of this section are otherwise met in relation to the animal and material derived from the animal (except to the extent that any immediately associated processing is required at the location of the killing).

- (4) In this section, own property, in relation to an animal owner, means land which the owner—
- (a) Owns or leases; or
  - (b) Has a legal right to occupy or use, and does in fact occupy, or use to conduct farming or similar operations.

**68 Processing of recreational catch**

- (1) Nothing in this Act prevents a person who has hunted or harvested an animal as recreational catch from—
- (a) Killing or processing the animal himself or herself, on his or her own property or at or near the place where the animal was hunted or harvested; or
  - (b) Having the animal killed or processed, otherwise than in accordance with Parts 2 to 4, by a listed homekill or recreational catch service provider, on the service provider's premises or place or on the catcher's property or at or near the place where the animal was hunted or harvested,—
- so long as the recreational catch product is for the use or consumption of the catcher (including members of the catcher's party or family or household), and not for trade; and Parts 2 to 4 do not apply to any such recreational catch.
- (2) For the purposes of subsection (1), recreational catch product will be treated as being for the use or consumption of the catcher, and not for trade, if—
- (a) The edible part of the product is for the use or consumption of the catcher (or members of the catcher's party or family or household); and
  - [(b) the only parts of the recreational catch product that are traded—
    - (i) are not for human or animal consumption; or
    - (ii) are sold or disposed of to a renderer in accordance with any conditions imposed by the Director-General by notice under section 167.]
- (3) For the purposes of this Act, customary catch that is duly authorised under the Fisheries Act 1996 is to be treated as recreational catch that complies with the requirements of this section, so long as it is used for the purposes for which such catch is authorised.

**69 Homekill and recreational catch service providers**

- (1) Despite anything in this Act, but subject to section 70, the following persons may kill or process for reward, for the owner or hunter or harvester of the animal, any animal or animal material that is homekill or recreational catch without needing to have or comply with a risk management programme, or to comply with any other requirement imposed by or under Parts 2 to 4:
- (a) Persons listed as homekill or recreational catch service providers under section 76:
  - (b) Persons who are in the business of providing meals and who prepare and serve recreational catch as a meal to its catcher and members of the catcher's party:
  - (c) Any other class of persons specified for the purposes of this section by regulations made under this Act.
- (2) Except as provided in section 70, a person listed as a homekill or recreational catch service provider under this Part is exempt from the requirement to operate under a risk management programme in respect of the processing of animal material or products that are homekill or recreational catch; and nothing in Parts 2 to 4 applies in respect of such operations.
- [(3) Nothing in section 131(2)(c) prevents a person referred to in paragraphs (a) to (c) of subsection (1) from trading or otherwise disposing of animal material derived from the processing of homekill or recreational catch if the animal material—
- (a) is skins, hides, horns, antlers, or other material that is not for human or animal consumption; or
  - (b) is sold or disposed of to a renderer in accordance with any conditions imposed by the Director-General by notice under section 167.]

**[70 Limitation on regulated animal product and homekill or recreational catch operations being carried out at same premises or place**

- (1) Except as provided in subsection (2), no person may carry out at the same premises or place both—
- (a) homekill or recreational catch processing operations; and
  - (b) the processing of, or trade in, any regulated animal product for human or animal consumption.

- (2) Subsection (1) does not apply to—
- (a) retail butchers acting in accordance with section 71; or
  - (b) persons who are in the business of providing meals containing or consisting of regulated animal product, to the extent only that those persons also prepare and serve recreational catch as a meal to its catcher and members of the catcher's party; or
  - (c) game estate operators who are in the business of providing meals containing or consisting of regulated product to client hunters and their parties, to the extent that they also prepare and serve a client hunter's recreational catch as a meal to the client hunter and members of the client hunter's party; or
  - (d) listed game estate operators who are also listed homekill or recreational catch service providers, to the extent that they perform homekill or recreational catch services—
    - (i) to client hunters in respect of animals taken by the client hunters; or
    - (ii) in respect of animals owned by the game estate operator that are to be processed and consumed by the game estate operator (including the operator's family, household, or employees).]

71 **Requirements for dual operator butchers**

- (1) A retail butcher may carry out, at the same premises or place, both regulated animal product operations or trade and homekill or recreational catch operations, but only subject to the following conditions:
- (a) The retail butcher must be listed as a homekill or recreational catch service provider:
  - (b) No animal that is homekill or recreational catch may be killed on or at any premises or place where regulated animal product is processed or traded:
    - [(ba) regulated animal product must be processed and stored separately from any homekill or recreational catch animal material or product:]
  - (c) The dual operator butcher must operate under a risk management programme in respect of all regulated animal products within the retail butchery business (and accordingly is deemed to have made an election under section 32) at the premises or place concerned, and may not operate under the Food Act regime at the premises or place:
  - (d) In addition to any other matters required under Part 2, the risk management programme of the dual operator butcher must identify and specify the following matters:
    - (i) The unique [risk factors] inherent in having homekill or recreational catch processed in a place or premises where regulated animal products are also processed or traded:
    - (ii) The measures to be taken to ensure that homekill and recreational catch products are not confused with regulated animal products, and do not enter the dual operator's normal retail butcher trade or other trade in regulated animal products for human or animal consumption:
    - (iii) The measures to be taken to ensure that no product from the business, whether homekill, recreational catch, or regulated animal product for human or animal consumption, is exported, whether by the service provider or any other person (otherwise than as specifically provided by section 50 in the case of the person whose homekill or recreational catch it was).
- (2) For the avoidance of doubt, homekill or recreational catch product may not be treated as regulated animal product merely because it is processed at any premises or place subject to a risk management programme as required by subsection (1)(c) and (d).

72 **Product processed by homekill or recreational catch service provider ceases to be regulated animal product**

- (1) If a homekill or recreational catch service provider at any time processes any animal product sourced from operations subject to a registered risk management programme or a regulated control scheme or the Food Act regime (or from premises licensed under the Meat Act 1981), then, unless subsection (2) applies, that product ceases to be regulated animal product, and cannot be traded.

- (2) Subsection (1) does not apply to the processing of animal product by a dual operator butcher at the dual operator butcher's premises or place under the dual operator butcher's registered risk management programme for regulated animal products, and in this case the animal product remains regulated animal product that can be traded.

131 **Offences in relation to homekill and recreational catch**

- (1) A person commits an offence against this Act who—
- (a) being both a homekill or recreational catch service provider and also a person who for reward or purposes of trade processes or trades in regulated animal products for human or animal consumption, operates those 2 activities at the same premises or place, other than as a dual operator butcher; or
  - (b) exports any animal material or product for human or animal consumption knowing that the animal material or product—
    - (i) is homekill or recreational catch product (not being homekill or recreational catch product that is exported for his or her own use by the person whose homekill or recreational catch it was); or
    - (ii) is derived from a dual operator butcher, or from an animal product business operating in the same premises or place both as a homekill or recreational catch service provider and as a trader in, or processor for reward or purposes of trade of, regulated animal product for human or animal consumption; or
  - (c) being a homekill or recreational catch service provider, kills or processes an animal as homekill, or receives an animal for killing or processing as homekill, knowing that the person presenting the animal has not been actively involved in the day-to-day maintenance of the animal.
- (2) A person commits an offence against this Act who—
- (a) operates for reward as if they were a homekill or recreational catch service provider without being currently listed as such under section 76; or
    - [(ab) operates a property as a game estate of a kind that section 65D requires to be listed as a game estate under Part 5A, unless the property is listed as a game estate under section 65H; or]
  - (b) being the owner or person in charge of an animal, engages for reward as a homekill or recreational catch service provider in respect of that animal a person who, to the owner's or person's knowledge, is not currently listed as a homekill or recreational catch service provider under section 76; or
    - [(ba) being the owner of an animal who has not been engaged in its day-to-day maintenance, or the day-to-day maintenance of other animals of the same kind, for a period of at least 28 days immediately preceding its killing, kills and processes that animal at any place other than his or her own property (as defined in section 67(4)), other than for humane purposes; or
    - (bb) provides facilities for any person to kill or process an animal for human or animal consumption, otherwise than in accordance with Parts 2 to 4, knowing that the person has not been engaged in the day-to-day maintenance of the animal, or of other animals of the same kind, for at least 28 days immediately preceding the killing of the animal, unless—
      - (i) the person providing the facilities is a game estate operator or the owner of the place where the animal is taken or landed as recreational catch; or
      - (ii) the facilities are provided for humane purposes; or
    - (bc) being a dual operator butcher, kills an animal that is homekill or recreational catch at any premises or place where regulated animal product is processed or traded; or]
  - (c) sells or attempts to sell any animal material or product for human or animal consumption that was processed as homekill or recreational catch product and not in accordance with the requirements of Parts 2 to 4 [(except as permitted by sections 67(2)(b)(ii), 68(2)(b)(ii), and 69]; or
  - (d) presents an animal to a homekill or recreational service provider for killing or processing as homekill when the person is not an owner of the animal who has been actively involved in the day-to-day maintenance of the animal[, or of other animals of the same kind, for a period of at least 28 days immediately preceding the presentation of the animal].

- (3) A prosecution for an offence against this section may be proceeded with either summarily or on indictment.
- (4) A person who commits an offence against subsection (1) is liable—
  - (a) in the case of a body corporate, to a fine not exceeding \$500,000:
  - (b) in the case of an individual, to imprisonment for a term not exceeding 2 years and a fine not exceeding \$100,000.
- (5) A person who commits an offence against subsection (2) is liable—
  - (a) in the case of a body corporate, to a fine not exceeding \$300,000:
  - (b) in the case of an individual, to a fine not exceeding \$75,000.
- (6) Where in any proceedings for an offence under this section knowledge on the part of the defendant is an essential element of the offence with which the defendant is charged, that knowledge is to be presumed until the contrary is proven.