

Animal Products Act 1999

STATEMENT OF POLICY

Homekill: Interpretation of the phrase “same premises or place”

This statement of policy is made with the objective of providing for clarity and a consistent understanding of the application of the phrase "same premises or place" when administering Part 6 of the Animal Product Act 1999.

Dated at Wellington this 25th day of September 2001.

(Signed)

Tony Zohrab
Director Animal Products

INTERPRETATION OF THE PHRASE “SAME PREMISES OR PLACE”

Application

1. This statement of policy applies to:
 - (a) any situation where an operator (other than as a dual operator butcher) is engaged in two or more operations, one of which is unregulated; and
 - (b) any dual operator butcher business where they are engaged in a second business involving slaughtering animals.
2. When there is any in doubt about the application or effect of this policy, operators are advised to seek advice from MAF.

Interpretation

3. In this statement of policy:—

"regulated", in relation to animal material or product, means processed, or is required to be processed, in accordance with Parts 2 to 4 of the Animal Products Act 1999 or in accordance with the Food Act 1981, and includes product and byproduct produced in accordance with the Meat Act 1981

"unregulated", in relation to animal material or product, means not regulated, and includes any homekill or recreational catch product, or any product that was regulated but has ceased to be so in terms of section 72 of the Animal Products Act 1999.
4. The two terms have corresponding meaning in relation to operations, activities, or premises.

Background

5. In regard to regulated and unregulated animal material and operations, the general intent of the Animal Products Act 1999 (the Act) is to ensure separation. Separation is aimed at minimising and managing:
 - (a) the risk of unregulated animal material entering the regulated product trade (whether intentionally or accidentally); and
 - (b) the risk of cross-contamination between unregulated animal material and regulated animal material or product.
6. Provisions in sections 66, 70, 71(1)(b) and 131 of the Act prohibit regulated and unregulated activities being carried out in the "same premises or place".

7. The only exception to this general principle is that the Act allows dual operator butchers to process regulated product and homekill or recreational catch in the "same premises or place". In such cases:
- the risks involved are to be managed through the application of a registered risk management programme to all regulated animal products within the retail butchery business at the premises or place—section 71(c)
 - the risk management programme must meet the specific requirements set out in section 71(d)
 - no homekill or recreational catch may be killed on or at the premises or place—section 71(b).

"Same premises or place"

8. 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.
9. Examples of all of these exist, including in premises which have long been licensed under the Meat Act 1981.
10. There is a need for clarification as to what is acceptable and what is unacceptable in terms of separation regarding the "same premises or place".
11. The key issues that have been considered in formulating the following policy are:
- (a) what constitutes adequate "separation"; and
 - (b) what safeguards are needed to minimise the risks of:
 - (i) unregulated product entering trade; and
 - (ii) cross contamination.
12. In MAF's experience, whenever regulated and unregulated animal product operations are being carried out by the same operator (even in widely separate sites) there is always a perceived risk and the possibility of allegations of offences being committed. It is in the interests of operators to be able to provide evidence to refute such allegations should it become necessary.

Statement of Policy

13. Where an operator (other than as a dual operator butcher) is engaged in two or more operations, one of which is unregulated; or a dual operator butcher is engaged in a second business involving the slaughter of animals, then separation must be physical; separation by time is insufficient.
14. A variety of forms of physical separation may be possible provided the arrangements provide confidence that the risks are effectively managed. Examples are:
 - the operations are carried out in separate buildings with self-contained processing and storage areas and equipment, and amenities
 - a single building or contiguous buildings is/are divided by a floor-to-ceiling solid wall with no connecting doors between the operations
 - direct movement from one set of operations to another within a premises is prevented by appropriate physical means
 - where service facilities eg water reticulation, effluent drainage, waste disposal, and ventilation are directly shared, they are designed, equipped, and operated so as to prevent water, effluent, waste or other contaminants moving from the unregulated product operation area to the regulated product operation area.

Associated requirements

15. Separate sets of inventories must be maintained to enable auditing and verification of the inflow of animal materials and the outflow of material and products, both regulated and unregulated.
16. Homekill and recreational catch products must be clearly identified to enable confirmation of separation from regulated products.