



Homekill: Activities occurring at the "same premises or place"

Animal Products Act 1999

9 September 2016

1 Purpose

This Guidance Document is made by the Ministry for Primary Industries (MPI) to provide a consistent understanding of the phrase "same premises or place" when administering Part 6 of the Animal Product Act 1999 (the Act).

2 Who should read this

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

3 Definitions

In this Guidance Document:

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 2014

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.

The two terms have corresponding meaning in relation to operations, activities, or premises.

4 Background

- (1) In regard to the processing of regulated and unregulated animal material and product, the general intent of the Act is to ensure separation. Separation is aimed at minimising and managing:
 - a) the risk of unregulated animal material and product entering the regulated product trade (whether intentionally or accidentally); and
 - b) the risk of cross-contamination between unregulated and regulated animal material or product.

- (2) 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".
- (3) 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:
 - a) the risks involved are to be managed through a registered risk management programme (RMP) for all regulated animal products within the retail butchery business at the premises or place (section 71(c));
 - b) the RMP must meet the specific requirements set out in section 71(d);
 - c) no homekill or recreational catch may be killed on or at the premises or place that regulated product is processed or traded (section 71(b)).

"Same premises or place"

- (4) The phrase "same premises or place" can be applied to a wide range of scenarios including:
 - a) within a single building;
 - b) in buildings that are contiguous or in close proximity to one another;
 - c) different operations situated on a piece of land with one certificate of title;
 - d) different operations that share a perimeter fence;
 - e) operations that directly share facilities and/or services.
- (5) There is a need to clarify what is acceptable and unacceptable in terms of separation regarding the "same premises or place".
- (6) The key issues that have been considered 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.
- (7) In MPI'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.

5 Procedures

- (1) Where an operator:
 - a) (other than a dual operator butcher) is engaged in two or more operations, one of which is unregulated; or
 - b) is a dual operator butcher that is engaged in a second business involving the slaughter of animals;then separation must be **physical**. Separation by time is not sufficient.
- (2) A variety of forms of physical separation is possible provided the arrangements give confidence that the risks are effectively managed. Examples are:
 - a) the operations are carried out in separate buildings with self-contained processing and storage areas and equipment, and amenities;
 - b) a single building or contiguous buildings is/are divided by a floor-to-ceiling solid wall with no connecting doors between the operations;
 - c) direct movement from one set of operations to another within a premises is prevented by appropriate physical means;
 - d) where service facilities e.g. 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.

Contact for further information

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