

Animal Products (Exemptions and Inclusions) Amendment Order 2005

Pursuant to sections 9 and 49 of the Animal Products Act 1999, Her Excellency the Governor-General, on the recommendation of the Minister for Food Safety made in accordance with those sections, and acting on the advice and with the consent of the Executive Council, makes the following order.

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1 Title

- (1) This order is the Animal Products (Exemptions and Inclusions) Amendment Order 2005.
- (2) In this order, the Animal Products (Exemptions and Inclusions) Order 2000¹ is called “the principal order”.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Clause 6 revoked

Clause 6 of the principal order is revoked.

4 New clauses 11B to 11G inserted

The principal order is amended by inserting, after clause 11A, the following clauses:

“11B Processors of fish bait, fish berley, chum, or ground bait

No risk management programme is required in respect of processing operations that involve only fish bait, fish berley, chum, or ground bait.

“11C Certain tourist or charter fishing vessel operators and fishing guides exempt

- “(1) No risk management programme is required in respect of the fishing and catch support activities of a person who—
 - “(a) provides a fishing vessel or fishing guidance services; and
 - “(b) provides any services for sailing or operating the vessel, guidance in respect of fishing, or catch support activities (such as storage, gutting, filleting, and any other preparation activity for the catch by the fishing party); and

¹ SR 2000/209

“(c) at no stage owns the fish or is involved in the sale of the fish.

“(2) The persons referred to in subclause (1) are also exempt under clause 19A from the requirement to be listed as a homekill or recreational catch service provider.

“**11D Whitebait**

“(1) No risk management programme is required in respect of their whitebait-related activities by persons who—

“(a) catch or harvest whitebait from the natural environment; and

“(b) provide limited processing, such as chilling, washing, and storage, to maintain the whitebait in a condition fit for human consumption; and

“(c) sell whitebait for consumption or processing.

“(2) In this clause, **whitebait** means—

“(a) the young or fry of the following Galaxias species:

“(i) Galaxias maculatus (inanga):

“(ii) Galaxias brevipinnis (koaro):

“(iii) Galaxias argenteus (giant kokopu):

“(iv) Galaxias postvectis (short jawed kokopu):

“(v) Galaxias fasciatus (banded kokopu):

“(b) the young or fry of the fish (commonly known as smelt) whose scientific name is Retropinna retropinna.

“**11E Muttonbird primary processors**

“(1) No risk management programme is required in respect of the primary processing (including harvesting and preparation for human or animal consumption) of muttonbirds.

“(2) In this clause, **muttonbird** means a member of the species Puffinus griseus (sooty shearwater), Puffinus tenuirostris (short-tailed shearwater), or Pterodroma macroptera (grey-faced petrel).

“**11F Certain primary processors of eggs exempt**

No risk management programme is required for the production, processing, or sale of eggs by a primary processor of eggs who—

- “(a) produces eggs for sale for human or animal consumption from 100 female birds or fewer (all species included); and
- “(b) sells all eggs that are intended for human or animal consumption direct to the consumer or end user; and
- “(c) does not sell any of the eggs to any person for further sale.

“11G Airline holding facilities operators

No risk management programme is required by an operator of facilities for the temporary holding of goods for export by air during aircraft loading and unloading procedures if the facilities are within the confines of the airport and adjacent to the tarmac.”

5 New clauses 15 and 16 substituted

The principal order is amended by revoking clauses 15 and 16, and substituting the following clauses:

“15 Exemption for owners of live animals exported for non-commercial purposes

An owner of an animal who exports that animal live for non-commercial purposes is, in respect of the export of that animal, exempt from—

- “(a) the requirement to register as an exporter under Part 5 of the Act; and
- “(b) the obligations set out in section 51(c)(i) and (d) of the Act.

“16 Exemption for persons exporting samples for scientific analysis

“(1) A person who exports a sample of animal material or animal product for scientific or analytical purposes is, in respect of that export, exempt from—

- “(a) the requirement to register as an exporter under Part 5 of the Act; and
- “(b) the obligations set out in section 51(c)(i), (c)(iii), and (d) of the Act.

“(2) The exemption under subclause (1) applies only to persons who are not primarily in the business of sending samples for examination overseas for the purposes of trade or reward.”

6 New clause 19A inserted

The principal order is amended by inserting, after clause 19, the following clause:

“19A Tourist and charter fishing vessel operators and fishing guides who are also exempt from requirement to have risk management programme

A person who is exempt under clause 11C from the requirement to have a risk management programme in respect of fishing and catch support activities is also exempt from the requirement to be listed as a homekill or recreational catch service provider in respect of those activities under Part 6 of the Act.”

7 New clause 21A inserted

The principal order is amended by inserting, after clause 21, the following clause:

“21A Exporters of live animals, embryos, semen, and ova

Exporters of live animals, embryos, semen, and ova must be registered as exporters under Part 5 of the Act if the export is for the purposes of trade or reward.”

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order amends the Animal Products (Exemptions and Inclusions) Order 2000 to—

- revoke as spent the exemption for animal remedies covered by the Animal Remedies Act 1967 (clause 3);
- insert new exemptions from the requirement to have a risk management programme for—

- processors of fish bait, fish berley, chum, or ground bait (new clause 11B):
- certain tourist or charter fishing vessel operators, and fishing guides (new clause 11C):
- persons who catch, process, and sell whitebait (new clause 11D):
- primary processors of muttonbirds (new clause 11E):
- certain small egg producers who sell direct to consumers only (new clause 11F):
- operators of certain airline holding facilities (new clause 11G):
- extend the existing exporter registration exemptions for owners of live animals exported for non-commercial purposes, and persons exporting samples for scientific analysis (other than in the way of business), to include exemption from certain notification and related requirements of section 51(c) and (d) of the Act (new clauses 15 and 16):
- exempt from the requirement to be listed as a homekill or recreational catch service provider those tourist and charter fishing vessel operators, or fishing guides, who are exempted by new clause 11C from the requirement to have a risk management programme:
- require registration as exporters of persons who export, for trade or reward, live animals, embryos, semen, and ova.

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