

House of Representatives
Supplementary Order Paper

Tuesday, 27 July 2004

Animal Products (Dairy Products and Other Matters) Bill

Proposed amendments

Hon Annette King, in Committee, to move the following amendments:

New clause 4A

To insert, after clause 4 on page 2, the following clause:

4A General scheme of Act

Section 3(1)(d) of the principal Act is amended by repealing subparagraphs (ii) and (iii), and substituting the following subparagraphs:

- “(ii) where appropriate in the light of the requirements of foreign governments, specifying requirements which may be additional to domestic New Zealand requirements for certain products; and
- “(iii) where appropriate, providing for the giving of official assurances to overseas authorities in relation to animal material or products exported from New Zealand.”

New clause 11A

To insert after clause 11 on page 8 the following clause:

11A New section substituted

The principal Act is amended by repealing section 47, and substituting the following section:

“47 Object of this Part

The object of this Part is to facilitate sustainable international trade in animal material and animal products from New Zealand by—

- “(a) providing for the specifying of requirements that must be met in relation to all or any classes or descriptions of

- animal material or animal products for them to be eligible for export; and
- “(b) providing for requirements and systems that operate to safeguard official assurances provided by New Zealand in respect of animal material and animal products; and
- “(c) providing for the registration of exporters of animal material and animal products, where appropriate.”

Clause 12

To add to this clause on page 8 the following subclause:

- (2) Section 48(2) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:
- “(b) all animal material or products in respect of which—
- “(i) requirements are notified or made available under **section 60A**; and
- “(ii) an official assurance is required:”.

New clauses 12A and 12B

To insert after clause 12 on page 8 the following clauses:

12A Duties of exporters

- (1) Section 51(b) of the principal Act is amended by repealing subparagraph (ii), and substituting the following subparagraph:
- “(ii) any relevant requirements pertaining to exports notified or made available under **section 60A**; and”.
- (2) Section 51(c) of the principal Act is amended by repealing subparagraph (iii), and substituting the following subparagraph:
- “(iii) do not or no longer meet relevant requirements notified or made available under **section 60A**; or”.

12B Director-General to maintain register of exporters

Section 52(2)(b) of the principal Act is amended by repealing subparagraph (i), and substituting the following subparagraph:

- “(i) advise exporters of export requirements; and”.

Clause 13

To omit this clause from pages 8 and 9, and substitute the following clause:

13 New sections and heading substituted

The principal Act is amended by repealing sections 59A, 60, and 61, and the heading between sections 59A and 60, and substituting the following heading and sections:

“Export requirements and official assurances

“60 Export requirements

- “(1) The Director-General may, by notice issued under this section, specify requirements that must be met in relation to

all or any class or description of animal material or animal product intended for export, if the Director-General is satisfied that the setting of the requirements—

- “(a) is necessary or desirable for the purpose of facilitating access to overseas markets; or
- “(b) is in accordance with the requirements of the relevant authority of the importing country, or can reasonably be expected to satisfy the requirements of the relevant authority of the importing country; or
- “(c) is necessary or desirable to safeguard assurances provided by New Zealand.

“(2) In specifying requirements that must be met under **subsection (1)** the Director-General may, where he or she considers it necessary or desirable, specify the manner in which the export requirements may or must be met, when this may or must occur, who is responsible for ensuring the requirements are met, and any recording requirements that are to be complied with.

“(3) Requirements specified under **subsection (1)** may include requirements that the Director-General is satisfied are necessary or desirable for the purpose of maintaining consistency with any standards, requirements, or recommended practices that apply or are acceptable internationally.

“60A **Director-General to notify or make available export requirements**

“(1) The Director-General must—

- “(a) either notify or ensure that there is made available to registered exporters any export requirements specified under **section 60**; and
- “(b) make those requirements available for inspection free of charge, or for purchase at reasonable cost, to such exporters, operators of risk management programmes, and other persons as are affected by the requirements.

“(2) Nothing in **subsection (1)** prevents the Director-General from—

- “(a) charging for access to any website, or for information or services provided by any website; or
- “(b) in the case of export requirements that are commercially sensitive, limiting access to those requirements to persons who satisfy the Director-General that their specific export or processing activities cannot be properly undertaken under this Act unless they have that access.

“60B **Exemption from requirements of food standards where appropriate**

“(1) The Director-General may, by notice under section 167, where satisfied that it is appropriate to do so having regard to the requirements of the relevant overseas market,—

- “(a) exempt from the requirements of any food standards issued under Part IIA of the Food Act 1981 or any standards specified by notice under section 167 of this Act any 1 or more classes or descriptions of animal material or product that is intended for export from New Zealand to any destination other than to Australia:
 - “(b) exempt from the requirements of any such food standards that apply only in New Zealand any 1 or more classes or descriptions of animal material or product that is intended for export to Australia.
- “(2) Regulations made under section 166 may also provide for exemptions of a kind referred to in **subsection (1)(a) or (b)**.

“61 **Director-General may issue official assurances**

- “(1) The Director-General, or a person authorised by the Director-General under section 65, may issue an official assurance in respect of animal material or product.
- “(2) Without limiting the matters to which an official assurance may apply, an official assurance is a general statement to a foreign government, or an agent of a foreign government, attesting that, as appropriate, any 1 or more of the following applies in respect of any animal material or product:
- “(a) any specified process has been completed under this Act with respect to the animal material or product concerned:
 - “(b) the animal product concerned meets the applicable animal product standards set under this Act:
 - “(c) any requirements specified by notice under **section 60A** that are stated in the assurance have been met:
 - “(d) the situation in New Zealand, in relation to any matter concerning animal material or animal products, is as stated in the assurance.
- “(3) An official assurance is not a guarantee that the contents of all or any particular consignment of animal material or products to which it relates—
- “(a) necessarily meet the commercial requirements of the importer; or
 - “(b) are fit for consumption or use no matter what the status or description of the consumer or user, or what has happened to the consignment or what has been its treatment since it left New Zealand; or
 - “(c) are fit for consumption or use for a purpose other than that for which they were intended.

“61A **No Crown liability**

No liability lies against the Crown, the Director-General, or any employee of the Ministry in any civil jurisdiction for any

loss arising through the refusal or failure of the relevant authority of an overseas market to admit export animal material or animal product to that market.”

Explanatory note

Part 5 of the Animal Products Act 1999 currently provides for the notification of overseas market access requirements, and the issue of official assurances for animal material and products that must meet those requirements, in cases where the access requirements are the subject of formal government to government agreements.

The proposed *new sections 60, 60A, 60B, 61, and 61A* (and consequential changes to sections 3, 47, 48, 51, and 52 of the Act) allow for the issue of official assurances where no formal government to government agreement exists, but where there are nevertheless clear access requirements that must be met for exported animal material or product. This widening of the range of official assurances has necessitated a change in the language of the amended or replaced sections of the Animal Products Act 1999.
