



Animal Products (Exemptions and Inclusions) Order 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 16th day of October 2000

Present:

His Excellency the Governor-General in Council

Pursuant to sections 9, 15, and 49 of the Animal Products Act 1999, His Excellency the Governor-General, on the recommendation of the Minister of Agriculture 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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Order

1 Title

This order is the Animal Products (Exemptions and Inclusions) Order 2000.

2 Commencement

This order comes into force on 20 November 2000.

3 Interpretation

In this order, **the Act** means the Animal Products Act 1999.

Part 1 Exemptions

Total exemption from Act

4 Certain fish taken in exclusive economic zone exempt from Act

- (1) Fish taken in the exclusive economic zone (as defined by section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977), and any animal product derived from such fish, are exempt from the requirements of the Act if—

- (a) the fish are taken by a foreign fishing vessel in accordance with Part V of the Fisheries Act 1996, or a foreign fishing craft licensed under the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977; and
 - (b) the fish, or animal product derived from the fish, are not landed in New Zealand; and
 - (c) the fish, or animal product derived from the fish, are not claimed to be New Zealand fish or product.
- (2) For the purposes of subclause (1)(b), fish or animal product derived from the fish will not be treated as having been landed in New Zealand if—
- (a) it has been brought on shore in New Zealand for the sole purpose of being transferred to another vessel for dispatch to another country, and has not been processed on-shore; or
 - (b) its landing in New Zealand has been necessitated by vessel breakdown, weather or sea conditions, or other unavoidable circumstances, and it has not been processed on-shore (except to the extent necessary for its preservation or maintenance in good condition); or
 - (c) it has been landed in New Zealand for the sole purpose of complying with any provision of, or regulation or requirement made under, the Fisheries Act 1983 or the Fisheries Act 1996 that requires the fish to be landed, and is then either—
 - (i) returned to the vessel from which it was landed immediately after the relevant Fisheries Act procedures are complete, without being processed on-shore (except to the extent necessary for its preservation or maintenance in good condition); or
 - (ii) transferred to another vessel for dispatch to another country, without being processed on-shore (except to the extent necessary for its preservation or maintenance in good condition).

*Exemptions from Parts 2 to 4 of Act***5 Medicines and related products covered by Medicines Act 1981**

- (1) Parts 2 to 4 of the Act do not apply to the secondary processing of animal products that are, or are being processed to become or form part of, a medicine or related product that is subject to the Medicines Act 1981.
- (2) The exemption under subclause (1) includes—
 - (a) the secondary processing of animal products, for the purpose or in the course of manufacturing, packing or labelling, or selling or supplying any medicine that consists of or contains those animal products, by—
 - (i) a person licensed under Part III of the Medicines Act 1981 to manufacture, pack or label, or sell by wholesale any medicine; or
 - (ii) a person permitted by regulations under that Act to manufacture, pack or label, or sell by wholesale any medicine otherwise than in accordance with a licence issued under Part III of that Act; or
 - (iii) a person subject to an exemption under any of sections 25 to 34 of that Act;
 - (b) the secondary processing of animal products for the purpose of manufacturing, packing or labelling, or selling or supplying any cosmetic or dentifrice or food that is a related product within the meaning of section 94 of the Medicines Act 1981.
- (3) The exemption in this clause does not obviate the need for compliance with provisions of Parts 2 to 4 of the Act if the medicine or related product is intended for export in circumstances that would require an official assurance to be issued, and the official assurance may only be issued on the basis of compliance with those provisions.

6 Animal remedies covered by Animal Remedies Act 1967

- (1) Parts 2 to 4 of the Act do not apply to the secondary processing of animal products that are, or are being processed to become or form part of, an animal remedy that is subject to the Animal Remedies Act 1967.
- (2) The exemption under subclause (1) includes—

- (a) any secondary processing of an animal product that is involved in the manufacture or importation of an animal remedy within the meaning of the Animal Remedies Act 1967 by or on behalf of a person licensed under that Act to manufacture or import animal remedies:
 - (b) any secondary processing of an animal product that is involved in the compounding or supplying of an animal remedy by or under the personal supervision of a veterinarian, or by a pharmaceutical chemist on the prescription of a veterinarian, for use on a specific animal or animals under the direct care of the veterinarian:
 - (c) the secondary processing of an animal product by any person, whether or not licensed under the Animal Remedies Act 1967, where—
 - (i) the animal product is intended to become or form part of an animal remedy within the meaning of that Act; and
 - (ii) the circumstances are such that the second proviso to section 18(1) of that Act (which relates to testing and developing an animal remedy, or carrying out experiments in relation to an animal remedy) exempts the person from the prohibition in that section on the manufacture or import of an animal remedy.
- (3) The exemption in this clause does not obviate the need for compliance with provisions of Parts 2 to 4 of the Act if the animal remedy concerned is intended for export in circumstances that would require an official assurance to be issued, and the official assurance may only be issued on the basis of compliance with those provisions.

7 Agricultural compounds and veterinary medicines covered by Agricultural Compounds and Veterinary Medicines Act 1997

- (1) Parts 2 to 4 of the Act do not apply to the secondary processing of animal products that are, or are being processed to become or form part of, an agricultural compound or veterinary medicine that is subject to the Agricultural Compounds and Veterinary Medicines Act 1997.

- (2) The exemption under subclause (1) includes the secondary processing of animal products that are, or are intended to become or form part of,—
 - (a) a substance or compound that, under regulations made under section 75(1)(a) of the Agricultural Compounds and Veterinary Medicines Act 1997, may be imported, manufactured, sold, or used as an agricultural compound without registration under that Act; or
 - (b) a substance or compound that, under regulations made under section 75(1)(b) of that Act, must be notified to the Director-General before importation, manufacture, sale, or use as an agricultural compound.
- (3) The exemption in this clause does not obviate the need for compliance with provisions of Parts 2 to 4 of the Act if the agricultural compound or veterinary medicine is intended for export in circumstances that would require an official assurance to be issued, and the official assurance may only be issued on the basis of compliance with those provisions.
- (4) This clause applies on and after the date of commencement of the Agricultural Compounds and Veterinary Medicines Act 1997.

*Exemptions from requirement for risk management
programme*

8 Primary processing of animal material for purposes other than human or animal consumption - skinning, shearing, etc

- (1) A risk management programme is not required for the primary processing of animal material if—
 - (a) the resulting product is not intended for human or animal consumption; and
 - (b) the processing occurs at a place or premises where no other operations requiring a risk management programme take place.
- (2) Without limiting the generality of subclause (1) in any way, the following activities are an illustration of various kinds of processing operations that do not require a risk management programme if they meet the requirements of subclause (1):

- (a) the skinning of slinks, possums, or rabbits in the field, or at a place where such activities are carried out exclusively:
 - (b) the shearing of sheep, goats, and alpacas:
 - (c) feather and fibre removal:
 - (d) the collection or extraction of reproductive material.
- (3) The exemption in subclause (1) does not obviate the need for a risk management programme if the processed product is intended for export in circumstances that would require an official assurance to be issued, and the official assurance may only be issued on the basis of compliance with the requirements of a risk management programme.

9 Animal food processed in accordance with Food Act regime

- (1) A risk management programme is not required for the secondary processing of animal product for animal consumption if—
 - (a) the processing is carried out in accordance with the Food Act regime for human consumption; and
 - (b) the resulting product that is fit for human consumption is voluntarily made available for animal consumption.
- (2) The exemption under subclause (1) does not apply in circumstances where the resulting product is downgraded under the Food Act regime as unfit for human consumption.

10 Exemption from requirement to have risk management programme for fish on retail premises

- (1) A person who, from any premises, sells fish by way of retail sale only is exempt from the requirement to have a risk management programme for fish at those premises if no fish from those premises are exported.
- (2) A person who, from any premises, sells fish by way of both retail and wholesale sale is exempt from the requirement to have a risk management programme in respect of all fish at those premises if—
 - (a) no fish from those premises are exported; and
 - (b) the premises are covered by a food safety programme under the Food Act 1981.

11 Fish—temporary holding and storage places

- (1) No risk management programme is required for operations occurring at any place used only for the temporary holding, storage, or transport of fish pending their transport or delivery to the premises of a primary processor of fish, whether or not the primary processor is exempt from the requirements of Part 2 of the Act.
- (2) The following activities are the main examples of what constitutes the temporary holding, storage, or transport of fish:
 - (a) keeping live fish in containers in the sea, or in the freshwater environment, where the fish were taken:
 - (b) keeping whole fish (whether or not chilled or refrigerated) on or in a fishing vessel, or in a land-based means of transport that transports the fish to a holding or storage depot or facility or to a primary processor:
 - (c) keeping whole fish (whether or not chilled or refrigerated) on or in a holding or storage depot or other facility until removed for transport to a further storage depot or facility or to a primary processor.

12 Deer velvet

- (1) A person who harvests, collects, stores, grades, or transports raw deer velvet is exempt from the requirement to develop and operate under a risk management programme in respect of that velvet if the only operations the person carries out in relation to raw deer velvet are its harvesting, collection, storage, grading, or transport.
- (2) The exemption under subclause (1) does not apply if the person also dries the velvet, slices it, grinds it, preserves it, or otherwise processes it to the point that it may be used as an ingredient in further processing or packaged for retail sale.

13 Apiarists

A person who harvests animal material or products produced by bees is exempt from the requirement to have a risk management programme for their harvesting operations (including any associated storage or transport operations).

14 Taxidermy operations

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.

*Exemptions in relation to exports***15 Exemption from exporter registration 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 exempt from the requirement to register as an exporter under Part 5 of the Act in respect of that export.

16 Exemption from exporter registration for persons exporting samples for scientific analysis

A person exporting a sample of animal material or animal product for scientific or analytical examination is exempt from the requirement to register as an exporter under Part 5 of the Act in respect of that export if the person is not primarily in the business of sending samples for examination overseas for the purposes of trade or reward.

17 Exemption from export requirements for certain foods

- (1) Consignments of the following material or products (being material or products that consist of or contain animal material or animal products) are exempt from the requirements of Part 5 of the Act:
 - (a) multi-ingredient foods and other prepared foods which, despite containing 1 or more ingredients that are animal material or products, do not consist principally of animal material or products (for example, biscuits,

cakes, bread, soups, sauces, snack goods, pastries, confectionary, and also prepared meals that do not consist principally of meat):

- (b) food for the consumption on any vessel or aircraft of passengers, crew, and animals during transit by sea or air from New Zealand, being meals in a ready-to-eat state or other food for human or animal consumption (for example, airline meals, ships' stores, and feed for animals being transported).
- (2) Nothing in subclause (1) operates to exempt from the requirements of Part 5 any consignment or class of consignments for which an official assurance is required.

Exemptions in relation to homekill and recreational catch

18 Transporters of homekill or recreational catch need not be registered

A person who for trade or reward transports homekill or recreational catch is exempt from the requirement to be listed as a homekill or recreational catch service provider under Part 6 of the Act, if that is the only service the person provides in relation to homekill or recreational catch.

19 Taxidermists

Taxidermists are exempt from the requirements of Part 6 of the Act to the extent specified in **clause 14**.

Part 2
Inclusions within ambit of Act

Persons or operations requiring risk management programmes

20 Rendering and blood-drying operations for mammals and birds

- (1) A risk management programme must be developed and operated under for the following operations if carried out for trade purposes in relation to mammal or bird material or product, and whether or not the product concerned is intended for human or animal consumption:
- (a) rendering operations:
 - (b) blood-drying operations.

- (2) In this regulation, **rendering** means the breaking down of animal tissues into constituent fat and protein elements, whether by the application of heat and pressure or otherwise.

Exporter registration

21 Exporters of glands, bile, blood, or deer velvet to be registered, whether or not material or product intended for human or animal consumption

Exporters of the following animal material or products must be registered as exporters under Part 5 of the Act, whether or not the material or products are intended for human or animal consumption:

- (a) the glands or bile of any animal:
- (b) animal blood or blood products:
- (c) deer velvet or deer velvet products.

Part 3
Miscellaneous provisions

22 Revocations

The following orders are revoked:

- (a) Animal Products (Additional Products for which Exporter Registration Required) Order 1999 (SR 1999/346):
- (b) Animal Products (Exemptions) Order 1999 (SR 1999/347).

Martin Bell,
for 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, which is made under sections 9, 15, and 49 of the Animal Products Act 1999,—

- (a) in *Part 1*, exempts certain persons and operations from certain requirements of the Act:

- (b) in *Part 2*, imposes requirements on certain persons who would not otherwise fall within the ambit of the Act.

Part 1

Exemptions

Clause 4 provides for total exemption from the Act of certain fish taken in the exclusive economic zone by foreign fishing vessels and not landed in New Zealand. This repeats the existing exemption contained in the Animal Products (Exemptions) Order 1999 (which is revoked by *clause 22* of this order), except that—

- (a) *clause 4(2)* indicates situations where fish will not be treated as having been landed in New Zealand; and
- (b) the previous limitation in relation to bivalve molluscan shellfish is removed.

Clauses 5 to 7 exempt from the requirements of Parts 2 to 4 of the Act (which relate to risk management programmes, regulated control schemes, and animal product standards and specifications) the secondary processing of—

- (a) medicines and related products covered by the Medicines Act 1981;
- (b) animal remedies covered by the Animal Remedies Act 1967;
- (c) agricultural compounds and veterinary medicines covered by the Agricultural Compounds and Veterinary Medicines Act 1997.

Clauses 8 to 14 provide for exemptions from the requirement to have a risk management programme. The following persons, processes, other matters are exempt:

- *Simple shearing, skinning, etc (clause 8)*

This exemption covers primary processing of animal material for purposes other than human or animal consumption, where such processing occurs in isolation from processing of the same animal for purposes of human or animal consumption. It would cover, for instance, the skinning of slinks, possums, or rabbits in the field, or shearing or feather or fibre removal where these occur separately from a place or premises where meat processing also occurs.

- *Animal food processed in accordance with Food Act regime (clause 9)*

This exemption covers the secondary processing of animal product for animal (rather than human) consumption if, having been processed under the Food Act regime as if it were a food for human consumption, the product is then voluntarily made available for animal consumption. The exemption does not apply if the product has been downgraded under the Food Act regime as unfit for human consumption.

- *Fish on retail premises (clause 10)*

This exemption applies to cover all fish on premises where fish are sold that are covered by a food safety programme under the Food Act 1981 (or, in the case of premises that sell fish by retail only, by the Food Hygiene Regulations 1974), so long as no fish from those premises are for export. The exemption applies to all fish at the premises regardless of whether they are to be sold by retail or wholesale sale.

- *Fish—temporary holding and storage places (clause 11)*

No risk management programme is required for operations at a place used only for the temporary holding, storage, or transport of fish pending their transport or delivery to the premises of a primary processor of fish.

- *Deer velvet (clause 12)*

This exemption covers a person who, in relation to deer velvet, carries out no operation other than the harvesting, collection, storage, grading, or transport of raw velvet. If the person also dries the velvet, slices it, grinds it, preserves it, or otherwise processes it then the exemption does not apply.

- *Apiarists (clause 13)*

The harvesting of bee material or products, and any associated storage or transport operations, is exempt from the requirement for a risk management programme.

- *Taxidermy operations (clause 14)*

Taxidermy operations are exempt from the requirement for a risk management programme (and also from the requirement to be registered as a homekill or recreational catch service provider), so long as—

- (a) no part of the animal is traded 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.

Clauses 15 to 17 provide exemptions in relation to the export requirements of Part 5 of the Act as follows:

- *clause 15* exempts from the requirement to be registered as an exporter the owner of any animal who is exporting it live for non-commercial purposes. The clause repeats the already existing exemption in regulation 3 of the Animal Products Regulations 1999, which is now revoked by the Animal Products (General) Regulations 2000
- *clause 16* similarly exempts from exporter registration certain persons exporting samples for scientific analysis
- *clause 17* repeats the existing exemption from all the export requirements of Part 5 of the Act of certain multi-ingredient foods and food for the consumption of passenger, crew, and animals while in transit from New Zealand by sea or air (this exemption was formerly contained in regulation 4 of the Animal Products Regulations 1999, now revoked).

Clauses 18 and 19 provide exemptions in relation to the homekill and recreational catch requirements of Part 6 of the Act as follows:

- *clause 18* exempts from the requirement to register as a homekill or recreational catch service provider persons who simply transport homekill or recreational catch
- *clause 19* exempts taxidermists from all the requirements of Part 6, so long as they do not trade any part of the animal concerned for human or animal consumption (other than for rendering operations) and do not provide any other type of homekill or recreational catch services on the same premises.

Part 2

Inclusions within ambit of Act

Clause 20 provides that all rendering and blood-drying operations carried out for purposes of trade are to be subject to risk management programmes, regardless of whether or not the resulting product is intended for human or animal consumption.

Clause 21 requires all persons who export animal glands and bile, animal blood and blood products, and deer velvet and deer velvet products to be registered as exporters under Part 5 of the Act, regardless of whether the material or products are intended for human or animal consumption. This repeats the existing provisions of clause 3 of the Animal Products (Additional Products for which Exporter Registration Required) Order 1999, which is now revoked by *clause 22* of the present order.

Part 3

Miscellaneous Provisions

Clause 22 revokes the Animal Products (Exemptions) Order 1999 and the Animal Products (Additional Products for which Exporter Registration Required) Order 1999.

The order comes into force on 20 November 2000, the same day as the date of commencement of Part 2 of the Animal Products Act 1999.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 19 October 2000.

This order is administered in the Ministry of Agriculture and Forestry.
