



# Customs Export Prohibition Order 2005

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 13th day of June 2005

Present:

Her Excellency the Governor-General in Council

Pursuant to section 56 of the Customs and Excise Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and being of the opinion that the prohibitions effected by this order are necessary in the public interest, makes the following order.

### Contents

1	Title	
2	Commencement	
3	Expiry	
4	Prohibited pounamu exports	
5	Prohibited fisheries exports	
6	Prohibited weapons and dual-use weapon-related exports	<b>Schedule</b> <b>Prohibited weapons and dual-use weapon-related exports</b>

### Order

- 1 Title**  
This order is the Customs Export Prohibition Order 2005.

## 2 Commencement

This order comes into force on 1 October 2005.

## 3 Expiry

This order expires on the close of 30 September 2008.

## 4 Prohibited pounamu exports

- (1) The exportation of pounamu in its natural state, and partly or wholly processed pounamu, is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Minister of Customs.
- (2) The Minister may give his or her consent as provided in subclause (1) only on written advice—
  - (a) from Te Rūnanga o Ngāi Tahu; or
  - (b) if the pounamu is extracted from the catchment of the Arahura river, from the Māwhera Incorporation.
- (3) This prohibition does not apply to—
  - (a) articles made from pounamu (for example, jewellery, pendants, or sculptures, containing pounamu);
  - (b) consignments that are being exported by a single exporter and in which the total weight of pounamu does not exceed 5 kilograms.
- (4) In this clause—

**Māwhera Incorporation** has the meaning given to that term by section 8 of the Ngāi Tahu Claims Settlement Act 1998

**pounamu** has the meaning given to that term by section 2 of the Ngai Tahu (Pounamu Vesting) Act 1997

**Te Rūnanga o Ngāi Tahu** means Te Rūnanga o Ngāi Tahu as established by section 6 of Te Runanga o Ngai Tahu Act 1996.

## 5 Prohibited fisheries exports

The exportation of the following goods is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Minister of Fisheries:

- (a) live New Zealand green-lipped mussels with a shell size of less than 50 mm in length;
- (b) toheroa.

## **6 Prohibited weapons and dual-use weapon-related exports**

The exportation of the goods specified in the Schedule is prohibited, except with the consent of, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by, the Secretary of Foreign Affairs and Trade.

---

## **Schedule**

cl 6

### **Prohibited weapons and dual-use weapon-related exports**

#### **1 Nuclear weapon related dual-use goods**

Dual-use goods that may have application in a nuclear weapons programme.\*

#### **2 Chemical weapons precursors**

Precursor chemicals,\* except where those chemicals are subject to prohibitions and consents applying by virtue of section 10 of the Chemical Weapons (Prohibition) Act 1996.

#### **3 Biological agents**

Biological agents.\*

#### **4 Certain conventional weapons and other dual-use goods**

Certain conventional weapons, and other dual-use goods that are intended for military use or may have military applications or may be used for the production of military goods or goods that may have military applications. Lists of the goods concerned are available from the Head Office of the Ministry of Foreign Affairs and Trade in Wellington for inspection by the public free of charge.

\*Lists of goods of this kind are available from the Head Office of the Ministry of Foreign Affairs and Trade in Wellington for inspection by the public free of charge.

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, which comes into force on 1 October 2005, prohibits the exportation of various goods under the Customs and Excise Act 1996 except with the relevant Ministerial or official consent.

The prohibited exports are—

- certain New Zealand pounamu (greenstone):
- certain green-lipped mussels and toheroa:
- dual-use goods that may have application in a nuclear weapons programme:
- certain chemical weapons precursors:
- biological agents:
- certain conventional weapons, and other dual-use goods that are intended for military use or may have military applications or may be used for the production of military goods or goods that may have military applications.

This order continues prohibitions that were formerly in place under the Customs Export Prohibition Order 2002 (SR 2002/256). That order, as amended in 2004, expired on the close of 30 September 2005.

There are only 2 changes (or kinds of changes) from that order.

First, the prohibition on the exportation of some merino and booroola-merino sheep and their reproductive material has been removed.

Secondly, the reference to “greenshell” mussels has been replaced with a reference to “green-lipped” mussels.

---

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

Date of notification in *Gazette*: 16 June 2005.

This order is administered in the New Zealand Customs Service.

---