

**Reprint
as at 20 October 2000**



**Animal Products (Definition of
Primary Processor) Notice 2000**

(SR 2000/213)

Pursuant to section 4 of the Animal Products Act 1999, the Minister of Agriculture, after consultation in accordance with section 163 of that Act and after having regard to the matters specified in paragraph (d) of the definition of primary processor in section 4(1) of that Act, gives the following notice.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This notice is administered by the Ministry of Agriculture and Forestry.

Notice

1 Title

This notice is the Animal Products (Definition of Primary Processor) Notice 2000.

2 Commencement

This notice comes into force on 20 November 2000.

3 Interpretation

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

4 Operations that categorise a person as a primary processor

For the purposes of the definition of **primary processor** in section 4(1) of the Act, a person who, for purposes of trade or for reward (otherwise than as an employee), carries out the operations or processes described in this notice as primary processing operations or processes in relation to a specified animal product or material is to be treated for the purposes of the Act as a primary processor of that product or material.

5 Avian eggs

- (1) This clause applies in relation to any bird that is—
 - (a) a layer hen (*Gallus domesticus*); or
 - (b) a member of any other bird species, including quail, geese, ducks, ostriches, and emus.
- (2) Where eggs produced by any bird to which this clause applies are intended for human or animal consumption, the candling of those eggs, in addition to their harvesting, constitutes primary processing.
- (3) In this clause, **candling** means the testing of eggs for freshness, fertility, or defects by use of light, electronic means, or any other commercially accepted means.

6 Deer velvet

In addition to the matters specified in the definition of **primary processor** in section 4(1) of the Act, the following operations

or processes in relation to deer velvet constitute primary processing of the velvet:

- (a) drying the velvet:
- (b) slicing it:
- (c) grinding it:
- (d) preserving it.

7 Fish—on-shore processing

- (1) The primary processing of fish on-shore occurs at the place where—
 - (a) the first methodical assessment of the suitability of the fish for processing is made; and
 - (b) the fish are processed.
- (2) Without limiting the generality of subclause (1), the following operations carried out on-shore also constitute primary processing of the relevant type of fish (whether or not coupled with a methodical assessment of suitability for processing):
 - (a) the deheading, gutting, or filleting of finfish:
 - (b) the tubing of squid:
 - (c) the wet-storage, depuration, or shucking of shellfish:
 - (d) the removing of roe from kina:
 - (e) the holding of crustaceans live (otherwise than in a marine farming operation), or their tailing:
 - (f) in relation to fish to be sold whole or after processing at sea, any steps (including washing, chilling, freezing, or packing) taken to ensure their delivery to a buyer in good condition.
- (3) For the purposes of subclause (1)(a), **assessment** may include a visual check to ensure that the fish are in a satisfactory condition for processing to a product fit for human or animal consumption, or any other check provided for under the Act.

8 Fish—processing at sea

- (1) The following operations carried out at sea constitute primary processing of fish:
 - (a) the filleting of finfish (but not their mere deheading, gutting, or scaling):
 - (b) in respect of fish of any species processed at sea for the purposes of export that are not to be delivered to an

- on-shore primary processor, any other process normally applied to fish, including—
- (i) washing, chilling, freezing, and preserving;
 - (ii) deheading, gutting, scaling, and tubing;
 - (iii) packing, transport, and storage.
- (2) Subclause (1)(a) does not include the filleting of finfish that are to be consumed by the crew of, or workers on, the vessel concerned.

Dated at Wellington this 16th day of October 2000.

Jim Sutton,
Minister of Agriculture.

Explanatory note

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

This notice, which comes into force on 20 November 2000, sets out various types of processing of animal material or products that will cause a person to be treated as a primary processor as that term is defined in the Animal Products Act 1999. The main implication of coming within the definition is that primary processors are required to operate under a risk management programme under that Act.

The types of processing covered are as follows:

- *Avian eggs (clause 5)*: the harvesting and candling of bird eggs is treated as primary processing. The clause applies only to eggs intended for human or animal consumption.
- *Deer velvet (clause 6)*: a person who dries, slices, grinds, or preserves deer velvet will be treated as a primary processor under the Act (see also the Animal Products (Exemptions and Inclusions) Order 2000 for an exemption from the requirement to have a risk management programme for harvesting and other types of handling of deer velvet).

- *Fish—on-shore processing (clause 7)*: in general terms, primary processing of fish on-shore will be treated as occurring at the place where the fish are both first assessed for their suitability for processing, and actually processed. *Clause 7(2)* also sets out an inclusive list of activities that are to be treated as primary processing.
- *Fish—processing at sea (clause 8)*: the filleting of finfish at sea will be treated as primary processing (whether or not the fish are to be delivered to an on-shore processor). In the case of all fish processed at sea for export without delivery to an on-shore processor, however, all processes normally applied to the fish will be treated as primary processing.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 October 2000.

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Notes**1 *General***

This is a reprint of the Animal Products (Definition of Primary Processor) Notice 2000. The reprint incorporates all the amendments to the notice as at 20 October 2000, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
