



## **Animal Products (Exemptions and Inclusions) Amendment Order 2017**

Rt Hon Dame Sian Elias, Administrator of the Government

### **Order in Council**

At Wellington this 15th day of May 2017

Present:

Her Excellency the Administrator of the Government in Council

This order is made under section 9 of the Animal Products Act 1999—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety made in accordance with that section.

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## Order

### 1 Title

This order is the Animal Products (Exemptions and Inclusions) Amendment Order 2017.

### 2 Commencement

This order comes into force on 1 July 2017.

### 3 Principal order

This order amends the Animal Products (Exemptions and Inclusions) Order 2000 (the **principal order**).

### 4 Clause 7A amended (Processing of certain dairy products consumed on premises)

Before clause 7A(1)(a), insert:

(aa) the processing is carried out under a risk-based measure under the Food Act 2014; and

### 5 Clause 7B amended (Processing of certain dairy products that are food)

In clause 7B(1), after “products”, insert “if the processing is carried out under a risk-based measure under the Food Act 2014”.

### 6 New clause 8BA inserted (Raw milk produced and processed under regulated control scheme)

After clause 8B, insert:

#### **8BA Raw milk produced and processed under regulated control scheme**

- (1) A farm dairy operator who produces and processes RCS raw milk is not required to carry out those activities under a risk management programme.
- (2) A depot operator who stores RCS raw milk on behalf of farm dairy operators is not required to store that milk under a risk management programme.
- (3) A transport operator who transports RCS raw milk on behalf of farm dairy operators is not required to transport that milk under a risk management programme.
- (4) In this clause, **depot operator**, **RCS raw milk**, and **transport operator** have the meanings given to each of them by regulation 4(1) of the Raw Milk for Sale to Consumers Regulations 2015.

### 7 Clause 10 amended (Exemption from requirement to have risk management programme for fish on retail premises)

- (1) Replace clause 10(1) with:

- (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—
  - (a) no fish from those premises are exported; and
  - (b) the fish are sold from those premises under a risk-based measure under the Food Act 2014.
- (2) Replace clause 10(2)(b) with:
  - (b) the fish are sold from those premises under a risk-based measure under the Food Act 2014.

Michael Webster,  
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 July 2017, amends the Animal Products (Exemptions and Inclusions) Order 2000 (the **principal order**).

This order inserts new exemptions into the principal order. Farm dairy operators who produce and process RCS raw milk are exempted from the requirement to carry out those activities under a risk management programme under the Animal Products Act 1999. RCS raw milk is raw milk that is subject to a regulated control scheme under the Raw Milk for Sale to Consumers Regulations 2015. Persons who store or transport that milk on behalf of farm dairy operators (depot operators and transport operators) are exempted from carrying out those activities under a risk management programme.

This order amends the exemptions in clauses 7A, 7B, and 10 of the principal order. The effect of the amendments is that the activities to which each exemption applies must be carried out under a risk-based measure under the Food Act 2014. The purpose of the amendments is to avoid an unintended effect of section 349(1)(c) and (2) of the Food Act 2014. That section would exempt certain activities (already exempted under the Animal Products Act 1999) from the requirement to operate under a risk-based measure under the Food Act 2014.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 18 May 2017.

This order is administered by the Ministry for Primary Industries.