



Animal Welfare (Glueboard Traps) Order 2009

Anand Satyanand, Governor-General

Order in Council

At Wellington this 19th day of October 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 32 of the Animal Welfare Act 1999, His Excellency the Governor-General, acting on the advice of the Minister of Agriculture tendered after consultation with the National Animal Welfare Advisory Committee and on the advice and with the consent of the Executive Council, makes the following order.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Glueboard traps declared restricted traps	2
5	Restriction on use of glueboard traps from 1 January 2010	3
6	Use of glueboard traps until close of 31 December 2014	3
7	Restriction on sale or use of glueboard traps from 1 January 2015	3
8	Approval for use or sale of otherwise restricted glueboard trap	3

9	Application for approval	4
10	Form of approval	4
11	Delegation of power to approve	4
12	Offences under Act	5

Order

- 1 Title**

This order is the Animal Welfare (Glueboard Traps) Order 2009.
- 2 Commencement**

This order comes into force on 30 November 2009.
- 3 Interpretation**

In this order, unless the context otherwise requires,—

Act means the Animal Welfare Act 1999

commercial pest control operator means a person whose business involves carrying out pest control operations

Director-General has the meaning given by section 2(1) of the Act

food means food for human or animal consumption

food production premises—

 - (a) means commercial premises where food is manufactured, prepared, packaged, or stored:
 - (b) does not include commercial premises where food is available for retail sale

glueboard trap means a trap, whether or not commercially manufactured, consisting of an adhesive glue layer on a base material and that is intended to capture and hold live rodents

Ministry has the meaning given by section 2(1) of the Act.
- 4 Glueboard traps declared restricted traps**

Glueboard traps are declared to be restricted traps for the purposes of section 32 of the Act.

5 Restriction on use of glueboard traps from 1 January 2010

- (1) A person must not, on or after 1 January 2010, use a glueboard trap unless the use is pursuant to and in accordance with the conditions of an approval given under clause 8.
- (2) Subclause (1) is subject to clause 6.

6 Use of glueboard traps until close of 31 December 2014

The following persons may use a glueboard trap in the course of their work until the close of 31 December 2014:

- (a) a commercial pest control operator;
- (b) a person employed to conduct pest control on food production premises;
- (c) a Department of Conservation contractor or employee;
- (d) a boat operator transporting persons or goods to, from, or in close proximity to mammalian pest-free islands.

7 Restriction on sale or use of glueboard traps from 1 January 2015

No person may, on or after 1 January 2015, sell or use a glueboard trap unless the sale or use is pursuant to and in accordance with the conditions of an approval given under clause 8.

8 Approval for use or sale of otherwise restricted glueboard trap

- (1) The Minister may, if satisfied of the matters referred to in subclause (2), and subject to any conditions specified by the Minister under subclause (3),—
 - (a) approve the use by a specified person or class of persons, in any specified situation or for any specified purpose, of a glueboard trap whose use would otherwise be prohibited by clause 5 or 7;
 - (b) approve the sale by a specified person or class of persons, in any specified situation or for any specified purpose, of a glueboard trap whose sale would otherwise be prohibited by clause 7.
- (2) The Minister may give an approval under subclause (1) only if the Minister considers that—

- (a) approval of the relevant use or sale is in the public interest (including for biosecurity, conservation, public health, or animal health purposes); and
 - (b) no viable alternative is available in the circumstances.
- (3) The Minister may approve the use or sale of a glueboard trap under this clause subject to any 1 or more of the following conditions:
- (a) that the trap must be used only for a specified duration:
 - (b) that the trap must be used only in a specified area or a specified layout:
 - (c) that the trap must be used only to target certain species of animal:
 - (d) that the trap must be used only for a specific purpose:
 - (e) that only a specified number of traps must be used:
 - (f) that the trap must be of a specified make, type, or size:
 - (g) that the trap must be set in a specified way:
 - (h) that the trap must meet any guidelines set by the National Animal Welfare Advisory Committee:
 - (i) any other conditions that the Minister considers necessary to reduce the risk to animal welfare.
- (4) The Minister may at any time revoke an approval given under this clause by notifying the person who applied for the approval.

9 Application for approval

A person wishing to apply for an approval under clause 8 must—

- (a) apply to the Director-General in a manner approved by the Director-General; and
- (b) provide all relevant information required by the Director-General.

10 Form of approval

An approval under clause 9 must be evidenced in writing or in electronic format.

11 Delegation of power to approve

The Minister may not delegate his or her powers under clause 8 to the Director-General in any case where the applicant for

the relevant approval is the Director-General or an employee of the Ministry.

12 Offences under Act

A person who uses or sells a glueboard trap in contravention of clause 5 or 7 is liable to prosecution for an offence against section 34 or 35 of the Act, and on conviction is liable to the relevant penalty set out in section 37 of the Act.

Rebecca Kitteridge,
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 30 November 2009, declares glueboard traps to be restricted traps in terms of section 32 of the Animal Welfare Act 1999, and imposes restrictions on their sale and use.

Clause 5 restricts the use of glueboard traps on or after 1 January 2010, unless approval for their use is obtained under *clause 8*.

Clause 6 allows the continued use of glueboard traps by certain persons until the close of 31 December 2014 despite *clause 5*.

Clause 7 restricts the sale or use of glueboard traps on or after 1 January 2015, unless approval for their sale or use is obtained under *clause 8*.

Clause 8 allows the Minister to approve the use or sale of a trap that would otherwise be prohibited under *clause 5 or 7* in any specified situation or for any specified purpose if the Minister considers that—

- the approval is in the public interest (including for biosecurity, conservation, public health, or animal health purposes); and
- no viable alternative is available in the circumstances.

An approval may be subject to conditions, and may be revoked at any time by appropriate notification.

Clauses 9 and 10 provide for applications for approvals and the form of approvals.

Clause 11 provides that the Minister may not delegate to the Director-General his or her powers to give an approval in any case where the applicant for approval is the Ministry itself.

Clause 12 refers to the offences and penalties set out in sections 34, 35, and 37 of the Animal Welfare Act 1999, which will apply in the case of a contravention of *clause 5 or 7*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 October 2009.
This order is administered by the Ministry of Agriculture and Forestry.
