

1981/25



THE FISH (PACKING FOR EXPORT) REGULATIONS 1977,
AMENDMENT NO. 2

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 16th day of February
1981

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 77 of the Meat Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fish (Packing for Export) Regulations 1977, Amendment No. 2, and shall be read together with and deemed part of the Fish (Packing for Export) Regulations 1977* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

Interpretation

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Chilling’ means the placing of fish or fish products under chilling conditions so that the fish or fish product is being reduced in temperature to, and held at, a chilled state between -1°C and $+1^{\circ}\text{C}$ inclusive; and ‘chilled’ has a corresponding meaning:

“‘Fish depot’ means any premises to be used for the holding of chilled or frozen fish prior to delivery to a fish packing house or for the holding of ice and bait prior to delivery to a fishing boat (where that bait has been enclosed in containers constructed so as to ensure that there is no risk of contamination to other packaged fish or to the premises) and which have been exempted from licensing by the Director:

“‘Freezing’ means the placing of fish or fish products under refrigerated conditions so that the fish or fish product is reduced within 24 hours to, and held at, a temperature of -18°C or lower; and ‘freeze’ or ‘frozen’ have corresponding meanings:

“‘Limited processing’ includes the scaling, gutting, deheading, chilling, and freezing of fish for human consumption, the tailing of rock lobsters, the tailing of such other species as the Director may from time to time approve, and such other types of processing as the Director may approve, aboard a fishing boat:

“‘Limited processing fishing boat’ means any fishing boat exempted by the Director from licensing for limited processing carried out at sea:

“‘Whole fish processing’ means the chilling or freezing of tuna, mackerel, kahawai, squid, or such other species as the Director may from time to time approve, intended to be exported for human consumption without gutting, scaling, shelling, deheading, or tailing or any other form of processing:

“‘Whole fish processing premises’ means any premises (including any fishing boat) exempted by the Director from licensing for whole fish processing.”

(2) The said regulation 2 is hereby further amended by adding, to the definition of the term “packaging”, the words “; and ‘packaged’ has a corresponding meaning”.

3. Application of regulations—(1) Regulation 3 (7) (a) of the principal regulations is hereby amended by inserting, after the word “alive”, the words “but not intended for human consumption”.

(2) The said regulation 3 is hereby further amended by adding the following subclause:

“(8) Notwithstanding anything in this regulation, the Director may exempt any fishing boat, fish depot, or whole fish processing premises from any requirement of these regulations where he is satisfied the exemption may be granted in respect of any species or type of fish without adversely affecting its quality or contravening any requirement of the market to which it is to be exported.”

Licensing of Fish Packing Houses

4. Fish packing houses to be licensed—(1) Regulation 4 (2) of the principal regulations is hereby amended by revoking paragraph (b).

(2) The said regulation 4 hereby further amended by revoking paragraph (e), and substituting the following paragraph:

“(e) The use for processing of a limited processing fishing boat, any whole fish processing premises, and any fish depot if those premises comply with the conditions specified in Part VA of these regulations.”

5. Restrictions on operation of fish packing houses—(1) Regulation 5 (3) of the principal regulations is hereby amended by inserting, after the words “as a packing house”, the words “or cannery”.

(2) The said regulation 5 is hereby further amended by revoking subclause (5), and substituting the following subclauses:

“(5) The provisions of subclause (3) of this regulation shall apply also where a fish packing house is licensed as a poultry processing house under the Poultry Processing Regulations 1978*, and for that purpose the said subclause shall be read as if the reference to the Meat Act 1964 were a reference to the Poultry Processing Regulations 1978*, and reference to meat and meat products were references to poultry and poultry products.

“(6) The provisions of subclause (3) of this regulation shall apply also where a fish packing house is licensed as a rabbit processing house under any regulations made pursuant to section 77A of the Meat Act 1964, and for that purpose the said subclause shall be read as if the reference to a packing house were a reference to a rabbit processing house, the reference to the Meat Act 1964 were a reference to any regulations made pursuant to section 77A of the Meat Act 1964, and references to meat and meat products were references to rabbit meat and rabbit meat products.

“(7) Nothing in subclause (1) of this regulation shall prohibit the canning, handling, or other processing of fruit, vegetables, milk products, or any food products (including confectionery) within a fish packing house if that canning, handling, or other processing takes place in such a way or at such a time that fish within the premises is not, in the

*S.R. 1978/40
Amendment No. 1: S.R. 1979/76
Amendment No. 2: S.R. 1980/12

opinion of the Inspector, subject to contamination or liable to be contaminated by the presence or processing of the fruit, vegetables, milk products, or food products (including confectionery).

“(8) Notwithstanding subclause (1) of this regulation, no breach of that subclause occurs where any fruit, vegetables, meat, poultry, wild-fowl, game, rabbit meat, milk products, or food products (including confectionery) that have been adequately enclosed in containers are stored in a fish packing house in a frozen state in such a way that there is no risk of contamination of the fish packing house, or any fish, plant, or equipment therein.”

6. Grant of licences—(1) Regulation 9 of the principal regulations is hereby amended by adding the following subclause:

“(6) The official number assigned under subclause (5) of this regulation shall be used only in respect of and by the fish packing house to which it has been assigned, and—

“(a) No licensee shall permit the number to be used in respect of or by any other premises:

“(b) No person shall use in respect of or in relation to any premises or packaging of fish any number that has not been officially assigned.”

(2) Regulation 90 (2) of the principal regulations is hereby consequentially amended by inserting, after the expression “4 (1),” the expression “9 (6),”.

Construction of Fish Packing Houses, Plant, and Equipment

7. Construction generally—(1) Regulation 19 of the principal regulations is hereby amended by revoking paragraph (d) of subclause (1), and substituting the following paragraph:

“(d) Notwithstanding paragraphs (b) (i) and (c) (i) of this regulation, the Director may, where he is satisfied that any premises that were used before the 1st day of January 1978 for any purpose for which a licence under regulation 4 of the regulations would be required after that date, cannot reasonably be required to have a ceiling or walls that are not less than 3 m from the floor, exempt such premises from the requirements of the said paragraphs on such terms and conditions (whether as to the period of exemption or otherwise) as he thinks fit.”

(2) The said regulation 19 is further amended by adding the following subclause:

“(4) Notwithstanding subclause (1) of this regulation, the Director may, where he is satisfied that a fishing boat licensed as a fish packing house is so constructed as to preclude from contamination the fish processed therein, exempt such premises from the requirements of this regulation subject to such conditions as he thinks fit.”

8. Sewage facilities—Regulation 27 of the principal regulations is hereby amended by adding the following subclause:

“(3) Notwithstanding subclause (2) of this regulation, the Director may, where he is satisfied that traps and sumps are able to be regularly cleaned, exempt any premises from the requirement of that subclause in respect of traps and sumps.”

9. Hand washing facilities—Regulation 30 (2) (b) of the principal regulations is hereby amended by omitting the words “(being not less than 40°C)”, and substituting the words “(being at a temperature of approximately 30°C or at such other temperature as the Director may from time to time authorise either generally or in any particular case)”.

Hygiene and Quality Control in Operation of Fish Packing Houses

10. Acceptance of fish at packing house—(1) Regulation 35 (2) (a) (iii) of the principal regulations is hereby amended by omitting the words “this regulation”, and substituting the words “these regulations”.

(2) Regulation 35 (2) (a) of the principal regulations is hereby amended by revoking subparagraph (iv), and substituting the following subparagraphs:

“(iv) Contrary to any provisions of these regulations, the fish have been processed or packaged in unlicensed premises or in premises which have not been exempted from licensing or stored elsewhere than in a fish packing house, fish depot, or meat export store; or

“(v) Where the Director-General has so directed by notice published in the *Gazette*, the fish has not been held after being caught and delivered in a frozen or chilled state; and”.

(3) The said regulation 35 is hereby further amended by adding the following subclause:

“(6) Subclause (1) of this regulation does not apply to fish described in subclause (2) (a) (iv) of this regulation if they are—

“(a) Enclosed in bulk containers for storage only; or

“(b) Stored in a physically separate lockable area with inventory control, where the breaking down of bulk container packs may be carried out; or

“(c) Imported into New Zealand for processing and held, stored, or processed in the fish packing house with the consent in writing of the Director, and in accordance with any conditions he may think fit to impose.”

11. Health of personnel—Regulation 47 (3) of the principal regulations is hereby amended by inserting, after the words “A licensee”, the words “or proprietor of any premises exempted from licensing”.

12. Temperature control in premises—(1) The principal regulations are hereby amended by revoking regulation 48, and substituting the following regulation:

“48. (1) The temperature in that part of a fish packing house where eels are being gutted and packaged or cooked rock lobster meat is being extracted and packaged shall not exceed 10°C.

“(2) The Director may, by notice in writing to a licensee, apply subclause (1) of this regulation to that part of a fish packing house in which cured or cooked fish or fish products are being handled if, in his opinion, such a course is reasonable having regard to the need to prevent the conditions specified in regulation 34 (2) of these regulations from occurring.”

(2) Regulation 49 of the principal regulations is hereby consequentially revoked.

13. Preparation of ice—Regulation 55 of the principal regulations is hereby amended by inserting, after the words “potable water”, the words “or sea water of which properly tested samples taken at the point of usage are clear and pure and consistently fail to demonstrate the presence of coliform organisms,”.

14. Washing of fish—Regulation 56 of the principal regulations is hereby amended by adding the following subclause:

“(4) Notwithstanding subclause (2) of this regulation, brushes made of materials that, in the opinion of an Inspector, can be easily cleaned may be used in the washing of fish in situations approved by the Director.”

15. Refrigeration of fish—(1) Regulation 62 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Except as provided in regulation 79 (1) of these regulations, fish or fish products intended to be marketed in a frozen state shall be frozen in accordance with the freezing requirements of these regulations.”

(2) Regulation 62 (2) of the principal regulations is hereby amended by omitting the words “within a period of 6 hours”.

16. Markings on containers—(1) Regulation 66 (1) of the principal regulations is hereby amended by inserting, after the words “fish packing house” (except in paragraph (b)), the words “or whole fish processing premises”.

(2) The said regulation 66 (1) is hereby further amended by revoking paragraph (a) of subclause (1), and substituting the following paragraph:

“(a) The scientific name of the fish contained therein:”.

(3) The said regulation 66 is hereby further amended by omitting the word “Director” from subclause (3), and substituting the words “Director-General”.

(4) The said regulation 66 is hereby further amended by adding the following subclause:

“(4) The Director-General may direct a licensee to discontinue the use of such marking particulars as the Director-General may specify for the purpose of ensuring that the container or label conforms to the requirements of the country to which it is intended to export the fish.”

Inspection and Certification of Fish

17. Withdrawal of inspection—The principal regulations are hereby amended by revoking regulation 74, and substituting the following regulation:

“(1) Where the Director considers that conditions or procedures existing in any fish packing house or premises exempted from licensing

are contrary to the requirements laid down by or under these regulations, he may, after notifying the licensee or proprietor in writing of the reasons therefore, withdraw inspection from the fish packing house (or part thereof) or exempted premises, as the case may require, until such time as he is satisfied that the requirements laid down by or under these regulations are being fulfilled therein.

“(2) If inspection is withdrawn from a fish packing house (or part thereof) or exempted premises under subclause (1) of this regulation, then, until notification from the Director to the licensee or proprietor for that inspection has recommenced, no person shall process or package fish in that fish packing house or exempted premises.”

18. Certification of fish for export—(1) Regulation 75 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) Subclause (1) of this regulation does not apply to tuna, mackerel, kahawai, squid, and such other species as the Director may from time to time exempt that are exported for human consumption without deheading, gutting, scaling, shelling, or tailing if—

“(a) The fish are processed in whole fish processing premises and are fit for human consumption; and

“(b) The fish are marked in accordance with regulation 66 of these regulations; and

“(c) There is in force in respect of the fish a certificate given by an Inspector (being a veterinary surgeon) which shall state that the fish has been processed in premises exempted by the Director and, that in the opinion of the veterinary surgeon, it is fit for human consumption, and shall include—

“(i) The scientific name of the fish to which it relates and the date of processing thereof (which date may be in code); and

“(ii) The weight of the fish to which it relates; and

“(iii) Such other information as the Director-General may specify for the purpose of ensuring that the fish conforms to the requirements of the country to which it is to be exported.”

(2) The said regulation 75 is hereby further amended by omitting from subclause (4) (b) the words “common and”.

(3) The said regulation 75 is hereby further amended by revoking paragraph (c) of subclause (4) and substituting the following paragraphs:

“(c) The weight of the fish to which it relates; and

“(d) Such other information as the Director-General may specify for the purpose of ensuring that the fish conforms to the requirements of the country to which it is to be exported.”

Rock Lobsters

19. Rock lobsters may be processed aboard ship—The principal regulations are hereby amended by revoking regulation 77, and substituting the following regulation:

- “77. Rock lobsters may be tailed aboard a fishing boat where—
“(a) It is lawful, in terms of the Rock Lobster Regulations 1969*,
to tail rock lobsters in an uncooked state; and
“(b) The fishing boat is a limited processing fishing boat.”

20. Rock lobsters to be alive when tailed—Regulation 78 of the principal regulations is hereby amended by adding the following subclause:

“(3) Notwithstanding subclause (1) of this regulation, the Director may, if he is satisfied that the quality of any rock lobster would not be adversely affected, approve of methods of holding rock lobsters in any fish packing house whereby the rock lobster may be dead or moribund when its tail is removed and, in the case of any such approved method being used in a fish packing house, the provisions of the said subclause (1) shall not apply.”

21. Manner of processing tails—(1) Regulation 79 (1) of the principal regulations is hereby amended—

- (a) By omitting the words “lobster tails are packaged and frozen”, and substituting the words “lobsters are tailed”;
 - (b) By omitting from paragraph (e) the word “packed”, and substituting the word “put”;
 - (c) By omitting from paragraph (h) the word “further”.
- (2) The said regulation 79 (1) is hereby further amended by revoking paragraph (f), and substituting the following paragraph:
“(f) Be frozen.”

(3) Regulation 79 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Rock lobsters that are tailed in a fish packing house shall be processed in accordance with paragraphs (a) to (d) of subclause (1) of this regulation and subsequently wrapped individually in flexible film in such a manner that all exposed flesh is covered and protected, before being packaged and frozen.”

Eels

22. Processing of eels—Regulation 82 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Eels intended for processing and packaging in a fish packing house, except migrating eels and eels that are to be eviscerated, shall, before processing be held alive at the fish packing house or in running water until empty at holding facilities approved by the Director as being suitable for the purpose.”

Shellfish

23. Processing of shellfish—Regulation 83 of the principal regulations is hereby amended by adding the following subclauses:

*S.R. 1969/250 (Reprinted with Amendments Nos. 1 to 5: S.R. 1974/195)
Amendment No. 7: S.R. 1976/149
Amendment No. 8: S.R. 1976/293
Amendment No. 9: S.R. 1977/150
Amendment No. 10: S.R. 1977/270

“(7) Subclause (1) of this regulation shall not apply to shellfish where the removal of the shell is achieved by heating or freezing and the shellfish are alive immediately before the commencement of such processing.

“(8) Notwithstanding subclause (1) of this regulation, the Director may approve the use of other processing methods which do not prejudice the quality of the fish.”

Exemption of Premises

24. New Part added—The principal regulations are hereby amended by adding, after regulation 83 but before the heading “PART VI”, the following Part:

“PART VA

“EXEMPTION OF PARTICULAR TYPES OF PROCESSING PREMISES

“Limited Processing Fishing Boats and Whole Fish Processing Premises

“**83A. Application for exemption from licensing of premises**—The proprietor of any premises conducting or intending to conduct limited processing or whole fish processing shall apply to the Director for exemption from the licensing provisions of these regulations to allow those premises to operate as a limited processing fishing boat or as whole fish processing premises.

“**83B. Grant of exemption**—(1) The Director shall grant an exemption in writing for premises for use as a limited processing fishing boat or as whole fish processing premises, if he is satisfied that—

“(a) The chilling, or freezing and cold storage facilities are adequate; and

“(b) The conditions under which fish are to be processed are such as to produce a product acceptable for export.

“(2) The Director may attach to such an exemption at any time such conditions as are designed to ensure the quality of the fish products, and may at any time vary, substitute, or cancel any condition.

“(3) An exemption granted by the Director shall remain in force until it is withdrawn by the Director under subclause (4) of this regulation, or is surrendered.

“(4) An exemption may be withdrawn by the Director, by giving written notice of such to the proprietor, if he is satisfied that the processing facilities and conditions of the premises are no longer adequate for the purpose for which those premises were exempt.

“Fish Depots

“**83c. Licensing exemption for fish depot**—(1) The proprietor of any premises used or intended to be used as a fish depot may apply to the Director for exemption from the licensing provisions of these regulations to allow these premises to operate as a fish depot.

“(2) The holding of frozen filleted fish intended for human consumption within New Zealand in any premises used or intended to be used as a fish depot shall not, of itself, be a bar to the proprietor of those

premises making an application under subclause (1) of this regulation or to the Director from granting an exemption under regulation 83D of these regulations.

“83D. **Grant of exemption**—(1) The Director shall grant an exemption in writing for premises for use as a fish depot if he is satisfied that—

“(a) The site is such that the fish depot can be operated and maintained hygienically:

“(b) The premises are suitable for use as a fish depot by having the following facilities provided:

“(i) A refrigeration unit in which fish can be held in containers without direct contact with the floor at a temperature not higher than +1°C for chilled fish and not higher than -18°C for frozen fish, and a temperature recording device installed in the unit; and

“(ii) A suitable loading area; and

“(iii) Adequate drainage; and

“(iv) Where a diesel or petrol motor is used to supply power for any refrigerator, the motor is sited so as to prevent the contamination of any fish or premises by fuel spillages or exhaust fumes.

“(2) The Director may attach to such an exemption at any time such conditions as are designed to ensure the quality of the fish products, and may at any time vary, substitute, or cancel any condition.

“(3) An exemption granted by the Director shall remain in force until it is withdrawn by the Director under subclause (4) of this regulation, or is surrendered.

“(4) An exemption may be withdrawn by the Director, by giving written notice to the proprietor, if he is satisfied that the premises are operated or maintained unhygienically, or that the facilities and operations carried out on the premises are no longer suitable and make the premises unfit for use as a fish depot.

“83E. **Alteration of fish depot**—(1) No proprietor of a fish depot shall, without the prior permission of the Director, undertake any work whereby the fish depot will be added to or structurally altered.

“(2) Alterations and additions to a fish depot shall be permitted by the Director if he is satisfied that the hygienic operation and maintenance of the fish depot will not be affected, and such additions shall, upon their completion, become part of the premises exempt from the licensing provisions of these regulations.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations make miscellaneous amendments to the Fish (Packing for Export) Regulations 1977. The main amendments—

- (a) Relate to the exemption from licensing of any fishing boat, fish depot, or whole fish processing premises:
- (b) Allow limited processing of export fish at sea:
- (c) Allow certain poultry processing houses and rabbit processing houses to be licensed as fish packing houses.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 February 1981.

These regulations are administered in the Ministry of Agriculture and Fisheries.