

Customs Export Prohibition Amendment Order 1999

(SR 1999/270)

Customs Export Prohibition Amendment Order 1999: expired, on 1 October 2002, pursuant to clause 1A of the Customs Export Prohibition Order 1996 (SR 1996/233).

PURSUANT to sections 56 and 57(3) of the Customs and Excise Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

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1 Title and commencement

- (1) This order may be cited as the Customs Export Prohibition Amendment Order 1999, and is part of the Customs Export Prohibition Order 1996¹ (“the principal order”).

¹ SR 1996/233

SR 1997/315

SR 1998/324

Note

This order is administered in the New Zealand Customs Service.

- (2) This order comes into force on 27 September 1999.

2 Title and commencement of principal order

Clause 1 of the principal order is amended by omitting from subclause (2) the words “and shall expire on the close of the 30th day of September 1999”.

3 Expiry

The principal order is amended by inserting, after clause 1, the following clause:

“1A

This order expires on the close of 30 September 2002.”

4 Prohibited agriculture exports

Clause 2 of the principal order is amended by—

- (a) omitting the words “of Agriculture”, and substituting the expression “for Food, Fibre, Biosecurity and Border Control”; and
- (b) omitting the words “as the Minister thinks fit to impose”, and substituting the expression “(if any) not inconsistent with this prohibition as may be imposed by the Minister”.

5 Prohibited pounamu exports

The principal order is amended by revoking clause 3 and substituting the following clause:

“3

- (1) The exportation of pounamu in its natural state, and partly or wholly processed pounamu, is prohibited, except with the consent of the Minister for Food, Fibre, Biosecurity and Border Control, and subject to such conditions (if any) not inconsistent with this prohibition as may be imposed by the Minister.

“(2) The Minister may give his or her consent as provided in subclause (1) only on written advice—

“(a) From Te Runanga o Ngai Tahu; or

- “(b) If the pounamu is extracted from the catchment of the Arahura river, from the Mawhera Incorporation.
- “(3) This prohibition does not apply to—
 - “(a) Articles made from pounamu (for example, jewellery containing pounamu):
 - “(b) Pieces of pounamu included in a display of New Zealand minerals where the pounamu—
 - “(i) Does not exceed 1.64 cm³ in overall dimensions; and
 - “(ii) Is polished on 1 side only; and
 - “(iii) Is reject stone.
- “(4) In this prohibition,—
 - “**Mawhera Incorporation** has the meaning given to that term by section 8 of the Ngai 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 Runanga o Ngai Tahu** means Te Runanga o Ngai Tahu as established by section 6 of Te Runanga o Ngai Tahu Act 1996.”

6 **Prohibited timber exports**

Clause 4 of the principal order is revoked.

7 **Prohibited fisheries exports**

Clause 5 of the principal order is amended by—

- (a) Omitting the words “of Fisheries”, and substituting the expression “for Food, Fibre, Biosecurity and Border Control”; and
- (b) Omitting the words “as the Minister thinks fit to impose”, and substituting the expression “(if any) not inconsistent with this prohibition as may be imposed by the Minister”.

8 **Prohibited waste exports**

Clause 7(1) of the principal order is amended by—

- (a) Omitting the words “of Commerce”, and substituting the words “for Enterprise and Commerce”; and
- (b) Omitting the words “as the Minister thinks fit to impose”, and substituting the expression “(if any) not inconsistent with this prohibition as may be imposed by the Minister”.

- 9 Prohibited weapons and dual-use weapon-related exports**
Clause 8 of the principal order is amended by omitting the words “as the Secretary thinks fit to impose”, and substituting the expression “(if any) not inconsistent with this prohibition as may be imposed by the Secretary”.

MARIE SHROFF,
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 27 September 1999, is made under the Customs and Excise Act 1996. It amends the Customs Export Prohibition Order 1996 (the principal order).

Clause 2 omits from clause 1 of the principal order words effecting the expiry of the principal order on the close of 30 September 1999.

Clause 3 inserts a *new clause 1A* in the principal order that extends by 3 years the period for which the principal order remains in force.

Clause 4 amends clause 2 of the principal order—

- (a) To update the reference to the Minister; and
- (b) To make the words of the clause that relate to the imposition of conditions reflect more accurately the words used in the Act.

Clause 5 substitutes a *new clause 3* of the principal order. Unlike the clause that it replaces, *new clause 3*—

- (a) Prohibits the exportation not of greenstone, but of certain pounamu; and
- (b) Allows consent to be given to that exportation, and conditions to be imposed on that exportation, not by the Minister of Maori

Affairs, but by the Minister for Food, Fibre, Biosecurity and Border Control; and

- (c) Requires that the Minister give that consent only on written advice—
- (i) From Te Runanga o Ngai Tahu; or
 - (ii) If the pounamu is extracted from within the catchment area of the Arahura river, from the Mawhera Incorporation.

Clause 6 revokes clause 4 of the principal order, which purported to prohibit the exportation of certain indigenous timber and timber products.

Clauses 7, 8, and 9 amend clauses 5, 7(1), and 8 of the principal order—

- (a) To update references to Ministers; and
- (b) To make words that relate to the imposition of conditions reflect more accurately the words used in the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 August 1999.
