



Hazardous Substances and New Organisms Amendment Act 2008

Public Act 2008 No 22
Date of assent 8 April 2008
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Hazardous Substances and New Organisms Amendment Act 2008.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Hazardous Substances and New Organisms Act 1996.

4 Interpretation

(1) Section 2(1) is amended by repealing the definition of **develop** and substituting the following definition:

“**develop**,—

“(a) in relation to organisms other than incidentally imported new organisms,—

“(i) means—

“(A) genetic modification of an organism:

“(B) regeneration of a new organism from biological material of the organism that cannot, without human intervention, be used to reproduce the organism:

“(C) fermentation of a micro-organism that is a new organism; but

“(ii) does not include field testing; and

“(b) in relation to incidentally imported new organisms,—

“(i) means—

“(A) the activities referred to in paragraph (a)(i); and

“(B) the deliberate isolation, aggregation, multiplication, or other use of the organism; but

“(ii) does not include field testing”.

(2) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**department** has the same meaning as in section 2 of the State Sector Act 1988

“**incidentally imported new organism** means a new organism that is imported in or on goods, but is not—

“(a) an essential or constituent part of those goods:

“(b) imported in or on the goods with the intention of concealing the presence of the new organism:

“(c) a genetically modified organism”.

5 Meaning of term new organism

- (1) Section 2A(2A)(b) is amended by adding “; or”.
- (2) Section 2A(2A) is amended by adding the following paragraph:
“(c) it is an incidentally imported new organism.”

6 Prohibition of import, manufacture, development, field testing, or release

- (1) The heading to section 25 is amended by omitting “**Prohibition**” and substituting “**Restriction**”.
 - (2) Section 25 is amended by inserting the following subsections after subsection (1):
“(1A) Subsection (1)(b) does not apply to—
“(a) the importation of an incidentally imported new organism, if it is imported in or on goods lawfully imported under the Biosecurity Act 1993; or
“(b) the movement or use of those goods, together with any new organisms incidentally imported while they remain in or on those goods, after their importation.
“(1B) The department responsible for administering the Biosecurity Act 1993 or its agents, and any other departments recognised by the responsible Minister under section 101(2) of that Act or their agents may, despite subsection (1)(b), isolate, aggregate, multiply, or use an incidentally imported new organism for the purpose of identifying, managing, or eradicating that organism.”
 - (3) Section 25(5) is amended by omitting “prohibition” and substituting “restriction”.
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Legislative history

1 April 2008	Divided from Biosecurity and Hazardous Substances and New Organisms Legislation Amendment Bill (Bill 198–2) by committee of the whole House as Bill 198–3B
3 April 2008	Third reading
8 April 2008	Royal assent

This Act is administered by the Ministry for the Environment.
