

Reprint
as at 1 July 2011



**Hazardous Substances and New
Organisms Amendment Act 2011**

Public Act 2011 No 16
Date of assent 17 May 2011
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry for the Environment.

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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 2011.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.
- (2) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

Section 2(1): this Act brought into force, on 1 July 2011, by the Hazardous Substances and New Organisms Amendment Act 2011 Commencement Order 2011 (SR 2011/194).

3 Principal Act amended

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

4 Interpretation

The definition of **Authority** in section 2 is repealed and the following definition substituted:

“**Authority** or **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011”.

5 Powers, functions, and duties of Authority

Section 11(1)(g) is amended by omitting “or any other enactment”.

6 Part 4 heading substituted

The Part 4 heading is repealed and the following heading substituted:

**“Part 4
“Administrative provisions”.**

7 Sections 14, 15, 16, and 18 repealed

Sections 14, 15, 16, and 18 are repealed.

8 New sections 18 to 18C inserted

The following sections are inserted after section 17:

“18 EPA may appoint committees

- “(1) A committee must include at least 1 member of the EPA.
- “(2) A person must not be appointed as a member of a committee unless the Minister has approved the appointment.
- “(3) Clause 14 of Schedule 5 of the Crown Entities Act 2004 applies to the EPA subject to subsection (2).

“18A Committee may appoint and delegate functions to subcommittee

- “(1) A committee appointed by the EPA under clause 14 of Schedule 5 of the Crown Entities Act 2004 may appoint a subcommittee to hear and decide an application to which section 19(2)(b) applies.
- “(2) For the purpose of subsection (1), the committee may delegate a power delegated to the committee under section 19(2)(b) to the subcommittee.
- “(3) A subcommittee is a committee for the purposes of clause 15 of Schedule 5 of the Crown Entities Act 2004.

“18B Composition of subcommittee

- “(1) The majority of members of a subcommittee appointed under section 18A must be members of the committee that appointed the subcommittee.
- “(2) The subcommittee need not include a member of the EPA.

“18C Qualification for appointment to committee or subcommittee

A committee or subcommittee appointed for the purpose of section 19(2)(b) must consist of persons who collectively have particular knowledge of, and expertise in, the subject matter of the application before the committee.”

9 Delegation by Authority

- (1) Section 19(2)(b) is amended by omitting “Schedule 1” and substituting “the Crown Entities Act 2004”.
- (2) Section 19(7) is amended by omitting “Authority” and substituting “Authority’s functions, powers, or duties under this Act”.

10 Part 4A repealed

Part 4A is repealed.

11 Schedule 1 repealed

Schedule 1 is repealed.

12 Minor amendments

The Act is amended in the manner set out in the Schedule.

Schedule

s 12

**Minor amendments to Hazardous
Substances and New Organisms Act 1996**

Definition of approved form in section 2(1)

Omit “section 11(fa)” and substitute “section 11(1)(fa)”.

Section 17

Omit “104” and substitute “103”.

Section 19(2)(c)

Repeal.

Section 43

Paragraph (a): omit “40(1)(b) to genetically modify an organism” and substitute “40 to genetically modify an organism in containment”.

Paragraph (b): omit “40(1)(b)” and substitute “40 to develop a new organism in containment”.

Section 44

Omit “40(1)(a) or (c), shall” and substitute “40 to import a new organism into, or field test a new organism in, containment, must”.

Section 45(1)(a)(ii)

Repeal and substitute:

- “(ii) after taking into account all the effects of the organism and any inseparable organism, including, but not limited to, the effects on the matters in section 43 (for application to develop a new organism in containment) or the matters in section 44 (for applications to import a new organism into, or field test a new organism in, containment), the beneficial effects of having the organism in containment outweigh the adverse effects of the organism and any inseparable organism; and”.

Section 62(1)

Omit “or where Parts 11 to 16 apply to that substance or organism”.

Section 63(1)

Omit “62(3)” and substitute “62(2)”.

Section 97(1)

Paragraph (f): omit “Maritime Transport” and substitute “Maritime New Zealand”.

Paragraph (h)(iv): repeal.

Section 141(1)

Section 141(1): omit “or section 160(1)(b), (c), or (d),”.

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Notes

1 *General*

This is a reprint of the Hazardous Substances and New Organisms Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 1 July 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Hazardous Substances and New Organisms Amendment Act 2011
Commencement Order 2011 (SR 2011/194)
