

Hazardous Substances and New Organisms Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Environmental Protection Authority Bill as reported from the Local Government and Environment Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- the Environmental Protection Authority Bill comprising clauses 1 and 2, Parts 1 to 3 and 7, and Schedules 3 to 7
- the Climate Change Response Amendment Bill comprising Part 4 and Schedule 1
- this bill comprising Part 5 and Schedule 2
- the Imports and Exports (Restrictions) Amendment Bill comprising Part 5A
- the Ozone Layer Protection Amendment Bill comprising Part 5B
- the Resource Management Amendment Bill comprising Part 6.

Hon Dr Nick Smith

Hazardous Substances and New Organisms Amendment Bill (No 2)

Government Bill

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act amended	2
.	
66 Interpretation	2
67 Powers, functions, and duties of Authority	2
68 Part 4 heading substituted	3
Part 4	
Administrative provisions	
69 Sections 14, 15, 16, and 18 repealed	3
70 New sections 18 to 18C inserted	3
18 EPA may appoint committees	3
18A Committee may appoint and delegate functions to subcommittee	3
18B Composition of subcommittee	3
18C Qualification for appointment to committee or subcommittee	4
71 Delegation by Authority	4
72 Part 4A repealed	4
73 Schedule 1 repealed	4
74 Minor amendments	4
.	

Schedule 2 5
**Minor amendments to Hazardous Substances and New
Organisms Act 1996**

.

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. 5
- (2) Any provision that has not earlier been brought into force comes into force on 1 December 2012. 10
- 3 Principal Act amended**
This Act amends the Hazardous Substances and New Organisms Act 1996.
-
- 66 Interpretation** 15
The definition of **Authority** in section 2 is repealed and the following definition substituted: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 6 of the Environmental Protection Authority Act 2010**”.
- 67 Powers, functions, and duties of Authority** 20
Section 11(1)(g) is amended by omitting “or any other enactment”.

- 68 Part 4 heading substituted**
The Part 4 heading is repealed and the following heading substituted:
- “Part 4
“Administrative provisions”.** 5
- 69 Sections 14, 15, 16, and 18 repealed**
Sections 14, 15, 16, and 18 are repealed.
- 70 New sections 18 to 18C inserted**
The following sections are inserted after section 17:
- “18 EPA may appoint committees** 10
- “(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). 15
- “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. 20
- “(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. 25
- “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. 30
- “(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.” 5

71 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

72 Part 4A repealed

Part 4A is repealed.

73 Schedule 1 repealed

Schedule 1 is repealed. 15

74 Minor amendments

The Act is amended in the manner set out in **Schedule 2**.

.

Schedule 2

s 74

**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)”. 5

Section 17

Omit “104” and substitute “103”.

Section 19(2)(c)

Repeal.

Section 43

10

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”. 15

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: 20

“(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”. 25 30

**Hazardous Substances and New Organisms
Amendment Bill (No 2)**

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)

5

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),”.

10

.

Legislative history

10 May 2011

Divided from Environmental Protection Authority
Bill (Bill 246–2) by committee of the whole House
as Bill 246–3B
