

BIOSECURITY (RABBIT CALICIVIRUS) AMENDMENT BILL

EXPLANATORY NOTE

General Policy Statement

THIS Bill amends the legal framework that applies to the organism known as viral haemorrhagic disease of rabbits or rabbit calicivirus (RCD).

RCD is now widespread in the South Island having been apparently illegally introduced. Farmers have discovered that, by relatively easy means, they can obtain virus material from dead rabbits and use it to kill more rabbits. The virus appears also to be spreading naturally, albeit in a limited fashion. The question of eradication or containment is no longer technically feasible.

Section 21 of the Animal Act 1967, which was saved by the Biosecurity Act 1993, provides that it is an offence to knowingly possess any organism that has been introduced into New Zealand in contravention of the procedure provided for in that section.

Now that the virus is known to be spread extensively in the South Island, it serves no purpose to maintain the possibility of criminal sanctions being applicable against those who wish to use it. The Bill provides that RCD has the status of being established in New Zealand. This status takes RCD out of the coverage of section 21 of the Animals Act 1967 and removes any possibility of the criminal offences contained in that section applying.

Taking this step is unusual and it is not taken lightly. It is not taken to condone illegal activity in any way.

Now that the virus is in New Zealand, it is important to monitor its spread. Government agencies need to find out what is going on through obtaining information from those who are spreading RCD.

The ability to obtain information from farmers as to what they are doing is necessary for monitoring the effects of virus exposure to humans and other non-target species and to increase surveillance of predator activity in high priority conservation areas. Furthermore, if benefit is to be gained from the virus (now that it is here), its spreading requires coordination. Advice to farmers on the correct and safe methods of handling the virus needs to be available without those who provide it risking being party to an offence. If the virus is spread by an uninformed or incorrect method, there is significant prospect of large sections of the rabbit population becoming immune to the virus.

The measures taken in this Bill are not taken to encourage those who have broken the law, rather they are taken in the wider public interest so as to minimise the potential detriments of the virus. Legalising possession of the virus makes it possible to coordinate its spread rather than allowing it to continue to be spread in an haphazard and uncoordinated manner.

The immediacy of the problem resulted in the Government promulgating regulations which in effect deemed the RCD organism to be established in New Zealand. It is recognised that declaring the virus to be established in New Zealand is recognising the obvious. The Bill will enable many of the less obvious issues to be fully discussed.

Clause by Clause Analysis

Clause 1 contains the Bill's Short Title and commencement. *Clause 4* comes into force on the date the Hazardous Substances and New Organisms Act 1996 comes into force. All other clauses of the Bill come into force on the day on which it receives the Royal assent.

Clause 2 provides that the viral haemorrhagic disease of rabbits (also known as rabbit calicivirus) is deemed to be established in New Zealand on and after 24 September 1997 for the purposes of section 21 of the Animals Act 1967. Section 21 of the Animals Act 1967 makes it an offence for any person to knowingly introduce, cause to be introduced, or to have in his or her possession any organism introduced into New Zealand without the written permission of the Director-General of Agriculture. Rabbit calicivirus was introduced into New Zealand in breach of section 21 of the Animals Act 1967. The effect of *clause 2* is that on and after 24 September 1997 it is no longer an offence under the Animals Act 1967 to possess rabbit calicivirus.

Clause 3 validates the Biosecurity (Rabbit Calicivirus) Regulations 1997. The effect of these regulations was that, from the date of their commencement on 24 September 1997, section 21 of the Animals Act 1967 no longer applied to rabbit calicivirus. Those regulations are revoked on the date this Act comes into force.

Clause 4 amends the Fourth Schedule of the Hazardous Substances and New Organisms Act 1996. That schedule inserts a new section 25A into the principal Act. New section 25A is amended by this clause to ensure that it does not make rabbit calicivirus illegal at the commencement of the Hazardous Substances and New Organisms Act 1996.

Hon Simon Upton

BIOSECURITY (RABBIT CALICIVIRUS) AMENDMENT

ANALYSIS

Title	4. Organisms illegally present in New Zealand at commencement of Hazardous Substances and New Organisms Act 1996
1. Short Title and commencement	
2. Section 21 of Animals Act 1967 not to apply to rabbit calicivirus	
3. Validation and revocation of Biosecurity (Rabbit Calicivirus) Regulations 1997	

A BILL INTITULED

An Act affecting the application of certain Acts to rabbit calicivirus

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title and commencement**—(1) This Act may be cited as the Biosecurity (Rabbit Calicivirus) Amendment Act 1997, and is part of the Biosecurity Act 1993* (“the principal Act”).

10 (2) **Section 4** comes into force on the date of commencement of the Fourth Schedule of the Hazardous Substances and New Organisms Act 1996.

(3) Except as provided in **subsection (2)**, this Act comes into force on the day on which it receives the Royal assent.

15 **2. Section 21 of Animals Act 1967 not to apply to rabbit calicivirus**—(1) The organism known as viral haemorrhagic disease of rabbits, or rabbit calicivirus, is deemed on and after 24 September 1997 to have been established in New Zealand for the purposes of section 21 of the Animals Act 1967 (as continued in force by the Third Schedule of the principal Act).

20 (2) The organism known as viral haemorrhagic disease of rabbits, or rabbit calicivirus, is deemed on and after

*1993, No. 95

Amendments: 1993, No. 129; 1994, No. 124; 1996, Nos. 23, 78

24 September 1997, to have been an organism established in New Zealand for the purposes of section 169 of the principal Act.

3. Validation and revocation of Biosecurity (Rabbit Calicivirus) Regulations 1997—(1) The Biosecurity (Rabbit Calicivirus) Regulations 1997 are deemed, on and after 24 September 1997, to have been valid. 5

(2) The Biosecurity (Rabbit Calicivirus) Regulations 1997 (S.R. 1997/203) are revoked.

4. Organisms illegally present in New Zealand at commencement of Hazardous Substances and New Organisms Act 1996—The Fourth Schedule of the Hazardous Substances and New Organisms Act 1996 is amended by adding, to section 25A of the principal Act, the following subsection: 10

“(2) Nothing in this section applies to the organism known as viral haemorrhagic disease of rabbits, or rabbit calicivirus.” 15