HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 17 August 1993

BIOSECURITY BILL

Proposed Amendments

Hon J. H. FALLOON, in Committee, to move the following amendments:

Clause 2: To insert in subclause (1), after the definition of the term "biosecurity clearance", the following definition:

"Biosecurity control area" means a place that is-

(a) Part of a designated port of entry; and

(b) By written agreement with the port's operator, under the control of the Director General for the purposes of this Act:

To omit the definition in *subclause (1)* of the term "controlled area", and substitute the following definition:

"Controlled area" means an area for the time being declared under subsection (2) of section 122 of this Act to be an area that is controlled for the purposes of that section:

To insert in the definition of the term "conveyance", before the word "truck", the word "craft,".

To omit lines 11 to 13 on page 7, and substitute the word "Ministry".

To insert in *subclause (1)*, after the definition of the term "Minister", the following definition:

"Ministry" means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

To omit from the definition in *subclause (1)* of the term "other department" the words "administering department", and substitute the word "Ministry".

To omit from subclause (1) the definition of the term "premises".

To add to the definition in subclause (1) of the term "principal officer" the words "; and includes an acting principal officer".

To omit from *paragraph* (a) of the definition in *subclause* (1) of the term "transitional facility" the word "controlled", and substitute the words "biosecurity control".

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To insert, after subclause (2), the following subclause:

(2A) For the purposes of this Act any organism may be specified, whether in a pest management strategy or for any other purpose, by reference to—

(a) Its scientific name; or

(b) The name of a disease it causes; or

(c) Both.

Clause 6H: To omit from subclause (1) (a) the expression "1973", and substitute the expression "1974".

To omit from *subclause (2) (a)* the words ", approving, or implementing", and substitute the words "or approving".

Clause 21: To omit from *subclause (2)* the expression "subsection (1)", and substitute the expression "subsection (1) (b)".

Clause 251: To omit clause 251, and substitute the following clause:

251. Restrictions on giving clearances—(1) An inspector shall not give a biosecurity clearance for goods that are or contain—

(a) An animal of a kind specified in section 14 of the Animals Act 1967 immediately before the commencement of this Act; or

- (b) A reproductive cell or developmental stage of such an animal; or
- (c) A plant of a kind specified in the Second Schedule to the Introduction and Quarantine of Plants Regulations 1973 immediately before the commencement of this Act; or
- (d) A reproductive cell or developmental stage of such a plant.

(2) An inspector shall not give a biosecurity clearance for goods that are or contain an animal not established in New Zealand, or a reproductive cell or developmental stage of such an animal, unless there is in force in respect of those goods a permit under section 13 of the Animals Act 1967.

(3) An inspector shall not give a biosecurity clearance for goods that are or contain a plant not established in New Zealand, or a reproductive cell or developmental stage of such a plant, unless the Director-General has approved the clearance of such goods (or goods of a kind or description that includes such goods).

(4) Subsections (1A) and (1B) of section 13 of the Animals Act 1967 shall apply to the approval by the Director-General of the clearance of goods for the purposes of subsection (3) of this section as if—

(a) Every reference in those subsections to an import permit is a reference to such an approval; and

- (b) Every reference in those subsections to the Minister is a reference to the Director General; and
- (c) Every reference in those subsections to animal health is a reference to animal and plant health; and
- (d) Subject to paragraph (c) of this subsection, every reference in those subsections to an animal or animals is a reference to the plant or plants concerned.

Clause 25MA: To insert, after clause 25M the following clause:

25MA. Risk goods on board craft—(1) Where there are any risk goods on board a craft that has entered New Zealand territory from outside New Zealand territory, an inspector may

direct the master or other person in charge of the craft to take (as the master or person thinks fit) 1 of the following steps:

- (a) Deal with the goods in a manner specified by the inspector while the craft is in New Zealand territory; or
- (b) Move the craft outside New Zealand territory (immediately, or within a period specified by the inspector); or
- (c) Destroy the goods in a place and manner approved by the inspector for the purpose.

(2) Subject to subsection (3) of this section, where the master or person in charge of a craft fails or refuses to comply with a direction under subsection (1) of this section, any inspector may—

(a) Direct the master or other person in charge of the craft to move the craft outside New Zealand territory (immediately, or within a period specified by the inspector); or

(b) Seize and destroy the risk goods concerned.

(3) Where—

- (a) An inspector gives a direction under subsection (1) of this section in respect of goods of a particular kind or description on board a craft of a particular kind or description; and
- (b) There are for the time being in force under this Act regulations prescribing the manner in which risk goods of that kind or description should be dealt with while on board a craft of that kind or description,—

compliance with those regulations shall be deemed to be a sufficient compliance with the direction.

(4) Nothing in this section limits or affects the generality of section 25_M of this Act.

Clause 25N: To omit from lines 27, 31, 34, and 39 on page 44, and lines 8, 13, 15, 17, 22, 24, and 26 on page 45 the word "controlled", and substitute in each case the words "biosecurity control".

Clause 250: To omit from line 37 on page 45 the word "controlled", and substitute the words "biosecurity control".

Clause 30: To omit from subclause (2) the words "arrival place", and substitute in each case the words "biosecurity control area".

Clause 45A: To add the following subclause:

(5) Sections 48 to 54 of this Act shall have effect subject to subsection (4) of this section.

Clause 46: To omit from subclause (1) (f) the word "The", and substitute the words "The actual or potential effects, beneficial or detrimental, that the implementation of the strategy might (in the proposer's opinion) have on the".

Clause 58A: To add the following subclause:

(5) Sections 61 and 62 of this Act shall have effect subject to subsection (4) of this section.

Clause 59: To omit from subclause (1) (f) the word "The", and substitute the words "The actual or potential effects, beneficial or detrimental, that the implementation of the strategy might (in the proposer's opinion) have on the".

Clause 59A: To omit paragraph (c).

To omit from *paragraph* (d) the expression "paragraphs (d), (f), and (g) of section 74", and substitute the expression "paragraphs (c), (d), and (f) of section 79".

Clause 61: To omit lines 21 to 24 on page 76, and substitute the following:

61. Hearings commissioners—(1) A regional council may appoint a hearings

Clause 62: To omit paragraphs (b) and (c) of subclause (1), and substitute the following paragraph and subclause:

(b) Every reference to a board of inquiry is (as the case requires)—

(i) A reference to the regional council that notified the proposal under **section 60** of this Act) or any person or body to whom or which the council has lawfully delegated the function of exercising its powers under those provisions); or

(ii) The hearings commissioner appointed to inquire into and report on the proposal:

(c) Every reference to a Minister is a reference to that regional council.

(1A) Notwithstanding subsection (1) of this section, where a regional council has neither---

(a) Lawfully delegated to any person or body the function of exercising its powers under sections 50 to 53 of, and the Second Schedule to, this Act in relation to a proposal for a regional pest management strategy; nor

(b) Appointed a hearings commissioner to inquire into and report on the proposal,—

subsections (2) and (3) of section 53 of this Act shall not apply to the proposal.

To omit from subclause (2) the expression "and (4)", and substitute the expression "to (4).

To omit subclause (3), and substitute the following subclauses:

(3) A regional council shall not approve a proposal for a regional pest management strategy without considering a report on the strategy made to it by its principal officer.

(3A) Where a regional council has appointed a hearings commissioner to inquire into and report on a proposal for a regional pest management strategy, it shall not approve the strategy without considering—

(a) The report, and any recommendations, of the commissioner; and

(b) A report on that report, and those recommendations (if any), made to it by its principal officer.

(3B) Where a regional council has lawfully delegated to any person or body the function of exercising its powers under sections 50 to 53 of, and the Second Schedule to, this Act in relation to a proposal for a regional pest management strategy, it shall not approve the strategy without considering—

- (a) The report, and any recommendations, of that person or body; and
- (b) A report on that report, and those recommendations (if any), made to it by its principal officer.

Clause 67: To omit *clause 67*, and substitute the following clause:

67. Regional councils may delegate powers— (1) Section 715 of the Local Government Act 1974 shall have effect as if all the powers of a regional council under this Act except those specified in subsection (2) of this section are powers under that Act.

(2) A regional council is not capable of delegating (whether under section 1140 or under section 715 of the Local Government Act 1974)—

- (a) The power to appoint a hearings commissioner to inquire into and report on a proposal for a regional pest management strategy it has notified; or
- (b) The power to approve, extend in an amended form, review, or revoke a regional pest management strategy; and

(c) The power to decide to act under section 83A of this Act.

Clause 74: To omit lines 25 to 27 on page 87, and substitute the following:

than—

- (c) Requiring those persons to pay directly for or in respect of the actions that the levy is intended to fund (or partially fund); or
- (d) In the case of a regional pest management strategy, rating.

Clause 79: To omit paragraph (2) (f), and substitute the following paragraph:

(f) The levying of the rate on the properties on which it is to be levied is, in broad terms, be fair and reasonable, having regard to—

> (i) The extent to which (in the council's opinion) direct or indirect benefits are likely to accrue to the occupiers of the properties from the intended expenditure of the rate; and

> (ii) The extent to which (in the council's opinion) the characteristics of those properties and the uses to which they are put contribute to the presence or prevalence of the pest or pests concerned.

Clause 80: To omit from subclause (1) (c) the expression "section 59A", and substitute the expression "section 59A (e)".

Clause 95AA: To insert, before clause 95A, the following clause:

95AA. Consequential revocations—The following orders are hereby revoked:

(a) The Deer Branding Order 1976:

(b) The Goat Branding Order 1977:

(c) The Deer Branding Order 1976, Amendment No. 1:

(d) The Animal Branding Fees Regulations 1985.

Clause 95A: To omit from subclause (1) the expression "Part V", and substitute the expression "sections 64 to 66, 69 to 73, 75 to 78, 80 to 83, 91, 93, and 96".

Clause 100: To omit from subclause (1) (d) the expression "139", and substitute the expression "142".

Clause 122: To omit from subclause (2) the words "a controlled area", and substitute the words "an area that is controlled".

Clause 144: To insert in paragraph (m), before the expression "34", the expression "25,".

To omit from *paragraph* (*n*) the expression "sections 20, 25 κ , 25 ι , 28 (6), 30 (5), and 77", and substitute the expression "sections 20, 21, 25 ϵ , 25 ι , 28 (6), 30 (5), 39 (1), and 39 (2)".

To omit from *paragraph* (o) the expression "sections 20, 22, 25N, 25o, 25P, 26 (6), 29 (6), 32, 35, 36, 113 (2), and 123 (9)", and substitute the expression "sections 22, 25N, 25o, 25P, 26 (6), 29 (5), 32, 35, 36, 39 (3), 113 (2), and 123 (9)".

To omit from *paragraph* (*p*) the words "controlled" and "intinerary", and substitute, respectively, the words "biosecurity control" and "itinerary".

Clause 154: To insert in line 20 on page 147, after the expression "(c),", the expression "(d), (e),".

To omit from subclause (3) the expression "154A", and substitute the expression "154B".

Clause 154E: To omit the word "Offences", and substitute the word "Proceedings".

Clause 157: To insert, after paragraph (j), the following paragraphs:

- (ja) Prohibiting or controlling the disposal of garbage and other waste organic material, and providing for controls to prevent access to it by animals:
- (jb) Providing for the treatment of organic material before it is used as food for, or otherwise used in connection with the management of, organisms:

Clause 158: To omit subclause (3), and substitute the following subclauses:

(3) Any regulations made under this Act may confer power to issue directions, orders, requirements, permits, or notices for the purposes of this Act on all or any of the following:

- (a) All Ministers, Ministers of a specified kind or description, or any specified Minister or Ministers:
- (b) All chief executives, chief executives of a specified kind or description, or any specified chief executive or chief executives:
- (c) All principal officers, principal officers of a specified kind or description, or any specified principal officer or principal officers:
- (d) All chief technical officers, chief technical officers of a specified kind or description, or any specified chief technical officer or chief technical officers:
- (e) All inspectors, or inspectors of a specified kind or description:
- (f) All authorised persons, or authorised persons of a specified kind or description.

(4) Regulations made under this Act may authorise the Director-General to exempt—

(a) Any conveyance; or

(b) Conveyances of any kind or description; or

(c) Any other place; or

(d) Other places of any kind or description; or

(e) Any person; or

(f) Persons of any kind or description,—

from any requirement of those regulations, or any other regulations made under this Act, if satisfied that, in the circumstances, the imposition of the requirement on that conveyance, those conveyances, that place, those places, that person, or those persons, is not necessary. Clause 159: To omit clause 159.

Clause 161: To insert, before subclause (3) the following subclause:

(2) All Orders in Council and notices made under the Stock Act 1908 not specified in the **Sixth** Schedule to this Act are hereby revoked.

Clause 161A: To add, as subclause (2) the following subclause:

(2) The regulations specified in Schedule 4A to this Act are hereby amended in the manner indicated in that schedule."

Clause 173: To omit clause 173, and substitute the following clause:

173. Compensation for certain slaughtered animals— (1) Notwithstanding the repeal by section 161 (1) of this Act of the Animals Act 1967, but subject to subsection (2) of this section, that Act shall continue in full effect to the extent necessary for the proper administration of section 42 of that Act in relation to diseases specified in the First Schedule to that Act immediately before its repeal.

(2) When a national pest management strategy comes into effect in relation to any disease specified in the First Schedule to that Act immediately before its repeal, subsection (1) of this section shall cease to have effect in relation to that disease.

Clause 174: To omit from subclause (1) the expression "35, 36, and 37", and substitute the expression "29, 30, 35 to 41, 43 to 53, 55 to 57, 72, 74 to 77, 100, and 103 to 117".

Clause 177: To omit the words "Conservation Act 1987", and substitute the words "principal Act".

First Schedule: To insert, after the word "Minister", the words "(in the case of a national strategy) or the regional council (in the case of a regional strategy)".

Third Schedule: To add to the item relating to the Plants Act 1970 the words "or the export of plant products".

Fourth Schedule: To omit from the item relating to the Local Government Act 1974 the expression "375 (1)", and substitute the expression "37s (1)".

To insert, before the item relating to the Rating Powers Act 1988, the following item:

1986, No. 127—The Environment Act 1986 By inserting in the Schedule, after the item "The Atomic Energy Act 1945", the item "The Biosecurity Act 1993".

To omit from the item relating to the Rating Powers Act 1988 the words "following section", and substitute the words "following sections".

To omit the expression "64" from subsection (1) of proposed new section 34_A of the Rating Powers Act 1988 in the item relating to that Act, and substitute the expression "62 (2)".

To omit from the item relating to the Rating Powers Act 1988 subsections (3) (b), and (4) to (6) of proposed new section 34A of that Act, and substitute the following:

"(b) On a differential basis.

"(4) Section 34B of this Act shall apply to every rate made and levied under this section.

"(5) Nothing in section 34 or section 35 of this Act authorises a regional council to make any rate for the purpose of funding the implementation of a regional pest management strategy otherwise than under this section.

"34B. Provisions applying to pest management rates—(1) Except as otherwise provided in this section and section 34A of this Act, this Act shall apply to every rate made and levied under that section as if it is a separate rate.

"(2) Nothing in section 60 of this Act applies to a rate made under section 34A of this Act.

"(3) Where a regional pest management strategy whose implementation is to be funded by a rate made and levied under section 34A of this Act provides for the making and levying of that rate on a differential basis,—

- "(a) Sections 84 to 87, and section 89, of this Act shall not apply to that rate or its making and levying; and
- levying; and "(b) Sections 81, 82, 88, and 116 of this Act shall apply to that rate and its making and levying on a differential basis as if the strategy is a special order under section 80 of this Act.

"(4) Nothing in Part VI, section 127, or section 129 of this Act authorises the levying of any rate made under section 34A of this Act otherwise than in accordance with the regional pest management strategy whose implementation it is intended to fund.

"(5) Part XII, Part XIIA, Part XIIB, and section 189 of this Act shall apply in respect of a rate made and levied under section 34A of this Act to the extent only that the regional pest management strategy whose implementation it is intended to fund so provides.

"34c. Pest management rates may be identified in consolidated form— Notwithstanding anything to the contrary in section 122 of this Act, any rates assessment delivered to an occupier liable for 2 or more rates under section 34A of this Act—

- "(a) May identify the total amount payable on that assessment for those rates; and
- "(b) In that case, is not required to describe those rates separately."

To insert, after the item relating to the Rating Powers Act 1988, the following item:

1989, No. 44—The Public Finance Act 1989 By omitting from the Fourth Schedule and the Seventh Schedule (as added by section 41 of the Public Finance Amendment Act 1992) the items "Agricultural Pests Destruction Council" and "Noxious Plants Council".

To omit the item relating to the Resource Management Act 1991.

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Schedule 4A: To insert, after the Fourth Schedule, the following schedule:

SCHEDULE 4A

REGULATIONS AMENDED

Regulations	Amendment
The Meat Regulations 1969 (S.R. 1969/192)	By inserting in regulation 179, after the definition of the term "approved slaughtering premises", the following definition: "'Exempted flesh', means any part of any animal or poultry that— "(a) Is in approved slaughtering premise awaiting, undergoing, or after processing pursuant to and in accordance with an exemption
	under regulation 179A of these regulations; or "(b) Is in any other place after processing pursuant to and in accordance with an exemption under regulation
	179A of these regulations:". By revoking the definition in regulation 179 of the term "prohibited flesh", and substituting the following definition: "'Prohibited flesh'—
	"(a) Subject to paragraph (b) of this definition, means an part of any animal or poultr that has not been slaughtered in approved slaughterin
	premises (or, in the case of game, has not been derived from a game packing hous licensed under the Meat Ac 1981); but
	"(b) In relation to any approved pet food factory does not include any exempted flesh:". By inserting, after regulation 179, th
	following regulation: "179A. Director-General ma exempt certain flesh—(1) If satisfied that— "(a) The health of animals eating th
	resulting pet food, the healt of people handling thos animals, and the health of people processing that pe food will not be adversel
	affected; and "(b) Risks to other product and pe food in the factory will b adequately managed,—
	the Director-General may approve the processing in any approved pet foo factory of parts (or parts of any specifie kind or description) of any animal of poultry (or animals or poultry of any specified kind or description) that has
	specified kind of discription, approve slaughtering premises (or, in the case of game, has not been derived from a game

SCHEDULE 4A—continued

REGULATIONS AMENDED—continued

Regulations	Amendment	
	packing house licensed under the Meat Act 1981). "(2) An exemption under subclause (1) of this regulation may be given unconditionally, or subject to any conditions the Director-General thinks fit."	

Fifth Schedule: To omit the Fifth Schedule, and substitute the following schedule:

Section 161 (3)

FIFTH SCHEDULE Orders in Council and Notices Revoked

Title	Gazette Reference of Statutory Regulations Serial Number
The Pests of Local Importance Order 1968	1968, Vol. II, p. 1120
The Pest Destruction Board Postal Voting	
Regulations 1971	1971/166
The Introduction and Quarantine of Plants Regulations 1973	1973/109
The Pests of Local Importance Order 1974	1974, Vol. III, p. 2070
The Pheasant Farming Regulations 1976	1976/148
The Animals Diseases Order 1976	1976/213
The Pests of Local Importance Order 1976,	
No. 1	1976, Vol. I, p. 288
The Pests of Local Importance Order 1976,	1076 Val T - 988
No. 2 The Dannevirke Borough Noxious Weeds	1976, Vol. I, p. 288
Bylaw 1976	1977, Vol. I, p. 86
The Animals Diseases Order 1978	1978/168
Revocation of Deer Farming Regulations	1979/108
The Animals (Fish) Diseases Order 1980	1980/165
The Agricultural Pests Destruction Amend-	
ment Act Commencement Order 1981	1981/73
The Agricultural Pest Destruction Boards	1981/74
Accounting Regulations 1981 The Agricultural Pest Destruction Boards	1301/14
(Chairmen's Allowances) Notice 1981	1981/79
Revocation of the Nursery Registration	,
Regulations	1981/101
The Animals Diseases Order 1981	1981/256
Revocation of Sale of Honey (Export Con-	1000/191
trol) Regulations	1982/131
ment Order 1983	1983/63
The Agricultural Pests (Exemption of	
Domestic Rabbits) Order 1985	1985/97
Revocation of the Grape Vine Disease Reg-	
ulations	1985/169
Revocation of the Sausage Casing Importa-	1085/806
tion Regulations	1985/306 1986, Vol. V, p. 4848
The Introduction and Quarantine of Plants	1000, 101 1, p. 1010
Regulations 1973, Amendment No. 4	1987/349
Revocation of the Potato Cyst Nematode	
Regulations	1989/153
The Animals (Equine Viral Arteritis) Order	1080/940
1989	1989/240

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Title	Gazette Reference of Statutory Regulations Serial Number
The Agricultural Pests (Exemption of Domestic Rabbits) Order 1985, Amend- ment No. 1	1991/289
The Animals Diseases Order 1992	1992/246

Sixth Schedule: To omit the following items:

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The Pests of Local Importance Order 1974 The Pests of Local Importance Order 1976,	1974, Vol. III, p. 2070
No. 1	1976, Vol. I, p. 288
The Pests of Local Importance Order 1976,	-
No. 2	1976, Vol. I, p. 288
The Animals Diseases Order 1978	1978/168
The Pests of Local Importance Order 1986	1986, Vol. V, p. 4843
The Animals (Equine Viral Arteritis) Order	-
1989	1989/240
The Animals Diseases Order 1992	1989/240 1992/46

To insert, in their appropriate chronological order, the following items:

The Animals (Quarantine and Import	
Inspection Fees) Regulations 1987	1987/325
The Animals (Import Permit Fees) Regula-	
tions 1988	1988/290
The Cattle Brucellosis and Tuberculosis	
Control Amendment No. 11	1989/408
The Cattle Brucellosis and Tuberculosis	
Control Amendment No. 12	1992/308

To omit from the 10th item on page 182 the word "Introductions", and substitute the word "Introduction".

To omit from the 17th item on page 182 the words ", Amendment No. 1".

To omit from the 19th item on page 182 the expression "59", and substitute the expression "51".

To omit from the 9th item on page 183 the expression "189", and substitute the expression "89".

To omit from the second column of the 14th and 15th items on page 184, and of the 1st to 19th items on page 185, the expressions "2224", "2225", "2226", and "2227", and substitute, respectively, the expressions "2524", "2525", "2526", and "2527".

EXPLANATORY NOTE

Proposed new *clause 251* extends to plants and microbes the restriction, contained in *clause 251* in its present form, on the giving of clearances for animals not established in New Zealand. No clearances will be able to be given for plants whose introduction is at present absolutely prohibited. Other plants, and microbes, will be subject to the criteria at present applied to animals by section 13 of the Animals Act 1967.

Proposed new *clause 25MA* gives inspectors express power to deal with risk goods that remain on board a craft that has entered New Zealand territory. An inspector may require the person in charge of the craft (at that person's discretion) to deal with the goods as the inspector directs, move the craft outside New Zealand territory, or have the goods destroyed. If the direction is not complied with, the inspector may direct the craft to leave New Zealand territory, or seize and destroy the goods. Regulations under the Bill may, however, prescribe how risk goods of any kind on craft of any kind are to be dealt with while in New Zealand territory; and compliance with any regulations applicable to any particular goods and craft is deemed to be a sufficient compliance with an inspector's direction.

The amendment to *clause 61* removes the present requirement that regional councils must (unless satisfied that there is no significant opposition) appoint a hearings commissioner to inquire into a proposal for a regional pest management strategy, and instead makes the appointment of a hearings commissioner optional.

Proposed new *paragraphs* (*ja*) and (*jb*) of *clause 157* permit the making of regulations controlling the disposal of garbage and other waste organic material, and the treatment of organic material before it is used as food for, or otherwise in connection with the management of, animals or plants.

The proposed amendments to *clause 158* clarify the extent to which regulations may confer power on Ministers, chief executives, principal officers (of regional councils), chief technical officers, inspectors, and "authorised persons" to issue directions, orders, etc., and also enable regulations to empower the Director General of Agriculture and Fisheries in some cases to grant exemptions from requirements imposed by regulation.

The other amendments are of a verbal or technical nature only.

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