



## **Biosecurity Amendment Act (No 2) 2008**

Public Act 2008 No 21  
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 Biosecurity Amendment Act (No 2) 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 Biosecurity Act 1993.

## 4 Interpretation

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

“**incidentally imported new organism** has the same meaning as in section 2(1) of the Hazardous Substances and New Organisms Act 1996”.

## 5 Import health standards

Section 22 is amended by inserting the following subsection after subsection (1):

“(1A) An import health standard issued under this section applies to goods the importation of which involves, or might involve, an incidentally imported new organism.”

## 6 New section 22A

The following section is inserted after section 22:

### “22A Process for independent review panel to be established

“(1) The Director-General must, by notice in the *Gazette*, set out the process by which an independent review panel is to be established to review whether, in developing an import health standard, there has been sufficient regard to the scientific evidence about which a person consulted under section 22(6) has raised a significant concern.

“(2) The notice required by subsection (1) must cover the following matters:

“(a) the criteria for setting up an independent review panel; and

“(b) how the Director-General will appoint an independent review panel, including the knowledge and experience required for appointees; and

“(c) the procedures to be followed by—

- “(i) a person eligible to seek a review under subsection (1); and
  - “(ii) an independent review panel, in undertaking its review; and
  - “(d) the reporting requirements for an independent review panel.
- “(3) The Director-General must receive any report from an independent review panel and, as soon as is reasonably practicable, determine the issue in dispute after taking into account the findings and recommendations of the independent review panel, giving reasons for that determination.
- “(4) The Director-General must issue a notice under subsection (1) not later than 1 July 2008.”

#### **7 Restrictions on giving clearances**

Section 28 is amended by inserting the following subsection after subsection (1):

- “(1A) However, subsection (1) does not prohibit an inspector from giving a biosecurity clearance for goods the importation of which involves, or might involve, an incidentally imported new organism.”

#### **8 Validation of import health standards**

- (1) Every import health standard issued before the commencement of this Act (including, but not limited to, the *Import Health Standard for the Importation into New Zealand of Specified Bee Products from Australia*, dated 2 August 2006) is, and has always been, as valid and effectual as if this Act had come into force on 29 July 1998.
- (2) However, a validation of an import health standard under subsection (1) only applies if, and to the extent that, the import health standard is invalid because it applies to goods the importation of which involves, or might involve, an incidentally imported new organism.

#### **9 Suspension of power to give biosecurity clearance**

Despite section 8, no biosecurity clearance may be given under section 26 of the principal Act for any goods to which the

*Import Health Standard for the Importation into New Zealand of Specified Bee Products from Australia*, dated 2 August 2006 applies, until the Director-General has—

- (a) received a report from an independent review panel set up in consultation with the National Beekeepers Association of New Zealand to consider the scientific evidence in dispute in relation to that import health standard; and
- (b) determined whether any amendment to that import health standard is necessary to achieve the purpose of Part 3 of the principal Act; and
- (c) publicly notified that determination.

#### **10 Validation of biosecurity clearances, etc**

- (1) Any biosecurity clearances or the exercise of other powers under Part 3 of the principal Act before the commencement of this Act (including, but not limited to, biosecurity clearances given in accordance with the *Import Health Standard for the Importation into New Zealand of Specified Bee Products from Australia*, dated 2 August 2006) are, and always have been, as valid and effectual as if this Act had come into force on 29 July 1998.
  - (2) However, a validation under subsection (1) only applies to a biosecurity clearance or exercise of other power if, and to the extent that, the clearance or exercise of other powers is invalid because it applies to goods—
    - (a) the importation of which involves, or might involve, an incidentally imported new organism; and
    - (b) whose movement and use includes any new organisms incidentally imported while they remain in or on those goods.
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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 198–3A
3 April 2008	Third reading
8 April 2008	Royal assent

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This Act is administered by the Ministry of Agriculture and Forestry.

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