



ANALYSIS

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 1994, No. 24

An Act to amend the Biosecurity Act 1993

[1 July 1994]

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

1. Short Title—This Act may be cited as the Biosecurity Amendment Act 1994, and shall be read together with and deemed part of the Biosecurity Act 1993 (hereinafter referred to as the principal Act).

2. Powers of regional councils—(1) Section 13 of the principal Act is hereby amended by repealing paragraph (e).

(2) The said section 13 is hereby further amended by inserting, after paragraph (f), the following paragraph:

“(ff) Where the council has, under section 100 of this Act, agreed or arranged that steps to bring an organism under control should be taken by some person or persons other than the council, to meet (in part or in whole) the costs to that person or those persons of the taking of those steps:”.

(3) The said section 13 is hereby further amended by adding, as subsection (2), the following subsection:

“(2) Subject to sections 97 to 99 of this Act, every regional council has all the powers of a territorial authority under section 14 of this Act; and every reference in that section to a territorial authority (or territorial authorities) shall be read as

including a reference to a regional council (or regional councils).”

3. Powers of territorial authorities—Section 14 of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraphs:

“(d) If, and only if,—

“(i) A pest management strategy provides for certain actions to be taken; but does not expressly provide for them to be taken by territorial authorities, territorial authorities of a class or description to which the authority belongs, or the authority; and

“(ii) The management agency for the strategy agrees with the authority that the authority will take those actions and the agency will meet the authority’s costs in doing so,—
to take those actions:

“(da) To the extent only that any national pest management strategy provides for—

“(i) Territorial authorities; or

“(ii) Territorial authorities of a class or description to which the authority belongs; or

“(iii) The authority,—

to make contributions towards the costs of the implementation of that strategy, to make such contributions (from the authority’s general funds or from any fund dedicated for the purpose):

“(db) To make and levy rates under the Rating Powers Act 1988 for the purpose of making any contributions that the authority is empowered by paragraph (da) of this section to make:”.

4. Rating powers of regional councils in relation to national pest management strategies—The principal Act is hereby amended by inserting, after section 99, the following section:

“99A. Nothing in—

“(a) Sections 97 to 99 of this Act; or

“(b) Sections 34A to 34C of the Rating Powers Act 1988; or

“(c) Section 6 of the Biosecurity Amendment Act 1994,—

limits or affects the powers of any regional council under the Rating Powers Act 1988 to make and levy rates for the purpose of exercising any of the powers conferred on it by this Act in relation to national pest management strategies, or for the

purpose of exercising any of the powers conferred on it by section 13 (1) (ff) or section 100 of this Act.”

5. Transitional control of agricultural pests—Section 179 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The provisions of the Agricultural Pest Destruction Act 1967 and the Rating Powers Act 1988 continued in effect by subsection (1) of this section shall have effect in relation to—

“(a) Possums; and

“(b) Organisms belonging to a class or description of organism for the time being declared by the Director-General by notice in the *Gazette* to be vectors of tuberculosis for the purposes of this section,—

as if they are pests (within the meaning of that Act) not only by virtue of the effect that they have or may have by virtue of their inherent nature, but also by virtue of the fact that they act or may act as vectors for tuberculosis.”

6. Disease control operations of Animal Health Board—Until the close of the 30th day of June 1996, every regional council has power,—

- (a) By agreement with the Director-General, to undertake all or any part of the implementation of any disease control programme under the Animals Act 1967;
- (b) To fund, directly or indirectly, the implementation of any such programme;
- (c) To make and levy rates under the Rating Powers Act 1988 accordingly.

7. Validations—For the avoidance of doubt,—

- (a) The actions of every regional council and pest destruction board before the commencement of this Act are hereby deemed to have been as valid and effectual as if every declaration under section 3 (1) (b) of the Agricultural Pests Destruction Act 1967 that possums are pests of local importance in respect of its district (or any part of its district) had effect that possums are pests of local importance not only by virtue of the effect that they have or may have on plants, but also by virtue of the fact that they act or may act as vectors for tuberculosis; and
- (b) The actions of every regional council and pest destruction board before the commencement of this Act are

hereby deemed to have been as valid and effectual as if it had always had the powers referred to in section 6 of this Act (in the case of actions taken before the commencement of section 208 of the Rating Powers Act 1988, as if the reference in paragraph (c) of the said section 6 to this Act is a reference to the Agricultural Pests Destruction Act 1967).

This Act is administered in the Ministry of Agriculture and Fisheries.
