

Regulatory Systems (Primary Industries) Amendment Bill

Legislative Statement – First Reading

Presented to the House in accordance with Standing Order 272

Overview of the Bill

1. The Regulatory Systems (Primary Industries) Amendment Bill (the Bill) makes minor and technical amendments to a range of primary sector legislation administered by the Ministry for Primary Industries (MPI).
2. The Bill is an omnibus Bill introduced in accordance with Standing Order 267(1)(c), which provides that an omnibus Bill may be introduced with the Business Committee’s agreement.
3. The policy objective for the Bill is to maintain the effectiveness and efficiency of the regulatory systems established by the Acts administered by MPI and ensure legislation remains fit for purpose, by:
 - clarifying and updating statutory provisions to give effect to the purpose of various Acts and their provisions;
 - addressing regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation;
 - ensuring the regulatory system remains up to date and relevant; and
 - reducing administrative burden for regulators and regulated parties.
4. The Bill is comprised of 19 Parts. Each Part relates to a different principal Act, described in the following table.

Part	Act	Portfolio
1.	Agricultural Compounds and Veterinary Medicines Act 1997	Food Safety
2.	Animal Products Act 1999	Food Safety
3.	Repeal of Animal Products (Ancillary and Transitional Provisions) Act 1999	Food Safety
4.	Animal Welfare Act 1999	Agriculture
5.	Biosecurity Act 1993	Biosecurity
6.	Commodity Levies Act 1990	Agriculture
7.	Dairy Industry Restructuring Act 2001	Agriculture
8.	Fisheries Act 1996	Oceans and Fisheries
9.	Food Act 2014	Food Safety
10.	Repeal of Food Safety Law Reform Act 2018	Food Safety
11.	Forests Act 1949	Forestry
12.	Repeal of Forests (West Coast Accord) Act 2000	Forestry
13.	Repeal of Hop Industry Restructuring Act 2003	No Portfolio
14.	Kaikoura (Te Tai o Marokura) Marine Management Act 2014	Oceans and Fisheries
15.	National Animal Identification and Tracing Act 2012	Biosecurity
16.	Primary Products Marketing Act 1953	Agriculture
17.	Walking Access Act 2008	Agriculture
18.	Wine Act 2003	Food Safety
19.	Repeal of Wool Industry Restructuring Act 2003	Agriculture

Cross-cutting amendments

The Bill contains five cross-cutting amendments that make the same change within and across multiple Acts. The cross-cutting amendments are described here.

Cross-Cutting Amendments		
Reference	Amendment	Explanation / Rationale
CC-1	Power to make minor amendments without full statutory processes (such as consultation or decision-making processes) where the effect of proposed amendment is no more than minor, or corrects minor or technical errors.	Some MPI delegated legislation contains incorrect logos (e.g. New Zealand Food Safety Authority or Ministry of Agriculture and Forestry logos), out of date cross-references, and spent provisions. Delegated legislation is repealed and replaced rather than amended like primary legislation, which means that currently mandated statutory processes apply to the entirety of the document for every minor change.
CC-2	Changes overly specific consultation methods to become a list of options the Director-General (or appropriate decision-maker) may choose from.	Some Act-mandated consultation retains overly prescriptive methods that have not kept up with the times (such as an obligation to use specific regional newspapers). More recent drafting practice is for the decision-maker to instead be satisfied of the appropriateness of the consultation method.
CC-3	Requires publishing of instruments on an MPI website and only notification via the <i>New Zealand Gazette</i> .	Some Acts administered by MPI require decisions to be made via notice <i>in the Gazette</i> , rather than made somewhere else and simply notified in the <i>Gazette</i> (like regulations do). This leads to uncertainty about how to amend these notices, and long expensive additions in the <i>Gazette</i> that could be more conveniently located for users in one place on appropriate websites.
CC-4	Removes confirmation requirement from some secondary legislation.	The 2020 <i>Inquiry into parliamentary scrutiny of confirmable instruments</i> found that confirmation processes might be inappropriate for secondary legislation in certain cases, such as where there is little or no discretion involved in the substance of the secondary legislation. In such cases the Inquiry recommended the confirmation requirement be removed as additional Parliamentary oversight is not necessary.
CC-5	Repeals inactive legislation.	A number of Acts remain on the statute book despite their provisions having been spent. The Bill will repeal those Acts.

Title and commencement

<i>Title and commencement</i>		
<i>Clause</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
1.	Title clause.	
2.	Commencement date for the Bill.	<p>(1) Subpart 2 of Parts 1, 2, 4, 9, 10, 16, and 19 come into force either on a date or dates set by Order in Council, or 24 March 2026, whichever comes first.</p> <p>(2) Subpart 3 of Part 1 comes into force 12 months after the rest of the Bill under subsection (3). It ends the one-year transition supporting amendments to include inhibitors under the Agricultural Compounds and Veterinary Medicines Act 1997 and its secondary legislation.</p> <p>(3) The remainder comes into force on the day after the date the Bill receives the Royal assent.</p>

Part 1 – Amendments to Agricultural Compounds and Veterinary Medicines Act 1997 and secondary legislation made under that Act

<i>Agricultural Compounds and Veterinary Medicines Act 1997 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
<i>Subpart 1 – Amendments coming into force on day after Royal assent</i>			
3.	–	Defines principal Act.	
4.	2 (<i>Interpretation</i>)	<p>Amends the definition of agricultural compound in section 2(1) to include substances used for the purpose of mitigating adverse impacts on the environment or mitigating emissions that contribute to climate change.</p> <p>Section 2(2) is also amended in relation to the definition of agricultural compound. The amendment provides for regulations that specify a purpose for which a substance, mixture of substances, or biological compound is used or intended to be used.</p>	Enables greater flexibility to regulate agricultural compounds, including inhibitors, by their use or purpose.
5.	22 (<i>Term of registration</i>)	Adds reference to new section 22B(2).	The provision sets out when a trade name product registration expires. The new renewal process is being added to the expiry provision.

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<i>Agricultural Compounds and Veterinary Medicines Act 1997 (Portfolio: Food Safety)</i>			
Clause	Section	Amendment	Explanation / Rationale
6.	New sections 22A (<i>Renewal of registration</i>) and 22B (<i>Decision on application for renewal</i>)	Provides for renewal of trade name product registration.	Currently the Act does not provide for renewals of trade name product registrations that are due to expire. Currently, registrants are required to make a new application for registration.
7.	32A (<i>Cancellation of registration</i>)	Adds reference to levies.	Section 32A provides that registration may be cancelled if fees or charges are unpaid. This amendment adds unpaid levies to those criteria.
8.	33 (<i>No compensation or damages for loss arising from certain changes</i>)	Clarifies no compensation or damages are payable for any loss arising from actions taken under section 81J(1)(c) (<i>Penalties for failure to pay fee, levy or charge</i>).	Section 33 provides that no compensation or damages are payable for any loss arising from a number of different types of actions taken under the Act. This amendment will add reference to section 81J(1)(c) where the Director-General has withdrawn a service until debt is paid in accordance with section 16 of the Act.
9.	44ZN (<i>Director-General may issue notices for certain matters</i>)	Adds reference to new sections.	New provisions have been added to section 76A which impact the requirements in section 44ZN.
10.	Repeals section 76A (<i>Director-General may set specifications and other detailed requirements</i>)	Repeals section 76A and reinserts in the correct location (see clause 11 below).	Corrects a drafting error. Currently section 76A incorrectly precedes section 76.
11.	New section 76A (<i>Director-General may set specifications and other detailed requirements</i>)	Inserts new section 76A after section 76. (4) & (5) See CC-1.	
12.	81E (<i>Regulations may impose levies</i>)	See CC-4.	
13.	–	Defines principal regulations.	Clauses 14 and 15 amend the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011.

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Agricultural Compounds and Veterinary Medicines Act 1997 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
14.	Regulation 3 (<i>Interpretation</i>)	Amends the definition of 'inhibitor substances'.	Replaces the definition of 'inhibitor substance' with 'inhibitor' during a one-year transition from the commencement of the Bill to align with changes to the definition of an 'agricultural compound' in clause 4 of the Bill.
15.	Schedule 2	Amends Schedule 2 of the Regulations, which exempts agricultural compounds from registration	The amendment supports the one-year transition for inhibitors granted by Clause 2(2) of the Bill.
16.	–	Revokes Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Amendment Regulations 2022.	These instruments are being revoked as they will be superseded by amendments made under Clauses 4, 14 and 15 of the Bill.
17.	–	Revokes Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022.	
18.	–	Defines principal Act.	Clause 19 amends the Legislation Act 2019.
19.	Schedule 4, Part 1	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 12 affects a confirmation requirement in the Agricultural Compounds and Veterinary Medicines Act.
Subpart 2 – Amendments coming into force under clause 2(1)			
20.	–	Defines principal Act.	This subpart amends the Agricultural Compounds and Veterinary Medicines Act 1997.
21.	76A (<i>Director-General may set specifications and other detailed requirements</i>)	See CC-3.	
22.	78A (<i>Certain secondary legislation or published instruments may be consolidated</i>)		
Subpart 3 – Amendments coming into force under clause 2(2)			

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<i>Agricultural Compounds and Veterinary Medicines Act 1997 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
23.	–	Defines principal regulations.	This subpart amends the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011.
24.	Regulation 3 <i>(Interpretation)</i>	Revokes definition of 'inhibitor'.	These clauses come into effect 12 months after the Bill has commenced and ends the one-year transition provided for inhibitors under Clauses 14 and 15.
25.	Schedule 2	Revokes the exemption from registration for 'inhibitors'.	

Part 2 – Amendments to Animal Products Act 1999 and secondary legislation made under that Act

<i>Animal Products Act 1999 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
<i>Subpart 1 – Amendments coming into force on day after Royal assent</i>			
26.	–	Defines principal Act.	
27.	1 (<i>Short Title and commencement</i>)	Repeals clause relevant to Animal Products (Ancillary and Transitional Provisions) Act 1999.	Part 3 of this Bill repeals the Animal Products (Ancillary and Transitional Provisions) Act 1999.
28.	4 (<i>Interpretation</i>)	Enables the definition of primary processor to be set by regulations rather than in a <i>Gazette</i> notice.	Currently, the definition of ‘primary processor’ is not set through the same instrument as the empowering regulations. This results in unnecessary complexity. Empowering amendments to the definition of primary processor by Order in Council and adding a new section empowering regulations will improve user experience with the regime by keeping all relevant requirements in one instrument – the regulations.
29.	Repeals section 6 (<i>References to this Act include references to Animal Products (Ancillary and Transitional Provisions) Act 1999, etc</i>)	Repeals the section.	Part 3 of this Bill repeals the Animal Products (Ancillary and Transitional Provisions) Act 1999.
30.	Repeals section 6C (<i>Transitional, savings, and related provisions relating to amending Acts</i>)	Repeals the section.	
31.	14 (<i>Director-General may grant limited exemption from requirement to have risk management programme</i>)	See CC-1.	

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Animal Products Act 1999 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
32.	26 (<i>Notification of minor amendments to risk management programmes</i>)	Amends section 26 to allow regulations to specify which minor amendments to risk management programmes must be notified to the Director-General and the timeframe within which they must be notified.	This amendment enables greater flexibility by allowing regulations to be made to specify which minor amendments need to be notified to the DG (as opposed to receiving a notification of all minor amendments) and to specify the timeframe for notification (as opposed to setting intervals).
33.	38 (<i>Nature of regulated control schemes</i>)	See CC-1.	
34.	50 (<i>Director-General may exempt certain consignments, animal material or animal products, or persons</i>)	(1) Enables an exemption to be made for export of goods for personal use or other non-commercial use. (2) See CC-1.	Currently people wanting to send goods overseas for personal use or as gifts must be registered exporters and must meet all other requirements – unless exempted. This is impractical and an unnecessary burden for small retail customers. This amendment will allow the Director-General to exempt by notice people who send goods overseas for personal use or as gifts from exporter requirements.
35.	60 (<i>Export requirements</i>)	See CC-1.	
36.	60B (<i>Exemption from animal product standards where appropriate</i>)		
37.	81A (<i>Director-General may require declarations as to supply or movement of animals, animal material, or animal products</i>)		
38.	New section 86AAA (<i>Approvals by Director-General</i>)	Authorises the Director-General to approve a document, material, facility, person or class of person to be used if regulations require it and sets out approval requirements See CC-1 for subclauses (5) to (9).	This duplicates existing provisions in section 291(1) of the Food Act 2014 and will provide more flexibility under the Animal Products Act to manage food safety risks. It improves consistency between the two Acts.

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Animal Products Act 1999 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
39.	118 (<i>Regulations may impose levies</i>)	See CC-4.	
40.	136 (<i>Defence for persons charged with breach of duty or failure to comply</i>)	Allows the court to permit written notice of a defence to be delivered to the prosecutor within a time that is less than 14 days before the date on which the hearing of proceedings commences.	This amendment clarifies that the Court is able to permit a defence to be filed within a timeframe that is less than 14 days.
41.	158 (<i>Identification, differentiation, and security systems and devices</i>)	See CC-1.	
42.	163 (<i>Consultation requirements for making of certain Orders in Council, regulations, and notices</i>)		
43.	166 (<i>Regulations</i>)	Enables regulations to be made in respect of: (1) minor amendments to a risk management programme that must be notified to the Director-General. (2) requiring the listing of any person, thing or premises for specified purposes.	See clause 32 above in respect of minor amendments. Amendments in respect of list of any person, thing or premises removes uncertainty with existing empowering provisions and practice.
44.	167 (<i>Notices</i>)	See CC-1.	
45.	New section 167AA (<i>Regulations about approved documents, materials, or facilities, or persons or classes of person</i>)	Enables regulations about approved documents, materials, facilities, persons or classes of persons.	This provision will duplicate existing requirements in section 386 of the Food Act 2014 and works in conjunction with the new Section 86AAA (inserted by clause 38 above) by enabling regulations to be made to require a document, material, or facility, or an approved person or an approved class of persons to be used and set out matters that the Director-General must take into account when making such approvals.
46.	New section 167C (<i>Making instruments that make minor amendments or correct minor or technical errors</i>)	See CC-1.	

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Animal Products Act 1999 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
47.	Repeals section 169 (<i>Repeals, amendments, and transitional provisions appear in Animal Products (Ancillary and Transitional Provisions) Act 1999</i>) and related cross-heading	Repeals the section.	Part 3 of this Bill repeals the Animal Products (Ancillary and Transitional Provisions) Act 1999.
48.	–	Defines principal regulations.	Clauses 49-51 amend the Animal Products Regulations 2021.
49.	New regulation 3B (<i>Operations that categorise a person as a primary processor</i>)	Amends the regulations to specify the operators or processes performed by a person that make them a primary processor.	See clause 28.
50.	223 (<i>List of persons, premises, and things</i>)	Revokes the regulation.	See clause 43.
51.	New Schedule 1A	Amends the regulations to specify the operators or processes performed by a person that make them a primary processor.	See clause 28.
52.	–	Revokes the Animal Products (Definition of Primary Processor) Notice 2000.	The contents of the Notice are in the Regulations as per clause 51.
53.	–	Defines principal Act.	Clause 54 amends the Legislation Act 2019.
54.	–	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 39 affects a confirmation requirement in the Animal Products Act.
Subpart 2 – Amendments coming into force under clause 2(1)			
55.	–	Defines principal Act.	This subpart amends the Animal Products Act 1999.
56.	4 (<i>Interpretation</i>)	Enables the Minister to declare a creature or entity to be an animal for the purposes of the Act by notice under s 167(1).	Clarifies that the Ministers declaration is made by notice under s 167(1).
57.	41 (<i>Emergency control schemes</i>)	See CC-3.	
58.	46 (<i>Emergency animal product standards</i>)		
59.	81B (<i>Director-General may impose movement and related controls</i>)		

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<i>Animal Products Act 1999 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
60.	167B (<i>Certain secondary legislation or published instruments may be consolidated</i>)		

Part 3 – Repeal of Animal Products (Ancillary and Transitional Provisions) Act 1999

<i>Animal Products (Ancillary and Transitional Provisions) Act 1999 (Portfolio: Food Safety)</i>		
<i>Clause</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
61.	See CC-5.	

Part 4 – Amendments to Animal Welfare Act 1999

<i>Animal Welfare Act 1999 (Portfolio: Agriculture)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
62.	–	Defines principal Act.	
Subpart 1 – Amendments coming into force on day after Royal assent			
63.	36 (<i>Obligations relating to traps</i>)	Specifies the maximum fine a person is liable for on conviction with respect to an offence under section 36(1).	Section 36(1) sets out obligations to inspect traps used to catch animals. It requires trappers to inspect their live-capture traps daily to minimise harm to the trapped animal. Subsection (3) states that failure to comply with subsection (1) is an infringement offence and regulation 62 of the Animal Welfare (Care and Procedures) Regulations 2018 states that the infringement fee for an infringement offence against section 36(3) is \$300. However, section 36(3) fails to state that a failure to comply with subsection (1) is an offence and does not specify a maximum fine upon conviction.
64.	43 (<i>Consideration of application</i>)	Adds a new matter the Director-General must have regard to when considering an application for an animal welfare export certificate.	Clarifies the policy intent to explicitly include any breaches of previous conditions.
65.	81 (<i>Effect of this Part</i>)	Clarifies that nothing in regulations made under the Act prevent animals being used in research, testing, or teaching (RTT), except where an activity is specifically prohibited in the course of RTT.	There is a lack of clarity, and resulting confusion, about the effect of Animal Welfare regulations on research, testing and teaching.

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Animal Welfare Act 1999 (Portfolio: Agriculture)			
Clause	Section	Amendment	Explanation / Rationale
66.	89 (<i>Application for approval</i>)	Corrects an incorrect cross-reference and allows a returning code holder who has received an unsatisfactory report to apply for a subsequent period if they have taken all actions, they were required to take to achieve a satisfactory level of compliance.	A code holder who has received an unsatisfactory report is currently unable to apply for a subsequent code of ethical conduct, even if they have taken all actions, they were required to take in order to achieve a satisfactory level of compliance. This is compounded by an incorrect cross-reference.
67.	94 (<i>Duration of approval</i>)	Allows the period of approval for a code of ethical conduct to begin at a different date to the date of publication in the <i>New Zealand Gazette</i> of the notice of the approval of that code.	At present, the duration of a code of ethical conduct must begin at the date of the publication of a notice of approval for that code in the <i>Gazette</i> . There is currently a problem when a code expires during a period when the <i>Gazette</i> notice is not published, such as weekends or public holidays. In such cases, a code must be approved (and concurrently enter into force) before then. Allowing for codes to commence at a different date would avoid premature rescinding of the previous code.
68.	New sections 182A to 182F 182A (<i>Fees and charges to constitute debt</i>) 182B (<i>Penalties for failure to pay fee or charge</i>) 182C (<i>Dispute does not suspend obligation to pay fee, charge, or penalty</i>) 182D (<i>Penalty for failure to pay statutory debt</i>) 182E (<i>Waiver of penalty</i>) 182F (<i>Services may be withdrawn until debt paid</i>)	Creates a provision to enable MPI to withdraw or suspend services and recover costs for non-payment of debt to MPI.	This duplicates existing provisions in the Animal Products Act 1999 and the Food Act 2014
69.	Schedule 4	Clarifies that new section 182D does not apply retroactively.	See clause 68.

Subpart 2 – Amendments coming into force under clause 2(1)

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<i>Animal Welfare Act 1999 (Portfolio: Agriculture)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
70.	<i>76 (Amendment or revocation of code of welfare)</i>	See CC-3.	
71.	<i>Section 91 (Approval of code of ethical conduct)</i>		
72.	<i>96 (Amendment, suspension, or revocation)</i>		
73.	<i>109 (Accredited reviewers)</i>		
74.	<i>112 (Performance standards)</i>		
75.	<i>121 (Approved organisations)</i>		
76.	<i>123 (Amendment or revocation of declaration)</i>		
77.	<i>134 (Appointment of inspectors)</i>		
78.	<i>184A (Certain secondary legislation or published instruments may be consolidated)</i>		
79.	<i>189 (Transitional provision relating to approved organisations)</i>		

Part 5 – Amendments to Biosecurity Act 1993 and regulations made under that Act

<i>Biosecurity Act 1993 (Portfolio: Biosecurity)</i>			
Clause	Section	Amendment	Explanation / Rationale
80.	–	Defines principal Act.	
81.	New section 7G (<i>Transitional, savings, and related provisions</i>)	Explains transitional, savings and related provisions.	The Schedule clarifies that changes to time limits for compensation are not retroactive.
82.	17 (<i>Notice of craft's intended arrival in New Zealand</i>)	Specifies matters that must be included in a notice of intended arrival where the intended port or destination has changed.	Currently there is no requirement to provide subsequent notice under section 17(9) and (10) when it becomes impracticable to go to the port stated in the notice of arrival.
83.	23 (From draft to recommendation)	See CC-1.	
84.	24B (Amendment, revocation, suspension, and reinstatement)		
85.	24F (From draft to recommendation)		
86.	24H (<i>Amendment, revocation, suspension, and reinstatement</i>)		
87.	27 (<i>Requirements for clearances</i>)	Clarifies that aggregate reporting is permitted for classes of goods receiving clearance for entry into New Zealand.	Section 27 requires that guidelines and directions issued for goods receiving clearance, and details about decisions to give clearance to goods, are made available on an internet site. It is not clear if aggregate reporting relating to classes of goods is permitted – i.e. if the reporting can relate to classes of goods as opposed to individual consignments of goods, which can make the published information simpler to read and more user-friendly.

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Biosecurity Act 1993 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
88.	35 (<i>Duties of persons in biosecurity control areas</i>)	Enables inspectors in biosecurity control areas to request documentation relating to imported goods.	Under section 35, officers can only require and make copies of a passport or other evidence of identity, but no other documentation. Inspectors can ask for goods to be made available for inspection but cannot request or copy documentation that relates to those goods. The absence of this power makes it more difficult to make a risk assessment.
89.	37 (<i>Approval of ports as places of first arrival</i>)	See CC-1.	
90.	39 (<i>Approval and cancellation of approval of transitional facilities and containment facilities</i>)	(1) Aligns powers for Containment Facilities with those for Transitional Facilities. (2) See CC-1.	The Director-General has powers to specify that a Transitional Facility approval may expire at a specified time or at the occurrence of a specified event. There are no equivalent powers for Containment Facilities, which means MPI may be less able to manage biosecurity risks flexibly and effectively at those facilities.
91.	67 (<i>Exemptions from rules</i>)	See CC-1.	
92.	87 (<i>Exemptions from rules</i>)		
93.	100I (<i>Compensation</i>)	Adds a time limit of 3 months after a final assessment of a claim has been communicated to the claimant to submit disputes to arbitration.	Currently, there is no time limit for person to make a submission to arbitration if they dispute the amount of compensation paid or their eligibility for compensation under the Biosecurity Act 1993. This means disputes cannot be completely resolved and finalised as disputes can continue to be submitted at any point after arbitration proceedings. Disputes should be resolved in a timely manner.
94.	100L (<i>Levy orders</i>)	See CC-4.	

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Biosecurity Act 1993 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
95.	100N (<i>Contents of order</i>)	Clarifies the ability for regulations to set a process for determining remuneration amounts for auditors or mediators.	This amendment clarifies that the regulations can set the procedure for determining the remuneration levels, rather than the levy orders having to set the specific dollar amount for remuneration.
96.	100ZB (<i>Readiness or response levy orders</i>)	See CC-4.	
97.	100ZD (<i>Contents of order</i>)	Clarifies the ability for regulations to set a process for determining remuneration amounts for auditors or mediators.	This amendment clarifies that the regulations can set the procedure for determining the remuneration levels, rather than the levy orders having to set the specific dollar amount for remuneration.
98.	105C (<i>Audits</i>)	Clarifies that audit powers extend to containment facility standards for standards issued under the Hazardous Substances and New Organisms Act 1996.	MPI, as the auditor of containment facilities, needs to have authority to audit against the relevant standards for the facility.
99.	111 (<i>Entry in respect of offences</i>)	(1) Removes prescribed form for a search warrant. (2) Removes requirement for an inspector exercising a warrant to be accompanied by a constable.	(1) Section 111 of the Act is the only provision in legislation that is administered by MPI that has a prescribed form for a search warrant in the Act rather than relying on provisions in the Search and Surveillance Act 2012. This amendment will align this provision with the rest of the Biosecurity Act 1993 and other MPI - administered legislation. The requirement for a constable to accompany inspectors exercising search warrants causes logistical and resourcing difficulties for both MPI and New Zealand Police. MPI inspectors are trained in the execution of search warrants so the constable's presence is often redundant.

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Biosecurity Act 1993 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
100.	114A (<i>Application of articles or substances from aircraft</i>)	See CC-2.	
101.	116 (<i>Power to seize and dispose of unauthorised goods</i>)	Enables seizure of risk goods at the border to include seizure of evidence of offending.	Currently MPI can seize risk goods but cannot seize evidence of offending, which creates both evidential and potential biosecurity risks when evidence of offending cannot be detained at the border.
102.	121 (<i>Power to examine organisms</i>)	Clarifies that directions can be given orally, either in person or by telecommunication means, where reasonable.	Currently the Act is not clear that directions given by an inspector or authorised person in relation to organisms or pests can be given orally.
103.	122 (<i>Power to give directions</i>)		
104.	126 (<i>Inspection of an intervention in transitional facilities and containment facilities</i>)	Clarifying that inspectors can enter Transitional or Containment Facilities to check compliance with the facility's or the operator's approval conditions.	Currently the Act does not expressly permit an inspector to enter a Transitional or Containment Facility to check compliance with approval conditions as well as the relevant standards. MPI wishes to clarify this is expressly permitted.
105.	130 (<i>Declaration of restricted place</i>)	Enables the service of restricted place notices by electronic means or affixing the notice to a conspicuous place if the occupier cannot be found quickly.	Currently, restricted place notices must be served personally on the occupier or, if the occupier cannot be found quickly, service by public notice is permitted. This amendment aligns the service of restricted notices with service of other notices under the Biosecurity Act 1993, which include service via electronic means or affixing the notice to a conspicuous place if the occupier cannot be found quickly.
106.	131 (<i>Declaration of controlled area</i>)	See CC-2.	
107.	134 (<i>Enforcement of area controls</i>)	Clarifies the ability for an inspector or authorised person to impose reasonable conditions on movement of goods.	An inspector or authorised person has the ability to permit actions contrary to a controlled area declared and movement controls imposed under the Biosecurity Act 1993. However, it is unclear whether inspector or authorised person may impose reasonable conditions when permitting those actions.

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Biosecurity Act 1993 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
108.	150 (<i>Biosecurity emergency regulations</i>)	See CC-4.	
109.	154D (<i>Change or cancellation</i>)	Allows the power to change or cancel a compliance order to sit with a Chief Technical Officer or Principal Officer of a region.	Section 154D(1) of the Act enables a compliance order to be changed or cancelled by the appointer of an inspector or authorised person who issued the order. The problem is that this causes issues where the appointer has left the organisation or is unable for some reason to change or cancel the order. In such cases, powers should be transferrable to an existing senior position.
110.	154E (<i>Appeal to District Court</i>)		
111.	154G (<i>Effect of appeal</i>)		
112.	154N (<i>Section 154N offences</i>)	Clarifies that declarations at the border by passengers include oral responses.	Section 154N(21) provides that a person commits an offence if they erroneously declare that they are not in possession of any (or all) goods specified in a required declaration. However, it is not clear whether this includes oral responses to questions asked by an inspector, and whether the person can be infringed if they omit to verbally declare risk goods.
113.	156 (<i>Liability of principals and agents</i>)	Clarifies that liability provisions for principals and agents apply to body corporates.	The Act is not clear whether the liability provisions for principals and agents also apply to body corporates.
114.	159 (<i>Proceedings for infringement offences other than border infringement offences</i>)	Clarifies when an infringement notice is deemed to have been served when it would have been delivered to the defendant in the ordinary course of the post.	Currently an infringement offence is deemed to have been served when it was posted, which can be unfair to persons who are subject to longer delays between posting and receipt of the notice – for example, persons who are no longer in New Zealand.
115.	159A (<i>Accelerated infringement notice procedure for border infringement offences</i>)		

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Biosecurity Act 1993 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
116.	162A (<i>Compensation</i>)	(1) Clarifies that the exercise of powers in good faith, though subsequently found to be unlawful, still entitles the claimant to submit disputes to arbitration. (2) Sets a less restrictive approach to time limits for persons seeking compensation for losses suffered as a result of the exercise of MPI powers.	(1) It is not clear whether parties may apply for compensation in circumstances where powers were exercised in good faith, but subsequently found to have been unlawful. (2) The current period for seeking compensation is restrictive because: claims must be made within one year from the date the claimant has suffered the loss (or could have reasonably determined the loss), and a person is only allowed to make a claim outside of this period where there were circumstances beyond their control that meant they were unable to make claim.
117.	164A (<i>Procedure for giving directions or making requirements</i>)	Enables the provision of notices by electronic means and to the email address provided by a body corporate.	The current provisions do not provide for service by electronic means other than email. This amendment will align the Act with other border agencies (such as New Zealand Customs Service) to refer to service by electronic means.
118.	166A (<i>Certain secondary legislation or published instruments may be amended</i>)	See CC-3.	
119.	New section 166B (<i>Making instruments that make minor amendments or correct minor or technical errors</i>)	See CC-1.	
120.	–	Inserts Schedule 1AA into the Biosecurity Act 1993.	See Clause 81 above.
121.	–	Revokes the Biosecurity (Form of Search Warrant) Regulations 2012.	See Clause 99 above.
122.	–	Defines principal Act.	Clause 123 amends the Legislation Act 2019.

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

<i>Biosecurity Act 1993 (Portfolio: Biosecurity)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
123.	–	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clauses 94, 96 and 108 affect confirmation requirements in the Biosecurity Act.

Part 6 – Amendments to Commodity Levies Act 1990

<i>Commodity Levies Act 1990 (Portfolio: Agriculture)</i>			
Clause	Section	Amendment	Explanation / Rationale
124.	–	Defines principal Act.	
125.	4 (<i>Governor-General may impose levy</i>)	See CC-4.	
126.	Repeals section 12 (<i>Minister must indicate whether orders to continue in force</i>)	Removes reference to confirmation of levy orders.	Clause 125 removes the confirmation requirement.
127.	13 (<i>Levy orders in force no more than 6 years unless extended</i>)	(1) Changes the extension for a levy order to six years rather than five. (2) Allows the Governor-General to extend a commodity levy order by Order in Council at least 28 days before expiry rather than 12 months. (3) Allows minor and technical changes to a levy order at the time of extension. (4) See CC-4.	(1) This brings a levy extension to match the timeframe for an original levy order. (2) This reduces administrative burden for levy organisations and makes levy order extensions more attractive. (3) This removes the need to apply for a new levy order in order to make minor or technical changes.
128.	25 (<i>Annual reports and statements</i>)	Replaces a requirement to table levy order organisation annual reports in the House with a requirement to present them to the House.	This reflects changes in Parliamentary procedure, where papers are no longer tabled but presented.
129.	–	Defines principal Act.	Clause 130 amends the Legislation Act 2019.
130.	–	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clauses 125 and 127(4) affect confirmation requirements in the Commodity Levies Act.

Part 7 – Amendments to Dairy Industry Restructuring Act 2001

<i>Dairy Industry Restructuring Act 2001 (Portfolio: Agriculture)</i>			
Clause	Section	Amendment	Explanation / Rationale
131.	–	Defines principal Act.	
132.	118 (Offences)	Replaces “and” with “or” in a list of offences.	This amends a drafting error.

Part 8 – Amendments to Fisheries Act 1996

<i>Fisheries Act 1996 (Portfolio: Oceans and Fisheries)</i>			
Clause	Section	Amendment	Explanation / Rationale
133.	–	Defines principal Act.	
Subpart 1 – Amendments coming into force on day after Royal assent			
134.	2 (<i>Interpretation</i>)	Defines “notify publicly”.	A number of provisions require the Director-General to make information publicly available or notify publicly (see CC-2, CC3).
135.	New section 2A (<i>Requirement to publicly notify</i>)	See CC-2.	
136.	11 (<i>Sustainability measures</i>)	See CC-1.	
137.	12 (<i>Consultation</i>)		
138.	13 (<i>Total allowable catch</i>)		
139.	14 (<i>Alternative total allowable catch for stock specified in Schedule 3</i>)		
140.	14B (<i>Alternative total allowable catch for certain stocks</i>)		
141.	16 (<i>Emergency measures</i>)		
142.	21 (<i>Matters to be taken into account in setting or varying any total allowable commercial catch</i>)		
143.	32 (<i>Criteria of eligibility to receive provisional catch history for quota management stock</i>)	Allows returns lodged under the Fisheries (Reporting) Regulations 2017 to be counted towards provisional catch history.	Currently, electronic reports lodged under the 2017 Regulations are excluded from the calculation of provisional catch history.
144.	60 (<i>Minister may consent to persons holding quota in excess of aggregation limits</i>)	See CC-1.	
145.	72A (<i>Minister may require or permit fish or other animal that is aquatic life to be returned or abandoned</i>)		
146.	74 (<i>Minimum holdings of annual catch entitlement</i>)	See CC-4.	

Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
147.	75 (<i>Minister to set deemed value rates</i>)	<p>(1) See CC-1.</p> <p>(2) Allows interim deemed value rates to be set at the lowest annual rate for a stock.¹</p> <p>(3) & (4) Limits the applicability of Chatham Island deemed value rates to only those fishers who are based in the Chatham Islands.</p> <p>(5) Allows deemed value rates to be adjusted within a fishing year.</p>	<p>(2) Currently the Act requires interim deemed value rates to be set lower than the lowest annual deemed value rate. Current settings may incentivise fishers to delay fully balancing their catch and increase the risk that fishers are unable to balance their catch with their Annual Catch Entitlement (ACE) at the end of the fishing year.</p> <p>(3) & (4) Section 75(5) of the Act allows the Minister to set specific deemed value rates for those fish stocks landed to a Licensed Fish Receiver in the Chatham Islands that are different than if the same stock was landed to a Licensed Fish Receiver not in the Chatham Islands. This reflects the higher costs of doing business in the Chatham Islands. This amendment seeks to address non-Chatham Island-based fishers taking advantage of these lower rates.</p> <p>(5) Currently, the Act requires adjustments to deemed value rates to be made prior to the start of a fishing year. The ability to make within year adjustments represents an opportunity to use the information available from electronic reporting. This information becomes available much quicker than under the old paper-based reporting regime.</p>
148.	75A (<i>Requirement to consult in relation to deemed values</i>)	See CC-1	

¹ Interim Deemed Value Rates are the monthly charges imposed on commercial fishers for each kilogram of fish they take and are unable to balance with their Annual Catch Entitlement (ACE). These are remitted or subtracted from the annual deemed rate.

Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
149.	82 (<i>Apportionment of foreign allowable catch for foreign fishing vessels</i>)		
150.	83 (<i>Issue of licences</i>)	Updates terminology.	This reflects changes in terminology from the Fisheries (Geospatial Position Reporting) Regulations 2017.
151.	97 (<i>Special permits</i>)	(1) Changes a reference to a more appropriate Act. (2) See CC-1.	Section 97(1)(b) provides that a special permit may be issued for the purposes of sport or recreation to any disabled person who would otherwise be unable to, because of that person's disability, fish by the methods permitted under the Act. The test for such applications requires the applicant to prove that they are under the criteria of the Disabled Persons Employment Promotion Act 1960. However, this Act does not provide the most suitable criteria for assessing the disability of applicants. The criteria in the Disabled Persons Community Welfare Act 1975 are more clearly aligned to the purposes of the provision.
152.	110 (<i>Fish taken in New Zealand waters must be landed in New Zealand</i>)	Removes the requirement for prior approval for transshipping fish between registered fishing vessels. ²	The current provision does not assist with oversight of catch and causes confusion around reporting obligations. The amendment results in section 110 focusing on mitigating the higher risk associated with vessels leaving the Exclusive Economic Zone with fish on board.
153.	113K (<i>Conditions of high seas fishing permit</i>)	Updates terminology.	See Clause 150.
154.	115 (<i>Minister to issue statement of procedure</i>)	See CC-1.	
155.	123 (<i>Minister to determine dispute</i>)	See CC-2.	

² Transshipping is the transfer of catch (that is, fish and/or fish products) from one fishing vessel to another at sea.

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Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
156.	178 (<i>Initial consideration of proposal</i>)	(1) & (2) Removes the requirement for a taiāpure-local fishery proposal to be notified in the <i>New Zealand Gazette</i> , and (3) Changes where objections may be lodged.	(1) & (2) Notifying in the <i>Gazette</i> incurs time and costs that do not significantly assist the accessibility and communication of the proposal. The requirement to publish the proposal will remain. (3) Objections are more suitably processed and managed through MPI, reducing administrative burden on the Māori Land Court.
157.	179 (<i>Notice of proposal</i>)	Removes requirement to make a physical copy of a taiāpure-local fishery proposal available at all the specified locations.	The current requirement imposes storage and resource costs without substantially improving accessibility. Proposals are published online, and physical copies will be made available in the nearest MPI office to the affected area.
158.	180 (<i>Objections to, and submissions on, proposal</i>)	See clause 156.	This section applies to objections to a taiāpure-local fishery proposal, and makes the same changes made by Clause 156.
159.	181 (<i>Inquiry by tribunal</i>)	Provides an alternative pathway for a taiāpure-local fishery to be established without an inquiry by tribunal.	The tribunal inquiry is not necessary for uncontested applications, and this amendment recognises such a case.
160.	Replaces section 183 (<i>Power of Minister to recommend declaration of taiapure-local fishery</i>)	Empowers the Minister to recommend a declaration of taiāpure-local fishery if satisfied that the relevant grounds have been met.	This adds an additional pathway for the Minister to consider, reflecting the change made by Clause 159.
161.	186 (<i>Regulations relating to customary fisheries</i>)	Enables customary fishing regulations to make bylaws to restrict possession of fish, aquatic life, or seaweed as well as taking.	The existing provisions do not currently enable bylaws to prohibit the possession of fish, aquatic life, or seaweed, only the taking. This amendment will ensure a consistent compliance framework applies.
162.	186A (<i>Temporary closure of fishing area or restriction on fishing methods</i>)	See CC-1.	
163.	186B (<i>Temporary closure of fisheries</i>)		

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Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
164.	186Q (<i>Exemptions</i>)		
165.	186R (<i>Applications to register as fish farmer</i>)	Enables fish farmer registration applications where resource consents under the Resource Management Act 1991 do not relate to farm area.	Marine aquaculture farm consents relate to farm area, but most land-based aquaculture consents do not. This amendment future-proofs the Fisheries Act by ensuring land-based fish farmers can apply for registration.
166.	186S (<i>Decision on application</i>)	Clarifies that fish farmer registration conditions can be amended, added, or revoked.	It is not currently clear if fish farmer registration conditions can be amended. Most other fishing authorisations in the Fisheries Act allow for conditions to be changed.
167.	188 (<i>Conversion factors</i>)	See CC-1.	
168.	188A (<i>Spat ratio</i>)		
169.	192A (<i>Restriction on acquisition of fish, aquatic life, and seaweed by fish farmers</i>)		
170.	252 (<i>Penalties</i>)	Ensures that directors and managers who commit offences under section 246 (<i>Liability of directors and managers</i>) are eligible for prohibition from fishing when convicted of repeated fisheries offending.	This responds to issues highlighted in a recent Court of Appeal decision.
171.	255C (<i>Forfeiture for section 252(2), (3), and (5) offences, offences carrying fine of \$100,000, repeat offences, and serious non-commercial offences</i>)		
172.	255E (<i>General provisions relating to forfeiture</i>)		
173.	258 (<i>Sum equal to deemed value payable if catch returns not completed or provided, or false returns provided</i>)		
174.	295 (<i>Notification of appointments and places for provision of information</i>)	See CC-2, CC-3.	
175.	296P (<i>Procedure for issuing standards and specifications</i>)	See CC-1.	
176.	296ZAA (<i>Suspension of permit and refusal of services for non-payment of fees</i>)	Updates terminology.	See Clause 150.

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Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
177.	297 (<i>General regulations</i>)	Enables regulations prescribing requirements for fish farm registration, including aquaculture biosecurity.	This will ensure regulations can be made to manage biosecurity risks associated with aquaculture and enable s 33 of the Aquaculture Reform (Repeals and Transitional Provisions) 2004 Act to be brought into force.
178.	New section 303A (<i>Making instruments that make minor amendments or correct minor or technical errors</i>)	See CC-1.	
179.	310 (<i>Southern scallop enhancement programmes</i>)		
180.	Schedule 10	Updates terminology.	See Clause 150.
181.	–	Defines principal Act.	Clause 182 amends the Legislation Act 2019.
182.	–	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 146 affects a confirmation requirement in the Fisheries Act.
183.	–	Defines principal notice	Clause 184 amends the Fisheries (Total Allowable Catch, Total Allowable Commercial Catch, and Deemed Value Rates) Notice 2015.
184.	–	Applies Chatham Island exception for interim and annual Deemed Value Rates to commercial fishers who reside in the Chatham Islands.	See clause 147.
Subpart 2 – Amendments coming into force under clause 2(1)			
185.	2 (<i>Interpretation</i>)	Defines “publicly available”.	Relates to CC-3.
186.	11 (<i>Sustainability measures</i>)	See CC-3.	
187.	11A (<i>Fisheries plans</i>)		
188.	13 (<i>Total allowable catch</i>)		
189.	14 (<i>Alternative total allowable catch for stock specified in Schedule 3</i>)		
190.	14B (<i>Alternative total allowable catch for certain stocks</i>)		

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Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
191.	20 (<i>Setting and variation of total allowable commercial catch</i>)		
192.	35 (<i>Notification of eligibility to receive provisional catch history</i>)		
193.	35A (<i>Amendment of notification of eligibility to receive provisional catch history</i>)		
194.	60 (<i>Minister may consent to persons holding quota in excess of aggregation limits</i>)		
195.	75 (<i>Minister to set deemed value rates</i>)		
196.	81 (<i>Cancellation of foreign allowable catch</i>)		
197.	82 (<i>Apportionment of foreign allowable catch for foreign fishing vessels</i>)		
198.	83 (<i>Issue of licences</i>)		
199.	98 (<i>Registers</i>)		
200.	113B (<i>Interpretation</i>)		
201.	113C (<i>Notification and certification by Secretary of Foreign Affairs and Trade</i>)		
202.	115 (<i>Minister to issue statement of procedure</i>)		
203.	186 (<i>Regulations relating to customary fishing</i>)		
204.	186G (<i>Provision of fisheries information relating to stock</i>)		
205.	186K (<i>Fish Farmer Register</i>)		
206.	186Q (<i>Exemptions</i>)		
207.	188 (<i>Conversion factors</i>)		
208.	188A (<i>Spat ratio</i>)		
209.	190 (<i>Accounts, records, returns, and other information</i>)		
210.	264 (<i>Levies</i>)		
211.	265A (<i>Recommendation for levies payable in year commencing 1 October 2003 and subsequent years</i>)		

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

Fisheries Act 1996 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
212.	282 (<i>Reports</i>)		
213.	295 (<i>Notification of appointments and places for provision of information</i>)		
214.	296 (<i>Electronic transmission</i>)		
215.	296P (<i>Procedure for issuing standards and specifications</i>)		
216.	296Q (<i>Approved service delivery organisations must comply with directions</i>)		
217.	298A (<i>Regulations relating to demerit points</i>)		
218.	300 (<i>Dockside monitoring</i>)		
219.	303 (<i>Certain secondary legislation or published instruments may be consolidated</i>)		
220.	304 (<i>Circulars</i>)		
221.	310 (<i>Southern scallop enhancement programmes</i>)		
222.	341 (<i>Confirmation of quota</i>)		

Part 9 – Amendments to Food Act 2014

Food Act 2014 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
223.	–	Defines principal Act.	
Subpart 1 – Amendments coming into force on day after Royal assent			
224.	33 (<i>Chief executive may grant exemption from requirement to operate under registered food control plan or national programme</i>)	See CC-1.	
225.	207 (<i>Regulations may impose levies</i>)	See CC-4.	
226.	208 (<i>Regulations may provide for exemptions, waivers, and refunds</i>)	Amends section 208 to provide that exemptions, waivers, and refunds given under regulations expire within a period not exceeding 5 years.	The current provisions enable regulations to be made that authorise the Chief Executive or a territorial authority to grant in relation to fees, charges and levies an exemption, waiver or refund in a particular case. In the current provision such regulations expire within five years – the amendment will ensure that the authorising regulations do not expire but rather the specific exemption or waiver granted by the Chief Executive or a territorial authority is for a period not exceeding 5 years.
227.	212 (<i>Penalties for failure to pay fee, charge, or levy</i>)	Amends section 212 to authorise the chief executive to withhold a specified registration or suspend specified operations if a person has failed to pay any fee, charge, or levy payable under subpart 3 of Part 4 of the principal Act.	This amendment duplicates existing powers in the Animal Products Act 1999 (s123(2)) and the Wine Act 2003 (s 94(2)) and enables greater consistency across the Acts.
228.	291 (<i>Approvals by chief executive</i>)	See CC-1.	
229.	347 (<i>Exemption by chief executive</i>)		
230.	368 (<i>Disclosing information inside New Zealand: application of section 369</i>)	Corrects a drafting error.	This subsection lists Acts MPI can share information with the agencies responsible for those Acts. The amendment inserts a reference to the Misuse of Drugs Act 1975 which was missed in error.
231.	379 (<i>Consultation: Minister's powers</i>)	See CC-1.	

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

Food Act 2014 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
232.	380 (<i>Consultation: chief executive's powers</i>)		
233.	Replaces section 403 (<i>Purpose of section 404</i>) and cross heading	Includes reference to new section 404A.	See clause 235 below.
234.	404 (<i>Minister may issue domestic food standards</i>)	(1) Enables the Minister to issue a domestic food standard separately from the Australia New Zealand Food Standards Code. (2) See CC-1.	The current provisions enable the Minister to issue domestic food standards in cases where New Zealand has chosen to opt out of a joint standard, but does not enable a domestic standard in the case where there is no joint standard.
235.	New sections 404A (<i>Minister may issue temporary food standards</i>) and 404B (<i>Minister must not delegate power to issue domestic or temporary food standards</i>)	(1 & 2) Enables the Minister to issue a temporary food standard, as anticipated in the Food Treaty. ³ (3-6) See CC-1.	Temporary food standards will allow New Zealand to respond to issues affecting public health, safety and environmental conditions where urgent action is required and circumstances do not enable action under the Joint Food System.
236.	405 (<i>Notices</i>)	See CC-1.	
237.	407 (<i>Notices: Consultation</i>)		
238.	410 (<i>Power to issue emergency notice</i>)		
239.	421 (<i>Pre-commencement standards</i>)		
240.	New section 443B (<i>Making instruments that make minor amendments or correct minor or technical errors</i>)		
241.	–	Defines principal Act.	Clause 242 amends the Legislation Act 2019.
242.	Schedule 4	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 225 affects a confirmation requirement in the Food Act.
243.	–	Defines principal Regulations.	Clause 244 amends the Food (Fees and Charges) Regulations 2015.

³ The Agreement Between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System (1995).

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Food Act 2014 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
244.	Regulations 4(2), 5(2), new Regulation 6.	Consequential amendment to the Food (Fees and Charges) Regulations 2015.	See Clause 226.
Subpart 2 – Amendments coming into force under clause 2(1)			
245.	175 (<i>Minister may issue national outcomes for territorial authorities</i>)	See CC-3.	
246.	408 (<i>Notices: publication</i>)		
247.	443A (<i>Certain secondary legislation or published instruments may be consolidated</i>)		

Part 10 – Repeal of Food Safety Law Reform Act 2018

Food Safety Law Reform Act 2018 (Portfolio: Food Safety)		
Clause	Amendment	Explanation / Rationale
248.	See CC-5.	

Part 11 – Amendments to Forests Act 1949

Forests Act 1949 (Portfolio: Forestry)			
Clause	Section	Amendment	Explanation / Rationale
249.	–	Defines principal Act.	
250.	2 (<i>Interpretation</i>)	Clarifies that “salvaged timber” means all indigenous timber felled before 3 July 1989.	Some timber was felled for milling but was lost and is going to waste at the bottom of waterways. The amendment clarifies that this timber (if felled before 3 July 1989) can be milled.
251.	63ZZD (<i>Regulations may subdelegate power to make rules</i>)	See CC-1.	
252.	63ZZK (<i>Requirements before making rules and exemptions</i>)		
253.	63ZZN (<i>Exemptions from registration requirements</i>)		
254.	Replaces section 67G (<i>Notice requirements</i>)	See CC-2.	
255.	67ZM (<i>Levies</i>)	See CC-4.	
256.	New sections 72AAA (<i>Certain secondary legislation or published instruments may be consolidated</i>) and section 72AAB (<i>Making instruments that make minor amendments or correct minor or technical errors</i>)	See CC-3 (s 72AAA). See CC-1 (s72AAB).	
257.	–	Defines principal Act.	Clause 258 amends the Legislation Act 2019.

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Forests Act 1949 (Portfolio: Forestry)			
Clause	Section	Amendment	Explanation / Rationale
258.	Schedule 4	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 255 affects confirmation requirements in the Forests Act.

Part 12 – Repeal of Forests (West Coast Accord) Act 2000

Forests (West Coast Accord) Act 2000 (Portfolio: Forestry)		
Clause	Amendment	Explanation / Rationale
259.	See CC-5.	
260.	Consequential amendment to other Acts.	Removes reference to the Act in other legislation.

Part 13 – Repeal of Hop Industry Restructuring Act 2003

Hop Industry Restructuring Act 2003 (No Portfolio)		
Clause	Amendment	Explanation / Rationale
261.	See CC-5.	

Part 14 – Amendments to Kaikoura (Te Tai o Marokura) Marine Management Act 2014

Kaikoura (Te Tai o Marokura) Marine Management Act 2014 (Portfolio: Oceans and Fisheries)			
Clause	Section	Amendment	Explanation / Rationale
262.	–	Defines principal Act.	
263.	Repeals section 24 (<i>Appointment of Tangata Tiaki/Kaitiaki for mātaihai reserves</i>)	Enables Te Rūnanga o Kaikōura to appoint Tangata Tiaki/Kaitiaki for mātaihai reserves declared under the Act.	Currently, Te Runanga o Kaikoura recommend appointments of Tangata Tiaki/Kaitiaki to the Minister (in respect of certain mātaihai reserves) and the Minister performs the actual appointments. This is out of step with other legislation such as the South Island customary fisheries regulations, which provide for tangata whenua to make the appointments of Kaitiaki directly.
264.	Replaces section 25 (<i>Effect of declaration of mātaihai reserve</i>)	Deletes reference to revoked regulation.	

Part 15 – Amendments to National Animal Identification and Tracing Act 2012

National Animal Identification and Tracing Act 2012 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
265.	–	Defines principal Act.	
Subpart 1 – Amendments coming into force on day after Royal assent			
266.	12 (<i>Minister may issue, amend, or revoke standards</i>)	See CC-1.	

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National Animal Identification and Tracing Act 2012 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
267.	14 (NAIT organisation may issue, amend, or revoke NAIT animal identification standards)		
268.	19 (NAIT organisation may issue, amend, or revoke accreditation standards)		
269.	40 (Purpose of holding core data)	Specifies purpose for which a NAIT authorised person may share core NAIT data.	Clarifies that a NAIT authorised person may share core data held in the NAIT system for the purposes specified in subsection (1).
270.	62 (Regulations may impose levies)	See CC-4.	
271.	67 (Regulations affecting Schedule 1)	See CC-4.	
272.	New section 70B (Making instruments that make minor amendments or correct minor or technical errors)	See CC-1.	
273.	Schedule 1	Fixes a drafting error.	A literal reading of the current drafting suggests that the Act includes wild cattle, which is not the intent.

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

National Animal Identification and Tracing Act 2012 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
274.	Schedule 2	<p>(1) Clarifies that compliance investigations are only cost-recovered if the person is advised in advance of the inspection or audit.</p> <p>(2) Applies the Search and Surveillance Act 2012 consistently.</p> <p>(3) Ensures that sharing information gathered under the Act includes for the original purposes of holding the information.</p> <p>(4) Ensures that sharing information gathered under the Act includes in connection with investigations or inquiries concerning offences against any Act.</p> <p>(5) Corrects a drafting error.</p>	<p>(1) The current provision is ambiguous.</p> <p>(2) This amendment corrects a drafting error and inserts the same wording in Clause 9(2) as is used in clauses 10 and 11 of Schedule 2.</p> <p>(3) Clarifies the clause of the Act (clause 40) under which information can be shared.</p> <p>(4) See subsection 3.</p> <p>(5) This amendment corrects a drafting error and ensures that clause 17(1)(d), Schedule 2 mirrors the wording used in section 30(2).</p>
275.	Schedule 3	Updates terminology.	The original provision was copied from legislation where agencies have a Chief Executive rather than a Director-General.
276.	–	Defines principal Act.	Clause 277 amends the Legislation Act 2019.
277.	Schedule 4	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clauses 270 and 271 affect confirmation requirements in the National Animal Identification and Tracing Act.
Subpart 2 – Amendments coming into force under clause 2(1)			
278.	12 (<i>Minister may issue, amend, or revoke policies and standards</i>)	See CC-3.	
279.	15 (<i>NAIT organisation to approve identification systems</i>)		

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

National Animal Identification and Tracing Act 2012 (Portfolio: Biosecurity)			
Clause	Section	Amendment	Explanation / Rationale
280.	16 (NAIT organisation may suspend or revoke approval of NAIT identification system)		
281.	70A (Certain secondary legislation or published instruments may be consolidated)		

Part 16 – Amendments to Primary Products Marketing Act 1953

Primary Products Marketing Act 1953 (Portfolio: Agriculture)			
Clause	Section	Amendment	Explanation / Rationale
282.	–	Defines principal Act.	
283.	3 (Regulations)	See CC-4.	
284.	–	Defines principal Act.	Clause 285 amends the Legislation Act 2019.
285.	Schedule 4	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 283 affects a confirmation requirement in the Primary Products Marketing Act.

Part 17 – Amendments to Walking Access Act 2008

Walking Access Act 2008 (Portfolio: Agriculture)			
Clause	Section	Amendment	Explanation / Rationale
286.	–	Defines principal Act.	
287.	Replaces section 19 (Availability of code)	Ensures that New Zealand Outdoor Access Code is provided free of charge.	The current provision requires that the code is available “for purchase a reasonable price”. The Commission currently provides the code free of charge (in print and online).
288.	38 (Closure of walkways)	Clarifies the timeframe for notification.	The current provision is unclear for controlling authorities.
289.	Repeals section 80 (Minister must review Act)	Repeals section 80.	The section requires the Minister to review the Act, which has now occurred.

Part 18 – Amendments to Wine Act 2003

Wine Act 2003 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
290.	–	Defines principal Act.	

Subpart 1 – Amendments coming into force on day after Royal assent

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

Wine Act 2003 (Portfolio: Food Safety)			
Clause	Section	Amendment	Explanation / Rationale
291.	4 (<i>Interpretation</i>)	Clarifies the definition of fruit wine.	Will remove ambiguity on the status of certain grape-based alcoholic beverages and align with the Australian-New Zealand Food Standards Code.
292.	5 (<i>Scope of Act</i>)	Removes outdated cross-reference.	Section 32 of the Act has now been repealed
293.	23 (<i>Notification of minor amendments to wine standards management plans</i>)	Amends section 23 to allow regulations to specify which minor amendments to a wine standards management plan must be notified to the Director-General and the timeframe within which they must be notified.	This amendment enables greater flexibility by allowing regulations to be made to specify which minor amendments need to be notified to the DG (as opposed to receiving a notification of all minor amendments) and to specify the timeframe for notification (as opposed to setting intervals).
294.	38 (<i>Export eligibility requirements</i>)	Updates terminology used.	The amendment will ensure there is a clear distinction between an official assurance certificate and an export eligibility statement.
295.	Inserts new section 61AAA (<i>Approvals by Director-General</i>)	Authorises the Director-General to approve a document, material, facility, person or class of person to be used if regulations require it and sets out approval requirements. Subclauses (5)-(9) – See CC-1.	This provision will duplicate existing requirements in section 291(1) of the Food Act 2014 and will provide more flexibility under the Wine Act to manage food safety risks. It will also improve consistency and integration between the two Acts, such as for example regulations for training courses and laboratory work relevant to both Acts. This makes the same change as clause 38 above in the Animal Products Act 1999.
296.	Section 89 (<i>Regulations may impose levies</i>)	See CC-4.	
297.	94 (<i>Penalties for failure to pay fee, levy, or charge</i>)	See clause 294.	
298.	97 (<i>Offences involving deception</i>)		

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

<i>Wine Act 2003 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
299.	Section 104 <i>(Defence for persons charged with breach of duty or failure to comply)</i>	Amends section 104(2) to allow the court to permit written notice of a defence to be delivered to the prosecutor within a time that is less than 14 days before the date on which the hearing of proceedings commences.	This amendment allows the Court to permit a defence to be filed less than 14 days before a hearing commences.
300.	115 <i>(Consultation requirements for making of Orders in Council, regulations and notices)</i>	See CC-1.	
301.	119 <i>(Regulations)</i>	Enables regulations about approved items.	See clause 295.
302.	New section 119B <i>(Regulations about approved documents, materials, or facilities, or persons or classes of persons)</i>	Enables regulations about approved documents, materials, facilities, persons or classes of persons.	This duplicates existing provisions in section 386 of the Food Act 2014 and works in conjunction with the new Section 61AAA (inserted by clause 295 above) by enabling regulations to be made to require a document, material, or facility, or an approved person or an approved class of persons to be used and set out matters that the Director-General must take into account when making such approvals. This makes the same change as clause 45 above in the Animal Products Act 1999.
303.	120 <i>(Notices)</i>	See CC-1.	
304.	New section 120C <i>(Making instruments that make minor amendments or correct minor or technical errors)</i>	See CC-3.	
305.	–	Defines principal Act.	Clause 306 amends the Legislation Act 2019.
306.	Schedule 4	Repeals confirmation requirement.	Schedule 4 of the Legislation Act lists secondary legislation subject to confirmation. Clause 296(2) affects a confirmation requirement in the Wine Act.
307.	–	Defines principal regulations.	Clause 308 amends the Wine Regulations 2021.

Legislative Statement for Regulatory Systems (Primary Industries) Amendment Bill – First Reading

<i>Wine Act 2003 (Portfolio: Food Safety)</i>			
<i>Clause</i>	<i>Section</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
308.	Replaces regulation 88	Replaces reference to assurance certificate with export eligibility statement.	See clause 294.
<i>Subpart 2 – Amendments coming into force under clause 2(1)</i>			
309.	120B (<i>Certain secondary legislation or published instruments may be consolidated</i>)	See CC-3.	

Part 19 – Repeal of Wool Industry Restructuring Act 2003

<i>Hop Industry Restructuring Act 2003 (No Portfolio)</i>		
<i>Clause</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
310.	See CC-5.	

Schedules

<i>Schedule</i>	<i>Amendment</i>	<i>Explanation / Rationale</i>
1.	See clause 51.	New schedule to be inserted in Animal Products Regulations 2021 defining a primary processor.
2.	See clause 69.	New schedule inserted in Animal Products Act 1999 clarifying that changes do not apply retroactively.
3.	See clause 120.	New schedule inserted in Biosecurity Act 1993 clarifying that changes to compensation timelines do not apply retroactively.
4.	See clauses 19, 54, 123, 130, 182, 184, 242, 244, 258, 277, 285, 306, 308.	Lists consequential amendments.