



Hazardous Substances and New Organisms (Qualifications for Enforcement Officers) Regulations 2000

Sian Elias, Administrator of the Government

Order in Council

At Wellington this 4th day of December 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 140(1)(o) of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Hazardous Substances and New Organisms (Qualifications for Enforcement Officers) Regulations 2000.

2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, the **Act** means the Hazardous Substances and New Organisms Act 1996.

4 Qualifications for appointment as new organisms enforcement officer

- (1) Before being appointed as an enforcement officer under the Act with enforcement functions in relation to new organisms, a person must know and be able to explain the following matters:
- (a) the procedures necessary to determine the status of an organism under section 26 of the Act:
 - (b) the controls that could be imposed on an approval for any category of new organism under section 45 of the Act in relation to the matters specified in the Third Schedule of the Act, if the person is to be appointed to enforce the provisions of the Act in relation to that category of organism:
 - (c) the circumstances in which the procedures and equipment described in subclause (2) are likely to or may fail to comply with the controls imposed, and the steps that should be taken to re-establish compliance:
 - (d) the significance and effects of the inclusion of an organism as a prohibited new organism in the Second Schedule of the Act:
 - (e) the relationship between the Act and the Biosecurity Act 1993:
 - (f) the provisions of the Act that are of relevance to enforcement officers, including—
 - (i) the offence provisions of the Act, and the defences available to persons charged with an offence under the Act; and

- (ii) the penalties and liabilities imposed by the Act; and
 - (iii) the procedure for serving a compliance order; and
 - (iv) the procedures under the Act for gathering evidence; and
 - (v) the powers of entry for inspection, and the procedures to be followed when exercising those powers; and
 - (vi) the circumstances in which a search may be conducted, and the procedures for conducting a search; and
 - (vii) the procedures for declaring an emergency, and the extent of emergency powers.
- (2) The person must also know, and be able to explain and demonstrate, the common procedures and equipment used to meet the controls imposed for any new organism in relation to the matters specified in the Third Schedule of the Act, if the person is to be appointed to enforce the provisions of the Act in relation to that category of organism.
- (3) The person must also—
- (a) know and be able to determine the nature of an organism and whether or not it is a new organism; or
 - (b) if unable to do so, know the procedures that will enable the organism's nature, and whether or not it is a new organism, to be determined.

5 Qualification for appointment as enforcement officer through experience under Biosecurity Act 1993

- (1) During the 2 years from the date on which these regulations come into force, regulation 4 does not apply to an inspector appointed under the Biosecurity Act 1993 who has been regularly undertaking inspection or enforcement duties under that Act.
- (2) A person to whom subclause (1) applies is qualified for and may be appointed as an enforcement officer under the Act to exercise and carry out the powers, functions, and duties of an

enforcement officer in relation to any category of new organism for which he or she has inspection or enforcement experience.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the day after the date of their notification in the *Gazette*, prescribe the qualifications for appointment as a new organisms enforcement officer and allow inspectors under the Biosecurity Act 1993 to qualify for appointment as enforcement officers.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 7 December 2000.
These regulations are administered in the Ministry for the Environment.
