Regulatory Systems (Primary Industries) Amendment Act 2026

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulatory Systems (Primary Industries) Amendment Act 2026.

2 Commencement

(1) Subpart 2 of each of Parts 1, 2, 4, 8, 9, 16, and 21 comes into force—

(a) on 1 or more dates set by Order in Council; or

(b) to the extent not brought into force earlier, on 1 March 2027.

(2) Subpart 3 of Part 1 comes into force on 10 July 2027.

(3) The rest of this Act comes into force on 10 July 2026.

Section 2(2): editorial change made by the PCO, on 27 July 2026, under sections 86(1) and 87(m) and (q) of the Legislation Act 2019 (2019 No 58).

Section 2(3): editorial change made by the PCO, on 27 July 2026, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

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

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

3 Principal Act

This subpart amends the Agricultural Compounds and Veterinary Medicines Act 1997 and secondary legislation made under that Act.

Amendments to Agricultural Compounds and Veterinary Medicines Act 1997

4 Section 2 amended (Interpretation)

(1) In section 2(1), definition of **agricultural compound**, after paragraph (a)(viii), insert:

(ix) mitigating adverse impacts on the environment; or

(x) mitigating emissions that contribute to climate change; and

(2) In section 2(1), definition of **agricultural compound**, after paragraph (b)(iii), insert:

(iv) any substance, mixture of substances, or biological compound used, or intended for use, for a purpose specified by Order in Council made under subsection (2)

(3) Replace section 2(2) with:

(2) The Governor-General may from time to time, by Order in Council, for the purposes of this Act,—

(a) declare any substance, mixture of substances, or biological compound to be an agricultural compound; or

(b) specify for the purpose of paragraph (b)(iv) of the definition of **agricultural compound** a purpose for which a substance, mixture of substances, or biological compound is used or intended to be used; or

(c) declare any entity to be a pest; or

(d) declare any entity not to be a pest.

5 Section 9 amended (Application for registration)

After section 9(2), insert:

(3) Subsection (1)(b) does not apply to a substance, mixture of substances, or biological compound that is exempt from registration as an agricultural compound under section 8A for a limited period of time.

6 Section 22 amended (Term of registration)

In section 22(1)(a), replace "section 21(2) or section 27(3)" with "section 21(2), 22B(2), or 27(3)".

7 New sections 22A and 22B inserted

After section 22, insert:

22A Renewal of registration

(1) A registrant may apply to renew the registration of a trade name product in accordance with section 10 if—

(a) the registration of the trade name product is in force; and

(b) the registration details held by the Director-General are current and the product remains compliant with the conditions and approvals granted as part of the registration.

(2) If the Director-General receives an application for renewal that meets the requirements of section 10, the registration for which renewal is sought does not expire until,—

(a) for an application granted under section 22B(1), the date on which the application is granted; and

(b) for an application refused under section 22B(3), the later of the following:

(i) the date on which the application is refused:

(ii) the date on which registration expires in accordance with section 21(2) or 27(3).

(3) Sections 11 and 12 apply to an application for renewal.

(4) Sections 9 and 13 to 21 do not apply to an application for renewal.

22B Decision on application for renewal

(1) The Director-General may grant an application made under section 22A if the Director-General is satisfied that—

(a) the registration of the trade name product was in force at the time when the application was received; and

(b) the registration details held by the Director-General are current and the product remains compliant with the conditions and approvals granted as part of the registration.

(2) The decision to grant an application may provide—

(a) that the registration expires on a fixed date; or

(b) that the registration expires when the purpose of the registration has been achieved.

(3) If the Director-General is not satisfied that the requirements in subsection (1)(a) or (b) have been met, the Director-General must refuse to grant the application and the registration expires in accordance with section 22A(2)(b).

8 Section 32A amended (Cancellation of registration)

In section 32A(4)(a) and (b), replace "fees or charges" with "fees, charges, or levies".

9 Section 33 amended (No compensation or damages for loss arising from certain changes)

After section 33(g), insert:

(h) the withdrawal of or refusal to provide a service under section 81J(1)(c).

10 Section 44ZN amended (Director-General may issue notices for certain matters)

In section 44ZN(2), replace "(4B)" with "(8)".

11 Section 76A repealed (Director-General may set specifications and other detailed requirements)

Repeal section 76A.

12 New section 76A inserted (Director-General may set specifications and other detailed requirements)

After section 76, insert:

76A Director-General may set specifications and other detailed requirements

(1) The Director-General may from time to time issue notices setting specifications and other detailed requirements that—

(a) are specified or contemplated by, or necessary to give effect to, any regulation made under section 75; or

(b) are necessary or desirable to amplify the manner in which the requirements of any such regulation may or must be achieved.

(2) Before issuing a notice under this section, the Director-General must do everything reasonably practicable to consult the organisations for the time being considered by the Director-General to represent the interests of persons who will or may be affected by the specifications or other detailed requirements contained in the notice.

(3) Subsection (2) does not apply if the Director-General considers it desirable in the public interest that the notice be issued urgently.

(4) Subsection (2) does not apply if—

(a) the notice (the **new notice**) amends or replaces a notice (the **affected notice**); and

(b) the Director-General considers that the amendment or replacement of the affected notice is minor in effect or corrects a minor or technical error.

(5) However, if 1 or more parts of a new notice do not meet the test in subsection (4)(b), subsection (2) applies in respect of those parts only.

(6) A failure to comply with subsection (2) does not affect the validity of a notice issued under this section.

Secondary legislation

(7) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless the notice applies only to 1 or more named persons.

(8) In addition to complying with the Legislation Act 2019, the Director-General must, if the Director-General considers it practicable, cause a notice that is secondary legislation to be brought to the attention of persons likely to be affected by it by notice or publication in any newspaper or trade journal, or by any other practicable means (including electronic means).

Other notices

(9) Subsections (10) to (12) apply if a notice is not secondary legislation.

(10) The Director-General must—

(a) notify the persons affected by the notice individually in writing, whether by post or facsimile addressed to the person or by electronic means acceptable to the person; and

(b) either—

(i) supply them with a copy of the specifications or other requirements; or

(ii) notify them where they may inspect a copy free of charge (which may include inspection by electronic means) or obtain a copy on payment of a reasonable charge.

(11) If it is not possible or practicable to notify a matter in accordance with subsection (10), the Director-General must—

(a) either—

(i) publish the specifications or other requirements in the *Gazette*; or

(ii) notify their making or existence in the *Gazette*; and

(b) if the Director-General considers it practicable, cause them to be brought to the attention of persons likely to be affected by them by notice or publication in any newspaper or trade journal, or by any other practicable means (including electronic means).

(12) If the specifications or other requirements are notified only, and not published, in the *Gazette*,—

(a) the Director-General must make copies available for inspection free of charge, and for purchase at a reasonable cost, at the head office of the Ministry and at such other places as the Director-General determines; and

(b) the *Gazette* notice must specify where a copy may be inspected or obtained.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
	Subsection (6) must also be complied with	
	The Ministry of Foreign Affairs and Trade considers that the secondary legislation may have international transparency obligations under the CPTPP. As a result, the maker may also have to comply with s 75 of the Legislation Act 2019	LA19 ss 74(2), 75
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

13 Section 81E amended (Regulations may impose levies)

Replace section 81E(5) with:

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Amendments to Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011

14 Principal regulations

Sections 15 and 16 amend the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011.

15 Regulation 3 amended (Interpretation)

(1) In regulation 3, insert in its appropriate alphabetical order:

inhibitor means an agricultural compound applied (either directly or indirectly) to plants or animals or land to mitigate adverse impacts on the environment or to mitigate emissions that contribute to climate change

(2) In regulation 3, revoke the definition of **inhibitor substance**.

16 Schedule 2 amended

In Schedule 2, replace item 8A with:

8A	Inhibitor	The exemption applies to an inhibitor for sale in New Zealand, unless the inhibitor is registered as a trade name product under the Act

Revocation of Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Amendment Regulations 2022

17 Revocation of Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Amendment Regulations 2022

The Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Amendment Regulations 2022 (SL 2022/192) are revoked.

Revocation of Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022

18 Revocation of Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022

The Agricultural Compounds and Veterinary Medicines (Inhibitor Substances) Order 2022 (SL 2022/191) is revoked.

Consequential amendment to Legislation Act 2019

19 Principal Act

Section 20 amends the Legislation Act 2019.

20 Consequential amendment to principal Act

Amend the principal Act as set out in Part 1 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

Amendments to Agricultural Compounds and Veterinary Medicines Act 1997

21 Principal Act

This subpart amends the Agricultural Compounds and Veterinary Medicines Act 1997.

22 Section 76A amended (Director-General may set specifications and other detailed requirements)

Replace section 76A(11) and (12) with:

(11) If it is not possible, reasonable, or practicable to notify a matter in accordance with subsection (10), the Director-General must—

(a) make the specifications or other requirements available to the public free of charge on an Internet site operated by the Ministry; and

(b) notify in the *Gazette*—

(i) the setting of specifications or other requirements; and

(ii) the Internet site where they are published.

23 Section 78A amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 78A(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 78A(2)(a), replace "by satisfying" with "and that are subject to".

Subpart 3—Amendments coming into force under section 2(2)

Amendments to Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011

24 Principal regulations

This subpart amends the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011.

25 Regulation 3 amended (Interpretation)

In regulation 3, revoke the definition of **inhibitor**.

26 Schedule 2 amended

In Schedule 2, revoke item 8A.

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

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

27 Principal Act

This subpart amends the Animal Products Act 1999 and secondary legislation made under that Act.

Amendments to Animal Products Act 1999

28 Section 1 amended (Short Title and commencement)

Repeal section 1(5).

29 Section 4 amended (Interpretation)

(1) In section 4(1), repeal the definition of **Food Standards Code**.

(2) In section 4(1), insert in their appropriate alphabetical order:

adopted joint food standard has the meaning given to it by section 397 of the Food Act 2014

domestic food standard has the meaning given to it by section 404 of the Food Act 2014

temporary food standard means a temporary food standard issued under section 404A of the Food Act 2014

(3) In section 4(1), definition of **dairy processing**, paragraphs (d) and (h), replace "Food Standards Code" with "adopted joint food standards, domestic food standards, or temporary food standards".

(4) In section 4(1), definition of **primary processor**, replace paragraph (d) with:

(d) carries out processes specified in regulations in respect of—

(i) finfish or shellfish, or animal material derived from finfish or shellfish; or

(ii) a mammal or bird, or animal material derived from a mammal or bird; or

(iii) any other animal, or animal material derived from any other animal—

(5) In section 4(1), definition of **verifier**, after "recognised person", insert "or recognised class".

(6) Replace section 4(2) with:

(2) For the purposes of this Act,—

(a) references to the requirements of Parts 2 to 4 include references to the requirements of any regulations, standards, Ministerial orders, notices, or directions made or given for the purposes of those Parts; and

(b) references to the requirements of any other Part or provision include references to the requirements of any regulations, standards, notices, or directions made for the purposes of that Part or provision.

(2A) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations specifying the processes in respect of the processing of animals or animal material that qualify a person as a primary processor.

(2B) Before making a recommendation under subsection (2A), the Minister must consult in accordance with section 163 and have regard to the following matters:

(a) industry practice in relation to the animal material concerned:

(b) the degree of processing and number of processing operations required in relation to the animal material:

(c) the risk factors involved in processing the animal material:

(d) whether or not the processing of the animal material is or may be appropriately addressed by any legislative regime other than this Act:

(e) such other matters that the Minister considers relevant in the particular circumstances.

(7) Replace section 4(4) with:

(4) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) a declaration under paragraph (b) of the definition of animal in subsection (1):

(b) regulations made under subsection (2A).

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(a)		
Publication	The maker must publish it in the *Gazette*	LA19 s 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(b)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

30 Section 6 repealed (References to this Act include references to Animal Products (Ancillary and Transitional Provisions) Act 1999, etc)

Repeal section 6.

31 Section 6C amended (Transitional, savings, and related provisions relating to amending Acts)

Repeal section 6C(2).

32 Section 14 amended (Director-General may grant limited exemption from requirement to have risk management programme)

Replace section 14(3) with:

(3) Subsection (2) does not apply if the test in section 167C is met.

33 Section 26 amended (Notification of minor amendments to risk management programmes)

Replace section 26(1) and (2) with:

(1) For the purpose of ensuring that a registered risk management programme continues to comply with the requirements of section 17, every operator of a risk management programme must notify the Director-General in accordance with subsection (2) of amendments to the risk management programme (**minor amendments**) that—

(a) are of such a nature as not to require registration under section 25; and

(b) have not been previously notified to the Director-General under this section.

(2) Notification must—

(a) be in respect of minor amendments specified in regulations; and

(b) be made within the time frame and at the intervals set out in the regulations; and

(c) be in a form or manner approved by the Director-General; and

(d) be accompanied by—

(i) any information and other material required by the regulations or any supplementary notice; and

(ii) the prescribed fee (if any); and

(e) comply with any other requirements in the regulations or any supplementary notice.

34 Section 38 amended (Nature of regulated control schemes)

After section 38(2), insert:

(3) Subsection (2)(b)(ii) does not apply if the test in section 167C is met.

35 Section 50 amended (Director-General may exempt certain consignments, animal material or animal products, or persons)

(1) In section 50(1)(a), replace "research or development" with "testing, research, or development".

(2) Replace section 50(1)(c) with:

(c) for personal use or other non-commercial use; or

(3) After section 50(1), insert:

(2) The requirement that the Director-General be satisfied of the matters in subsection (1)(a) to (d) does not apply if the test in section 167C is met.

36 Section 60 amended (Export requirements)

After section 60(1), insert:

(1A) The requirement that the Director-General be satisfied of the matters in subsection (1)(a) to (c) does not apply if the test in section 167C is met.

37 Section 60B amended (Exemption from animal product standards where appropriate)

After section 60B(2), insert:

(2A) Subsection (2) does not apply if the test in section 167C is met.

38 Section 77F amended (Regulations relating to verification)

(1) In section 77F(1)(c), replace "whose export an official assurance is required" with "export".

(2) Replace section 77F(2)(a) with:

(a) specify the operations, or the parts of the operations, that must be verified in relation to verification of—

(i) risk management programmes or regulated control schemes; or

(ii) animal material or animal products for export:

39 Section 81A amended (Director-General may require declarations as to supply or movement of animals, animal material, or animal products)

After section 81A(4), insert:

(5) Subsection (4) does not apply if the test in section 167C is met.

40 New section 86AAA inserted (Approvals by Director-General)

After section 86, insert:

86AAA Approvals by Director-General

(1) This section applies if a specified requirement of this Act requires any of the following to be used:

(a) an approved document, material, or facility:

(b) an approved person or approved class of persons.

(2) The Director-General may approve—

(a) a document, material, or facility; or

(b) a person or a class of persons.

(3) Examples of the kinds of documents, materials, or facilities that the Director-General may approve are—

(a) compounds:

(b) devices:

(c) documents:

(d) equipment:

(e) identification systems:

(f) laboratories:

(g) methodologies:

(h) places:

(i) sampling techniques:

(j) security devices:

(k) systems:

(l) techniques.

(4) Before approving a document, material, or facility, the Director-General—

(a) must be satisfied that the document, material, or facility is appropriate, safe, and suitable for a purpose for which a specified requirement of this Act may require it to be used; and

(b) must take into account the criteria prescribed in regulations made under section 167AA, if there are any such regulations.

(5) Before approving a person or class of persons, the Director-General—

(a) must be satisfied that the person or class of persons has the competencies, training, qualifications, and experience that are suitable for a purpose for which regulations may require the person or class of persons to be used; and

(b) must take into account the criteria prescribed in regulations made under section 167AA, if there are any such regulations.

(6) Subsections (4) and (5) do not apply if the test in section 167C is met.

(7) The Director-General may give an approval under this section subject to conditions.

(8) In the case of an approved laboratory, a condition may include reporting requirements relating to certain test results.

(9) An approval must end within 3 years from the date of approval.

(10) The Director-General gives approval by issuing a notice under section 167(1).

(11) The notice must state—

(a) any conditions subject to which the approval is given; and

(b) the date on which the approval ends.

(12) Before an approval ends, the Director-General may issue a new notice under section 167(1) approving the document, material, or facility or the person or class of persons for a period of up to 3 years.

(13) The Director-General may suspend or withdraw an approval by issuing a notice under section 167(1).

(14) For the purposes of subsection (13), sections 27 and 28 apply to the suspension or withdrawal of approval to the extent that they are relevant and with all necessary modifications.

(15) In this section, **specified requirement of this Act** means a requirement in any of the following:

(a) regulations made under this Act:

(b) an order made under section 41:

(c) an order made under section 46:

(d) a notice made under section 167.

41 Section 118 amended (Regulations may impose levies)

(1) Replace section 118(3)(f) with:

(f) prescribe a method of arbitration or mediation in the case of disputes as to—

(i) whether any person is required to pay, or collect, the levy concerned; or

(ii) the amount of levy any person is required to pay or collect:

(g) provide for matters related to those described in paragraph (f), including procedures relating to arbitrators and mediators and the setting of their remuneration.

(2) Replace section 118(6) with:

(6) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

42 Section 136 amended (Defence for persons charged with breach of duty or failure to comply)

In section 136(2), replace "further" with "lesser".

43 Section 158 amended (Identification, differentiation, and security systems and devices)

After section 158(2), insert:

(2A) Subsection (2) does not apply if the test in section 167C is met.

44 Section 163 amended (Consultation requirements for making of certain Orders in Council, regulations, and notices)

(1) After section 163(2)(k), insert:

(l) section 167AA (regulations about approved documents, materials, or facilities, or persons or classes of persons).

(2) After section 163(2), insert:

(2A) Subsection (1A) does not apply if the test in section 167C is met.

45 Section 166 amended (Regulations)

(1) Before section 166(1)(ad)(i), insert:

(iaaa) the minor amendments that must be notified to the Director-General:

(iaab) when minor amendments must be notified to the Director-General:

(2) After section 166(1)(ae), insert:

(af) requiring any person, premises, or thing to be listed for the following purposes:

(i) enabling members of the public to know—

(A) who is authorised to carry out particular activities under the Act, regulations, notices issued under section 167(1) of the Act, and supplementary notices; and

(B) what things are authorised to be used in the carrying out of activities under the Act, regulations, notices issued under section 167(1) of the Act, and supplementary notices; and

(C) what premises are authorised as places for carrying out those activities:

(ii) facilitating the compliance, audit, and other supporting administrative functions of the Ministry under the Act:

(iii) facilitating the ability of the Director-General to advise persons required to be listed of related requirements that apply to them:

(iv) facilitating the object of this Act:

(ag) prescribing, in respect of persons, premises, and things required by regulations to be listed, procedures and requirements relating to the listing:

46 Section 167 amended (Notices)

After section 167(4), insert:

(4A) Subsections (3) and (4) do not apply if the test in section 167C is met.

47 New section 167AA inserted (Regulations about approved documents, materials, or facilities, or persons or classes of persons)

After section 167A, insert:

167AA Regulations about approved documents, materials, or facilities, or persons or classes of person

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations setting out criteria that the Director-General must take into account before approving a document, material, or facility, or a person or class of persons under section 86AAA.

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that require an approved document, material, or facility, or an approved person or an approved class of persons to be used.

(3) Before the Minister recommends that the Governor-General make regulations under subsection (2), the Minister must take the following matters into account:

(a) the risk to human or animal health arising from the production and processing of animal material and products for domestic and overseas markets:

(b) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons to maintain consistency in approaches, methodology, and technology:

(c) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons to make cost and efficiency gains:

(d) any other matters that the Minister considers relevant to the question of whether an approved document, material, or facility, or an approved person or an approved class of persons must be used.

(4) Before recommending the making of regulations under this section, the Minister must be satisfied that there has been appropriate consultation on the regulations in accordance with section 163.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

48 New section 167C inserted (Making instruments that make minor amendments or correct minor or technical errors)

After section 167B, insert:

167C Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

49 Section 169 and cross-heading repealed

Repeal section 169 and the cross-heading above section 169.

Amendments to Animal Products Regulations 2021

50 Principal regulations

Sections 51 to 53 amend the Animal Products Regulations 2021.

51 New regulation 3B inserted (Operations that categorise person as primary processor)

After regulation 3A, insert:

3B Operations that categorise person as primary processor

For the purposes of the definition of primary processor in section 4(1) of the Act, a person performing an operation or process specified in Schedule 1A in relation to a specified animal or animal material is a primary processor of that animal or animal material.

52 Regulation 223 amended (List of persons, premises, and things)

Revoke regulation 223(4).

53 New Schedule 1A inserted

After Schedule 1, insert the Schedule 1A set out in Schedule 1 of this Act.

Animal Products (Definition of Primary Processor) Notice 2000 revoked

54 Animal Products (Definition of Primary Processor) Notice 2000 revoked

The Animal Products (Definition of Primary Processor) Notice 2000 (SR 2000/213) is revoked.

Consequential amendment to Legislation Act 2019

55 Principal Act

Section 56 amends the Legislation Act 2019.

56 Consequential amendment to principal Act

Amend the principal Act as set out in Part 2 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

Amendments to Animal Products Act 1999

57 Principal Act

This subpart amends the Animal Products Act 1999.

58 Section 4 amended (Interpretation)

(1) In section 4(1), definition of **animal**, paragraph (b), replace "subsection (4)" with "subsection (3A)".

(2) After section 4(3), insert:

(3A) The Minister may, by notice under section 167(1), declare a creature or an entity to be an animal for the purposes of this Act.

(3) Replace section 4(4) with:

(4) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) regulations made under subsection (2A):

(b) a declaration made under subsection (3A).

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(a)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)(b)		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

59 Section 41 amended (Emergency control schemes)

(1) In section 41(5)(b), replace "by notice" with "by order under this section".

(2) In section 41(6), after "Before making an order under this section,", insert "other than an order extending an order referred to in subsection (5)(b),".

(3) Replace section 41(10) with:

(10) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation under this section		
Publication	The maker must: • publish it in the *Gazette*; or • notify it in the *Gazette* and specify where copies may be inspected or obtained If it is notified only, and not published, in the *Gazette*, the Director-General must make copies of it available for inspection free of charge, and for purchase at a reasonable cost, at the head office of the Ministry and at such other places as the Director-General determines as necessary or appropriate	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

60 Section 46 amended (Emergency animal product standards)

(1) In section 46(5)(b), replace "by notice" with "by order under this section".

(2) In section 46(6), after "Before making an order under this section,", insert "other than an order extending an order referred to in subsection (5)(b),".

(3) Replace section 46(10) with:

(10) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation under this section		
Publication	The maker must: • publish it in the *Gazette*; or • notify it in the *Gazette* and specify where copies may be inspected or obtained If it is notified only, and not published, in the *Gazette*, the Director-General must make copies of it available for inspection free of charge, and for purchase at a reasonable cost, at the head office of the Ministry and at such other places as the Director-General determines as necessary or appropriate	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

61 Section 81B amended (Director-General may impose movement and related controls)

Replace section 81B(8A) and (8B) with:

(8A) If it is not possible, reasonable, or practicable to give notice in accordance with subsection (8), the Director-General must—

(a) make the notice available to the public free of charge on an Internet site operated by the Ministry; and

(b) notify in the *Gazette*—

(i) the making of the notice; and

(ii) the Internet site where it is published.

62 Section 167B amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 167B(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 167B(2)(a), replace "by satisfying" with "and that are subject to".

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

63 Repeal of Animal Products (Ancillary and Transitional Provisions) Act 1999

The Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94) is repealed.

Part 4
Amendments to Animal Welfare Act 1999

64 Principal Act

This Part amends the Animal Welfare Act 1999.

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

65 Section 36 amended (Obligations relating to traps)

After section 36(2), insert:

(2A) A person who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding $900.

66 Section 43 amended (Consideration of application)

After section 43(1)(b), insert:

(ba) any history of breaches by the applicant of conditions on an animal welfare export certificate:

67 Section 71 amended (Public notification)

(1) Replace section 71(3) with:

(3) The Committee must give public notice of the draft code of welfare.

(2) In section 71(4)(d), replace "a list of" with "list".

(3) Replace section 71(4)(e) with:

(e) state the closing date for the National Animal Welfare Advisory Committee to receive submissions on the draft code, which must be a date no earlier than 30 working days after the date on which public notice is given; and

(4) In section 71(4)(f), before "the address", insert "state".

68 Section 81 amended (Effect of this Part)

Replace section 81(1) and (2) with:

(1) Nothing in Parts 1 and 2, or regulations made under this Act, prevents animals from being used in research, testing, or teaching in accordance with this Part.

(2) The limitation imposed by subsection (1) on the application of Parts 1 and 2 and regulations made under this Act does not apply—

(a) in any case where any animal is used in research, testing, or teaching other than in accordance with this Part or other than in accordance with the conditions of any project approval; or

(b) if regulations prohibit an activity or a procedure from being undertaken in the course of research, testing, or teaching.

69 Section 89 amended (Application for approval)

In section 89(2)(c)(ii), replace "section 106(1)" with "section 116(1), or that the applicant has taken the actions required under section 116(2) to achieve a satisfactory level of compliance".

70 Section 94 amended (Duration of approval)

In section 94(1), after "that code,", insert "or any other commencement date,".

71 New sections 182A to 182F inserted

After section 182, insert:

182A Fees and charges to constitute debt

(1) Any fee or charge that has become payable to the Crown is—

(a) a debt due to the Director-General; and

(b) recoverable as a debt by the Director-General in any court of competent jurisdiction.

(2) Until the fee or charge is paid in full, it remains a debt due to the Director-General.

182B Penalties for failure to pay fee or charge

(1) If a person has failed to pay to the Director-General by the due date any fee or charge payable under this Act,—

(a) section 182D applies to increase the amount payable; and

(b) section 182E applies to allow the Director-General, in appropriate cases, to waive the payment of all or any of the amount of any such increase; and

(c) section 182F applies to allow the Director-General to withdraw, or refuse to provide the person in default with, any service of the kind to which the debt relates.

(2) For the purposes of subsection (1)(c) and section 182F, and without limiting section 182E, the references in those provisions to the withdrawal of or refusal to provide any service are to be treated as also authorising the Director-General, in an appropriate case, to—

(a) withhold or suspend any approval under this Act:

(b) refuse to perform any function under this Act in relation to the person in default.

(3) If the withdrawal or suspension of any approval under this section requires the Director-General to provide any further service, perform any further function, or incur any further costs, the Director-General may recover any reasonable amount for the additional service, function, or costs as a debt due from the person who owns or is responsible for the operation concerned.

182C Dispute does not suspend obligation to pay fee, charge, or penalty

A dispute between a person and the Director-General about the person's liability to pay a fee, charge, or penalty under this Act does not suspend—

(a) the obligation of the person to pay the fee, charge, or penalty; or

(b) the right of the Director-General to receive and recover the fee, charge, or penalty.

182D Penalty for failure to pay statutory debt

(1) In this section and in sections 182E and 182F, **statutory debt** means any fee or charge required to be paid to the Ministry or the holder of any specified office by or under this Act.

(2) If, after the expiry of the time provided for by or under this Act or by subsection (4), all or any part of a statutory debt remains unpaid, the debt increases by an amount calculated in accordance with subsection (3).

(3) The amount by which an unpaid statutory debt, or any unpaid part of a statutory debt, increases is the sum of—

(a) 10% of the debt (or of that part of the debt that remained unpaid after the expiry of the time provided for the debt's payment); and

(b) for every complete period of 6 months after that expiry during which the debt or any part of it (including any deemed increase calculated under this subsection) has remained unpaid, 10% of the debt or that part.

(4) If a time for payment is not provided for by or under this Act, the debt must be paid within 20 working days after the written demand for payment from the Ministry is received by the person responsible for payment in the ordinary course of post.

(5) When the Ministry notifies a person that a statutory debt is incurred, it must also notify that person of the consequences of non-payment under this section.

182E Waiver of penalty

(1) The Director-General may waive the payment of all or any part of the penalty added to the debt under section 182D if they are satisfied that the failure or refusal of a person to pay all or any part of a statutory debt was a result of a genuine dispute between the person and the Ministry as to either or both of the following:

(a) the person's liability to pay the debt:

(b) the amount of the debt.

(2) The Director-General may also waive the payment of all or any part of the penalty if they are satisfied that there is some other good reason for waiving payment.

(3) In any action for the recovery of a statutory debt, the court may waive the payment of all or any part of the penalty added to the debt under section 182D if the court is satisfied that the failure or refusal of a person to pay all or any part of a statutory debt was a result of a genuine dispute between the person and the Ministry as to either or both of the following:

(a) the person's liability to pay the debt:

(b) the amount of the debt.

182F Services may be withdrawn until debt paid

(1) If the Director-General is satisfied under subsection (2), they may give written notice to the person liable to pay the statutory debt stating that service of the kind to which the debt relates may be withdrawn or no longer provided to the person unless—

(a) the debt is paid within 20 working days; or

(b) the Director-General agrees that the debt or part of the debt is not payable.

(2) The Director-General must be satisfied that—

(a) a statutory debt has been correctly calculated; and

(b) the time provided by or under this Act (or by section 182D(4)) for the debt's payment has expired; and

(c) the debt has not been paid.

(3) The Director-General may withdraw or refuse to provide the service concerned if—

(a) 20 or more working days have expired since the Director-General gave any person notice under subsection (1); and

(b) the person concerned has not—

(i) paid the statutory debt or part of the statutory debt concerned; or

(ii) satisfied the Director-General that it is not payable.

(4) If the Director-General has withdrawn or refused to supply a service under subsection (3), the Director-General is not required to reinstate or supply it until a court holds that—

(a) the debt or part of the debt concerned is paid; or

(b) the debt or part of the debt is not payable; or

(c) some lesser amount is payable, and the amount is so paid.

72 Section 199 repealed (Certain regulations to continue in force)

Repeal section 199.

73 Schedule 4 amended

In Schedule 4,—

(a) insert the Part set out in Schedule 2 of this Act as the last Part; and

(b) make all necessary consequential amendments.

74 Schedule 7 repealed

Repeal Schedule 7.

Subpart 2—Amendments coming into force under section 2(1)

75 Section 76 amended (Amendment or revocation of code of welfare)

(1) In section 76(1), delete ", by notice,".

(2) In section 76(1A), replace "A notice" with "An amendment or a revocation of a code of welfare".

(3) In section 76(2), replace "a notice" with "an amendment or a revocation of a code of welfare".

76 Section 91 amended (Approval of code of ethical conduct)

Replace section 91(3) with:

(3) Where the Director-General approves a proposed code of ethical conduct, the Director-General must notify the approval in the *Gazette*.

(3A) The Director-General must maintain a record of approved codes of ethical conduct on an Internet site operated by the Ministry.

77 Section 96 amended (Amendment, suspension, or revocation)

Replace section 96(4) with:

(4) Where the Director-General approves the amendment, suspension, or revocation of a code of ethical conduct, the Director-General must—

(a) notify the approval in the *Gazette*; and

(b) update the record of approved codes of ethical conduct maintained under section 91(3A).

78 Section 109 amended (Accredited reviewers)

(1) In section 109(3), delete "in the *Gazette*".

(2) After section 109(3), insert:

(3A) The Director-General must—

(a) publish a notice made under subsection (3) on an Internet site operated by the Ministry; and

(b) notify its publication in the *Gazette*.

79 Section 112 amended (Performance standards)

(1) In section 112, delete "in the *Gazette*".

(2) In section 112, insert as subsection (2):

(2) The Director-General must—

(a) publish a notice made under subsection (1) on an Internet site operated by the Ministry; and

(b) notify its publication in the *Gazette*.

80 Section 121 amended (Approved organisations)

(1) In section 121(1), delete ", by notice in the *Gazette*,".

(2) After section 121(1), insert:

(1A) The Minister must—

(a) notify the declaration of an approved organisation in the *Gazette*; and

(b) maintain a record of approved organisations (including any conditions or specifications relating to approvals) on an Internet site operated by the Ministry.

81 Section 123 amended (Amendment or revocation of declaration)

(1) In section 123(1) and (2), delete ", by notice in the *Gazette*,".

(2) After section 123(2), insert:

(3) The Minister must—

(a) notify an amendment to, or revocation of, a declaration of an approved organisation (including the amendment or revocation of any condition or specification relating to an approval) in the *Gazette*; and

(b) update the record of approved organisations (including any conditions or specifications relating to approvals) maintained under section 121(1A)(b).

82 Section 124 amended (Appointment of inspectors)

After section 124(9), insert:

(9A) The Director-General must—

(a) publish any performance standards and technical standards established under subsection (9) on an Internet site operated by the Ministry; and

(b) notify their publication, amendment, or revocation in the *Gazette*.

83 Section 184A amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 184A(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 184A(2)(a), replace "by satisfying" with "and that are subject to".

84 Section 189 amended (Transitional provision relating to approved organisations)

(1) In section 189(2) and (4), delete ", by notice in the *Gazette*,".

(2) After section 189(4), insert:

(5) The Minister must—

(a) notify an action taken under this section in the *Gazette*; and

(b) update the record of approved organisations (including any conditions related to approvals) required by section 121(1A)(b).

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

85 Principal Act

This Part amends the Biosecurity Act 1993 and regulations made under that Act.

Amendments to Biosecurity Act 1993

86 New section 7G inserted (Transitional, savings, and related provisions)

After section 7F, insert:

7G Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

87 Section 17 amended (Notice of craft's intended arrival in New Zealand)

(1) Replace section 17(3) with:

(3) The duties in subsections (6) to (10C) must be carried out by the person who is in charge of the craft.

(2) After section 17(10), insert:

Change of intended port or destination

(10A) Subsections (10B) and (10C) apply when—

(a) the person has given the first or second notice; and

(b) the craft has subsequently entered New Zealand territory; and

(c) the person learns that it is now impossible or impracticable for the craft to go to the port or destination stated in the notice.

(10B) The person must give the Director-General notice of the following matters:

(a) where, approximately, the craft is; and

(b) in relation to the craft's arrival in New Zealand,—

(i) the approved port at which it is now intended that the craft will arrive, if it is possible and practicable for the craft to go to an approved port; or

(ii) the destination at which it is now intended that the craft will arrive, if it is impossible or impracticable for the craft to go to an approved port.

(10C) After giving notice under subsection (10B), the person must ensure that the craft goes directly to, and arrives in New Zealand at, the notified port or destination.

88 Section 24B amended (Amendment, revocation, suspension, and reinstatement)

(1) Replace section 24B(2) with:

(2) However, if a chief technical officer considers that the standard needs to be amended or revoked urgently, the officer is not required to comply with section 23(3).

(2A) The officer is not required to comply with sections 23(1) to (4) if the test in section 166B is met.

(2) Replace section 24B(6) with:

(6) Subsections (7) and (8) apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way,—

(a) for a reinstatement, as to cause the requirements in a suspended import health standard to again enable the purposes of this Part to be achieved; or

(b) for a partial reinstatement, as to cause the requirements in part of a suspended import health standard to again enable the purposes of this Part to be achieved.

(3) In section 24B(7), after "the reinstatement", insert "or partial reinstatement".

(4) In section 24B(8), after "reinstate", insert "or partially reinstate".

(5) In section 24B(10), after "the reinstatement", insert "or partial reinstatement".

(6) In section 24B(11), after "reinstate", insert "or partially reinstate".

89 Section 24H amended (Amendment, revocation, suspension, and reinstatement)

(1) Replace section 24H(2) with:

(2) However, if a chief technical officer considers that the standard needs to be amended or revoked urgently, the officer is not required to comply with section 24F(3).

(2A) The officer is not required to comply with sections 24F(1) to (4) if the test in section 166B is met.

(2) After section 24H(5), insert:

Partial suspension

(5A) Subsections (5B) to (5D) apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way as to cause the requirements in a craft risk management standard to no longer enable the purposes of this Part to be achieved in relation to 1 or more craft covered by the standard.

(5B) The officer may, in accordance with subsection (5D), recommend to the Director-General the suspension of the standard in relation to craft of a specified class or description.

(5C) After receiving the officer's recommendation, the Director-General may suspend the standard in relation to the craft.

(5D) The officer must not recommend the suspension of the standard in relation to all craft covered by the standard.

(3) Replace section 24H(6) with:

(6) Subsections (7) and (8) apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way,—

(a) for a reinstatement, as to cause the requirements in a suspended craft risk management standard to again enable the purposes of this Part to be achieved; or

(b) for a partial reinstatement, as to cause the requirements in part of a suspended craft risk management standard to again enable the purposes of this Part to be achieved.

(4) In section 24H(7), after "the reinstatement", insert "or partial reinstatement".

(5) In section 24H(8), after "reinstate", insert "or partially reinstate".

(6) After section 24H(8), insert:

Reinstatement of partial suspension

(8A) Subsections (8B) and (8C) apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way as to cause the requirements in a craft risk management standard to again enable the purposes of this Part to be achieved in relation to 1 or more craft in respect of which the standard is suspended.

(8B) The officer may recommend to the Director-General the reinstatement or partial reinstatement of the standard in relation to the craft.

(8C) After receiving the officer's recommendation, the Director-General may reinstate or partially reinstate the standard in relation to the craft.

90 Section 27 amended (Requirements for clearances)

(1) In section 27(3)(b), after "goods", insert "or classes of goods".

(2) In section 27(3)(b)(i), after "goods", insert "or classes of goods".

91 Section 35 amended (Duties of persons in biosecurity control areas)

(1) After section 35(3), insert:

(3A) A person in a biosecurity control area must, if asked to do so by an inspector, provide the inspector with any documentation relating to imported goods.

(3B) The purpose for which the inspector may ask for information under subsection (3A) is to determine whether biosecurity clearance can be given for imported goods.

(2) In section 35(4), after "subsection (3)", insert "or documentation is provided under subsection (3A)".

(3) In section 35(4)(c), replace "passport or evidence" with "passport, evidence, or documentation".

92 Section 37 amended (Approval of ports as places of first arrival)

After section 37(10), insert:

(10A) Subsection (10)(b) does not apply if the test in section 166B is met.

93 Section 39 amended (Approval and cancellation of approval of transitional facilities and containment facilities)

(1) In section 39(4), after "transitional facility approval", insert "and a containment facility approval".

(2) After section 39(11), insert:

(11A) Subsection (11) does not apply if the test in section 166B is met.

94 Section 52 amended (Communication of pest or unwanted organism)

(1) In section 52, after "person", insert "(other than an inspector, an authorised person, or an accredited person)".

(2) After section 52(d), insert:

(e) if this occurs when the person is complying with a direction, permission, or authorisation issued by an inspector or authorised person under this Act.

95 Section 53 amended (Duties of owners of organisms)

(1) In section 53(1), after "person in charge of an organism", insert "(other than an inspector, an authorised person, or an accredited person)".

(2) After section 53(3), insert:

(4) The prohibitions in this section do not apply to a person who is complying with a direction, permission, or authorisation issued by an inspector or authorised person under this Act.

96 Section 67 amended (Exemptions from rules)

After section 67(4), insert:

(4A) Subsections (2) and (4) do not apply if the test in section 166B is met.

97 Section 87 amended (Exemptions from rules)

After section 87(6), insert:

(6A) Subsections (4) and (6) do not apply if the test in section 166B is met.

98 Section 100I amended (Compensation)

In section 100I(4)(a), after "arbitration", insert "within 3 months after the claimant is notified of the final assessment of the claim".

99 Section 100L amended (Levy orders)

Replace section 100L(7) with:

(7) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

100 Section 100N amended (Contents of order)

Replace section 100N(1)(k) with:

(k) in respect of an auditor appointed under section 100P,—

(i) the remuneration payable; or

(ii) the process by which their remuneration must be determined.

101 Section 100ZB amended (Readiness or response levy orders)

Replace section 100ZB(9) with:

(9) The order is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

102 Section 100ZD amended (Contents of order)

Replace section 100ZD(1)(k) with:

(k) in respect of an auditor appointed under section 100ZF,—

(i) the remuneration payable; or

(ii) the process by which their remuneration must be determined.

103 Section 105C amended (Audits)

(1) In section 105C(3)(a), after "issued under this Act", insert "or approved under section 11(1)(fc) of the Hazardous Substances and New Organisms Act 1996".

(2) In section 105C(3)(b), after "issued under this Act", insert "or approved under section 11(1)(fc) of the Hazardous Substances and New Organisms Act 1996".

104 Section 111 amended (Entry in respect of offences)

(1) In section 111(1), delete "(in the prescribed form)".

(2) Replace section 111(3) with:

(3) Every warrant under subsection (1) is directed to and exercisable only by—

(a) a constable or an inspector specified in the warrant; or

(b) an authorised person specified in the warrant, if accompanied by a constable; or

(c) any constable or inspector; or

(d) any authorised person, if accompanied by a constable.

105 Section 114A amended (Application of articles or substances from aircraft)

(1) In section 114A(5), replace "in a newspaper circulating in the area in which the place is situated" with "in accordance with subsection (5A)".

(2) After section 114A(5), insert:

(5A) A public notice must be published in 1 or more of the following ways, as determined by the chief technical officer:

(a) by notice in the *Gazette*:

(b) by publication in all major metropolitan daily newspapers on at least 2 occasions:

(c) by publication, either temporarily or permanently, on the Ministry's public Internet site:

(d) in any other manner that the chief technical officer is reasonably satisfied will ensure that the matter is sufficiently notified to the public.

(5B) In deciding which methods of notification are most appropriate in any particular case, the chief technical officer must consider—

(a) the nature and significance of the matter required to be notified; and

(b) the characteristics and geographical spread of members of the public with an interest in the matter.

106 Section 116 amended (Power to seize and dispose of unauthorised goods)

Replace section 116(1) with:

(1) Any inspector lawfully exercising a power under any of sections 19(2), 30A, 31, 34(5), 109, 111, 113, 114, and 120 or any authorised person lawfully exercising a power under any of sections 109, 111, 113, 114, and 120 may seize—

(a) any unauthorised goods:

(b) any container, package, or thing in which unauthorised goods are or have been contained:

(c) any goods if an inspector or authorised person has reasonable grounds to suspect—

(i) those goods are in contact with, or have been in contact with, unauthorised goods; and

(ii) pests or unwanted organisms could have been transmitted from the unauthorised goods to those goods.

107 Section 121 amended (Power to examine organisms)

Replace section 121(2) with:

(2) Every owner or person in control of any organism, and every occupier of a place in which any organism is present, must, whenever required by an inspector or authorised person, submit the organism for the purposes of subsection (1A).

108 Section 122 amended (Power to give directions)

In section 122(2), delete ", by notice in writing,".

109 Section 126 amended (Inspection of and intervention in transitional facilities and containment facilities)

(1) Replace section 126(1) with:

(1) An inspector authorised in writing by the Director-General may at any reasonable time enter a transitional facility or a containment facility for the purpose of confirming that—

(a) the facility complies with—

(i) the standards set in accordance with section 11(1)(fc) or 39 of the Hazardous Substances and New Organisms Act 1996; or

(ii) any conditions imposed on the approval of the facility under section 39; or

(b) the operator—

(i) is approved as the facility operator for that facility; or

(ii) complies with any conditions imposed on their approval under section 40.

(1A) Section 112 applies to an entry under subsection (1).

(2) Replace section 126(2)(a) and (b) with:

(a) a transitional facility or containment facility does not comply with—

(i) the standards approved for a facility of that kind; or

(ii) any conditions imposed on the approval of the facility under section 39; or

(b) the facility operator is not complying with—

(i) the standards approved for operating that facility; or

(ii) any conditions imposed on their approval to operate the facility under section 40; or

(3) Replace section 126(3)(b) with:

(b) if a chief technical officer considers it necessary because of emergency or other special circumstances, intervene summarily in the management or operation of the transitional facility or containment facility to ensure compliance with—

(i) the standards approved for a facility of that kind; or

(ii) any conditions imposed on the approval of the facility under section 39; or

(iii) the standards approved for operating that facility; or

(iv) any conditions imposed on the approval of the facility operator under section 40; or

(v) the terms (including any controls imposed under section 45(2) of the Hazardous Substances and New Organisms Act 1996) upon which the organism is confined to the facility.

110 Section 130 amended (Declaration of restricted place)

(1) Replace section 130(3) with:

(3) The notice must be given by serving a copy on the occupier of each place included in the area of the restricted place or by delivering a copy of the notice to the occupier in accordance with section 164A(1) (which includes delivery

by sending the notice by fax or email to the person's fax number or email address).

(3A) However, a notice may be given in accordance with section 164A(2) if the inspector or authorised person cannot with reasonable diligence discover an occupier of the place, or any part of that place, who can be found quickly.

(3B) Section 164A(3), which provides for when a notice delivered by post is deemed to be given or made, applies to a written notice that is delivered in accordance with this section by post.

(2) After section 130(4), insert:

(4AA) An inspector or authorised person may permit an action under subsection (4) subject to any conditions that they consider to be reasonable in the circumstances.

111 Section 131 amended (Declaration of controlled area)

(1) In section 131(2), replace "in a newspaper, or by radio or television announcement, or otherwise as the chief technical officer or management agency considers effective and appropriate" with "given in accordance with subsection (3A)".

(2) In section 131(3), replace "in a newspaper, or by radio or television announcement, or otherwise as the chief technical officer or management agency considers effective and appropriate" with "given in accordance with subsection (3A)".

(3) After section 131(3), insert:

(3A) A public notice must be published in 1 or more of the following ways, as determined by the chief technical officer or management agency:

(a) by notice in the *Gazette*:

(b) by publication in all major metropolitan daily newspapers on at least 2 occasions:

(c) by publication, either temporarily or permanently, on the Ministry's public Internet site:

(d) in any other manner that the chief technical officer or management agency is reasonably satisfied will ensure that the matter is sufficiently notified to the public.

(3B) In deciding which methods of notification are most appropriate in any particular case, the chief technical officer or management agency must consider—

(a) the nature and significance of the matter required to be notified; and

(b) the characteristics and geographical spread of members of the public with an interest in the matter.

112 Section 134 amended (Enforcement of area controls)

After section 134(1), insert:

(1AA) An inspector or authorised person may permit a movement under subsection (1)(b) subject to any conditions that they consider to be reasonable in the circumstances.

113 Section 150 amended (Biosecurity emergency regulations)

Repeal section 150(4)(d).

114 Section 154D amended (Change or cancellation)

In section 154D(1), replace "the appointer of the inspector or authorised person who made the order" with "the holder of the office authorised under section 103 to appoint the person who made the order (the **appointer**)".

115 Section 154E amended (Appeal to District Court)

In section 154E(5)(a)(ii) and (7), replace "the appointer of the inspector or authorised person" with "the holder of the office authorised under section 103 to appoint the person".

116 Section 154G amended (Effect of appeal)

In section 154G(a), replace "the appointer of the inspector or authorised person" with "the holder of the office authorised under section 103 to appoint the person".

117 Section 156 amended (Liability of principals and agents)

Replace section 156(1) with:

(1) An offence committed against any of the provisions of this Act by an agent or employee is treated as also having been committed by the agent's principal or the employee's employer, if it is proved that the act that constituted the offence took place with the principal's or the employer's authority, permission, or consent, or that the principal or the employer knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

118 Section 159 amended (Proceedings for infringement offences other than border infringement offences)

In section 159(2)(b), replace "shall be deemed to have been served on the defendant when it was posted" with "is treated, in the absence of evidence to the contrary, as having been served on the defendant when it would have been delivered to the defendant in the ordinary course of the post".

119 Section 159A amended (Accelerated infringement notice procedure for border infringement offences)

In section 159A(3), replace "is deemed to have been served on the defendant when it was posted" with "is treated, in the absence of evidence to the contrary, as having been served on the defendant when it would have been delivered to the defendant in the ordinary course of the post".

120 Section 162A amended (Compensation)

(1) In section 162A(1)(a), after "are exercised", insert "in good faith (whether or not they are exercised lawfully)".

(2) Replace section 162A(5) with:

(5) A person must make a claim for compensation within 1 year after the date on which the loss suffered by the person ought reasonably to have been verifiable.

(5A) A claim for compensation received after the period specified in subsection (5) must not be declined on the basis that the claim is late, unless the claim's lateness prejudices the decision maker in their ability to assess the claim.

(5B) Despite subsection (5A), compensation is not payable for a claim for compensation received later than 3 years after the date on which the loss suffered by the person ought reasonably to have been verifiable.

(3) In section 162A(6)(a), after "arbitration", insert "within 3 months after the claimant is notified of the final assessment of the claim".

121 Section 164A amended (Procedure for giving directions or making requirements)

(1) Replace section 164A(1)(a)(iv) with:

(iv) by sending the notice by electronic means to the person:

(2) Replace section 164A(1)(b)(vi) with:

(vi) by sending the notice by electronic means to the contact electronic address of the body's registered office:

(3) Replace section 164A(1)(c)(vi) with:

(vi) by sending the notice by electronic means to the partnership's contact electronic address:

(4) Replace section 164A(1)(d)(iv) with:

(iv) by sending the notice by electronic means to the head office of the appropriate department:

(5) After section 164A(3), insert:

(4) For the purposes of this section, a **contact electronic address** is any of the following:

(a) an email or other electronic address provided to the Ministry:

(b) an email or other electronic address that is otherwise available, if there are reasonable grounds to suppose that the body or the partnership will receive the communication.

122 Section 166A amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 166A(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 166A(2)(a), replace "by satisfying" with "and that are subject to".

123 New section 166B inserted (Making instruments that make minor amendments or correct minor or technical errors)

After section 166A, insert:

166B Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

124 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 3 of this Act as the first schedule to appear after the last section of the principal Act.

Revocation of Biosecurity (Form of Search Warrant) Regulations 2012

125 Revocation of Biosecurity (Form of Search Warrant) Regulations 2012

The Biosecurity (Form of Search Warrant) Regulations 2012 (SR 2012/277) are revoked.

Consequential amendments to Legislation Act 2019

126 Principal Act

Section 127 amends the Legislation Act 2019.

127 Consequential amendments to principal Act

Amend the principal Act as set out in Part 3 of Schedule 5.

Part 6
Amendments to Commodity Levies Act 1990

128 Principal Act

This Part amends the Commodity Levies Act 1990.

129 Section 4 amended (Governor-General may impose levy)

Replace section 4(2) with:

(2) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

130 Section 5 amended (Restrictions on making of orders)

(1) Replace section 5(2)(ah) with:

(ah) where voting in the support referendum was conducted on the basis of production of the commodity, that the total amount of the commodity produced by supporters was more than half of the total amount of the commodity produced by all participants during one of the following (as specified on the ballot paper):

(i) the 12 months before the support referendum was held:

(ii) the full season (not exceeding 12 months) immediately preceding the date on which the support referendum was held; and

(2) Replace section 5(2)(ai) with:

(ai) where voting in the support referendum was conducted on the basis of the value of the commodity, that the value of the total amount of the commodity produced by supporters was more than half of the value of the total amount of the commodity produced by all participants during one of the following (as specified on the ballot paper):

(i) the 12 months before the support referendum was held:

(ii) the full season (not exceeding 12 months) immediately preceding the date on which the support referendum was held; and

(3) Replace section 5(2)(aj) with:

(aj) where voting in the support referendum was conducted on the basis of the area of land devoted to the production of the commodity, that the total area of land devoted to the production of the commodity by supporters was more than half of the total area of land devoted to the production of the commodity by all participants on a date specified on the ballot paper that is within the 12-month period before the support referendum was held; and

(4) Replace section 5(2)(ak) with:

(ak) where voting in the support referendum was conducted on the basis of the number, quantity, or capacity, or a thing or things of a specified kind

used in connection with the production of the commodity, that the total number of those things, quantity of that thing, or capacity of those things used in connection with the production of the commodity by supporters was more than half of the total number, quantity, or capacity of that thing or those things so used by all participants during or on one of the following (as specified on the ballot paper):

(i) the 12 months before the support referendum was held:

(ii) the full season (not exceeding 12 months) immediately preceding the date on which the support referendum was held:

(iii) a date that is within the 12-month period before the support referendum was held; and

131 Section 12 repealed (Minister must indicate whether orders to continue in force)

Repeal section 12.

132 Section 13 amended (Levy orders in force no more than 6 years unless extended)

(1) In section 13(2), replace "5 years" with "6 years".

(2) Replace section 13(2)(a) with:

(a) on the recommendation of a Minister, given after complying with all requirements of section 5 except the following:

(i) section 5(1)(b):

(ii) section 5(2)(a) in respect of persons collecting levies, unless the extension would impact those persons; and

(3) In section 13(2)(b), replace "12 months" with "28 days".

(4) Replace section 13(4) with:

(4) An Order in Council made under subsection (2) may, in addition to extending the period for which a levy order is in force, amend the levy order if the Minister is satisfied that the amendment is minor in effect or corrects a minor or technical error.

(5) Replace section 13(5) with:

(5) An order under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

133 Section 25 amended (Annual report and statements)

(1) In section 25(3), replace "table it in" with "present it to".

(2) In section 25(4)(b), replace "table it in" with "present it to".

Consequential amendment to Legislation Act 2019

134 Principal Act

Section 135 amends the Legislation Act 2019.

135 Consequential amendment to principal Act

Amend the principal Act as set out in Part 4 of Schedule 5.

Consequential amendment to Commodity Levies (Rock Lobster) Order 2023

136 Principal regulations

Section 137 amends the Commodity Levies (Rock Lobster) Order 2023.

137 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 4 of Schedule 5.

Part 7
Amendments to Dairy Industry Restructuring Act 2001

138 Principal Act

This Part amends the Dairy Industry Restructuring Act 2001.

139 Section 118 amended (Offences)

(1) In section 118(1)(c), replace "section 109LA; and" with "section 109LA; or".

(2) In section 118(1)(d), replace "section 109LB; and" with "section 109LB; or".

(3) In section 118(1)(e), replace "section 135A:" with "section 135A; or".

140 Section 150E amended (Appointment of members of panel)

After section 150E(2B), insert:

(2C) The functions, duties, and powers of the panel are not affected by any vacancy in its membership.

Part 8
Amendments to Fisheries Act 1996

141 Principal Act

This Part amends the Fisheries Act 1996.

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

142 Section 2 amended (Interpretation)

(1) In section 2(1), definition of **dredge oyster**, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

(2) In section 2(1), definition of **Nelson-Marlborough dredge oyster**, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

(3) In section 2(1), replace the definition of **publicly notify** with:

publicly notify has the meaning given to it by section 2A

(4) In section 2(1), definition of **rock lobster**, paragraph (b), replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

(5) In section 2(1), definition of **transhipment**, after "another vessel", insert "(but not between a fishing vessel and its tender)".

(6) In section 2(1), definition of **whitebait**, replace "*Retropina retropina*" with "*Retropinna retropinna*".

143 New section 2A inserted (Requirement to publicly notify)

After section 2, insert:

2A Requirement to publicly notify

(1) A requirement in this Act to **publicly notify** means to notify in 1 or more of the following ways, as determined by the Minister or the chief executive:

- (a) by notice in the *Gazette*:
- (b) by publication in all major metropolitan daily newspapers on at least 2 occasions:
- (c) by publication, either temporarily or permanently, on the Ministry's public Internet site:
- (d) in any other manner that the Minister or the chief executive is reasonably satisfied will ensure that the matter is sufficiently notified to the public.

(2) In deciding which methods of notification are most appropriate in any particular case, the Minister or the chief executive must consider—

- (a) the nature and significance of the matter required to be notified; and
- (b) the characteristics and geographical spread of members of the public with an interest in the matter.

144 Section 11 amended (Sustainability measures)

(1) After section 11(4), insert:

(4A) The Minister may exercise the power under subsection (4)(b)(i) without taking into account subsection (1)(a) to (c) or (2A) and without having regard to the

provisions specified in subsection (2)(a) to (d) if the test in section 303A is met.

(2) After section 11(5), insert:

(5A) The Minister may exercise the power under subsection (4)(a) without taking into account subsection (1)(a) to (c) or (2A) and without having regard to the provisions specified in subsection (2)(a) to (d) or (5) if the test in section 303A is met.

145 Section 12 amended (Consultation)

After section 12(3), insert:

(4) This section does not apply if the test in section 303A is met.

146 Section 13 amended (Total allowable catch)

(1) After section 13(1), insert:

(1A) Subsections (2) to (3) do not apply in respect of subsection (1) if the test in section 303A is met.

(2) In section 13(4), after "and (3)", insert "(unless the test in section 303A is met)".

(3) After section 13(7), insert:

(7A) The Minister may exercise the power under subsection (7) without considering information about the abundance during the current fishing year of any stock listed in Schedule 2, and without having regard to the matters specified in subsections (2), (2A) (if applicable), and (3), if the test in section 303A is met.

147 Section 14 amended (Alternative total allowable catch for stock specified in Schedule 3)

(1) After section 14(1), insert:

(1A) The Minister may exercise the power under subsection (1) without considering whether the purpose of this Act would be better achieved by setting a total allowable catch otherwise than in accordance with section 13(2) if the test in section 303A is met.

(2) After section 14(6), insert:

(6A) The Minister may exercise the power under subsection (6) without considering information about the abundance during the current fishing year of any stock listed in Schedule 3 if the test in section 303A is met.

148 Section 14B amended (Alternative total allowable catch for certain stocks)

After section 14B(4), insert:

(4A) Subsections (2) to (4) do not apply if the test in section 303A is met.

149 Section 16 amended (Emergency measures)

After section 16(2), insert:

(2A) Subsection (2) does not apply if the test in section 303A is met.

150 Section 21 amended (Matters to be taken into account in setting or varying any total allowable commercial catch)

After section 21(5), insert:

(6) This section does not apply if the test in section 303A is met.

151 Section 29A amended (Basis for allocation of quota)

Repeal section 29A(2)(b).

152 Section 32 amended (Criteria of eligibility to receive provisional catch history for quota management stock)

In section 32(2)(a), replace "Fisheries (Reporting) Regulations 2001" with "Fisheries (Reporting) Regulations 2017, Fisheries (Reporting) Regulations 2001,".

153 Section 60 amended (Minister may consent to persons holding quota in excess of aggregation limits)

After section 60(3), insert:

(3A) The Minister may exercise the power under subsection (1) without consultation and without complying with subsection (3) if the test in section 303A is met.

154 Section 72 amended (Dumping of fish prohibited)

In section 72(4)(a)(i) and (ii), (b)(i) and (ii), (c)(i) and (ii), and (d)(i) and (ii), replace "24-hour period" with "1-day period".

155 Section 72A amended (Minister may require or permit fish or other animal that is aquatic life to be returned or abandoned)

After section 72A(6), insert:

(6A) Subsections (3) and (6) do not apply if the test in section 303A is met.

156 Section 74 amended (Minimum holdings of annual catch entitlement)

Replace section 74(13) with:

(13) An order made under subsection (7) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

157 Section 75 amended (Minister to set deemed value rates)

(1) After section 75(2), insert:

(2A) Subsection (2) does not apply if the test in section 303A is met.

(2) Replace section 75(3) with:

(3) The Minister must set—

(a) annual deemed value rates for a stock that are greater than or equal to interim deemed value rates set for that stock; and

(b) interim deemed value rates for a stock that are lower than or equal to the lowest annual deemed value rate set for that stock under subsection (4).

(3) Replace section 75(5) with:

(5) Subsection (5A) applies in respect of fish, aquatic life, or seaweed that is taken by a commercial fisher who resides in the Chatham Islands and that is landed and received by a licensed fish receiver in the Chatham Islands.

(4) After section 75(5), insert:

(5A) The Minister may set an interim deemed value rate and an annual deemed value rate that are different from the deemed value rates set in respect of the same stock landed and received by a licensed fish receiver elsewhere.

(5B) For the purposes of subsection (5), a commercial fisher that is an entity resides in the Chatham Islands if it employs or engages individuals who reside in, and work for it in, the Chatham Islands.

(5) Replace section 75(7) with:

(7) Any interim or annual deemed value rate set under this section may be varied by the Minister in the same manner.

(8) An annual deemed value rate set or varied under this section takes effect for the stock concerned on—

(a) the first day of the next fishing year; or

(b) the first day of any month in a fishing year (including the current fishing year) specified by the Minister in the notice.

(9) An interim deemed value rate set or varied under this section takes effect for the stock concerned on the first day of the next fishing year.

158 Section 75A amended (Requirement to consult in relation to deemed values)

In section 75A, insert as subsection (2):

(2) This section does not apply if the test in section 303A is met.

159 Section 82 amended (Apportionment of foreign allowable catch for foreign fishing vessels)

After section 82(2), insert:

(3) Subsection (2) does not apply if the test in section 303A is met.

160 Section 83 amended (Issue of licences)

In section 83(4)(p), replace “automatic location communicator” with “geospatial position reporting device”.

161 Section 97 amended (Special permits)

(1) In section 97(1)(b), replace "Disabled Persons Employment Promotion Act 1960" with "Disabled Persons Community Welfare Act 1975".

(2) After section 97(2), insert:

(2A) Subsection (2) does not apply if the test in section 303A is met.

162 Section 108 amended (Application of this Part to tenders)

(1) Replace the heading of section 108 with "**Tender not required to be registered**".

(2) In section 108(2), after "subsection (1) is", insert ", for the purposes of this Act,".

163 Section 110 amended (Fish taken in New Zealand fisheries waters must be landed in New Zealand)

Replace section 110(2)(c) with:

(c) it is transhipped, from the vessel that took the fish, aquatic life, or seaweed to another vessel, and then transported (whether in that vessel or any other vessel) beyond the outer limits of the exclusive economic zone without having been lawfully purchased or acquired by a licensed fish receiver in New Zealand before transportation.

164 Section 113K amended (Conditions of high seas fishing permit)

In section 113K(1)(o), replace "automatic location communicator" with "geospatial position reporting device".

165 Section 115 amended (Minister to issue statement of procedure)

After section 115(3), insert:

(3A) The Minister may approve a statement of procedure without complying with subsections (1) to (3) if the test in section 303A is met.

166 Section 123 amended (Minister to determine dispute)

Replace section 123(5) with:

(5) The Minister must—

(a) give each of the parties to the dispute notice in writing of the determination; and

(b) publicly notify the determination.

167 Section 178 amended (Initial consideration of proposal)

(1) In section 178(2), delete "in the *Gazette*".

(2) In section 178(3), delete "in the *Gazette*".

(3) Replace section 178(4) with:

(4) The notice must state that objections to the proposal may be lodged with the Ministry.

(4A) The chief executive must publicly notify the proposal.

168 Section 179 amended (Notice of proposal)

Replace section 179(2) with:

(2) A copy of the proposal must be deposited in the office of the Ministry nearest to the locality of the area to which the proposal relates.

169 Section 180 amended (Objections to, and submissions on, proposal)

(1) In section 180(1), delete "in the *Gazette*".

(2) In section 180(1), replace "lodge at the office of the Maori Land Court specified under section 178(4)" with "lodge with the Ministry".

(3) Replace section 180(2)(b) with:

(b) be supplemented by the particulars and information that the chief executive notifies the applicant the chief executive considers necessary to sufficiently identify the grounds of the objection or the submissions.

(4) After section 180(2), insert:

(3) If a public inquiry is held under section 181, the chief executive must provide every objection, submission, and all supplementary particulars and information to the Registrar of the Maori Land Court.

170 Section 181 amended (Inquiry by tribunal)

(1) Replace section 181(1) with:

(1) A public inquiry must be conducted into all objections and submissions received under section 180, unless—

(a) the proposed taiapure-local fishery is entirely within 1 or more confirmed rohe moana; and

(b) all confirmed tāngata whenua agree that a public inquiry is not required; and

(c) the person proposing the establishment of the taiapure-local fishery agrees that a public inquiry is not necessary.

(1A) In subsection (1) and in section 183,—

confirmed rohe moana means a customary food gathering area/rohe moana whose boundaries have been confirmed by the Minister in accordance with regulations made under this Act

confirmed tāngata whenua means tāngata whenua confirmed as tāngata whenua of an area/rohe moana by the Minister in accordance with regulations made under this Act.

(2) Replace section 181(9)(b) with:

(b) must publish on the Internet—

(i) the report and recommendations of the tribunal; and

(ii) the decision of the Minister on the report and recommendations of the tribunal; and

(c) must notify the publication under paragraph (b) in the *Gazette*.

171 Section 183 replaced (Power of Minister to recommend declaration of taiapure-local fishery)

Replace section 183 with:

183 Power of Minister to recommend declaration of taiapure-local fishery

The Minister may make a recommendation under section 176(1) if satisfied that the grounds in section 176(2) have been met and—

(a) any proceedings in relation to that proposal (including any proceedings taken under sections 180 to 182 in relation to that proposal) have been disposed of; or

(b) the time for taking any such proceedings has expired; or

(c) objections to or submissions on the proposal, or both, have been lodged under section 180, but no public inquiry has been held in accordance with section 181(1)(a) to (c).

172 Section 186 amended (Regulations relating to customary fishing)

(1) In section 186(2)(d), after "taking", insert "or possession".

(2) After section 186(2), insert:

(2A) Regulations may empower the Minister to declare a mataitai reserve without consultation with the local community or regard to the need to ensure sustainability in relation to the reserve if the test in section 303A is met.

173 Section 186A amended (Temporary closure of fishing area or restriction on fishing methods)

After section 186A(7), insert:

(7A) Subsections (2), (3), and (7) do not apply if the test in section 303A is met.

174 Section 186B amended (Temporary closure of fisheries)

After section 186B(6), insert:

(6A) Subsections (2) and (6) do not apply if the test in section 303A is met.

175 Section 186Q amended (Exemptions)

After section 186Q(2), insert:

(2A) Subsection (2) does not apply if the test in section 303A is met.

176 Section 186R amended (Applications to register as fish farmer)

Replace section 186R(2) with:

(2) The application must be accompanied by,—

(a) if a resource consent or certificate of compliance is required under the Resource Management Act 1991 in relation to the applicant's fish farm, a copy of that resource consent or certificate of compliance; and

(b) any other information required by regulations in relation to an application under this section.

177 Section 186S amended (Decision on application)

(1) Replace section 186S(3) with:

(3) The chief executive may decline an application if—

(a) the applicant has been convicted, within the 5 years immediately preceding the application, of an offence involving fish, aquatic life, or seaweed; or

(b) the chief executive is satisfied that the applicant does not meet a requirement prescribed by regulations for registration as a fish farmer.

(2) After section 186S(5), insert:

(6) The chief executive may, by written notice to a registered fish farmer, amend, add, or revoke any conditions of registration, to take effect from a date specified in the notice.

178 Section 188 amended (Conversion factors)

After section 188(1), insert:

(1A) The Minister may exercise the power under subsection (1) without consultation if the test in section 303A is met.

179 Section 188A amended (Spat ratio)

After section 188A(2), insert:

(2A) Subsection (2) does not apply if the test in section 303A is met.

180 Section 191 amended (Disposal of fish by commercial fishers)

In section 191(1)(c), delete "approved".

181 Section 192A amended (Restriction on acquisition of fish, aquatic life, and seaweed by fish farmers)

After section 192A(3), insert:

(3A) Subsection (3) does not apply if the test in section 303A is met.

182 Section 246 amended (Liability of directors and managers)

Replace section 246(2) with:

(2) Every person to whom subsection (1) applies commits an offence against that subsection and is liable on conviction to the penalty in section 252 that corresponds to the provision creating the offence by the body corporate.

183 Section 252 amended (Penalties)

(1) After section 252(1)(f), insert:

(g) section 246(1) (liability of directors and managers) in respect of an offence against a provision specified in paragraphs (a) to (f).

(2) Replace section 252(2) with:

(2) Every person convicted of an offence against either of the following provisions of this Act is liable to a fine not exceeding $500,000:

(a) section 84(3) (licensing offences by foreign vessels):

(b) section 246(1) (liability of directors and managers) in respect of an offence against section 84(3).

(3) After section 252(3)(q), insert:

(r) section 246(1) (liability of directors and managers) in respect of an offence against a provision specified in paragraphs (c) to (q).

(4) Replace section 252(3A) with:

(3A) Every person convicted, whether in the same or separate proceedings, of 2 or more offences against any of the following provisions of this Act committed within a period of 3 years is liable to a fine not exceeding $250,000 in respect of the second offence and each subsequent offence committed within that period:

(a) section 72(4)(a), (b), (c), or (d) (unlawfully returning, abandoning, or retaining fish or other animals that are aquatic life in any 1-day period):

(b) section 246(1) (liability of directors and managers) in respect of an offence against section 72(4)(a), (b), (c), or (d).

(5) Replace section 252(4) with:

(4) Every person convicted of an offence against either of the following provisions of this Act is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding $100,000:

(a) section 257(2) (prohibition of fishing activity in case of reoffending):

(b) section 246(1) (liability of directors and managers) in respect of an offence against section 257(2).

(6) In section 252(5)(ba), replace “24-hour” with “1-day”.

(7) After section 252(5)(o), insert:

(p) section 246(1) (liability of directors and managers) in respect of an offence against a provision specified in paragraphs (a) to (o).

(8) Replace section 252(5A) with:

(5A) Every person convicted of an offence against any of the following provisions of this Act is liable to a fine not exceeding $10,000:

(a) section 72(4)(a)(i), (b)(i), (c)(i), or (d)(i) (unlawfully returning, abandoning, or retaining 50 or fewer fish or other animals that are aquatic life in any 1-day period):

(b) section 246(1) (liability of directors and managers) in respect of an offence against section 72(4)(a)(i), (b)(i), (c)(i), or (d)(i).

(9) After section 252(6)(d), insert:

(e) section 246(1) (liability of directors and managers) in respect of an offence against a provision specified in paragraphs (a) to (d).

184 Section 255C amended (Forfeiture for section 252(2), (3), and (5) offences, offences carrying fine of $100,000, repeat offences, and serious non-commercial offences)

After section 255C(4), insert:

(5) In this section, a reference to section 252(5)(ba) includes a reference to section 252(5)(p) in respect of an offence referred to in section 252(5)(ba).

185 Section 255E amended (General provisions relating to forfeiture)

After section 255E(2)(b), insert:

(c) section 246(1) in respect of an offence against a provision specified in paragraph (a) or (b).

186 Section 256 amended (Provisions relating to forfeit property)

(1) In section 256(2)(b), replace "$200" with "$500".

(2) In section 256(2) and (3), replace "apply to the court" with "apply to the same court with criminal jurisdiction that ordered the forfeiture".

187 Section 258 amended (Sum equal to deemed value payable if catch returns not completed or provided, or false returns provided)

(1) In section 258(1)(b)(iii), replace "return,—" with "return; or".

(2) After section 258(1)(b), insert:

(c) section 246(1) in respect of an offence against a provision specified in paragraph (a) or (b),—

188 Section 295 amended (Notification of appointments and places for provision of information)

(1) Replace section 295(1) with:

(1) The chief executive must publicly notify—

(a) the appointment of any person or organisation to any position under this Act; and

(b) that any person or organisation shall perform any of the powers, functions, and duties of the chief executive under any arrangement or contract under section 294(1)(b).

(1A) The chief executive may, by notice in the *Gazette*, appoint places where notices, objections, requests, applications, accounts, records, returns, and other information and documents shall be provided or received under this Act, including places for the purpose of the electronic transmission of accounts, records, returns, transactions, information, notices, objections, requests, applications, and other documents.

(2) In section 295(4)(a), replace "by notice in the *Gazette* under subsection (1)" with "by notice under subsection (1) or (1A)".

189 Section 296P amended (Procedure for issuing standards and specifications)

Replace section 296P(2) with:

(2) Subsection (1) does not apply if the standards and specifications need to be issued or amended urgently.

(2A) Subsection (1) does not apply if the test in section 303A is met.

190 Section 296ZAA amended (Suspension of permit and refusal of services for non-payment of fees)

(1) In section 296ZAA(1), replace "an automatic location communicator" with "a geospatial position reporting device".

(2) In section 296ZAA(5), replace "an automatic location communicator" with "a geospatial position reporting device".

191 Section 297 amended (General regulations)

(1) Replace section 297(1)(a)(xiv) with:

(xiv) for the purposes of section 191(1)(c),—

(A) specifying alternative methods of disposal that may be used by fishers and criteria that must be met for their use:

(B) specifying alternative methods of disposal that the chief executive may permit fishers to use and authorising the chief executive to approve their use on application by a fisher:

(C) providing for applications for approval to use an alternative method of disposal and prescribing requirements relating to applications:

(D) prescribing criteria that the chief executive must take into account in considering an application:

(E) prescribing requirements relating to the disposal of fish, aquatic life, or seaweed by an approved method of disposal:

(F) providing for, and prescribing requirements relating to, the verification of the alternative methods of disposal of fish, aquatic life, or seaweed:

(2) After section 297(1)(d), insert:

(da) prescribing requirements for registration as a fish farmer under Part 9A, which may include requirements for, or in relation to,—

(i) the operation of fish farms, including processes for stock health, movement, and feed, and processes for the movement of people; and

(ii) plans that describe the matters referred to in subparagraph (i) (on-farm plans); and

(iii) vehicles or vessels used in the operation of fish farms; and

(iv) the qualifications, training, and experience required for persons working on fish farms:

(db) prescribing any information in addition to that required by section 186R(2) that must accompany an application for registration as a fish farmer:

(3) After section 297(3A), insert:

(3B) Regulations made under subsection (1)(da) may prescribe requirements that apply to all fish farms or classes of fish farm.

192 New section 303A inserted (Making instruments that make minor amendments or correct minor or technical errors)

After section 303, insert:

303A Making instruments that make minor amendments or correct minor or technical errors

(1) Subject to subsection (3), the test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

(3) The test in this section is only met in either of the following cases if the maker of a new instrument is satisfied that the effect of the instrument is to correct a minor or technical error:

(a) the new instrument sets, amends, or revokes 1 or more of the following:

(i) a numerical limit on the quantity of a fisheries resource:

(ii) a financial value in respect of fisheries services:

(b) the new instrument is made under section 11(4)(a), 13(1), (4), or (7), 14(1), (3), or (6), 14B(1), 20(1) or (2), 82(1), 186(2)(b), 186A(1), or 186B(1).

193 Section 310 amended (Southern scallop enhancement programmes)

After section 310(2), insert:

(2A) The Minister may approve an enhancement programme without the consultation requirement in subsection (1) being met if the test in section 303A is met.

194 Section 318 repealed (Amendments to Fisheries (Cost Recovery Levies) Order 1995)

Repeal section 318.

195 Section 369M repealed (Expiry of section 369L(3))

Repeal section 369M.

196 Schedule 1AA amended

(1) In Schedule 1AA, clause 6(1)(a), replace "2026" with "2028".

(2) In Schedule 1AA, clause 6(2)(b), item relating to dredge oysters, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

(3) In Schedule 1AA, clause 6(2)(b), item relating to packhorse rock lobster, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

(4) In Schedule 1AA, clause 7(1), replace table 1 with:

Table 1—Stocks or species deemed to meet criteria in section 72A for specified period or indefinitely

Stock or species	Relevant enactment
	Fisheries (Commercial Fishing) Regulations 2001
Paua (*Haliotis iris* (ordinary paua))	Regulation 32
Paua (*Haliotis australis* (yellowfoot paua))	Regulation 32
Dredge oyster (*Ostrea chilensis*)	Regulation 32
Female spiny rock lobster (*Jasus edwardsii*)	Regulation 37
Male spiny rock lobster (*Jasus edwardsii*)	Regulation 37
Packhorse rock lobster (*Sagmariasus verreauxi*)	Regulation 37
Rock lobster (any species)	Regulation 41

Stock or species	Relevant enactment
Eel (short-finned eel (*Anguilla australis*) and long-finned eel (*Anguilla dieffenbachii*))	Regulation 50
Eel (short-finned eel (*Anguilla australis*) and long-finned eel (*Anguilla dieffenbachii*))	Regulation 51
	Fisheries (Central Area Commercial Fishing) Regulations 1986
Paddle crab (*Ovalipes catharus*)	Regulation 14D
Male spiny rock lobster (*Jasus edwardsii*)	Regulation 14K
	Fisheries (Challenger Area Commercial Fishing) Regulations 1986
Paddle crab (*Ovalipes catharus*)	Regulation 14E
	Fisheries (South-East Area Commercial Fishing) Regulations 1986
Spiny rock lobster (*Jasus edwardsii*)	Regulation 6
Paddle crab (*Ovalipes catharus*)	Regulation 11J
Eel (short-finned eel (*Anguilla australis*) and long-finned eel (*Anguilla dieffenbachii*))	Regulation 11N
Male short-finned eel (*Anguilla australis*)	Regulation 11O
	Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986
Female spiny rock lobster (*Jasus edwardsii*)	Regulation 5C
Paddle crab (*Ovalipes catharus*)	Regulation 15H
	Fisheries Act 1996, Schedule 6
Rock lobster (*Sagmariasus verreauxi*, *Jasus edwardsii*) in all New Zealand fisheries waters	
Prawn killer (*Ibacus alticrenatus*) in all New Zealand fisheries waters	
Paddle crab (*Ovalipes catharus*) in all New Zealand fisheries waters	
Deepwater crab (*Chaceon bicolor*, *Lithodes murrayi*, *Neolithodes brodiei*, and *Jacquinotia edwardsii*) in all New Zealand fisheries waters	
Cockle (*Austrovenus stutchburyi*) in all New Zealand fisheries waters except fishery management area 10	
Green-lipped mussel (*Perna canaliculus*) in quota management areas GLM1, GLM2, GLM3, GLM7A, GLM7B, GLM8, and GLM10	
Green-lipped mussel (*Perna canaliculus*) in quota management area GLM9	
Pipi (*Paphies australis*) in all New Zealand fisheries waters except fishery management area 10	
Surf clam (*Bassina yatei*, *Dosinia anus*, *Dosinia subrosea*, *Mactra discors*, *Mactra murchisoni*, *Paphies donacina*, *Spisula aequilatera*) in all New Zealand fisheries waters except fishery management areas 6 and 10	

Stock or species	Relevant enactment
Dredge oyster (*Ostrea chilensis*) in all New Zealand fisheries waters except quota management area OYU5 and fishery management area 10	
Knobbed whelk (*Austrofusus glans*) in quota management areas KWH1, KWH2, KWH3, KWH4, KWH5, KWH6, KWH7A, KWH7B, KWH8, and KWH9	
Freshwater eel (*Anguilla australis*, *Anguilla dieffenbachii*, and *Anguilla reinhardtii*) in all New Zealand fisheries waters	
Bladder kelp (*Macrocystis pyrifera*) in all New Zealand fisheries waters	
Kina (*Evechinus chloroticus*) in all New Zealand fisheries waters	

(5) In Schedule 1AA, clause 7(2) and table 2 heading, replace "2026" with "2028".

197 Schedule 4D repealed

Repeal Schedule 4D.

198 Schedule 5 amended

In Schedule 5, item relating to packhorse rock lobster, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

199 Schedule 8A amended

In Schedule 8A, item relating to dredge oysters, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

200 Schedule 10 repealed

Repeal Schedule 10.

Consequential amendment to Legislation Act 2019

201 Principal Act

Section 202 amends the Legislation Act 2019.

202 Consequential amendments to principal Act

Amend the principal Act as set out in Part 5 of Schedule 5.

Consequential amendments to Fisheries (Amateur Fishing) Regulations 2013

203 Principal regulations

Section 204 amends the Fisheries (Amateur Fishing) Regulations 2013.

204 Consequential amendments to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendment to Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986

205 Principal regulations

Section 206 amends the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.

206 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendment to Fisheries (Central Area Commercial Fishing) Regulations 1986

207 Principal regulations

Section 208 amends the Fisheries (Central Area Commercial Fishing) Regulations 1986.

208 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendments to Fisheries (Challenger Area Commercial Fishing) Regulations 1986

209 Principal regulations

Section 210 amends the Fisheries (Challenger Area Commercial Fishing) Regulations 1986.

210 Consequential amendments to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendments to Fisheries (Commercial Fishing) Regulations 2001

211 Principal regulations

Section 212 amends the Fisheries (Commercial Fishing) Regulations 2001.

212 Consequential amendments to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendment to Fisheries (South-East Area Commercial Fishing) Regulations 1986

213 Principal regulations

Section 214 amends the Fisheries (South-East Area Commercial Fishing) Regulations 1986.

214 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendment to Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986

215 Principal regulations

Section 216 amends the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986.

216 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 5 of Schedule 5.

Consequential amendment to Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice 2005

217 Principal notice

Section 218 amends the Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice 2005.

218 Consequential amendment to principal notice

Amend the principal notice as set out in Part 5 of Schedule 5.

Consequential amendments to Fisheries (Total Allowable Catch, Total Allowable Commercial Catch, and Deemed Value Rates) Notice 2015

219 Principal notice

Section 220 amends the Fisheries (Total Allowable Catch, Total Allowable Commercial Catch, and Deemed Value Rates) Notice 2015.

220 Consequential amendments to principal notice

Amend the principal notice as set out in Part 5 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

221 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

publicly available means to make available to the public free of charge

222 Section 11 amended (Sustainability measures)

(1) In section 11(4), delete "in the *Gazette*".

(2) After section 11(5), insert:

(5A) If the Minister makes a notice under subsection (4)(a), the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

223 Section 11A amended (Fisheries plans)

After section 11A(4), insert:

(5) If the Minister approves, amends, or revokes a fisheries plan, the Minister must—

(a) notify that action in the *Gazette*; and

(b) make the approved or amended plan publicly available on the Internet.

224 Section 13 amended (Total allowable catch)

(1) In section 13(1), (4), and (7), delete "in the *Gazette*".

(2) After section 13(10), insert:

(10A) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

225 Section 14 amended (Alternative total allowable catch for stock specified in Schedule 3)

(1) In section 14(1), (3), and (6), delete "in the *Gazette*".

(2) After section 14(8), insert:

(8A) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

226 Section 14B amended (Alternative total allowable catch for certain stocks)

(1) In section 14B(1) and (6), delete "in the *Gazette*".

(2) After section 14B(8), insert:

(9) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

227 Section 20 amended (Setting and variation of total allowable commercial catch)

(1) In section 20(1) and (2), delete "in the *Gazette*".

(2) After section 20(5), insert:

(6) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

228 Section 35 amended (Notification of eligibility to receive provisional catch history)

(1) In section 35(3), replace "publicly notify" with "notify in the *Gazette*".

(2) After section 35(3), insert:

(3A) The chief executive must maintain a record of notified provisional catch history eligibility and make the record publicly available on the Internet.

229 Section 35A amended (Amendment of notification of eligibility to receive provisional catch history)

Replace section 35A(3)(a) with:

(a) the chief executive must—

(i) notify in the *Gazette* the revocation and the reasons for the revocation; and

(ii) update the record required by section 35(3A); and

230 Section 60 amended (Minister may consent to persons holding quota in excess of aggregation limits)

(1) In section 60(1), delete "in the *Gazette*".

(2) After section 60(4), insert:

(5) The Minister must maintain a record of persons given consent under subsection (1) and make it publicly available on the Internet.

(6) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (5).

231 Section 75 amended (Minister to set deemed value rates)

(1) In section 75(1), delete "in the *Gazette*".

(2) After section 75(7), insert:

(8) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

232 Section 81 amended (Calculation of foreign allowable catch)

After section 81(7), insert:

(8) The Minister must maintain a record of determinations made under this section and make it publicly available on the Internet.

(9) If the Minister makes a determination under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (8).

233 Section 82 amended (Apportionment of foreign allowable catch for foreign fishing vessels)

After section 82(3), insert:

(4) The Minister must maintain a record of apportionments made under this section and make it publicly available on the Internet.

(5) If the Minister makes an apportionment under subsection (1), the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (3).

234 Section 83 amended (Issue of licences)

(1) In section 83(1)(a) and (b), delete "in the *Gazette*".

(2) After section 83(1), insert:

(1A) If the chief executive makes a notice under subsection (1)(a), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

(1B) If the Minister makes a notice under subsection (1)(b), the Minister must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

235 Section 98 amended (Registers)

(1) In section 98(5), delete "in the *Gazette*".

(2) After section 98(5), insert:

(5A) If the chief executive makes a notice under subsection (5), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

236 Section 113C amended (Notification and certification by Secretary of Foreign Affairs and Trade)

(1) In section 113C(1), delete ", by notice in the *Gazette*,".

(2) Replace section 113C(2) with:

(2) A notice given under subsection (1) must—

(a) be notified in the *Gazette*; and

(b) be made publicly available on the Internet; and

(c) specify where a copy of the constitution of the organisation or a copy of the arrangement, as the case may be, may be obtained.

237 Section 115 amended (Minister to issue statement of procedure)

(1) In section 115(1), replace "shall publicly" with "must".

(2) After section 115(1), insert:

(1A) A notice under subsection (1) must be—

(a) notified in the *Gazette*; and

(b) made publicly available on the Internet.

(3) Repeal section 115(4).

(4) In section 115(5), replace "subsections (2) to (4)" with "subsections (2) and (3)".

238 Section 186 amended (Regulations relating to customary fishing)

(1) In section 186(2)(b), delete "in the *Gazette*".

(2) After section 186(3), insert:

(3A) The Minister must maintain a record of declarations made under this section and make it publicly available on the Internet.

(3B) If the Minister makes a notice under regulations made under subsection (2)(b), the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (3A).

239 Section 186G amended (Provision of fisheries information relating to stock)

(1) In section 186G, delete "in the *Gazette*".

(2) In section 186G, insert as subsection (2):

(2) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

240 Section 186K amended (Fish Farmer Register)

(1) In section 186K(5), delete "in the *Gazette*".

(2) After section 186K(5), insert:

(5A) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

241 Section 186Q amended (Exemptions)

(1) In section 186Q(1)(a), delete "in the *Gazette*".

(2) In section 186Q(6)(a), delete "in the *Gazette*".

(3) After section 186Q(8), insert:

(8A) The chief executive must maintain a record of exemptions made under this section and make it publicly available on the Internet.

(8B) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (8A).

242 Section 188 amended (Conversion factors)

(1) In section 188(1), replace "notice in the *Gazette*" with "public notice".

(2) In section 188(5), replace "notice in the *Gazette*" with "public notice".

(3) In section 188(6), replace "*Gazette*" with "public".

(4) After section 188(6), insert:

(7) If the chief executive makes a public notice under subsection (1) or (5), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

243 Section 188A amended (Spat ratio)

(1) In section 188A(1), delete "in the *Gazette*".

(2) After section 188A(3), insert:

(4) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

244 Section 190 amended (Accounts, records, returns, and other information)

(1) In section 190(1), after "class of cases,", insert "by notice,".

(2) After section 190(1), insert:

(1A) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

245 Section 264 amended (Levies)

After section 264(3), insert:

(3A) If the chief executive prescribes or provides for a matter under an order made under subsection (3)(f), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

246 Section 265A amended (Recommendation for levies payable in year commencing 1 October 2003 and subsequent years)

(1) In section 265A(5), delete "in the *Gazette*".

(2) After section 265A(5), insert:

(5A) The Minister must maintain a record of notices made under this section and make it publicly available on the Internet.

(5B) If the Minister makes a notice under this section, the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (5A).

247 Section 282 amended (Reports)

Replace section 282(2) with:

(2) As soon as practicable after receiving a general report, the Minister must—

(a) present the report to the House of Representatives; and

(b) make it publicly available on the Internet.

248 Section 295 amended (Notification of appointments and places for provision of information)

(1) In section 295(1A), delete "in the *Gazette*".

(2) After section 295(4), insert:

(5) If the chief executive makes a notice under subsection (1A), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

249 Section 296 amended (Electronic transmission)

(1) In section 296(1) and (3), after "chief executive may", insert ", by notice,".

(2) After section 296(3), insert:

(4) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

250 Section 296P amended (Procedure for issuing standards and specifications)

Replace section 296P(3) and (4) with:

(3) When the Minister issues or amends standards and specifications, the Minister must—

(a) give a copy of the standards and specifications to each approved service delivery organisation to which they relate; and

(b) notify the issue or amendment in the *Gazette*; and

(c) make the issued or amended standards and specifications publicly available on the Internet.

251 Section 296Q amended (Approved service delivery organisations must comply with directions)

Replace section 296Q(3)(b) with:

(b) as soon as practicable after giving the written notice,—

(i) notify it in the *Gazette*; and

(ii) present a copy of it to the House of Representatives; and

(iii) make it publicly available on the Internet.

252 Section 298A amended (Regulations relating to demerit points)

After section 298A(3), insert:

(3A) An instrument made under regulations made under subsection (1)(a) or (i), other than an instrument that applies to 1 or more named persons, must be—

(a) notified in the *Gazette*; and

(b) made publicly available on the Internet.

253 Section 300 amended (Dockside monitoring)

After section 300(2), insert:

(2A) An instrument made under regulations made under subsection (1)(b) or (e) must be—

(a) notified in the *Gazette*; and

(b) made publicly available on the Internet.

254 Section 303 amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 303(1)(a), replace “by satisfying” with “and that is subject to”.

(2) In section 303(2)(a), replace “by satisfying” with “and that are subject to”.

255 Section 304 amended (Circulars)

(1) In section 304(1), replace “the promulgation from time to time by the chief executive of” with “the chief executive to make”.

(2) After section 304(3), insert:

(4) If the chief executive makes a circular under regulations made under subsection (1), the chief executive must—

(a) notify it in the *Gazette*; and

(b) make it publicly available on the Internet.

256 Section 310 amended (Southern scallop enhancement programmes)

After section 310(5), insert:

(6) The Minister must maintain a record of enhancement programmes approved under this section and make it publicly available on the Internet.

(7) If the Minister approves or varies, or cancels the approval of, an enhancement programme, the Minister must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (6).

257 Section 341 amended (Confirmation of quota)

(1) In section 341(5), (6), and (9), delete "in the *Gazette*" in each place.

(2) After section 341(9), insert:

(10) The chief executive must maintain a record of notices made under this section and make it publicly available on the Internet.

(11) If the chief executive makes a notice under this section, the chief executive must—

(a) notify it in the *Gazette*; and

(b) update the record required by subsection (10).

Part 9
Amendments to Food Act 2014

258 Principal Act

This Part amends the Food Act 2014.

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

259 Section 8 amended (Interpretation)

In section 8(1), definition of **verifier**, after "recognised person", insert "or recognised class".

260 Section 33 amended (Chief executive may grant exemption from requirement to operate under registered food control plan or national programme)

After section 33(3), insert:

(3A) Subsections (2) and (3) do not apply if the test in section 443B is met.

261 Section 207 amended (Regulations may impose levies)

Replace section 207(7) with:

(7) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

262 Section 208 amended (Regulations may provide for exemptions, waivers, and refunds)

(1) In section 208(2), replace "Regulations made under this section" with "Regulations made under subsection (1)(a)".

(2) After section 208(2), insert:

(2A) Regulations made under subsection (1)(b) or (c) must—

(a) provide that any exemption, waiver, or refund granted by the chief executive or the territorial authority expires within a specified period not exceeding 5 years; and

(b) set out the circumstances in which the exemption, waiver, or refund may be granted.

263 Section 212 amended (Penalties for failure to pay fee, charge, or levy)

(1) In section 212(1), after "If a person", insert "who operates a registered food control plan or food business subject to a national programme, or imports food for the purpose of sale,".

(2) Replace section 212(2)(c) with:

(c) withhold the registration of any food control plan, food business subject to a national programme, or importer of food for the purposes of sale or require the suspension of any relevant operations of the operator of the plan or the business, or of the importer.

264 Section 291 amended (Approvals by chief executive)

After section 291(4), insert:

(4A) Subsections (4) and (5) do not apply if the test in section 443B is met.

265 Section 347 amended (Exemption by chief executive)

After section 347(2), insert:

(2A) Subsection (2) does not apply if the test in section 443B is met.

266 Section 368 amended (Disclosing information inside New Zealand: application of section 369)

After section 368(3)(b), insert:

(ba) the Misuse of Drugs Act 1975; or

267 Section 379 amended (Consultation: Minister's powers)

(1) After section 379(1)(28), insert:

(28A) the Minister's power under section 421(6) (pre-commencement standards) to amend specified food standards:

(2) After section 379(6), insert:

(6A) This section does not apply in respect of section 404(1) or 421(6) if—

(a) the test in section 443B is met; or

(b) in respect of an amendment, the amendment corrects an error or omission in that standard.

(3) Replace section 379(9) with:

(9) This section does not apply to—

(a) the Minister's power to issue a temporary food standard under section 404A; or

(b) the Minister's power to issue an emergency notice under section 410.

268 Section 380 amended (Consultation: chief executive's powers)

After section 380(5), insert:

(5A) This section does not apply if the test in section 443B is met.

269 Section 403 and cross-heading replaced

Replace section 403 and the cross-heading above section 403 with:

Domestic and temporary food standards

403 Purpose of sections 404 and 404A

The purpose of sections 404 and 404A is to allow, in certain limited and exceptional circumstances, for food standards to be issued separately from those set out in the Australia New Zealand Food Standards Code and to be given the force of law in New Zealand only.

270 Section 404 amended (Minister may issue domestic food standards)

(1) Replace section 404(1) with:

(1) The Minister may, by notice, issue food standards (**domestic food standards**) for food manufactured or prepared for sale or sold in New Zealand, or imported into, or exported from, New Zealand if—

(a) standards have been or are being developed under the Australia–New Zealand Joint Food Standards Agreement for inclusion in the Australia New Zealand Food Standards Code, but New Zealand has chosen, under an annex of the Agreement, to opt out of the standards; or

(b) standards have not been and are not being developed under the Australia–New Zealand Joint Food Standards Agreement for inclusion in the Australia New Zealand Food Standards Code and—

(i) the Minister is satisfied that there is no joint interest for such standards to be developed; and

(ii) specific conditions in New Zealand require a domestic standard.

(2) In section 404(2), replace "In" with "Before".

(3) Replace section 404(3) with:

(3) *See* section 379 for the requirement to consult before issuing a domestic food standard.

(4) Replace section 404(4) with:

(4) The effect of issuing a domestic food standard is that a person who manufactures or prepares food for sale in New Zealand, or sells food in New Zealand, or imports food into, or exports food from, New Zealand must comply with the requirements of the domestic food standard in relation to that food.

(4A) Subsection (2) does not apply if—

(a) the test in section 443B is met; or

(b) in respect of an amendment to a domestic food standard, the amendment corrects an error or omission in that standard.

271 New sections 404A and 404B inserted

After section 404, insert:

404A Minister may issue temporary food standards

(1) The Minister may, by notice, issue temporary food standards for food manufactured or prepared for sale or sold in New Zealand, or imported into, or exported from, New Zealand, in circumstances permitted by an annex to the Australia–New Zealand Joint Food Standards Agreement.

(2) Before issuing temporary food standards, the Minister must take into account the following matters:

(a) the need to protect public health:

(b) the desirability of avoiding unnecessary restrictions on trade:

(c) the desirability of maintaining consistency between domestic food standards and those standards that apply internationally:

(d) the need to give effect to New Zealand's obligations under any relevant international treaty, agreement, convention, or protocol:

(e) any other matters that the Minister considers relevant.

(3) The Minister must not issue a temporary food standard under subsection (1) unless they are satisfied that there has been appropriate consultation on the temporary food standard that is reasonable and practical in the circumstances.

(4) Subsections (2) and (3) do not apply if—

(a) the test in section 443B is met; or

(b) in respect of an amendment to a temporary food standard, the amendment corrects an error or omission in that standard.

(5) A temporary food standard issued under subsection (1) expires on the earlier of—

(a) the date on which an applicable standard is developed under the Australia–New Zealand Joint Food Standards Agreement and included in the Australia New Zealand Food Standards Code; and

(b) 2 years from the date on which the temporary food standard is issued.

(6) Despite subsection (5)(b), the Minister may extend the period for which a temporary food standard is in force by a specified period of not more than 2 years if—

(a) an applicable standard has not been developed under the Australia–New Zealand Joint Food Standards Agreement and included in the Australia New Zealand Food Standards Code; and

(b) the requirements of subsections (2) and (3) are complied with.

(7) The effect of issuing a temporary food standard is that a person who manufactures or prepares food for sale in New Zealand, or sells food in New Zealand, or imports food into, or exports food from, New Zealand must comply with the requirements of the temporary food standard in relation to that food.

(8) A temporary food standard issued under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

404B Minister must not delegate power to issue domestic or temporary food standards

Despite clause 5 of Schedule 6 of the Public Service Act 2020, the Minister must not delegate to any other person the power under section 404 or 404A to issue domestic or temporary food standards.

272 Section 405 amended (Notices)

After section 405(2), insert:

(2A) Subsection (2) does not apply if the test in section 443B is met.

273 Section 407 amended (Notices: Consultation)

In section 407, replace "The chief executive" with "Subject to section 380(5A), the chief executive".

274 Section 410 amended (Power to issue emergency notice)

After section 410(3), insert:

(3A) Subsection (3) does not apply if the test in section 443B is met.

275 Section 421 amended (Pre-commencement standards)

(1) In section 421(6)(c), before "has taken", insert "subject to section 404(4A),".

(2) Repeal section 421(6)(d).

(3) Replace section 421(7) with:

(7) *See* section 379 for the requirement to consult before amending a food standard under subsection (6).

(7A) The effect of a food standard amended under subsection (6) is that a person who manufactures or prepares food for sale in New Zealand, or sells food in New Zealand, or imports food into, or exports food from, New Zealand must comply with the requirements of the food standard in relation to that food.

(7B) Subsection (6)(c) does not apply if—

(a) the test in section 443B is met; or

(b) in respect of an amendment to a food standard, the amendment corrects an error or omission in that standard.

276 New section 443B inserted (Making instruments that make minor amendments or correct minor or technical errors)

After section 443A, insert:

443B Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Consequential amendment to Legislation Act 2019

277 Principal Act

Section 278 amends the Legislation Act 2019.

278 Consequential amendment to principal Act

Amend the principal Act as set out in Part 6 of Schedule 5.

Consequential amendments to Food (Fees, Charges, and Levies) Regulations 2015

279 Principal regulations

Section 280 amends the Food (Fees, Charges, and Levies) Regulations 2015.

280 Consequential amendments to principal regulations

Amend the principal regulations as set out in Part 6 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

281 Section 175 amended (Minister may issue national outcomes for territorial authorities)

Replace section 175(3) with:

(3) If the Minister issues, amends, or revokes a national outcome, the Minister must, as soon as practicable,—

(a) publish the instrument on the Ministry's public Internet site; and

(b) notify that fact—

(i) to every territorial authority; and

(ii) in the *Gazette*.

282 Section 408 amended (Notices: publication)

Replace section 408(5) and (6) with:

(5) The chief executive must—

(a) publish the notice on an Internet site maintained by or on behalf of the Ministry as soon as practicable after it is issued; and

(b) notify the making of the notice in the *Gazette*.

283 Section 443A amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 443A(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 443A(2)(a), replace "by satisfying" with "and that are subject to".

Part 10
Repeal of Food Safety Law Reform Act 2018

284 Repeal of Food Safety Law Reform Act 2018

The Food Safety Law Reform Act 2018 (2018 No 3) is repealed.

Part 11
Amendments to Forests Act 1949

285 Principal Act

This Part amends the Forests Act 1949.

286 Section 2 amended (Interpretation)

In section 2(1), definition of **salvaged timber**, paragraph (b), delete "to waste".

287 Section 67G replaced (Notice requirements)

Replace section 67G with:

67G Notice requirements

(1) If the Secretary approves, amends, or grants an exemption in respect of the beech coupe size provisions in a sustainable forest management plan and that approval, amendment, or exemption enables beech to be harvested in coupes of more than 0.5 hectares, the Secretary must notify that approval, amendment, or exemption by a notice in writing to the owner in accordance with subsection (2).

(2) The approval, amendment, or exemption must be notified in 1 or more of the following ways:

- (a) by notice in the *Gazette*:
- (b) by a notice to the public published in 1 or more daily newspapers circulating in the area concerned:
- (c) by publication, either temporarily or permanently, on the Ministry's public Internet site:
- (d) in any other manner that the Secretary is reasonably satisfied will ensure that the matter is sufficiently notified to the public in the area concerned.

288 New sections 72AA and 72AB inserted

After section 72, insert:

72AA Certain secondary legislation or published instruments may be consolidated

Secondary legislation made by same maker and with same publishing requirements

(1) A maker may at any time apply this section to any secondary legislation that—

(a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, and that is subject to the same requirements for publishing the secondary legislation; and

(b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker and with same publishing requirements

(2) A maker may at any time apply this section to any instruments that—

(a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, and that are subject to the same requirements for publishing the instruments; and

(b) are not secondary legislation.

Once this section is applied to specific instruments

(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—

(a) revoke any specific instrument that has been made (a **revoked instrument**); and

(b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—

(i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and

(ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).

(4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—

(a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and

(b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.

(5) To avoid doubt,—

(a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and

(b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.

(6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied.

(7) In this section,—

instrument has the meaning given in section 5(1) of the Legislation Act 2019

maker, in relation to an instrument, means the person empowered to make it

specific empowering provisions means the provisions of this Act, or of regulations, that—

(a) empower the making of the specific instruments; and

(b) are referred to in the subsection under which the maker applies this section to the specific instruments

specific instruments means the 1 or more instruments to which the maker applies this section, whether the instruments—

(a) have been made (and are to be revoked); or

(b) are able to be made.

72AB Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Consequential amendment to Legislation Act 2019

289 Principal Act

Section 290 amends the Legislation Act 2019.

290 Consequential amendment to principal Act

Amend the principal Act as set out in Part 7 of Schedule 5.

Part 12
Amendments to Forests (Legal Harvest Assurance) Amendment Act 2023

291 Principal Act

This Part amends the Forests (Legal Harvest Assurance) Amendment Act 2023.

292 Section 49 amended (New Parts 5 to 7 inserted)

(1) In section 49, after new section 100(4), insert:

(4A) Subsections (3) and (4) do not apply if the test in section 72AB is met.

(2) In section 49, after new section 114(5), insert:

(5A) Subsections (2) and (5) do not apply if the test in section 72AB is met.

(3) In section 49, after new section 154, insert:

154A Regulations may require public listing

(1) Regulations may require any person, premises, or thing to be listed for the following purposes:

(a) enabling members of the public to know—

(i) who is authorised to carry out particular activities under this Act and under secondary legislation; and

(ii) what things are authorised to be used in the carrying out of activities under this Act and under secondary legislation; and

(iii) what premises are authorised as places for carrying out those activities:

(b) facilitating the compliance, audit, and other supporting administrative functions of the Ministry under this Act:

(c) facilitating the ability of the Secretary to advise persons required to be listed of related requirements that apply to them:

(d) facilitating the object of this Act.

(2) Regulations may prescribe, in respect of persons, premises, and things required by regulations to be listed, procedures and requirements relating to the listing.

(4) In section 49, replace new section 158(4) with:

(4) Subsection (3) does not apply if the test in section 72AB is met.

Part 13
Repeal of Forests (West Coast Accord) Act 2000

293 Repeal of Forests (West Coast Accord) Act 2000

The Forests (West Coast Accord) Act 2000 (2000 No 45) is repealed.

294 Consequential amendments to other Acts

Amend the Acts specified in Part 8 of Schedule 5 as set out in that Part.

Part 14
Repeal of Hop Industry Restructuring Act 2003

295 Repeal of Hop Industry Restructuring Act 2003

The Hop Industry Restructuring Act 2003 (2003 No 16) is repealed.

Part 15
Amendments to Kaikōura (Te Tai o Marokura) Marine Management Act 2014

296 Principal Act

This Part amends the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.

297 Section 24 repealed (Appointment of Tangata Tiaki/Kaitiaki for mātaitai reserves)

Repeal section 24.

298 Section 25 replaced (Effect of declaration of mātaitai reserve)

Replace section 25 with:

25 Effect of declaration of mātaitai reserve

The Fisheries (South Island Customary Fishing) Regulations 1999 apply to a mātaitai reserve declared by section 21, 22, or 23 as if—

(a) Te Rūnanga o Kaikōura applied for the mātaitai reserve under regulation 17 of those regulations; and

(b) the Minister decided to establish the mātaitai reserve under regulation 20 of those regulations; and

(c) the establishment of the mātaitai reserve has been declared by notice under regulation 22 of those regulations.

Part 16
Amendments to National Animal Identification and Tracing Act 2012

299 Principal Act

This Part amends the National Animal Identification and Tracing Act 2012.

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

300 Section 12 amended (Minister may issue, amend, or revoke policies and standards)

Replace section 12(3)(b) with:

(b) the test in section 70B is met.

301 Section 14 amended (NAIT organisation may issue, amend, or revoke NAIT animal identification standards)

(1) After section 14(3), insert:

(3A) Subsection (3) does not apply if the test in section 70B is met.

(2) Replace section 14(4) with:

(4) However, the NAIT organisation is not required to consult under subsection (3)(b) if the NAIT organisation is satisfied that the NAIT animal identification standard needs to be issued, amended, or revoked urgently.

302 Section 19 amended (NAIT organisation may issue, amend, or revoke accreditation standards)

(1) After section 19(3), insert:

(3A) Subsection (3) does not apply if the test in section 70B is met.

(2) Replace section 14(4) with:

(4) However, the NAIT organisation is not required to consult under subsection (3)(a) if the NAIT organisation is satisfied that the accreditation standard needs to be issued, amended, or revoked urgently.

303 Section 62 amended (Regulations may impose levies)

Replace section 62(5) with:

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

304 Section 67 amended (Regulations affecting Schedule 1)

Repeal section 67(2B).

305 New section 70B and cross-heading inserted

After section 70A, insert:

Making instruments that make minor amendments or correct minor or technical errors

70B Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

306 Schedule 1 amended

In Schedule 1, replace the item relating to cattle with:

Cattle	All members of the subfamily Bovinae (including bison and buffalo) that are farmed or kept in captivity

307 Schedule 2 amended

(1) In Schedule 2, replace clause 2(3) with:

(3) A fee or charge may be charged under subclause (2) only if, before commencing an inspection or audit, the NAIT officer or NAIT authorised person notifies the PICA, the PICA's delegate, and the PICA's information provider (if any) that—

(a) an inspection or audit (as the case may require) is to be carried out; and

(b) the inspection or audit may be conducted on a cost-recovery basis; and

(c) the PICA, the PICA's delegate, or the PICA's information provider may make a written submission before an adverse report is issued on the basis of the inspection or audit.

(2) In Schedule 2, after clause 9(2), insert:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply.

(3) In Schedule 2, replace clause 14(2)(e) with:

(e) in connection with an investigation or inquiry concerning proceedings for an offence against this Act (including any regulations made or standards issued under this Act) or any other Act.

(4) In Schedule 2, clause 17(1), replace "contrary to the requirements prescribed by regulations made under this Act" with "contrary to the requirements prescribed by this Act or regulations made under this Act".

(5) In Schedule 2, replace clause 17(1)(d) with:

(d) fits a NAIT device on an animal outside the registered location for the device:

308 Schedule 3 amended

(1) In Schedule 3, clause 3(1)(a) and 4(2), replace "chief executive of the Ministry" with "Director-General".

(2) In Schedule 3, clause 3(1)(b) and 5(1), replace "chief executive of the Ministry or of the NAIT organisation" with "Director-General or the chief executive of the NAIT organisation".

(3) In Schedule 3, clause 5(1)(c), replace "chief executive" with "Director-General or the chief executive of the NAIT organisation, as the case requires,".

Consequential amendment to Legislation Act 2019

309 Principal Act

Section 310 amends the Legislation Act 2019.

310 Consequential amendment to principal Act

Amend the principal Act as set out in Part 9 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

311 Section 12 amended (Minister may issue, amend, or revoke policies and standards)

Replace section 12(4) and (5) with:

(4) If the Minister issues, amends, or revokes a policy, the Minister must—

(a) publish the policy on an Internet site maintained by or on behalf of the Ministry as soon as practicable after it is issued; and

(b) notify the issue, amendment, or revocation of the policy in the *Gazette*.

312 Section 15 amended (NAIT organisation to approve identification systems)

Replace section 15(7) with:

(7) The NAIT organisation must maintain a record of approvals made under this section and publish it on an Internet site maintained by or on behalf of the NAIT organisation.

(8) If the NAIT organisation approves an identification system, it must—

(a) notify the approval in the *Gazette*; and

(b) update the record required by subsection (7).

313 Section 16 amended (NAIT organisation may suspend or revoke approval of NAIT identification system)

Replace section 16(4) with:

(4) If the NAIT organisation suspends or revokes an approval of an identification system, it must—

(a) notify the suspension or revocation in the *Gazette*; and

(b) update the record required by section 15(7).

314 Section 70A amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 70A(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 70A(2)(a), replace "by satisfying" with "and that are subject to".

Part 17
Amendments to New Zealand Horticulture Export Authority Act 1987 and secondary legislation made under that Act

Amendments to New Zealand Horticulture Export Authority Act 1987

315 Principal Act

This Part amends the New Zealand Horticulture Export Authority Act 1987.

316 Section 62 amended (Fee regulations)

(1) Replace section 62(2)(e) with:

(e) may provide for exemptions from, or waivers or refunds of, a fee, in whole or in part, in any particular case or class of case; and

(f) may authorise the Authority or another person to grant an exemption, waiver, or refund, in whole or in part, in any particular case or class of case, if the Authority is satisfied that—

(i) a climatic or other event has resulted in a loss of export produce for a fee payer; and

(ii) as a result, the fee payer has been unable to benefit from the services provided by the Authority.

(2) After section 62(4), insert:

(4A) If regulations made under this section authorise the Authority or another person to grant an exemption, waiver, or refund, in whole or in part in any class of case,—

(a) an instrument exercising that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4A)		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021, unless it is published by PCO	LA19 ss 69, 73, 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019	LA19 ss 115, 116

This note is not part of the Act.

Amendment to New Zealand Horticulture Export Authority (Fees and Levies) Regulations 2017

317 Principal regulations

Section 318 amends the New Zealand Horticulture Export Authority (Fees and Levies) Regulations 2017.

318 New regulation 8A inserted (Exemption or refund of fees)

After regulation 8, insert:

8A Exemption or refund of fees

The Authority may exempt a person, in whole or in part, from the requirement to pay an annual monitoring of compliance fee, or refund the fee in whole or in part, if the Authority is satisfied that—

(a) a climatic or other event has resulted in a loss of export produce for a fee payer; and

(b) as a result, the fee payer has been unable to benefit from the services provided by the Authority.

Part 18
Amendments to Organic Products and Production Act 2023

319 Principal Act

This Part amends the Organic Products and Production Act 2023.

320 Section 112 amended (Defences for certain offences)

In section 112(3)(c), replace “further” with “lesser”.

321 Section 132 amended (Emergency organic standards)

After section 132(5), insert:

(5A) Subsections (1)(a) and (b) and (5) do not apply if the test in section 148A is met.

322 Section 133 amended (General regulation-making power)

After section 133(1)(h), insert:

Public register, information, and records

(ha) requiring any person, premises, or thing to be listed for the following purposes:

(i) enabling members of the public to know—

(A) who is authorised to carry out particular activities under this Act, regulations, and notices issued under section 142(1) or 143(1); and

(B) what things are authorised to be used in the carrying out of activities under this Act, regulations, and notices issued under section 142(1) or 143(1); and

(C) what premises are authorised as places for carrying out those activities:

(ii) facilitating the compliance, audit, and other supporting administrative functions of the Ministry under this Act:

(iii) facilitating the ability of the Director-General to advise persons required to be listed of related requirements that apply to them:

(iv) facilitating the purpose of this Act:

(hb) prescribing, in respect of persons, premises, and things required by regulations to be listed, procedures and requirements relating to the listing:

323 Section 135 amended (Regulations relating to verification)

In section 135(2)(c), replace "for the export of which an official assurance may be sought" with "and that are for export".

324 Section 140 amended (Regulations may impose levies)

Replace section 140(4)(h) with:

(h) prescribe a method of arbitration or mediation in the case of disputes as to—

(i) whether any person is required to pay, or collect, the levy concerned; or

(ii) the amount of levy any person is required to pay or collect:

(i) provide for matters related to those described in paragraph (h), including procedures relating to arbitrators and mediators and the setting of their remuneration.

325 New section 141A inserted (Regulations about approved documents, materials, or facilities, or persons or classes of persons)

After section 141, insert:

141A Regulations about approved documents, materials, or facilities, or persons or classes of persons

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations setting out criteria that the Director-General must take into account before approving a document, material, or facility, or a person or class of persons under section 148B.

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that require an approved document, material, or facility, or an approved person or an approved class of persons, to be used.

(3) Before the Minister recommends that the Governor-General make regulations under subsection (2), the Minister must take the following matters into account:

(a) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons, to assist with compliance with organic standards or other prescribed requirements:

(b) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons, to maintain consistency in approaches, methodology, and technology:

(c) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons, to make cost and efficiency gains:

(d) any other matters that the Minister considers relevant to the question of whether an approved document, material, or facility, or an approved person or an approved class of persons, must be used.

(4) Before recommending the making of regulations under this section, the Minister must be satisfied that there has been appropriate consultation on the regulations in accordance with section 128.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

326 Section 143 amended (General notices)

After section 143(5), insert:

(5A) Subsections (3) and (4) do not apply if the test in section 148A is met.

327 Section 144 amended (Giving of notices, etc, by Minister, chief executive, or organic products officer)

(1) After section 144(2)(b)(ii), insert:

(iia) sending the notice by electronic means to the contact electronic address of a body's registered office (whether incorporated or not):

(iib) sending the notice by electronic means to the partnership's contact electronic address:

(iic) sending the notice by electronic means to the head office of the appropriate department:

(2) After section 144(3), insert:

(4) For the purposes of this section, a **contact electronic address** is either of the following:

(a) an email or other electronic address provided to the Ministry:

(b) an email or other electronic address that is otherwise available, if there are reasonable grounds to suppose that the body or the partnership will receive the communication.

328 Section 145 amended (Exemption for named person)

(1) In section 145(1), delete "if the chief executive considers the criteria in subsection (4) are met".

(2) After section 145(4), insert:

(4A) Subsection (4) does not apply if the test in section 148A is met.

329 Section 146 amended (Revocation of class exemption for named person)

After section 146(2), insert:

(2A) Subsection (2) does not apply if the test in section 148A is met.

330 Section 147 amended (Exemption for certain operators or products)

In section 147, insert as subsection (2):

(2) The requirement to be satisfied that the product is exported for 1 or more of the purposes in subsection (1)(a) to (d) does not apply if the test in section 148A is met.

331 New sections 148A and 148B and cross-headings inserted

After section 148, insert:

Minor amendments or correcting minor or technical errors in secondary legislation

148A Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Approvals by Director-General

148B Approvals by Director-General

(1) This section applies if secondary legislation made under this Act requires any of the following to be used:

(a) an approved document, material, or facility:

(b) an approved person or approved class of persons.

(2) The Director-General may approve—

(a) a document, material, or facility; or

(b) a person or a class of persons.

(3) Examples of the kinds of documents, materials, or facilities that the Director-General may approve are—

(a) compounds:

(b) devices:

(c) documents:

(d) equipment:

(e) identification systems:

(f) laboratories:

(g) methodologies:

(h) places:

(i) sampling techniques:

(j) security devices:

(k) systems:

(l) techniques.

(4) Before approving a document, material, or facility, the Director-General—

(a) must be satisfied that the document, material, or facility is appropriate for a purpose for which a specified requirement of this Act may require it to be used; and

(b) must take into account the criteria prescribed in regulations made under section 141A, if there are any such regulations.

(5) Before approving a person or class of persons, the Director-General—

(a) must be satisfied that the person or class of persons has the competencies, training, qualifications, and experience that are suitable for a purpose for which regulations may require the person or class of persons to be used; and

(b) must take into account the criteria prescribed in regulations made under section 141A, if there are any such regulations.

(6) Subsections (4) and (5) do not apply if the test in section 148A is met.

(7) The Director-General may give an approval under this section subject to conditions.

(8) In the case of an approved laboratory, a condition may include reporting requirements relating to certain test results.

(9) An approval must end within 3 years from the date of approval.

(10) The Director-General gives approval by issuing a notice under section 143(1).

(11) The notice must state—

(a) any conditions subject to which the approval is given; and

(b) the date on which the approval ends.

(12) Before an approval ends, the Director-General may issue a new notice under section 143(1) approving the document, material, or facility or the person or class of persons for a period of up to 3 years.

(13) The Director-General may suspend or withdraw an approval by issuing a notice under section 143(1).

(14) For the purposes of subsection (13), sections 29 and 30 apply to the suspension or withdrawal of approval to the extent that they are relevant and with all necessary modifications.

Part 19
Amendments to Primary Products Marketing Act 1953

332 Principal Act

This Part amends the Primary Products Marketing Act 1953.

333 Section 3 amended (Regulations)

Repeal section 3(12)(c).

Consequential amendment to Legislation Act 2019

334 Principal Act

Section 335 amends the Legislation Act 2019.

335 Consequential amendment to principal Act

Amend the principal Act as set out in Part 10 of Schedule 5.

Part 20
Amendments to Walking Access Act 2008

336 Principal Act

This Part amends the Act that was previously called the Walking Access Act 2008.

337 Title of principal Act changed

In section 1, replace "Walking" with "Outdoor".

338 Section 3 amended (Purpose)

In section 3(b), replace "to establish the New Zealand Walking Access Commission" with "to continue the New Zealand Walking Access Commission as the Outdoor Access Commission".

339 Section 4 amended (Interpretation)

(1) In section 4, insert in its appropriate alphabetical order:

Outdoor Access Commission or **Commission** means the Outdoor Access Commission continued under section 6

(2) In section 4, repeal the definition of **New Zealand Walking Access Commission**.

340 New section 5A inserted (Transitional, savings, and related provisions)

After section 5, insert:

5A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

341 Part 2 heading amended

In the Part 2 heading, replace "**New Zealand Walking Access Commission**" with "**Outdoor Access Commission**".

342 Subpart 1 heading in Part 2 amended

In Part 2, in the subpart 1 heading, replace "Establishment" with "Continuation".

343 Cross-heading above section 6 amended

In the cross-heading above section 6, replace "*Establishment*" with "*Continuation*".

344 Section 6 replaced (New Zealand Walking Access Commission established)

Replace section 6 with:

6 New Zealand Walking Access Commission continued as Outdoor Access Commission

(1) This section continues the New Zealand Walking Access Commission as the Outdoor Access Commission.

(2) The Outdoor Access Commission is the same body as the New Zealand Walking Access Commission constituted under this Act before its amendment by the Regulatory Systems (Primary Industries) Amendment Act 2026.

345 Section 19 replaced (Availability of code)

Replace section 19 with:

19 Availability of code

The Commission must ensure that copies of the code are readily available to members of the public for inspection.

346 Section 38 amended (Closure of walkways)

In section 38(4)(a)(ii), replace "immediately after the closure" with "within 48 hours of the closure".

347 Section 80 repealed (Minister must review Act)

Repeal section 80.

348 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 4 of this Act as the first schedule to appear after the last section of the principal Act.

Consequential amendments to Crown Entities Act 2004

349 Principal Act

Section 350 amends the Crown Entities Act 2004.

350 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Crown Pastoral Land Act 1998

351 Principal Act

Section 352 amends the Crown Pastoral Land Act 1998.

352 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Hauraki Gulf Marine Park Act 2000

353 Principal Act

Section 354 amends the Hauraki Gulf Marine Park Act 2000.

354 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendment to Land Act 1948

355 Principal Act

Section 356 amends the Land Act 1948.

356 Consequential amendment to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Litter Act 1979

357 Principal Act

Section 358 amends the Litter Act 1979.

358 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Ngāti Rangi Claims Settlement Act 2019

359 Principal Act

Section 360 amends the Ngāti Rangi Claims Settlement Act 2019.

360 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Ombudsmen Act 1975

361 Principal Act

Section 362 amends the Ombudsmen Act 1975.

362 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendment to Summit Road (Canterbury) Protection Act 2001

363 Principal Act

Section 364 amends the Summit Road (Canterbury) Protection Act 2001.

364 Consequential amendment to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Consequential amendments to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

365 Principal Act

Section 366 amends the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

366 Consequential amendments to principal Act

Amend the principal Act as set out in Part 11 of Schedule 5.

Part 21
Amendments to Wine Act 2003

367 Principal Act

This Part amends the Wine Act 2003.

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

368 Section 4 amended (Interpretation)

(1) In section 4(1), replace the definition of **fruit wine or vegetable wine** with:

fruit wine or vegetable wine, subject to subsection (3), means—

(a) a product that—

(i) is prepared from the complete or partial fermentation of any fruit, vegetables, grains, cereals, or any combination or preparation of those foods; and

(ii) is not a grape wine or a wine product; or

(b) a product defined in paragraph (a) with any of the following added during production:

(i) fruit juice and fruit juice products:

(ii) vegetable juice and vegetable juice products:

(iii) sugars:

(iv) honey:

(v) spices:

(vi) alcohol:

(vii) water

(2) In section 4(1), insert in their appropriate alphabetical order:

adopted joint food standard has the meaning given to it by section 397 of the Food Act 2014

domestic food standard has the meaning given to it by section 404 of the Food Act 2014

temporary food standard means a temporary food standard issued under section 404A of the Food Act 2014

(3) In section 4(1), repeal the definition of **New Zealand food standard**.

(4) In section 4(1), definition of **verifier**, after "recognised person", insert "or recognised class".

(5) In section 4(2) and (3), replace "New Zealand food standards" with "adopted joint food standards, domestic food standards, and temporary food standards".

369 Section 5 amended (Scope of Act)

In section 5(2), replace "sections 12, 15A, and 32" with "sections 12 and 15A".

370 Section 6 amended (Exemptions from application of Act)

In section 6(3)(a), replace "New Zealand Food Standards" with "adopted joint food standards, domestic food standards, temporary food standards".

371 Section 14 amended (Contents of and requirements for wine standards management plans)

(1) In section 14(2)(e)(i), replace "and New Zealand food standards" with "adopted joint food standards, domestic food standards, and temporary food standards".

(2) Repeal section 14(2A).

372 Section 23 amended (Notification of minor amendments to wine standards management plans)

Replace section 23(1) and (2) with:

(1) For the purpose of ensuring that a registered wine standards management plan continues to comply with the requirements of section 14, every operator of a wine standards management plan must notify the Director-General in accordance with subsection (2) of amendments to the wine standards management plan (**minor amendments**) that—

(a) are of such a nature as not to require registration under section 22; and

(b) have not been previously notified to the Director-General under this section.

(2) Notification must—

(a) be in respect of minor amendments specified in regulations; and

(b) be made within the time frame set out in the regulations; and

(c) be in a form or manner approved by the Director-General; and

(d) be accompanied by—

(i) any information and other material required by the regulations or any supplementary notice; and

(ii) the prescribed fee (if any); and

(e) comply with any other requirements in the regulations or any supplementary notice.

373 Section 33 amended (Regulations may prescribe standards)

In section 33(6), replace "New Zealand food standard" with "adopted joint food standard, domestic food standard, or temporary food standard".

374 Section 38 amended (Export eligibility requirements)

In section 38(6), replace "certificate" with "statement".

375 New section 39A inserted (Exemption from labelling requirements)

After section 39, insert:

39A Exemption from labelling requirements

Wine made for export need not comply with an adopted joint food standard, a domestic food standard, or a temporary food standard to the extent that the standard's labelling requirements conflict with the labelling requirements of the country that imports the wine.

376 Section 42 amended (Director-General may issue official assurances)

In section 42(2)(b), replace "New Zealand food standards" with "adopted joint food standards, domestic food standards, and temporary food standards".

377 New section 61AAA inserted (Approvals by Director-General)

After section 61, insert:

61AAA Approvals by Director-General

(1) This section applies if regulations or a notice issued under section 120 require any of the following to be used:

(a) an approved document, material, or facility:

(b) an approved person or approved class of persons.

(2) The Director-General may approve—

(a) a document, material, or facility; or

(b) a person or a class of persons.

(3) Examples of the kinds of documents, materials, or facilities that the Director-General may approve are—

(a) compounds:

(b) devices:

(c) documents:

(d) equipment:

(e) identification systems:

(f) laboratories:

(g) methodologies:

(h) places:

(i) sampling techniques:

(j) security devices:

(k) systems:

(l) techniques.

(4) Before approving a document, material, or facility, the Director-General—

(a) must be satisfied that the document, material, or facility is appropriate, safe, and suitable for a purpose for which regulations may require it to be used; and

(b) must take into account the criteria prescribed in regulations made under section 119B, if there are any such regulations.

(5) Before approving a person or class of persons, the Director-General—

(a) must be satisfied that the person or class of persons has the competencies, training, qualifications, and experience that are suitable for a purpose for which regulations may require the person or class of persons to be used; and

(b) must take into account the criteria prescribed in regulations made under section 119B, if there are any such regulations.

(6) Subsections (4) and (5) do not apply if the test in section 120C is met.

(7) The Director-General may give an approval under this section subject to conditions.

(8) In the case of an approved laboratory, a condition may include reporting requirements relating to certain test results.

(9) An approval must end within 3 years from the date of approval.

(10) The Director-General gives approval by issuing a notice under section 120(1).

(11) The notice must state—

(a) any conditions subject to which the approval is given; and

(b) the date on which the approval ends.

(12) Before an approval ends, the Director-General may issue a new notice under section 120(1) approving the document, material, or facility or the person or class of persons for a period of up to 3 years.

(13) The Director-General may suspend or withdraw an approval by issuing a notice under section 120(1).

(14) For the purposes of subsection (13), sections 24 and 25 apply to the suspension or withdrawal of approval to the extent that they are relevant and with all necessary modifications.

378 Section 89 amended (Regulations may impose levies)

(1) Replace section 89(3)(f) with:

(f) prescribe a method of arbitration or mediation in the case of disputes as to—

(i) whether any person is required to pay, or collect, the levy concerned; or

(ii) the amount of levy any person is required to pay or collect:

(g) provide for matters related to those described in paragraph (f), including procedures relating to arbitrators and mediators and the setting of their remuneration.

(2) Replace section 89(6) with:

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

379 Section 94 amended (Penalties for failure to pay fee, levy, or charge)

In section 94(2)(d), replace "certificate" with "statement".

380 Section 97 amended (Offences involving deception)

(1) In section 97(1)(c), after "its description, certificate, label,", insert "export eligibility statement,".

(2) Replace section 97(1)(d) with:

(d) falsifies, alters, or misapplies any certificate or declaration or other statutory form attached or relating to wine that is required or authorised to be used under this Act, or any export eligibility statement or official assurance, or tampers with any wine that is subject to such a certificate, declaration, form, statement or assurance; or

381 Section 104 amended (Defence for persons charged with breach of duty or failure to comply)

In section 104(2), replace "further" with "lesser".

382 Section 115 amended (Consultation requirements for making of Orders in Council, regulations, and notices)

After section 115(2), insert:

(2A) Subsection (2) does not apply if the test in section 120C is met.

383 Section 119 amended (Regulations)

Before section 119(1)(cb)(i), insert:

(iaaa) the minor amendments that must be notified to the Director-General:

(iaab) when minor amendments must be notified to the Director-General:

384 New section 119B inserted (Regulations about approved documents, materials, or facilities, or persons or classes of persons)

After section 119A, insert:

119B Regulations about approved documents, materials, or facilities, or persons or classes of person

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations setting out criteria that the Director-General must take into account before approving a document, material, or facility, or a person or class of persons, under section 61AAA.

(2) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that require an approved document, material, or facility, or an approved person or an approved class of persons to be used.

(3) Before the Minister recommends that the Governor-General make regulations under subsection (2), the Minister must take the following matters into account:

(a) whether it is necessary to require the use of an approved document, material, or facility, or an approved person or an approved class of persons to manage the risk to human health arising from the making of wine and to ensure that the wine is fit for its intended purpose:

(b) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons to maintain consistency in approaches, methodology, and technology:

(c) whether it is desirable to require the use of an approved document, material, or facility, or an approved person or an approved class of persons to make cost and efficiency gains:

(d) any other matters that the Minister considers relevant to the question of whether an approved document, material, or facility, or an approved person or an approved class of persons must be used.

(4) Before recommending the making of regulations under this section, the Minister must be satisfied that there has been appropriate consultation on the regulations in accordance with section 115.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

385 Section 120 amended (Notices)

After section 120(4), insert:

(4A) Subsections (3) and (4) do not apply if the test in section 120C is met.

386 New section 120C inserted (Making instruments that make minor amendments or correct minor or technical errors)

After section 120B, insert:

120C Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Consequential amendment to Legislation Act 2019

387 Principal Act

Section 388 amends the Legislation Act 2019.

388 Consequential amendment to principal Act

Amend the principal Act as set out in Part 12 of Schedule 5.

Consequential amendment to Wine Regulations 2021

389 Principal regulations

Section 390 amends the Wine Regulations 2021.

390 Consequential amendment to principal regulations

Amend the principal regulations as set out in Part 12 of Schedule 5.

Subpart 2—Amendments coming into force under section 2(1)

391 Section 120B amended (Certain secondary legislation or published instruments may be consolidated)

(1) In section 120B(1)(a), replace "by satisfying" with "and that is subject to".

(2) In section 120B(2)(a), replace "by satisfying" with "and that are subject to".

Part 22
Repeal of Wool Industry Restructuring Act 2003

392 Repeal of Wool Industry Restructuring Act 2003

The Wool Industry Restructuring Act 2003 (2003 No 40) is repealed.

Schedule 1
New Schedule 1A inserted into Animal Products Regulations 2021

s 53

Schedule 1A
Operations that categorise person as primary processor

r 3B

1 Avian eggs

(1) This clause applies in relation to any bird that is—

(a) a layer hen (*Gallus gallus domesticus*); or

(b) a member of any other bird species, including quail, geese, ducks, ostriches, and emus.

(2) If eggs produced by any bird to which this clause applies are intended for human or animal consumption, the candling of those eggs, in addition to their harvesting, constitutes primary processing.

(3) In this clause, **candling** means the testing of eggs for freshness, fertility, or defects by use of light, electronic means, or any other commercially accepted means.

2 Deer velvet

In addition to the matters specified in the definition of primary processor in section 4(1) of the Act, the following operations or processes in relation to deer velvet constitute primary processing of the velvet:

(a) drying:

(b) slicing:

(c) grinding:

(d) preserving.

3 Fish: on-shore processing

(1) The primary processing of fish on-shore occurs at the place where—

(a) the first methodical assessment of the suitability of the fish for processing is made; and

(b) the fish are processed.

(2) Without limiting the generality of subclause (1), the following operations carried out on-shore also constitute primary processing of the relevant type of fish (whether or not coupled with a methodical assessment of suitability for processing):

(a) deheading, gutting, or filleting of finfish:

(b) tubing of squid:

(c) wet-storage, depuration, or shucking of shellfish:

(d) removing of roe from kina:

(e) holding of crustaceans live (otherwise than in a marine farming operation), or their tailing:

(f) in relation to fish to be sold whole or after processing at sea, any steps (including washing, chilling, freezing, or packing) taken to ensure their delivery to a buyer in good condition.

(3) For the purposes of subclause (1)(a), **assessment** may include a visual check to ensure that the fish are in a satisfactory condition for processing into a product fit for human or animal consumption, or any other check provided for under the Act.

4 Fish: processing at sea

(1) The following operations carried out at sea constitute primary processing of fish:

(a) filleting of finfish (but not deheading, gutting, or scaling):

(b) in respect of fish of any species processed at sea for the purposes of export that are not to be delivered to an on-shore primary processor, any other process normally applied to fish, including—

(i) washing, chilling, freezing, and preserving:

(ii) deheading, gutting, scaling, and tubing:

(iii) packing, transport, and storage.

(2) Subclause (1)(a) does not include filleting of finfish that are to be consumed by the crew of, or workers on, the vessel concerned.

Schedule 2
New Part 4 inserted into Schedule 4 of Animal Welfare Act 1999

s 73

Part 4
Provisions relating to Regulatory Systems (Primary Industries) Amendment Act 2026

8 Interpretation

In this Part, **commencement date** means the date on which subpart 1 of Part 4 of the Regulatory Systems (Primary Industries) Amendment Act 2026 comes into force.

9 Penalty for failure to pay statutory debt

Section 182D applies only in respect of statutory debts that arise after the commencement date.

Schedule 3
New Schedule 1AA inserted into Biosecurity Act 1993

s 124

Schedule 1AA
Transitional, savings, and related provisions

s 7G

Part 1
Provisions relating to Regulatory Systems (Primary Industries) Amendment Act 2026

1 Interpretation

In this Part,—

amendment Act means the Regulatory Systems (Primary Industries) Amendment Act 2026

commencement date means the day after the date on which the amendment Act receives the Royal assent.

2 Arbitration of compensation claims

(1) This clause applies to a claim for compensation under section 100I or 162A if the claimant has been notified of the final assessment of the claim before the commencement date.

(2) Section 100I(4)(a) applies to a dispute as if it had not been amended by section 98 of the amendment Act.

(3) Section 162A(6)(a) applies to a dispute as if it had not been amended by section 120 of the amendment Act.

Schedule 4
New Schedule 1AA inserted into Walking Access Act 2008

s 348

Schedule 1AA
Transitional, savings, and related provisions

s 5A

Part 1
Provisions relating to Regulatory Systems (Primary Industries) Amendment Act 2026

1 Interpretation

In this Part,—

amendment Act means the Regulatory Systems (Primary Industries) Amendment Act 2026

commencement date means the day after the date on which the amendment Act receives the Royal assent.

2 References to previous Title

Every reference in legislation and in any document to the Walking Access Act 2008 must, unless the context otherwise requires, be read as a reference to the Outdoor Access Act 2008.

3 References to Walking Access Commission

Every reference in legislation and in any document to the Walking Access Commission must, unless the context otherwise requires, be read as a reference to the Outdoor Access Commission.

Schedule 5
Consequential amendments

ss 20, 56, 127, 135, 137, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 278, 280, 290, 294, 310, 335, 350, 352, 354, 356, 358, 360, 362, 364, 366, 388, 390

Part 1
Consequential amendment relating to amendments to Agricultural Compounds and Veterinary Medicines Act 1997

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 81E of the Agricultural Compounds and Veterinary Medicines Act 1997.

Part 2
Consequential amendment relating to amendments to Animal Products Act 1999

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 118 of the Animal Products Act 1999.

Part 3
Consequential amendments relating to amendments to Biosecurity Act 1993

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the items relating to sections 100L, 100ZB, and 150 of the Biosecurity Act 1993.

Part 4
Consequential amendments relating to amendments to Commodity Levies Act 1990

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 4 of the Commodity Levies Act 1990.

Commodity Levies (Rock Lobster) Order 2023 (SL 2023/138)

In clause 3, definition of **rock lobster**, paragraph (b), replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

Part 5
Consequential amendments relating to amendments to Fisheries Act 1996

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 74(7) of the Fisheries Act 1996.

Fisheries (Amateur Fishing) Regulations 2013 (SR 2013/482)

In regulation 8, definition of **oyster**, paragraph (c), before "known as", insert "formerly known as *Ostrea lutaria* and".

In regulation 8, definition of **oyster**, revoke paragraph (d).

Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986 (SR 1986/216)

In regulation 2(1), definition of **rock lobster**, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

Fisheries (Central Area Commercial Fishing) Regulations 1986 (SR 1986/217)

In regulation 2(1), definition of **rock lobster**, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

Fisheries (Challenger Area Commercial Fishing) Regulations 1986 (SR 1986/218)

In regulation 2(1), definition of **dredge oyster**, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

In regulation 2(1), definition of **oyster**, replace "*Tiostrea lutaria*" with "*Ostrea chilensis*".

In regulation 2(1), definition of **rock lobster**, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

Fisheries (Commercial Fishing) Regulations 2001 (SR 2001/253)

In regulation 3, definition of **oyster**, paragraph (c), replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

In regulation 3, definition of **packhorse rock lobster**, replace "*Jasus verreauxi*" with "*Sagmariasus verreauxi*".

Fisheries (Infringement Offences) Regulations 2001 (SR 2001/316)

In Schedule 1, replace the item relating to the Fisheries Act 1996 with:

Fisheries (Infringement Offences) Regulations 2001 (SR 2001/316)—*continued*

Fisheries Act 1996

Provision	Description of offence	Fee ($)
s 72(1)	In any 1-day period, returns or abandons 50 or fewer fish or other animals that are aquatic life that are not listed in an instrument made under section 72A(2)(c)	400
s 72(2)(a)	In any 1-day period, fails to return or abandon 50 or fewer fish or other animals that are aquatic life that are required by an instrument made under section 72A(2)(c) to be returned or abandoned	400
s 72(2)(b)	In any 1-day period, fails to comply with conditions or requirements specified in an instrument made under section 72A(2)(c) in respect of the return of 50 or fewer fish or other animals that are aquatic life	400
s 72(3)(b)	In any 1-day period, fails to comply with conditions or requirements specified in an instrument made under section 72A(2)(a) or (b) in respect of the return of 50 or fewer fish or other animals that are aquatic life	400

Fisheries (South-East Area Commercial Fishing) Regulations 1986 (SR 1986/219)

In regulation 2(1), definition of **oyster**, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 (SR 1986/220)

In regulation 2(1), definition of **oyster**, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice 2005 (SR 2005/15)

In Schedule 1, item relating to dredge oyster, replace "*Tiostrea chilensis*" with "*Ostrea chilensis*".

Fisheries (Total Allowable Catch, Total Allowable Commercial Catch, and Deemed Value Rates) Notice 2015 (LI 2015/211)

In clause 8(2), after "any of the stock", insert "that is taken by a commercial fisher who resides in the Chatham Islands and that is".

In clause 8(3), after "any of the stock", insert "that is taken by a commercial fisher who resides in the Chatham Islands and that is".

Part 6
Consequential amendments relating to amendments to Food Act 2014

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 207 of the Food Act 2014.

Food (Fees, Charges, and Levies) Regulations 2015 (LI 2015/96)

Revoke regulation 4(2).

Revoke regulation 5(2).

After regulation 5, insert:

6 Exemption or waiver to expire on specified date

An exemption or a waiver granted under regulation 4 or 5 expires on the date specified in it, which must not be more than 5 years after the date on which the exemption or waiver is granted.

Part 7
Consequential amendment relating to amendments to Forests Act 1949

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 67ZM of the Forests Act 1949.

Part 8
Consequential amendments relating to repeal of Forests (West Coast Accord) Act 2000

Conservation Act 1987 (1987 No 65)

Repeal section 17O(7).

National Parks Act 1980 (1980 No 66)

Repeal section 49(7).

Reserves Act 1977 (1977 No 66)

Repeal section 59A(9).

Part 9
Consequential amendment relating to amendments to National Animal Identification and Tracing Act 2012

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the items relating to sections 62 and 67(2) of the National Animal Identification and Tracing Act 2012.

Part 10
Consequential amendment relating to amendments to Primary Products Marketing Act 1953

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 3(1) of the Primary Products Marketing Act 1953.

Part 11
Consequential amendments relating to amendments to Walking Access Act 2008

Crown Entities Act 2004 (2004 No 115)

In Schedule 1, Part 1, insert in its appropriate alphabetical order:

Name	Exemption from acquisition of financial products, borrowing, guarantee, and derivative rules				Exemption from section 165 (net surplus payable to Crown)
	s 161	s 162	s 163	s 164	
Outdoor Access Commission					✓

In Schedule 1, Part 1, repeal the item relating to New Zealand Walking Access Commission.

Crown Pastoral Land Act 1998 (1998 No 65)

In section 2, definition of **protective mechanism**, paragraph (a), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In Schedule 1AC, clause 80(3), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In Schedule 1AC, clause 80(3)(a)(i), replace "that section" with "those sections".

In Schedule 1AC, clause 80(3)(a)(ii), replace "New Zealand Walking Access Commission (established by section 6 of that Act)" with "Outdoor Access Commission (continued by section 6 of the Outdoor Access Act 2008)".

In Schedule 1AC, clause 80(3)(b), replace "New Zealand Walking Access Commission" with "Outdoor Access Commission".

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

In Schedule 1, repeal the item relating to the Walking Access Act 2008.

In Schedule 1, insert in its appropriate alphabetical order:

Outdoor Access Act 2008

Land Act 1948 (1948 No 64)

In section 24(1)(ia), replace "New Zealand Walking Access Commission" with "Outdoor Access Commission".

Litter Act 1979 (1979 No 41)

In section 2(1), definition of **public place**, paragraph (l), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In section 6(1)(f), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

Ngāti Rangi Claims Settlement Act 2019 (2019 No 40)

In Schedule 5, clause 1(k), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In Schedule 5, clause 1(k), replace "New Zealand Walking Access Commission" with "Outdoor Access Commission".

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Outdoor Access Commission

In Schedule 1, Part 2, repeal the item relating to the New Zealand Walking Access Commission.

Summit Road (Canterbury) Protection Act 2001 (2001 No 3 (L))

In section 4(1), definition of **walkway**, replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7)

In section 17(g), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In section 73(2)(b), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

In Schedule 2, clause 1(w), replace "Walking Access Act 2008" with "Outdoor Access Act 2008".

Part 12
Consequential amendments relating to amendments to Wine Act 2003

Legislation Act 2019 (2019 No 58)

In Schedule 4, repeal the item relating to section 89 of the Wine Act 2003.

Wine Regulations 2021 (SL 2021/401)

Replace regulation 88 with:

88 Application for export eligibility statement

(1) Before exporting wine to which this Part applies, a wine business must apply to the Director-General for, and be issued with, an export eligibility statement (*see* section 38(6) of the Act).

(2) The wine business must apply in the manner and form specified in a supplementary notice.

Legislative history

21 June 2023	Introduction (Bill 256–1)
27 March 2024	First reading and referral to Primary Production Committee
22 November 2024	Reported from Primary Production Committee (Bill 256–2)
2 April 2025	Second reading
30 June 2026	Committee of the whole House, third reading
9 July 2026	Royal assent

This Act is administered by the Ministry for Primary Industries.

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