

Reprint
as at 1 December 2017



Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001

(SR 2001/122)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 28th day of May 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 76 and 140 of the Hazardous Substances and New Organisms Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment made in compliance with section 141(1) of that Act), makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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Regulations

1 Title

These regulations are the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001.

2 Commencement

These regulations come into force on 2 July 2001.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Hazardous Substances and New Organisms Act 1996

emergency response plan means an emergency response plan prescribed under the Hazardous Substances (Emergency Management) Regulations 2001.

Regulation 3 **approved handler**: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Regulation 3 **average eyesight**: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Regulation 3 **electro-explosive device**: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Regulation 3 **test certifier**: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Regulation 3 **tracked substance**: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Approved handlers

[Revoked]

Heading: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

4 Test certificates for approved handlers

[Revoked]

Regulation 4: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

5 Qualifications for approved handlers

[Revoked]

Regulation 5: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6 Transitional qualification for approved handlers

[Revoked]

Regulation 6: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Licences for approved handlers

[Revoked]

Heading: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6A Licence applications

[Revoked]

Regulation 6A: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6B Criteria for fit and proper person test

[Revoked]

Regulation 6B: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6C Expiry of licence

[Revoked]

Regulation 6C: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6D Suspension of licence

[Revoked]

Regulation 6D: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

6E Revocation of licence

[Revoked]

Regulation 6E: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Hazardous substances enforcement officers

[Revoked]

Heading: revoked, on 19 May 2016, by regulation 4 of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2016 (LI 2016/79).

7 Qualifications for hazardous substances enforcement officers

[Revoked]

Regulation 7: revoked, on 19 May 2016, by regulation 4 of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2016 (LI 2016/79).

8 Transitional qualification for hazardous substances enforcement officers

[Revoked]

Regulation 8: revoked, on 1 November 2012, by regulation 6 of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2012 (SR 2012/283).

*New organisms enforcement officers***9 Qualifications for new organisms enforcement officers**

- (1) Before being appointed as an enforcement officer in relation to new organisms, a person must know and be able to describe the following matters:
- (a) *[Revoked]*
 - (b) the controls that may be imposed on an approval for any category of new organism under section 45 of the Act in relation to the matters specified in Schedule 3 of the Act, if the person is to be appointed to enforce the provisions of the Act in relation to that category of organism:

- (c) the circumstances in which the procedures and equipment described in subclause (2) are likely to or may fail to comply with the controls imposed, and the steps that should be taken to re-establish compliance:
- (d) the significance and effects of the inclusion of an organism as a prohibited new organism in Schedule 2 of the Act:
- (e) the relationship between the Act and the Biosecurity Act 1993:
- (f) the provisions of the Act that are of relevance to enforcement officers, including—
 - (i) the purpose and principles of the Act; and
 - (ii) the offence provisions of the Act, and the defences available to persons charged with an offence under the Act; and
 - (iii) the penalties and liabilities imposed by the Act; and
 - (iv) the procedure for serving a compliance order; and
 - (v) the procedures under the Act for gathering evidence; and
 - (vi) the powers of entry or inspection and the procedures to be followed when exercising those powers; and
 - (vii) the circumstances in which a search may be conducted, and the procedures for conducting a search; and
 - (viii) the procedures for declaring an emergency, and the extent of emergency powers.
- (2) The person must also know, and be able to describe and demonstrate, the common procedures and equipment used to meet the controls imposed for any new organism in relation to the matters specified in Schedule 3 of the Act, if the person is to be appointed to enforce the provisions of the Act in relation to that category of organism.
- (3) The person must also know the procedures for determining—
 - (a) the nature of the organism; and
 - (b) whether or not the organism is a new organism.

Regulation 9(1)(a): revoked, on 1 November 2012, by regulation 7(1) of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2012 (SR 2012/283).

Regulation 9(3): replaced, on 1 November 2012, by regulation 7(2) of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2012 (SR 2012/283).

10 Transitional qualification for new organisms enforcement officers

- (1) Regulation 9 does not apply to an inspector appointed under the Biosecurity Act 1993 who has been continually undertaking inspection or enforcement duties under that Act before the date on which the regulations revoked by regulation 12 came into force (being 8 December 2000).

- (2) A person to whom subclause (1) applies is qualified for and may be appointed as an enforcement officer in relation to any new organism for which he or she has inspection or enforcement experience.

Regulation 10(1): amended, on 1 November 2012, by regulation 8 of the Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2012 (SR 2012/283).

Test certifiers

[Revoked]

Heading: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

11 Qualifications for test certifiers

[Revoked]

Regulation 11: revoked, on 1 December 2017, by regulation 4(2) of the Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233).

Miscellaneous

12 Revocation

The Hazardous Substances and New Organisms (Qualifications for Enforcement Officers) Regulations 2000 (SR 2000/261) are revoked.

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 31 May 2001.

Reprints notes

1 *General*

This is a reprint of the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 (LI 2017/233): regulation 4(2)

Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2016 (LI 2016/79)

Hazardous Substances and New Organisms (Personnel Qualifications) Amendment Regulations 2012 (SR 2012/283)