

4.22 New Zealand



4.22.1 Hazardous Substances and New Organisms Act (1996)

The Act is aimed to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. It prohibits the import, manufacture, development, field testing, or release of any hazardous substance imported, or manufactured or new organism imported, developed, field tested, or released.

Approvals are issued for import, development, field testing, or release of any new organism based on the provisions of the Second Schedule to this Act.

When any organism receives approval for importation into containment it is considered as a new organism and would not require further approval for any subsequent importations.

4.22.2 Hazardous Substances and New Organisms Act (Amendment 1999)

The Amendment gives revised definitions of several terms such as "new organism" which includes a GMO. An organism ceases to be a new organism when an approval has been given in accordance with this Act for the importation for release or release from containment of an organism of the same kind as the organism.

The Act also regulates the importation of a hazardous substance and a breach of this Act is the importation of a prohibited good under the Customs and Excise Act 1996, and the provisions of that Act apply accordingly.

4.22.3 Hazardous Substances and New Organisms (Genetically Modified Organisms) Amendment Act (2002)

The Act requires the Environmental Risk Management Authority (the Authority) to consider additional matters when considering certain applications in relation to GMOs and, if it approves the applications, to include particular controls for field tests and certain developments.

It also imposed restriction, from 29 October 2001 to the close of 29 October 2003, on the Authority for considering or approving applications to import of new organisms for release or to release new organisms from containment if the new organisms are GMOs and provides few exceptions to this restriction.

It also provides transitional provisions for approved applications relating to certain GMOs. Several new definitions have also been introduced.

4.22.4 Hazardous Substances and New Organisms (Low-risk genetic modification) Regulations (2003)

This regulation is specific to GMOs designated as presenting a low risk. It has categorized the risk groups "risk group 1" meaning micro-organisms that are unlikely to cause disease in humans, animals, plants, or fungi and "risk group 2" means micro-organisms causing disease in humans, animals, plants, or fungi but are unlikely to be a serious hazard to laboratory personnel, the community, animals, or the environment and have effective treatment and preventive measures with respect to any infections that they may cause and thus present a limited risk of the spread of infection

4.22.5 Interpretations and Explanations of Key Concepts (2003)

This protocol is principally meant to bring consistency in use and interpretation of terminology among various related functions, or organizations that use similar methods and techniques.

It includes explanation of the key concepts relevant to the Authority's decision making. It provides further explanation of both definitions in Section 2 of the Hazardous Substances and New Organisms Act and the important concepts introduced in the Methodology but not described in the Act.

4.22.6 Imports and Exports (living modified organisms) Prohibition Order (2005)

The Order prohibits the export of LMOs from New Zealand unless ministerial consent is obtained, in which case, a LMO can be exported, subject to certain conditions which depend on the purpose of the export, as required by The Protocol.

Specific conditions of exports of LMOs permitted have been mentioned when LMO is pharmaceutical for humans or when it is intended for contained use or for direct use as food or feed, or for processing or for intentional introduction into environment.

As per the regulation, separate consents are required for exportation of LMO that falls into more than 1 category of exportation.

Other related Regulations

4.22.7 Biosecurity Act (1993)

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This Act along with its amendments provide for the effective management of risks associated with the importation or introduction of risk goods which mean any organism, organic material, or other thing or substance, that (due to its nature or origin) is suspected to pose a risk and consequently result in exposure of organisms in New Zealand to damage, disease, loss, or harm; or interfere with the diagnosis, management, or treatment, in New Zealand, of pests or unwanted organisms.

Source:

1. *Your Guide to the Hazardous Substances & New Organisms Act.* (Available on <http://www.mfe.govt.nz/publications/hazardous/guide-to-hsno-act-jul01.html>; accessed on 5 October 2007)
2. *About the Hazardous Substances and New Organisms Act 1996.* (Available on <http://www.mfe.govt.nz/laws/hsno.html>; accessed on 5 October 2007)
3. *Law changes for new and genetically modified organisms.* (Available on <http://www.mfe.govt.nz/issues/organisms/law-changes/index.html>; accessed on 5 October 2007)
4. *Interpretations and Explanations of Key Concepts. ERMA New Zealand Policy Series: Protocol 3. ER-PR-03-18 05/06.* (Available on <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-PR2-03-9.pdf>; accessed on 6 October 2007)
5. *Imports and Exports (Living Modified Organisms) Prohibition Order 2005* (Available on <http://www.knowledge-basket.co.nz/regs/regs/text/2005/2005012.txt>; accessed on 6 October 2007)
6. *Biosecurity Act 1993.* (Available on <http://www.biosecurity.govt.nz/what-is-biosecurity/the-biosecurity-act>; accessed on 5 October 2007)