



# Cabinet Legislation Committee

## Minute of Decision

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### Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Amendment Regulations 2022

Portfolio                      Environment

On 29 September 2022, the Cabinet Legislation Committee:

- 1        **noted** that on 11 August 2022 the Cabinet Environment, Energy and Climate Committee, agreed that the following two organisms be reclassified as “not new” under the Hazardous Substances and New Organisms Act 1996 (HSNO Act), by amending the Hazardous Substances and New Organisms (Organisms Prescribed as Not New) Regulations 2009:
  - 1.1     the beetle *Paropsisterna cloelia*;
  - 1.2     the bacterium *Paenibacillus alvei*;

[ENV-22-MIN-0032];
- 2        **noted** that the Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Amendment Regulations 2022 (the Amendment Regulations) give effect to the decision above;
- 3        **noted** that a waiver of the 28-day rule is sought:
  - 3.1     so that the regulations can come into force as soon as possible;
  - 3.2     on the grounds that the Regulations would have little or no effect on the public and, in the case of the beetle *Paropsisterna cloelia*, any delay in commencement is likely to defeat the purpose of the Amendment Regulations;
- 4        **agreed** to waive the 28-day rule so that the Amendment Regulations come into force on 7 October 2022;
- 5        **noted** that there are statutory prerequisites in the HSNO Act that must be met before Regulations can be made:
  - 5.1     the Minister for the Environment must have considered whether the organisms in question have formed a self-sustaining population in New Zealand and whether any person is attempting to manage, control or eradicate the organisms under any Act (section 140(2) of the HSNO Act);

- 5.2 the Minister for the Environment must have requested the Environmental Protection Authority (EPA) to consult with affected persons, and to provide the Minister with advice on submissions received and on the best international practices for the safe management of new organisms, and have regard to the EPA's advice (section 141(1) of the HSNO Act);
- 5.3 the Regulations must also be consistent with sections 4 to 8 inclusive of the HSNO Act (the purpose section, the principles section, and matters to be taken into account);
- 6 **noted** the advice of the Minister for the Environment that these requirements have been met;
- 7 **authorised** the submission to the Executive Council of the Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Amendment Regulations 2022 [PCO 25000/5.0].

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Andrew Little  
Hon David Parker (Chair)  
Hon Poto Williams  
Hon Damien O'Connor  
Hon Michael Wood  
Hon Dr David Clark  
Dr Duncan Webb, MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG