



## PROACTIVE RELEASE COVERSHEET

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|------------------------|--------------------------------------------------------|-----------------------------|----------------|
| <b>Minister</b>        | Hon Nicola Grigg                                       | <b>Portfolio</b>            | Environment    |
| <b>Name of package</b> | Briefing: HSNO Amendment Bill: Supplementary Decisions | <b>Date to be published</b> | 7 October 2026 |

### List of documents that have been proactively released

| <b>Date</b>  | <b>Title</b>                                 | <b>Author</b>                                           |
|--------------|----------------------------------------------|---------------------------------------------------------|
| 17 July 2026 | HSNO Amendment Bill: Supplementary Decisions | Ministry for Cities, Environment, Regions and Transport |

#### Information redacted **NO**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

#### Summary of reasons for redaction

N/A



# HSNO Amendment Bill: Supplementary Decisions

|              |              |                  |      |                         |              |
|--------------|--------------|------------------|------|-------------------------|--------------|
| <b>Date:</b> | 17 July 2026 | <b>Priority:</b> | High | <b>Tracking number:</b> | 26-BRF-01836 |
|--------------|--------------|------------------|------|-------------------------|--------------|

| To                                                      | Action sought                                                                                                                            | Response by  |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Hon Nicola Grigg<br><b>Minister for the Environment</b> | <b>Agree</b> to policy decisions on the HSNO Amendment Bill for inclusion in the Departmental Report to the Primary Production Committee | 20 July 2026 |
| Hon Andrew Hoggard<br><b>Minister for Food Safety</b>   | For information                                                                                                                          | N/A          |

## Contact for discussion (if required)

| Name          | Position                             | Telephone    | 1 <sup>st</sup> contact             |
|---------------|--------------------------------------|--------------|-------------------------------------|
| Glenn Wigley  | General Manager, Waste & HSNO Policy | 027 491 7806 | <input type="radio"/>               |
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## Action for Minister's Office staff



## **Purpose**

1. This paper seeks your agreement to a small set of supplementary policy decisions for the Hazardous Substances and New Organisms Amendment Bill (HSNO Bill). The proposed amendments arise from submissions on the Bill and further analysis. They will inform preparation of the recommendations in the Departmental Report to the Primary Production Committee.

## **Key points**

2. The Cabinet Economic Policy Committee authorised Ministers to make final decisions on minor and technical issues and changes that are consistent with the approved policy intent and arise during the drafting process (ECO-25-MIN-0075). The decisions in this paper only relate to the HSNO Bill.

## **Transitional and savings provisions**

3. These provisions are required to ensure a smooth transition from the Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Regulations 2009 (2009 Regulations) to the new HSNO Part 5A notice framework. Your agreement is sought to recommend the inclusion of these provisions in the Bill because they currently sit outside the transitional arrangements specifically contemplated by Cabinet.

## **Minimum standards and release provisions**

4. Officials propose to recommend the inclusion of amendments in the Bill to preserve the current operation of the minimum standards framework and the Minister's call-in powers. The amendments do not change policy approved by Cabinet but are not covered by existing approvals.

## **Status of organisms approved during adverse events**

5. Officials propose to recommend the inclusion of amendments in the Bill to make it explicit that organisms approved for use during adverse events remain new organisms. The amendments confirm existing law and improve legislative certainty.

## **Oversight of EPA-initiated timeframe extensions**

6. Officials propose to recommend that EPA-initiated timeframe variations remain subject to Board or Chief Executive oversight and cannot be further subdelegated. As this departs from the Act's usual delegation framework, your agreement is sought. In addition, officials intend to recommend that the power to decide applications for timeframe variations made by external parties should be able to be delegated below the Chief Executive but only to EPA staff. This is in line with the approach for non-notified Part 5 applications in the Bill.

## **Conditional-to-full release pathway**

7. Existing section 34A already provides an appropriate pathway for conditional release approvals to transition to full release approvals. Officials therefore propose to recommend that clause 42 (new



section 34B) is removed from the Bill as it is unnecessary duplication.

**Adverse event response provisions**

8. Officials propose to recommend that amendments are included in the Bill to ensure the adverse event provisions operate as intended and support timely responses to unwanted organisms. The amendments are not covered by existing approvals and therefore require your agreement.



## Recommendations

9. We recommend you:

- |                                                                                                                                                                                                                                                                                                                                                                                                                   |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| a. <b>agree</b> that officials recommend the Bill be amended to include savings and transitional provisions to support the transition from the Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Regulations 2009 to the new Part 5A notice-making framework.                                                                                                                    | Yes / No |
| b. <b>agree</b> that officials recommend the Bill be amended to preserve the current operation of the minimum standards framework and the Minister's call-in powers.                                                                                                                                                                                                                                              | Yes / No |
| c. <b>agree</b> that officials recommend the Bill be amended to clarify that a new organism does not cease to be a new organism solely because it has been released or used under an adverse event approval or special emergency approval (section 2A)                                                                                                                                                            | Yes / No |
| d. <b>agree</b> that officials recommend the Bill be amended so decisions to vary statutory timeframes on the EPA's own initiative cannot be subdelegated below the EPA Board or Chief Executive, and decisions to vary statutory timeframes on the initiative of external parties can be subdelegated below the Chief Executive but only to EPA staff (clause 12; section 19; as it relates to new section 141K) | Yes / No |
| e. <b>note</b> that the above approach to decisions on statutory timeframes on the EPA's own initiative would be a departure from the delegation arrangements that generally apply elsewhere in the Act, which would ordinarily allow further sub delegation of delegated powers                                                                                                                                  | Noted    |



- f. **agree** that officials recommend clause 42 (new section 34B) be removed from the Bill, on the basis that existing section 34A already provides an appropriate pathway for conditional release approvals to transition to full release approvals while ensuring applications are assessed against the matters and criteria relevant to a full release approval. Yes / No
- g. **agree** that officials recommend the Bill be amended to provide that the adverse event provisions only apply in response to the arrival of an unwanted organism, rather than its arrival and establishment (clause 68; section 46(e) and consequential amendments to section 48A). Yes / No
- h. **agree** that officials recommend the Bill be amended to enable *Gazette* notification of adverse event responses to occur before, or as soon as practicable after, action is taken where circumstances require an immediate response (clause 71; section 48A). Yes / No

Glenn Wigley  
**General Manager, Waste & HSNO Policy**  
17 / 07 / 2026

Hon Nicola Grigg  
**Minister for the Environment**  
..... / ..... / .....

#### Comments



# HSNO Amendment Bill: Supplementary Decisions

1. The Cabinet Economic Policy Committee authorised Ministers to make final decisions on minor and technical issues and changes that are consistent with the approved policy intent and arise during the drafting process (ECO-25-MIN-0075). At that time, it was thought that the Bill would be an Omnibus Bill incorporating amendments to the HSNO Act and the Agricultural Compounds and Veterinary Medicines Act 1997 (ACVM). As you are aware, the Omnibus Bill eventually split and the HSNO and ACVM Bills progressed separately.

## Transitional and savings provisions

2. The Committee agreed that transitional arrangements would be required to support implementation of the Bill, including arrangements relating to existing timeframes and application categories in Parts 5 and 6A of the Act.
3. The Bill, however, goes beyond Parts 5 and 6A of the Act and introduces a new Part 5A EPA notice-making framework to replace the Hazardous Substances and New Organisms (Organisms Prescribed as Not New Organisms) Regulations 2009 (2009 Regulations). This means savings and transitional arrangements are required in relation to the Part 5A change as well, to ensure continuity during implementation and avoid both unnecessary administrative burden and unintended gaps in the regulatory framework.
4. We therefore propose to recommend savings and transitional provisions that preserve the effect of the 2009 Regulations for the purposes of existing exclusions from the definition of “new organism” and for the definition of “denewed organism”. We also recommend a transitional provision that would enable organisms currently prescribed as not new organisms under the 2009 Regulations to be transitioned into the new Part 5A notice regime without requiring the full notice-making process to be followed.
5. To ensure these arrangements are temporary, officials propose to recommend that they expire either three months after repeal of the regulation-making power under which the 2009 Regulations were made, or on the date the 2009 Regulations are revoked, whichever occurs first.
6. We consider that these provisions are consistent with the policy intent approved by Cabinet and are necessary to support an orderly transition to the new regime.
7. We therefore seek your agreement to include these savings and transitional provisions in the package of amendments recommended to the select committee.

## Minimum standards and release provisions

8. Submitters raised concerns that the Bill could unintentionally weaken the HSNO Act's minimum standards framework for the approval of new organisms. We have considered these concerns and do not agree that the Bill has this effect. The minimum standards requirements will continue



to apply in the circumstances intended by the Act.

9. However, further analysis of the drafting identified a separate technical issue. The amendment was intended to clarify the existing law but as drafted, could have unintended consequences for two streamlined approval pathways by incorrectly applying minimum standards to them as well.
10. We consider the Bill should be amended to ensure the minimum standards framework applies only to the approval pathways for which it was intended. This would preserve the current operation of the Act and avoid unintended consequences for other approval processes.
11. We also identified an error affecting the Minister's call-in powers, caused when making other, unrelated changes. A consequential amendment is required to ensure the call-in powers continue to operate as originally intended.
12. The amendments officials propose recommending do not change policy. They are technical drafting changes intended to preserve the existing law and ensure that both the minimum standards framework and the Minister's call-in powers continue to operate as originally intended.
13. While these amendments are necessary to retain the current legal position, they are not covered by existing approvals for the Bill. We are therefore seeking your agreement to include them in the package of amendments recommended to the select committee.
14. We recommend that you:
  - agree that officials recommend the Bill be amended to clarify that the HSNO Act's minimum standards provisions apply only to the approval pathways for which they were intended, to preserve the existing operation of the Act and avoid unintended consequences for other approval pathways (clause 44; section 36); and
  - agree that officials recommend the Bill be amended to ensure the Minister's call-in powers continue to operate consistently across the relevant approval pathways and reflect the intended application of the minimum standards framework (clause 107; replacement section 68(3)(a) and section 35(3)(b)).

### **Status of organisms approved during adverse events**

15. Adverse event and special emergency approvals are intended to allow the rapid release or use of a new organism in urgent circumstances. They provide a faster approval pathway when a timely response is needed, but they are not intended to change the organism's legal status under the HSNO Act. In other words, these approvals allow a new organism to be released or used quickly in response to an emergency or adverse event, but the organism does not cease to be a new organism.
16. The existing law already achieves this outcome. For organisms released or used under a special emergency approval, section 49(2) expressly provides that the organism does not cease to be a new organism. For organisms released or used under an adverse event approval, the same outcome arises through the operation of the definition of new organism in section 2A, although this is less explicit.



17. We consider that the legislation would benefit from greater clarity. We therefore propose to recommend amendments to section 2A to make it explicit that a new organism does not cease to be a new organism solely because it has been released or used under an adverse event approval or special emergency approval.
18. While these amendments are intended only to clarify the existing law and do not change policy or legal effect, they are not currently covered by Cabinet's approval of the Bill. We are therefore seeking your agreement to include these amendments in the package of changes recommended to the select committee.

### **Oversight of EPA-initiated timeframe extensions**

19. Submitters expressed concern that the proposed power to extend statutory timeframes could reduce certainty and accountability in the approvals process. Officials agree that decisions to extend statutory time frames on the EPA's own initiative should be subject to a high level of oversight and accountability.
20. Under the Bill, the power to vary statutory timeframes may be delegated to the EPA Chief Executive and subsequently subdelegated in accordance with the Act's existing delegation framework. Officials consider that there is a case for treating EPA-initiated timeframe extensions differently, because these decisions directly affect statutory processing timeframes and may be perceived as addressing EPA workload or resourcing pressures.
21. Officials therefore propose to recommend that decisions to vary statutory timeframes on the EPA's own initiative should remain with Board or Chief Executive and should not be capable of further sub-delegation. This would provide a clear line of accountability for decisions that extend statutory timeframes and ensure senior oversight of their use.
22. Officials note that this approach would differ from the delegation framework that generally applies elsewhere in the Act. No other comparable power is restricted solely to the Board and Chief Executive. We are therefore seeking your agreement to this approach and, if agreed, will explain to the Committee why a higher level of oversight is justified for EPA-initiated timeframe extensions.
23. The proposed amendment is not currently covered by existing approvals for the Bill. We recommend that you:
  - agree that officials recommend that the Bill be amended so that decisions to vary statutory timeframes on the EPA's own initiative cannot be sub delegated below the EPA Board or Chief Executive (clause 12(9); section 19(5A); as it relates to new section 141K).
24. We also recommend that you agree that officials recommend that the Bill be amended to allow decisions on applications to vary timeframes from external parties to be subdelegated below the Chief Executive but only to EPA staff.



### **Conditional-to-full release pathway**

25. Submitters were concerned that the proposed conditional-to-full release pathway (new section 34B) could allow organisms to move from conditional release to full release without the same level of scrutiny as a standard full release application. They also considered that the criteria for those decisions were not sufficiently specified in the Bill.
26. We have considered these concerns and agree that conditional release approvals transitioning to full release approvals should continue to be assessed against the same matters and criteria that apply to applications for full release approvals. Further analysis indicates that the existing HSNO Act already achieves this outcome. Under existing section 34A, a user of a conditional release approval can apply to the EPA for approval to fully release the new organism at the expiry of the conditional release approval. Those applications must be treated as full release applications and assessed under the same framework that applies to other full release approvals.
27. We considered amending new section 34B to require assessment against the same criteria. However, this would largely duplicate the existing process in section 34A. We therefore consider that the proposed conditional-to-full release pathway is unnecessary and that the policy intent can be achieved through the existing statutory framework.
28. Removing clause 42 would address submitters' concerns about new section 34B and avoid unnecessary duplication. The EPA should still be able to consider information gathered during the conditional release period when assessing a subsequent full release application, which will increase efficiency.
29. As this amendment would remove a provision included in the Bill as introduced, and this outcome was not contemplated in the original policy approvals, we are seeking your agreement before recommending the change to the select committee.
30. We recommend that you:
  - agree that officials recommend clause 42 (new section 34B) be removed from the Bill, on the basis that existing section 34A already provides an appropriate pathway for conditional release approvals to transition to full release approvals while ensuring applications are assessed against the matters and criteria relevant to a full release approval.

### **Adverse event response provisions**

31. Officials have identified two technical issues with the adverse event provisions in the Bill. The issues were raised by the Ministry for Primary Industries (MPI) during further analysis and relate to the circumstances in which the provisions may be used and the operation of notification requirements during urgent biosecurity responses.
32. First, the Bill currently enables adverse event approvals to be used in response to the arrival or establishment of an unwanted organism. MPI considers that "establishment" is not the appropriate trigger because it generally indicates that an organism has already been present in New Zealand for some time and may be difficult or impossible to eradicate. Adverse event



powers are intended to support rapid responses to newly detected organisms, either to prevent establishment or facilitate early eradication. Officials therefore propose to recommend amending the provision, so it refers only to the arrival of an unwanted organism. For clarity, this would include organisms detected after they have entered New Zealand.

33. Secondly, the Bill requires *Gazette* notification before action can be taken in response to an adverse event. Officials consider this could unnecessarily delay urgent interventions, particularly outside normal business hours. We therefore recommend amending section 48A to allow notification to occur before, or as soon as practicable after, action is taken where immediate intervention is required.
34. Officials consider that both amendments are technical in nature and do not alter the underlying policy intent. Rather, they are intended to ensure the provisions operate as intended and support timely and effective responses to unwanted organisms. As these amendments were not specifically contemplated in the approved policy package, we seek your agreement to include them in the package of amendments recommended to the select committee.
35. We recommend that you:
  - agree that officials recommend the Bill be amended to provide that the adverse event provisions apply in response to the arrival of an unwanted organism, rather than its arrival or establishment (clause 68; section 46(e) and consequential amendments to section 48A); and
  - agree that officials recommend the Bill be amended to enable *Gazette* notification of adverse event responses to occur before, or as soon as practicable after, action is taken where circumstances require an immediate response (clause 71; section 48A).

## Next steps

36. Subject to your decisions, officials will continue developing transitional and savings provisions for inclusion in the Bill.
37. We will provide further advice if additional supplementary policy decisions are required during development of the Departmental Report and legislative drafting process.
38. We will incorporate your decisions into the Departmental Report.