

**Version
as at 28 October 2021**



Biosecurity Act 1993

Public Act 1993 No 95
Date of assent 26 August 1993
Commencement see section 1(2)

Contents

	Page
Title	13
1 Short Title and commencement	13
Part 1	
Preliminary	
2 Interpretation	13
2A Interpretation of import	27
2B Interpretation of specified in relation to organisms	27
3 Application of Act to syndromes of uncertain origin	27
4 Application of Act in territorial sea	28
5 Act binds the Crown	28
6 Land may include parts of boundary roads	28
7 Relationship with other enactments	29
7A Relationship with Resource Management Act 1991	30
7B Relationship with Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012	31
7C Public notice of decision to exempt action	32
7D Regulations may continue exemption	33

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Primary Industries.

7E	Border information supplied using JBMS must be supplied in approved form and manner	34
7F	Duty to use JBMS to supply border information to Ministry	34

Part 2

Functions, powers, and duties

Ministers

8	Responsibilities of responsible Minister	35
9	Powers of responsible Minister	35
10	Functions of Ministers in relation to national plans	36
11	Other powers of Ministers	37
12	Responsible Minister may require information	38

Director-General

12A	Director-General provides overall leadership	38
-----	----------------------------------------------	----

Local authorities

12B	Regional council provides leadership regionally	39
13	Powers of regional councils	39
14	Powers of territorial authorities	40
15	Transfer of powers, etc, by local authorities	41

Part 3

Importation of risk goods

16	Purpose of Part 3	43
16A	General duty relating to importation	43
16B	Duty of importers to comply with import health standards	43
16C	Duty of importers not to abandon goods	43

Arrival of craft

17	Notice of craft's intended arrival in New Zealand	44
17A	Inward cargo report	46
18	Arrival of craft in New Zealand	48
19	Persons in charge of certain craft to obey directions of inspector or authorised person	49

Import health standards

20	Import health permits <i>[Repealed]</i>	49
21	Criteria for issue of import health permits <i>[Repealed]</i>	49
22	Meaning of import health standard	50
22A	Process for independent review panel to be established <i>[Repealed]</i>	51
23	From draft to recommendation	51
24	Review	52
24A	Issue	53
24B	Amendment, revocation, suspension, and reinstatement	54
24C	Publication <i>[Repealed]</i>	56
24D	Compliance	56

	<i>Craft risk management standards</i>	
24E	Meaning of craft risk management standard	57
24F	From draft to recommendation	58
24G	Issue	59
24H	Amendment, revocation, suspension, and reinstatement	60
24I	Publication <i>[Repealed]</i>	61
24J	Compliance	61
24K	Craft risk management plans	61
	<i>Clearance of risk goods</i>	
25	Goods to be cleared for entry into New Zealand	63
26	Clearances by inspectors	64
27	Requirements for clearances	64
27A	Post-clearance conditions on clearances	66
28	Restrictions on giving clearances	66
28A	Dealing with suspected new organism	67
28B	Biosecurity clearance for certain new organisms and qualifying organisms	67
29	Restricted organisms to be contained	68
	<i>Inspections, declarations, etc</i>	
30	Uncleared imports	68
30A	Processing unaccompanied goods	69
31	Boarding of craft	70
32	Powers relating to craft	71
33	Risk goods on board craft	71
34	Disembarkation	72
35	Duties of persons in biosecurity control areas	73
35A	Duty of persons to remain in biosecurity control areas	74
36	Movement of risk goods	75
37	Approval of ports as places of first arrival	75
37A	Approval of arrival of craft at port not approved as place of first arrival	77
37B	Suspension of approval	78
37C	Port operators	78
37D	Director-General to consult chief executives	79
38	Importers' records	79
39	Approval and cancellation of approval of transitional facilities and containment facilities	79
40	Approval and cancellation of approval of facility operators	82
40A	Suspension of facility approval	84
40B	Notice requirements	84
40C	Effect of suspension and extension	85
40D	Suspension of operator approval	85
40E	Notice requirements	86

40F	Effect of suspension and extension	86
41	Designation of quarantine area	87
	<i>Definitions for information-sharing provisions</i>	
41A	Definitions	87
	<i>Interim arrangements for information sharing</i>	
	<i>[Repealed]</i>	
41B	Purpose of sections 41C to 41E <i>[Repealed]</i>	89
41C	Interim collection of border information <i>[Repealed]</i>	89
41D	Requirement by or under this Act to supply border information is complied with if information is supplied to Customs or other agency <i>[Repealed]</i>	89
41E	Interim access to border information <i>[Repealed]</i>	89
41F	Expiry of sections 41B to 41E and agreements made under section 41E <i>[Repealed]</i>	90
	<i>Information sharing for joint border management</i>	
41GAA	Application of sections 41G to 41I	90
41G	Collection of border information	90
41H	Requirement by or under this Act to supply border information is complied with if information is supplied to Customs or other agency	91
41I	Ministry may access border information	91
	Part 4	
	Surveillance and prevention	
42	Purpose of Part 4	92
43	Duty to provide information	92
44	General duty to inform	93
45	Notifiable organisms	93
46	Duty to report notifiable organisms	94
47	Imported risk goods <i>[Repealed]</i>	95
48	Power to require information	95
49	Use of information	95
50	Identification systems	95
51	Duties relating to identification of organisms	96
52	Communication of pest or unwanted organism	96
53	Duties of owners of organisms	97
	Part 5	
	Pest management	
54	Purpose of this Part	98
55	Responsible Minister may assign responsibility for decisions	98

Policy direction

56	Responsible Minister provides leadership through national policy direction	98
57	Process for making national policy direction	100
58	Process for amending or revoking and replacing national policy direction	101

Pest management plans

National pest management plans

59	Definitions for sections 60 to 67	102
60	Relationship of rules and plan with law	102
61	First step: plan initiated by proposal	103
62	Second step: satisfaction on requirements	105
63	Third step: satisfaction with consultation or requirement of more consultation	106
64	Fourth step: approval of preparation of plan and decision on management agency	107
65	Fifth step: satisfaction on contents of plan and requirements	110
66	Making of plan	110
67	Exemptions from rules	111

Regional pest management plans

68	Definitions for sections 69 to 78	112
69	Relationship of rules with law	112
70	First step: plan initiated by proposal	113
71	Second step: satisfaction on requirements	115
72	Third step: satisfaction with consultation or requirement of more consultation	117
73	Fourth step: approval of preparation of plan and decision on management agency	118
74	Fifth step: satisfaction on contents of plan and requirements	120
75	Sixth step: decision on plan	121
76	Application to Environment Court about plan	121
77	Making of plan	122
78	Exemptions from rules	123

Pathway management plans

National pathway management plans

79	Definitions for sections 80 to 87	124
80	Relationship of rules and plan with laws	125
81	First step: plan initiated by proposal	125
82	Second step: satisfaction on requirements	127
83	Third step: satisfaction with consultation or requirement of more consultation	128