

Departmental Disclosure Statement

Hazardous Substances and New Organisms Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for the Environment.

The Ministry for the Environment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

4 May 2026

Contents

Contents.....	2
Part One: General Policy Statement.....	3
Part Two: Background Material and Policy Information	6
Part Three: Testing of Legislative Content.....	8
Part Four: Significant Legislative Features	11

Part One: General Policy Statement

Purpose of Bill

The Hazardous Substances and New Organisms Amendment Bill (the **Bill**) amends the Hazardous Substances and New Organisms Act 1996 (the **HSNO Act**).

The Bill implements policy changes responding to, and building on, recommendations of the Agricultural and Horticultural Products Regulatory Review (the **Review**), undertaken by the Ministry for Regulation between August and December 2024. The Review made 16 interrelated recommendations to improve the proportionality, efficiency, transparency, and certainty of the pathways for approval of agricultural and horticultural products. The Bill gives effect to the recommendations of the Review that are related to the HSNO Act.

Policy objectives

The Bill has the following policy objectives:

- to streamline application processes and improve regulatory efficiency and transparency;
- to improve application pathways and provide certainty for applicants;
- to support risk-proportionate decision-making and public participation;
- to enhance compliance, monitoring, and enforcement under the HSNO Act.

How Bill achieves policy objectives

To achieve those objectives, the Bill amends the HSNO Act —

Streamlining regulatory processes and increasing transparency

- to provide for all application forms under the HSNO Act to be approved by the Environmental Protection Authority (the **Authority**); and
- to provide for levies to be prescribed by regulations, and require them to be paid by importers and manufacturers of hazardous substances, to support sustainable funding of the Authority's functions as a regulator in relation to those substances; and
- to enable the following to be provided for in regulations:
 - information required to accompany applications (which may vary between different classes or tiers of application, including classes or tiers that are based on risk and complexity);
 - time frames relating to the processing of applications under Part 5 of the HSNO Act (including time frames currently set out in that Part); and
- to require the Authority to notify applicants under Part 5 of the HSNO Act whether or not their applications are complete and, if their applications are incomplete, to provide reasons and return those applications; and
- to expand the use of proportionate, light-touch approval pathways where appropriate; and
- to enable greater reliance on assessments relating to hazardous substances that are undertaken by recognised international regulators; and

- to clarify processes for the reassessment of hazardous substances and new organisms; and
- to enable certain technical matters to be prescribed by notices made by the Authority; and

Improving application pathways and providing certainty for applicants

- to clarify and future-proof key definitions; and
- to enable the Authority to determine taxonomic classifications for new organisms or groups of new organisms; and
- to enable temporary hazardous substance approvals to be sought, and granted, if a decision on a full application is pending and other criteria are met; and
- to allow multiple extensions of time for new organism release approvals if appropriate; and
- to provide a simplified pathway for transitioning conditional release approvals to approvals that allow the release of new organisms without controls if specified criteria are met; and
- to establish a new application pathway to enable approvals to be sought, and granted, for the development of vagrant prohibited new organisms in specified circumstances; and
- to improve the workability of approval provisions relating to emergencies (now adverse events) to support preparedness for, and response to, adverse events (including biosecurity incursions); and
- to enable the Authority to prescribe risk species by notice (while still retaining the power in the HSNO Act for this matter to be prescribed in regulations); and
- to enable the Authority to prescribe organisms as not new organisms by notice (instead of this matter being prescribed in regulations); and
- to enable the Authority to authorise the chief executive of the Authority, or a committee appointed by the Authority under the Crown Entities Act 2004, to prescribe —
 - risk species by notice; or
 - organisms as not new organisms by notice; and

Decision-making and public participation

- to allow the following powers to be delegated to the chief executive of the Authority, or that chief executive's delegate, to support risk-proportionate decision-making:
 - the power to hear and decide an application under Part 5 of the HSNO Act if it is not publicly notified;
 - the power to proceed with, and decide on, any reassessment under Part 5 of the HSNO Act if it is not publicly notified; and
- to require the Authority to consider whether there is likely to be significant public interest in certain applications and other matters and, if the Authority considers that there is likely to be significant public interest, to require those matters to be publicly notified; and
- to require the Authority to hold hearings for applications and other matters that are publicly notified, or that are the subject of targeted consultation with affected persons, if those hearings would assist decision-making; and

Compliance, monitoring, and enforcement

- to change key definitions and certain provisions to clarify regulatory oversight relating to new organisms; and
- to update provisions on persistent organic pollutants for better alignment with the Stockholm Convention on Persistent Organic Pollutants (to which New Zealand is a party); and
- to extend information-sharing provisions to the chief executive of the department of State responsible for the administration of the Biosecurity Act 1993 (currently, the Director-General of the Ministry for Primary Industries) to strengthen compliance, monitoring, and enforcement; and
- to allow the Authority to assist with, or intervene in, certain enforcement matters where necessary or desirable to achieve the purposes of the HSNO Act.

The Bill also contains minor and technical amendments, including amendments to improve accessibility for users.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<i>Agricultural and Horticultural Products Regulatory Review</i> - Published in February 2025 by the Ministry for Regulation (Accessible at: Agricultural-Horticultural-Products-Regulatory-Review-full-report.pdf)	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	YES
<p>The Bill makes amendments relating to New Zealand's implementation of the Stockholm Convention on Persistent Organic Pollutants. The HSNO Act is the primary mechanism by which New Zealand gives effect to that Convention. The Convention can be accessed at: https://www.pops.int/.</p> <p>The Bill amends the definition of the Stockholm Convention so that it is automatically updated as the Convention is amended, and repeals section 140B and Schedule 1AA. It also amends provisions relating to the management and disposal of persistent organic pollutants (POPs), including enabling the Environmental Protection Authority to issue directions specifying how POPs are to be disposed of. The EPA can also issue directions requiring that POPs are disposed of. Any directions issued must be consistent with Article 6 of the Convention.</p> <p>These changes are intended to better align the HSNO Act with New Zealand's obligations under the Stockholm Convention and to provide greater clarity and consistency in their implementation.</p>	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<i>Regulatory Impact Statement - Omnibus changes to the Hazardous Substances and New Organisms Act 1996</i> – Prepared in April 2025 by the Ministry for the Environment (Accessible at: RIS-Omnibus-changes-to-the-Hazardous-Substances-and-New-Organisms-Act-1996.pdf).	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>The Ministry for Regulation confirmed that this Regulatory Impact Statement must be assessed by a cross-agency Quality Assurance panel, and requested that the panel be chaired by the Ministry for the Environment and include members from the Ministry for the Environment and the Ministry for Primary Industries. The panel reviewed the RIS and concluded that it 'partially meets' the quality assurance expectations. It noted that the policy problem and objectives were clearly described and the case for legislative intervention adequately explained. However, the panel observed that given the breadth and complexity of the proposals, more analysis was needed on the effects of the policy proposals, including quantitative costs and benefits.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
--	-----------

The core policy intent and direction of the Bill are consistent with the policy options analysed in the RIS. Although the Bill includes specific HSNO technical amendments, enhancements to compliance and enforcement settings, and the introduction of enabling levy powers that were not explicitly analysed in the RIS, these proposals do not represent a material departure from the overall policy approach assessed. These additional elements are largely enabling, technical, or implementation focused, and are intended to support the effective operation of the regulatory regime.

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	YES
<p>Further impact analysis has been undertaken in relation to cost recovery, with a Cost Recovery Impact Statement considered by Cabinet in addition to the Regulatory Impact Statement. That analysis addresses the impacts of proposed changes to cost recovery settings.</p> <p>Other than this cost recovery analysis, no further comprehensive impact analysis has been undertaken since the RIS. This reflects the enabling and framework nature of many of the Bill's provisions, with more detailed impacts to be assessed through subsequent secondary legislation, cost-setting decisions, and EPA implementation processes.</p>	
2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
--

Officials have assessed the policy proposals against New Zealand's international obligations relating to hazardous substances, including obligations arising under international chemicals conventions such as the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention.

That assessment identified opportunities to improve alignment between the HSNO Act and New Zealand's obligations under the Stockholm Convention. The Bill therefore includes amendments that update and strengthen how those obligations are reflected in domestic law. In particular, the Bill amends the definition of the Stockholm Convention so that it automatically incorporates future amendments to the Convention. The Bill replaces section 140A to allow Schedule 2A, which concerns persistent organic pollutants, to be amended by Order in Council, including by inserting, repealing, amending, or replacing individual items, or be replacing the Schedule in its entirety. This enables Schedule 2A to be kept up to date as New Zealand's international obligations under the Stockholm Convention evolve.

The Bill also clarifies requirements relating to the management and disposal of persistent organic pollutants, including enabling the EPA to issue directions specifying how such substances must be disposed of, and also that they must be disposed of, and requiring that any such directions are not inconsistent with Article 6 of the Convention.

These changes are intended to better align the HSNO Act with New Zealand's international obligations, and to improve clarity, consistency, and ongoing compliance with the Stockholm Convention.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

Due to timing constraints, no formal Treaty of Waitangi impact assessment was undertaken for the policy proposals in this Bill. However, we do not anticipate any inconsistency with Treaty principles; the proposals improve the operation of New Zealand's hazardous substances and new organisms legislation and do not specifically or disproportionately impact Māori. The principles most relevant to these proposals are partnership (including the duty to act reasonably and in good faith) and informed decision-making. The Ministry for the Environment undertook targeted engagement with Te Rūnanga o Ngāi Tahu HSNO Komiti and other stakeholders when developing the proposals.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	
---	--

YES

The Cabinet paper notes that the proposals in the Bill do not raise issues under the New Zealand Bill of Rights Act 1990. The Ministry of Justice was consulted during policy development, and no Bill of Rights Act implications were identified at the policy approval stage.

The Ministry of Justice is undertaking its usual vetting process on the draft Bill. Officials do not anticipate that the draft Bill will raise any inconsistencies with the New Zealand Bill of Rights Act 1990.

Advice to the Attorney-General, including any report under section 7 of the Act if required, is generally made publicly available on the Ministry of Justice's website when a Bill is introduced. Any such advice or report will be accessible at:

<https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/>.

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
<p>The Bill amends certain enforcement, offence, and penalty-related provisions in the HSNO Act to support a more proportionate and graduated compliance and enforcement regime. These amendments include extending the timeframe for filing charges from six months to twelve months, adjustments relating to infringement offences and penalties (with the maximum infringement fee now proposed to increase from \$3,000 to \$12,000), and the introduction of new offence provisions, including offences for non-compliance with prohibitions and restrictions imposed during the reassessment of hazardous substances or new organisms.</p> <p>The Bill does not introduce fundamentally new categories of offending, but instead refines existing enforcement settings to improve clarity, proportionality, and regulatory effectiveness.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry for the Environment consulted the Ministry of Justice during policy development on the proposals, including in relation to the proposal to increase the maximum infringement fee to \$12,000. Ministry of Justice officials noted that the proposed maximum exceeds the level typically recommended, but advised that it may be justified in the circumstances. The Ministry of Justice was also consulted as part of the departmental consultation on the final policy proposals.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
---	------------

Clause 140 amends section 97C to strengthen compliance, monitoring, and enforcement by expanding information-sharing provisions. While this amendment enables information, including personal information, to be shared with an additional enforcement agency, it does not change the purposes for which information may be shared, and existing safeguards under the HSNO Act and the Privacy Act 2020 continue to apply.

The Bill also introduces new section 99B, which provides the EPA with a power to require specified persons or agencies to provide information for the purposes of making decisions under new section 99A, or for exercising, performing, assisting with, or intervening in the exercise or performance of functions, powers, or duties under that section. Information obtained under this provision may include personal information and is subject to existing statutory and privacy protections.

3.5.1. Was the Privacy Commissioner consulted about these provisions?

NO

The amendments maintain existing privacy protections, and any sharing of personal information remains subject to the safeguards in the HSNO Act and the Privacy Act 2020.

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?

YES

Targeted consultation was undertaken with relevant government agencies during policy development, including the Environmental Protection Authority, Ministry for Primary Industries, Ministry of Justice, New Zealand Defence Force, New Zealand Customs Service and WorkSafe. Engagement focused on workability, operational impacts, and alignment with existing regulatory frameworks.

Consultation with industry stakeholders and Te Rūnanga o Ngāi Tahu HSNO Komiti was also undertaken during policy development prior to seeking Cabinet approval.

Broader public consultation was not undertaken due to an initial expectation that the Bill would be introduced before the end of 2025 to align with implementation planning and legislative priorities at that time. Subsequent changes to timeframes did not alter the policy approach adopted following agency consultation.

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?

YES

The policy details to be given effect by this Bill have been tested to ensure they are workable, complete, and capable of effective implementation.

The Ministry for the Environment has worked closely with the Environmental Protection Authority throughout policy development to ensure the proposed changes can be effectively and efficiently operationalised. The workability and compatibility of the proposals have been tested through cross-agency policy and operational engagement, including input from agencies responsible for implementing the changes and working with the regulated community. In addition, a Sector Leaders Forum was established in response to recommendations from the Ministry for Regulation review, providing a structured forum to discuss the proposed amendments with industry and to test their practical implications.

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
--	-----------

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	YES
<p>The HSNO Act currently provides for fees and charges linked to specific regulatory services such as applications and approvals, but does not include a general levy regime to recover the costs of hazardous substances regulation. The Bill creates levy-setting powers under the HSNO Act to enable broader cost recovery for the Environmental Protection Authority's hazardous substances regulatory functions. The levy provisions are intended to support the sustainable funding of those functions by enabling the recovery of regulatory costs from importers and manufacturers of hazardous substances, rather than relying solely on transactional fees or Crown funding.</p> <p>The levy provisions are enabling in nature. Detailed levy design and levy rates will be developed through regulations, and will be subject to separate consultation and impact analysis, including assessment against relevant cost-recovery principles, before implementation.</p>	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
---	-----------

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
<p>The Bill introduces a new strict liability offence for failing to comply with a restriction imposed on an activity involving a new organism under section 64A of the HSNO Act. The offence mirrors the existing strict liability offence that applies to equivalent restrictions on hazardous substances and supports effective enforcement of conditions imposed to manage risks to human health and the environment.</p>	
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
---	-----------

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
--	-----------

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
---	-----------

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>The Bill creates and amends a number of delegated legislation powers to support the effective administration of the HSNO Act. This includes:</p> <ul style="list-style-type: none"> (a) a new regulation-making power to establish a levy on imported and manufactured hazardous substances (new section 20G) (b) a new power to make Part 5A notices under new section 73F, including for: <ul style="list-style-type: none"> i. prescribing organisms that are not new organisms for the purposes of the Act ii. prescribing species, subspecies, infrasubspecies, varieties, strains, or cultivars as risk species where they may have adverse effects on the health and safety of people or the environment (c) new and expanded powers to issue EPA notices in respect of new organisms (d) an amended power to make an Order in Council amending Schedule 2A (relating to the Stockholm Convention) (e) amendments to the existing regulation-making power relating to infringement fees in section 140(1)(i) (f) new uses of the existing regulation-making power in section 140(1)(t) to provide for matters necessary for the administration or effective operation of the Act, including: <ul style="list-style-type: none"> i. prescribing information and statutory declaration requirements for particular types of applications; and ii. prescribing time periods within which actions under the Act must be taken. <p>Several changes reallocate matters from regulations to notice-making powers, particularly in relation to new organisms, to improve flexibility and responsiveness while retaining appropriate safeguards and oversight within the delegated legislation framework.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
--	-----------