

Biosecurity (Status of Specified Ports) Amendment Act 2005
Commenced: 13 DECEMBER 2005

The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Biosecurity (Status of Specified Ports) Amendment Act 2005.

(2) In this Act, the Biosecurity Act 1993 is called "the principal Act".

2 Commencement

This Act comes into force on 13 December 2005.

3 Purpose

The purpose of this Act is to state---

(a) the status under section 37 of the principal Act of specified ports;
and

(b) the consequences of the statements of status.

4 New section 184A inserted

The principal Act is amended by inserting, after section 184, the following section:

"184A Designated as approved, or approved, ports

"(1) For the ports specified in Part A of Schedule 9, the following provisions apply:

"(a) for the period between 1 July 1995 and 25 November 1997, each port is treated as having been designated as approved under section 37; and

"(b) for the period between 26 November 1997 and the date after 26 November 1997 on which the Director-General approves the port under section 37, each port is treated as having been approved under section 37; and

"(c) for the period between 1 July 1995 and the date after 1 July 1995 on which the Director-General approves a port under section 37, every requirement of section 37 concerning the port is treated as having been satisfied.

"(2) The effect of subsection (1) is that a biosecurity control area existed at each port specified in Part A of Schedule 9 for the time to which both the following apply:

"(a) the time occurred in the period between 1 July 1995 and the date after 1 July 1995 on which the Director-General approves the port under section 37; and

"(b) throughout the time, the port had a place that---

"(i) was part of the port; and

"(ii) was, by written agreement with the port's operator, under the control of the Director-General for the purposes of this Act.

"(3) For the ports specified in Part B of Schedule 9, the following provisions apply for the period between 25 May 1998 and the date after 25 May 1998 on which the Director-General approves each port under section 37:

"(a) each port is treated as having been approved under section 37; and

"(b) every requirement of section 37 concerning the port is treated as having been satisfied.

"(4) The effect of subsection (3) is that a biosecurity control area existed at each port specified in Part B of Schedule 9 for the time to which both the following apply:

"(a) the time occurred in the period between 25 May 1998 and the date after 25 May 1998 on which the Director-General approves the port under section 37; and

"(b) throughout the time, the port had a place that---

"(i) was part of the port; and

"(ii) was, by written agreement with the port's operator, under the control of the Director-General for the purposes of this Act.

"(5) The ports specified in Schedule 9 are treated as having been designated as approved, or approved, under section 37---

"(a) for all kinds of aircraft, for each airport; and

"(b) for all kinds of vessels, for each other port.

"(6) The following provisions apply to a designation or an approval to which this section applies:

"(a) after consulting under section 37D, the Director-General may suspend or revoke the designation or approval under section 37B; and

"(b) the designation or approval ceases to have effect in the manner and at the time stated in the suspension or revocation.

"(7) Subsections (1) to (6)---

"(a) do not apply in civil proceedings commenced before 13 December 2005; and

"(b) apply in civil proceedings commenced on or after 13 December 2005; and

"(c) do not apply to conduct that---

"(i) resulted or could result in the entry of a conviction or the entry of a conviction and the imposition of a sentence; and

"(ii) occurred at a port before or in the period described for the port in subsection (8); and

"(d) apply to conduct that occurs at a port after the period described for the port in subsection (8).

"(8) The periods are,---

"(a) for each port specified in Part A of Schedule 9, the period that starts on 1 July 1995 and ends on the earlier of the following dates:

"(i) the date after 1 July 1995 on which the Director-General approves the port under section 37; and

"(ii) the date on which the Biosecurity (Status of Specified Ports) Amendment Act 2005 receives the Royal assent; and

"(b) for each port specified in Part B of Schedule 9, the period that starts on 25 May 1998 and ends on the earlier of the following dates:

"(i) the date after 25 May 1998 on which the Director-General approves the port under section 37; and

"(ii) the date on which the Biosecurity (Status of Specified Ports) Amendment Act 2005 receives the Royal assent."

5 New Schedule 9 added

The principal Act is amended by adding the Schedule 9 set out in the Schedule.

Schedule s 5
New Schedule 9 added to principal Act

Schedule 9 s 184A
Designated as approved, or approved, ports

Part A

Airports

Auckland International Airport

Christchurch International Airport

Ohakea Airport (Royal New Zealand Air Force Base)

Wellington International Airport

Whenuapai Airport (Royal New Zealand Air Force Base)

Other ports

Auckland

Bluff

Dunedin

Gisborne

Lyttelton

Napier

Nelson

New Plymouth

Onehunga

Opuā

Picton

Port Chalmers

Taharoa

Timaru

Wellington

Westport

Whangarei

Part B

Airports

Dunedin Airport

Hamilton Airport

Invercargill Airport

Palmerston North Airport

Queenstown Airport

Other ports

Tauranga