



Policy for MAF's Responses to Risk Organisms

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Ministry of Agriculture and Forestry
Te Manatū Ahuwhenua, Ngāherehere

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Ministry of Agriculture and Forestry Response Statement

The Ministry of Agriculture and Forestry (MAF) will investigate all suspected risk organisms that pose emerging threats to New Zealand's people, environment and/or economic values. We will consider urgent measures where these preserve the range of potential response options.

We will lead the response where the response has significant public benefit (e.g. foot-and-mouth disease virus).

For other risk organisms, MAF may lead or contribute to a response on a case-by-case basis taking into account:

- whether the response provides public benefits;
- the available resources and overall biosecurity priorities; and
- whether third parties also contribute resources to responses that deliver both public and private benefits.

This policy defines “response” to include long-term management to mitigate the impacts of established organisms. MAF will lead national long-term management where it is best placed to do so.

Responses will aim to achieve the best overall outcome for New Zealand by minimising the impacts on the values we wish to protect of both the risk organism and the response itself.

Response decisions will be made according to the agreed decisions framework, in a timely manner, taking into account the best available scientific and other information, and recognising that uncertainty should not delay action.

Policy Purpose

1. The purpose of this policy is to:
 - define the values¹ that the biosecurity response system seeks to protect from risk organisms;
 - define expectations for MAF's readiness to respond to a potential risk organism;
 - outline MAF's roles, responsibilities and policies when we lead a biosecurity response and our indicative roles where we participate in a response in collaboration with other biosecurity stakeholders, including Māori;
 - outline the potential roles, responsibilities and contributions of other interested parties;
 - define the performance expectations for the overall biosecurity response system;
 - guide MAF's decision-making during a biosecurity response; and
 - guide the development and maintenance of MAF's response management procedures.

¹ The values referred to are economic, environmental, human health and social/cultural (including Māori cultural values). See also Definitions in Appendix 1.

Policy Scope

2. This policy applies to MAF's readiness for, and responses to, the following situations involving risk organisms:
 - suspected incursions of risk organisms to New Zealand;
 - risk organisms already established in New Zealand that pose emerging threats, or where opportunities (such as a new treatment) arise to respond to established organisms where these should be managed at a national level;
 - where the risk organism(s) may not be identified, but there is evidence that the threat posed to the value is likely or real.
3. This policy applies from the time a risk organism is identified by, or notified to, MAF until such time as a decision is made that:
 - the organism has been eradicated or the threat has been managed;
 - MAF's response has been formally transitioned to another party;
 - further biosecurity management of the organism is not technically feasible;
 - the risks posed by the organism do not warrant any further action by MAF at this time, either because the biosecurity risk is negligible, or it is not significant relative to other priorities; or
 - the matter is not primarily of biosecurity interest, and it has been redirected to the appropriate accountable agency.²
4. This policy applies unless MAF or the Crown has an agreement in place with another party or parties, which sets out alternative arrangements for some or all of this policy.
5. This policy applies to responses to risk organisms that are scaled up to whole-of-government responses, and to MAF's contributions to a whole-of-government response led by another government agency.
6. This policy is part of a wider suite of MAF policies for biosecurity (refer Appendix Two). Where a discrepancy exists between this policy and an older policy, this policy will apply.
7. This policy can be adapted and used by other agencies leading responses to risk organisms.

² For example, a food safety matter would be referred to the New Zealand Food Safety Authority.

Definition of Risk Organism

8. This policy introduces the concept of a risk “organism” to describe the full range of organisms that could pose a threat to the values we wish to protect, and that may be managed under this policy. The risk (threat and its likelihood) posed by the organism in New Zealand can range from unknown to well understood. The definition of “organism” is consistent with that found in the Biosecurity Act 1993. The reference to a risk organism in this document therefore means organisms affecting plants or animals, in marine, freshwater or terrestrial environments, and includes:
- a) new or existing/established pests³ and diseases that could pose a threat to the values we wish to protect, their related vectors/pest agents, and particles such as prions (including organisms that have been purposefully established but later prove to be a threat to the values);
 - b) zoonotic diseases that may impact on animals and humans (purely human health matters are otherwise not covered by this policy);
 - c) syndromes (including where the causative agent(s) is not known) or where there could be more than one risk organism present contributing to the threat;
 - d) new organisms (defined under the Hazardous Substances and New Organisms Act 1996) that do not have approval under that Act, or that have breached containment or other controls, including both genetically modified organisms (GMOs) and non-GMOs;
 - e) organisms associated with imported risk goods that have received biosecurity clearance but are subsequently found to require further biosecurity risk management.
9. Other significant terms used in this policy are defined in Appendix One. Other terms used have the same meaning as those in the Biosecurity Act 1993.

Emergency Management Approaches – the 4Rs

10. The Government’s emergency response system has adopted the “4Rs” approach to risk management – reduction, readiness, response, and recovery⁴. Each of the 4Rs requires action at individual, business, community and government levels. This policy applies to readiness and response.

³ In this context, “pest” refers to an organism that is harmful or potentially harmful to the values we wish to protect, and is not limited to an organism specified as a pest in a national or regional pest management strategy.

⁴ Ministry of Civil Defence and Emergency Management (MCDEM) (2004) *National Civil Defence & Emergency Management Strategy*

Table 1. The “4Rs”

“R”	Generic definition⁵	Application of the concept in the biosecurity context	Policy
Reduction	Identifying the long-term risks to human life and property from hazards, and taking steps to eliminate these risks if practical, and if not, reducing their likelihood and the magnitude of their impact.	Pre-border and border activities associated with reducing arrival or chance of establishment of risk organisms which impact on the values we wish to protect. Also applies to generic prevention activities post-border.	Not covered by this policy. MAF maintains separate policies relating to pre-border and border activities.
Readiness	Developing operational systems and capabilities before an emergency happens. This includes self-help and response programmes for the public, as well as specific programmes for emergency services.	Preparedness to manage a biosecurity response including contingency planning and capacity and capability building. Surveillance to detect organisms.	Covered by this policy, except for surveillance, which is covered by separate policy and procedures.
Response	The actions taken immediately before, during or directly after an emergency to save lives and property, and to help communities recover.	Investigation and identification (if possible) of suspect risk organisms. Control of a risk organism by eradication or long-term management. Learning from response.	Covered by this policy. Trade issues associated with food safety or products are covered by separate New Zealand Food Safety Authority procedures. See also <i>MAF Emergency Communications Manual</i> . Administration of compensation under the Biosecurity Act 1993 is part of response.
Recovery	Co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term regeneration of a community following an emergency.	Activities to help individuals and communities recovery from a biosecurity emergency, e.g. tax relief, welfare measures, grants to Rural Support Trusts, and/or restoration of market access. Also includes long-term changes to land-use and production systems.	Not covered by this policy. For more information refer to the <i>MAF Adverse Events Recovery Policy</i> .

Note that the generic definitions have a strong focus on human health and property. We take this definition further in this policy to include animal and plant health and the protection of environmental values (e.g. biodiversity).

⁵ MCDEM (2007) *National Hazardscape Report*.

Review of this Policy

11. MAF will update this policy when complementary work is undertaken that results in the need to modify the policy (as per our response review process). The policy will be formally reviewed every five years.

Background

NEW ZEALAND IS AT RISK

12. New Zealand is more reliant on primary production than any other developed country. Our indigenous flora and fauna are precious to New Zealanders and tourists alike. We have unique native species that are a core part of our natural heritage and culture, and we pride ourselves on enjoying high standards of lifestyle and wellbeing.
13. These things are under threat as biosecurity risks escalate. Growth in trade and travel increases the probability of incursions through new and busier pathways, and climate change is extending the range of organisms that pose a biosecurity risk. New Zealand must also manage risk organisms that have already established here and are having negative impacts.

MULTIPLE SECTORS AND STAKEHOLDERS

14. Biosecurity responses are undertaken in the terrestrial, freshwater, and marine environments. People may react differently to the threat of a risk organism, reflecting the magnitude of the direct or indirect impacts they face from the organism and/or the actions necessary to manage the organism. We must balance divergent needs and try to achieve the best overall outcome for New Zealand.
15. While biosecurity response includes responding to organisms that could impact on human health, the Ministry of Health is responsible for responding to outbreaks of diseases that primarily affect people. For example, the Ministry of Health would lead a response to avian influenza if it were affecting people (i.e. human to human transmission of disease), whereas MAF would lead a response to avian influenza affecting birds.

Expectations for Biosecurity Responses

THE VALUES BEING PROTECTED

16. The Government has signalled its biosecurity expectations including that “the criteria for assessment of benefits and costs includes the full range of effects across all sectors, and in particular, consequences for the environment, human health and well-being, economic production, and Māori cultural values”.⁶ These are the values MAF seeks to protect.

⁶ *Tiaki Aotearoa/Protect New Zealand: Biosecurity Strategy for New Zealand 2003.*

PRINCIPLES FOR DECISION MAKING

17. MAF has agreed the following principles to guide its decision-making across the biosecurity system and these underpin this policy (see Appendix Five for more explanation).

Process Principles

- Follow the criteria and processes prescribed in relevant legislation and ratified international standards.
- Analyse the issue before trying to find solutions.
- Decisions should be made by those best placed to do so.
- Timely and well-informed.
- Consistency.
- Consult affected parties, including Māori.
- Transparency.

Content Principles

- Decisions should aim to improve New Zealand's overall economic, social, health and environmental values.
- Assess options based on strategic fit, net benefit, feasibility, resources and opportunities/barriers to success.
- Uncertainty is not an excuse for inaction.
- Irreversibility provides a stronger case for intervention.
- Risks/opportunities should be managed by those best placed to do so.
- Favour outcome-based over prescription-based interventions.

EXPECTATIONS FOR THE BIOSECURITY RESPONSE SYSTEM

18. MAF, and our stakeholders, including Māori, have specific expectations for the biosecurity response system,⁷ and this policy works toward achieving these goals:

Timely, transparent and information-based response decision-making

- Response benefits will outweigh costs, with the aim being to improve New Zealand's overall economic, environmental, health and social/cultural values.
- Multi-disciplinary science advice will provide the context for decision-making.
- Decisions will be made promptly to preserve viable response options.
- Decisions, and the rationale for them, will be communicated quickly and clearly.
- Actions will take into account available information.
- Resources will be allocated based on overall biosecurity priorities.
- Risk assessment should be informed by the likelihood and consequences of the risks identified against each of the values.
- All decisions will be legally compliant and consistent with the agreed response policy.

⁷ These expectations were discussed with focus groups of representative stakeholders and MAF employees in 2005 and 2006.

Response programmes that meet their objectives and performance measures

- Eradication is the preferred objective subject to it being consistent with Government goals or strategies, and taking into account net benefit, feasibility, available resources and any opportunities or barriers such as factors that cause public concern.
- Objectives, performance measures, and review points will be determined and communicated at the outset.
- Progress will be measured, with objectives changed if necessary as new information becomes available.
- Adequate resources will be allocated to meet objectives.
- Clear triggers will be identified for terminating the response or for formally transitioning it to a partnership or other agency led response.

Effective management of response programmes

- Recognised emergency management standards and organisational structures will be adopted.
- Organisational structures will be scaleable to meet changing response demands.
- Our systems will be integrated with whole-of-government and key stakeholder systems.
- Operations will be cost-effective.
- Required skill sets will be identified and applied to each response.

Stakeholders have confidence in the response system, make useful contributions and support the system

- Stakeholders will understand response decision-making processes.
- Stakeholders will have sufficient information for, and take responsibility for, managing their own risks.
- Clear roles and responsibilities will be agreed before crises develop.
- Stakeholders will be actively involved, consulted and informed as appropriate.
- Key stakeholders will work in partnership with us.

The response system is enhanced over time

- Response tools and capability will be managed sustainably.
- People managing a response will be supported and developed.
- Opportunities will be taken to improve and increase the range of tools through research.
- Lessons will be identified and fed back into the system.
- Public awareness and support will increase.

19. These expectations for the system which have been considered and incorporated into this policy, will be reflected on during responses, and will guide post-response debriefs and/or reviews in measuring success of the response itself and learning how we can improve the overall response system.

Statutory Basis for Biosecurity Responses

LEGAL REQUIREMENTS

20. The Biosecurity Act 1993 provides a range of powers that can be applied to a response, and is the main legal basis for how we respond to risk organisms. MAF administers the Biosecurity Act.

21. The Biosecurity Act empowers responses, but does not oblige the government or others to respond to any given risk organism. Powers under the Biosecurity Act can be accessed by the Crown directly, by regional councils through regional pest management strategies and small scale management programmes, and by other organisations that can meet the criteria to be a pest management agency under a national pest management strategy. Where legal powers are used, various parties may be required to comply with requirements placed on them. Compensation for verifiable losses arising from the use of those powers may apply (see also sections 85 to 89).
22. MAF also enforces the Hazardous Substances and New Organisms Act 1996 (HSNO Act) by responding to detections of new organisms present in New Zealand without HSNO Act approval and enforcing any non-compliance in relation to new organisms. This includes new organisms that have breached containment, conditional release, or other controls that have been set by the Environmental Risk Management Authority (ERMA). We must also consider the hazardous substances provisions of the HSNO Act when a biosecurity response involves the use of a hazardous substance.
23. Other legislation may take precedence over, or need to be used in conjunction with, the Biosecurity Act. Where legislation prescribes the process to be followed and/or criteria to be applied for a particular decision, these must be followed and applied. Appendix Three outlines key legislation that impacts on a biosecurity response.

INTERNATIONAL TREATIES, AGREEMENTS AND AGENCIES

24. Responses need to be consistent with New Zealand's international obligations (e.g. disease notifications to OIE and trading partners). New Zealand is party to a number of international agreements that set out obligations which could impact on biosecurity response decisions. Many of these agreements are trade-based, facilitating the trading of goods between countries, or have an emphasis on the maintenance or enhancement of resources or values (e.g. protection of public health, environmental safeguards). The obligations in the agreements are implemented through New Zealand's domestic law.

25. The most relevant international organisations and/or agreements in the biosecurity context are:

- World Trade Organization (WTO) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) – setting the framework for trade and rules for managing risks from pests and diseases;
- Commission on Phytosanitary Measures – implementing the International Plant Protection Convention (IPPC) for plants-based trade;
- World Organisation for Animal Health (OIE) – animals-based trade;
- World Health Organization (WHO) and the International Health Regulations 2005 – particularly in respect of zoonoses (diseases of animals that might be transmitted to humans);
- International Maritime Organization (IMO) – organisms in ballast water and bio-fouling of vessels by organisms;
- Convention on Biological Diversity (CBD) – biological diversity, sustainable development, utilisation of genetic resources, and Cartagena Protocol on Biosafety;
- Convention on International Trade in Endangered Species (CITES) – limiting the impact of trade in endangered species.
- United Nations Convention on the Law of the Sea (UNCLOS) – contains management objectives and powers in the marine environment, including the Exclusive Economic Zone; and
- bilateral/regional agreements that New Zealand has with other countries (such as New Zealand’s free trade agreements).

Appendix Four outlines some of the key organisations and associated documentation that are relevant to responses under this policy.

Roles and Responsibilities

26. A range of organisations and individuals have an interest and involvement in biosecurity responses. They may be:

- directly or indirectly affected by a risk organism;
- affected by response actions;
- able to reduce the risk of introducing and spreading risk organisms (even if they are not directly affected by the organism);
- able to report possible risk organisms to MAF for consideration;
- obliged to comply with use of legislative powers to support the response;
- participating in the response in some way, such as subject matter experts, service providers, community advisers, funding contributors, etc; and/or
- assuming leadership for a response to a particular risk organism or threat.

27. MAF will lead, co-ordinate or fund many responses. There will be some risk organisms, however, that do not require a co-ordinated response, or where co-ordination and decisions need to be made with or by other biosecurity stakeholders. The following section defines our understanding of the roles and responsibilities of the various players.

MAF

28. MAF has responsibility for leading a fully integrated, transparent and efficient biosecurity system, including implementing *Tiakina Aotearoa, Protect New Zealand: the Biosecurity Strategy for New Zealand*. In this context, MAF is the lead agency for biosecurity and new organism incursions.
29. MAF will investigate all suspected risk organisms that pose emerging threats to New Zealand's people, environment and/or economic values. We will consider urgent measures where these preserve the range of potential response options. MAF will lead the response where the response has significant public benefit. This includes catastrophic biosecurity events such as foot-and-mouth disease (with macroeconomic effects and trade consequences).
30. For other risk organisms, MAF may lead or contribute to a response on a case-by-case basis taking into account:
 - whether the response provides public benefits;
 - the available resources and overall biosecurity priorities; and
 - whether third parties also contribute resources to responses that deliver both public and private benefits.
31. This policy defines “response” to include long-term management to mitigate the impacts of established organisms. MAF will lead national long-term management where it is best placed to do so. See sections 110 through 117.
32. We use the generic questions and criteria set out in the *Decisions Framework* (Appendix Five) and detailed in procedures developed under this policy to evaluate the significance of the risks posed using the best available information. Further guidance on the significance of risks will be developed to support implementation of this policy.
33. Where MAF decides it will not lead a response, we will inform other affected parties and may participate in a response co-ordinated by those parties. If no one is willing to co-ordinate a response, MAF may cease action it has taken to date and leave further management of the organism or risk to individuals or landowners. Where other parties are willing to contribute resources, but are unable to co-ordinate a response (for example, because they have no response infrastructure or their capacity would be exceeded), we will consider our participation on a case-by-case basis using the *Decisions Framework* and in context with other current priorities.
34. Where there is a prior agreement in place, setting out the relative roles and responsibilities of the government and other beneficiaries in relation to an organism or group of organisms, that agreement will be implemented.

35. Our specific roles with respect to a response are:

Roles of MAF before a response

- Maintaining generic biosecurity response capability and systems including leadership, management, policy, investigative, diagnostic, communications and liaison functions. This includes testing capability and systems (training, simulations, embedding lessons learnt from previous responses).
- Maintaining specific capability and systems for responding to risk organisms according to the available resources and overall biosecurity priorities.
- Pursuing prior agreements between Government and other parties covering joint decision-making and resourcing for responses.
- Receiving notifications of, and identifying, suspected risk organisms.
- Redirecting a response to another organisation under established procedures for specific organisms (e.g. referring a food-borne illness incident to NZFSA).
- Taking urgent measures where these preserve management options before a response plan is approved.
- Evaluating options and making decisions taking into account the views of affected parties, including Māori.
- Informing other relevant parties of the risk organism and its status.

Roles of MAF during a response

- Conducting a preliminary investigation to obtain the best available information on the situation, risks and issues, identity and potential impact of any risk organism, objectives of a response, and relative priority of responding.
- Communications to Government, stakeholders and the public in general.
- Administering the Biosecurity Act, and associated regulations (e.g. to put national pest management strategies in place).
- Following contingency plans or other prior agreements where appropriate.
- Implementing or continuing further urgent measures, and incorporating these into the response plan where appropriate.
- Analysing the options for responding to risk organisms.
- Leading responses to organisms where the response programme provides significant public benefits.
- Participating in responses not considered to provide significant public benefits, in accordance with formal agreements or on a case-by-case basis. This could include leading the response where MAF is the best-placed organisation to do so.
- Contributing to responses led by another organisation or sector where there is some public good component.
- Transitioning MAF-led responses to a partnership or other agency in an orderly and planned way via an agreed process.

ESCALATION OF RESPONSES

MAF-led responses

36. MAF may invite the participation of other government agencies for responses led by MAF.
37. While MAF Biosecurity New Zealand will generally undertake responses on behalf of MAF, the Director-General of MAF can escalate to a whole-of-MAF response by establishing the MAF National Response Centre. This happens when:
- MAF Biosecurity New Zealand's response capacity is likely to be exceeded;
 - the threat posed by a risk organism or by response actions could substantially affect a sector or a number of sectors or communities; and/or
 - there are risks to outcomes for which other MAF business units are responsible.
38. When this happens MAF Biosecurity New Zealand is responsible for organism management functions and providing the MAF National Response Centre with policy advice and administrative support (see also *National Response Centre Procedures*). Other MAF groups may have responsibility for communications, recovery and criminal investigation functions and associated policies which we work to align across MAF.

Whole-of-government responses

39. The response will be implemented through the government's crisis management framework where:
- MAF capability is exceeded; and/or
 - other government agencies are accountable for aspects of the response; and
 - the Director-General of MAF, the Minister for Biosecurity or Prime Minister otherwise considers a whole-of-government response is appropriate.
40. The Domestic and External Security Co-ordination (DESC) Cabinet Committee, chaired by the Prime Minister, oversee this multi-government agency approach. In this context, MAF is the lead agency for biosecurity and new organisms. Other agencies may have responsibility for functions that overlap with this policy, and this overlap may need to be managed.
41. MAF input into whole-of-government responses is co-ordinated through the MAF National Response Centre.

NEW ZEALAND FOOD SAFETY AUTHORITY

42. MAF works closely with the New Zealand Food Safety Authority on biosecurity events that have trade and/or food safety implications. The New Zealand Food Safety Authority protects and promotes public health and safety and facilitates the access to markets for New Zealand food and food related projects.

OTHER GOVERNMENT AGENCIES

43. MAF has memoranda of understanding with Ministry of Health, Department of Conservation (DOC), Ministry of Fisheries, and the Environmental Risk Management Authority (ERMA New Zealand). These Memoranda of Understanding outline the respective roles and consultation requirements for biosecurity or new organism actions, including preparation and response.
44. The Ministry of Health is responsible for responding to outbreaks of diseases that primarily affect people under public health legislation.
45. DOC is accountable for:
- a) managing pests within significant sites and resources for which DOC is responsible;
 - b) managing wild animals under the Wild Animal Control Act 1977;
 - c) managing freshwater pest fish under the Freshwater Fisheries Regulations (under the Conservation Act 1987); and
 - d) authorising the control of wildlife that cause damage, under the Wildlife Act 1953.

THE CROWN AS A LANDOWNER

46. Crown agencies with land management responsibilities already manage a number of biosecurity risks and may have programmes for this purpose. Where a Crown agency is involved in a response as a landowner, that agency will have the same rights as any private landowner. There will, however, be additional legal obligations that need to be identified on Crown land, such as whether authorisation is required to carry out response activities on the Crown land, whether public access on to that land needs to be managed, or in respect of the type of response activities that are feasible.

MĀORI

47. This policy acknowledges the Crown's obligations under the Treaty of Waitangi and the roles of Māori as:
- Kaitiaki (guardians) within the biosecurity system, who need to know that the risks to flora and fauna are being minimised, established environmental risks are being managed appropriately and the biodiversity of our native systems is being protected;
 - having expertise on Mātauranga Māori me ona tikanga⁸; and
 - stakeholders who may be directly or indirectly impacted on by a risk organism or a response.

REGIONAL COUNCILS AND LOCAL GOVERNMENT

48. Regional (and city and district) councils may choose to prepare for and respond to organisms that pose risks within their regional boundaries. The primary mechanism for regional council biosecurity activities is a regional pest management strategy under the Biosecurity Act, but regional councils may also initiate a small-scale management programme under section 100 of the Biosecurity Act, or assist with responses led by other organisations.

⁸ Loosely defined as knowledge and understanding of the physical world.

49. Regional councils work with:

- central government, through the Biosecurity Chief Executives' Environment Forum, to agree roles and responsibilities and in respect of programmes for specific risk organisms;
- Crown land managing agencies (e.g. DOC, Land Information New Zealand), to co-ordinate activities or better achieve common goals;
- each other, to co-ordinate activities across regional boundaries; and
- MAF and other parties for readiness and response programmes and other biosecurity activities occurring within their regional boundary or that may have a future impact on their region.

50. Regional councils may appoint principal officers under the Biosecurity Act to determine actions to be taken in respect of organisms declared pests within regional pest management strategies.

51. The Crown may contribute funding to regional pest management strategies to manage the spread of pests from Crown land to other land. Crown agencies' own pest management activities may also contribute to regional pest management.

52. MAF will continue to work with regional councils and other local government authorities to define the nature of the relationship and respective roles and responsibilities for readiness and response for risk organisms.

SCIENCE AND TECHNOLOGY PROVIDERS

53. MAF maintains strong links with science and technology providers, and ensure that we develop appropriate capacity primarily by signalling science capability needs in the *Biosecurity Science Strategy for New Zealand* and the fora it establishes. Response programmes are often long-term in nature and control tools may need to be adapted or developed or made available in New Zealand for a response to be technically feasible. Scientific input and research-based methodologies may be needed from an early stage. Science and technology providers also form part of an international network of specialist expertise, which can be drawn on for information and opinions to support decision-making.

INDUSTRY

54. Industry (growers, processors and those providing services within the primary sectors) may be directly affected by risk organisms. Companies can have programmes to manage biosecurity risks to their own interests, or these can be co-ordinated across a sector. Many response programmes that deliver long-term management for industry-specific organisms are either managed by industry, or are fully or partially funded by industry through compulsory or voluntary levies.

55. Industry provides advice on industry impacts, and may participate in a range of other biosecurity activities, including preparedness and responses led by other organisations of concern to an industry sector, on a case-by-case basis. They may elect to contribute resources to support readiness and responses led by MAF to share in the overall costs and benefits.

FORMAL AGREEMENTS

56. This policy will be amended to acknowledge any formal agreements for joint decision-making and resourcing for readiness and response that may be developed between MAF and other parties.

Biosecurity Readiness

57. MAF will develop systems and capability to detect, identify and respond to threats to the values arising from potential risk organisms in all environments (terrestrial, marine, freshwater).
58. While MAF will maintain core competencies and resources, we will continue to rely on an ability to rapidly scale-up these resources as required. We will do this through reassigning resources from other activities, contracting for the provision of services, or entering into partnerships with other organisations.
59. Areas where we will develop and maintain specific readiness are outlined below.

Skills and information capability

- Ensuring staff have the skills and knowledge needed to respond to a range of potential risk organisms, including policy, technical, project management, and communications skills and knowledge.
- Developing relationships with a broad range of individuals and organisations with response skills and expertise, and maintaining a register of scientific experts to the level necessary.
- Gathering ongoing intelligence to profile the risks posed to New Zealand by organisms not yet found in New Zealand, including potential pathways, likelihood of entry and establishment, and potential impacts and significance.
- Maintaining capability to receive, assess and respond to reported detections of potential risk organisms including access to vaccines and treatment products.
- Supporting research to develop new investigation, response and surveillance tools.

Relationships and communications

- Developing relationships and networks with a range of stakeholders, including Māori, in order to understand their likely needs, concerns and contributions.
- Working with industry and other stakeholders to assist them in their efforts to manage biosecurity risks they create, are exposed to, or are accountable for.
- Collaborating with other countries, particularly Australia, the United States, Canada, the United Kingdom and Ireland⁹, for knowledge and capability for responses.
- Working with the New Zealand Food Safety Authority, the Ministry of Foreign Affairs and Trade and New Zealand's trading partners to reduce the trade risks associated with biosecurity risk events.

Systems

- Using a generic project-based approach and organisational structure for managing biosecurity responses and standardised processes for all responses.
- Developing a generic response plan to be used in cases where a specific plan has not yet been developed.

⁹ Recognising New Zealand's participation in the Quads system, and because these countries have similar risk profiles.

- Ensuring all systems have the inherent ability to scale up the resources needed for a response as required and when needed, using standardised systems.
- Ensuring that the supply of services from all parties is underpinned by defined performance standards.
- Simulating MAF-led responses, at various scales, to:
 - test all or parts of the response system;
 - test response plans for specific risk organisms;
 - train staff and stakeholders in response roles;
 - evaluate and improve information flows; and
 - build relationships with stakeholders, and increase their understanding of response systems.
- Contributing to simulations led by other New Zealand government or private organisations, or government agencies in other countries, where this will improve MAF capability and experience for responses.
- Capturing what is learnt from responses and simulations to improve MAF systems and preparedness.

Preparedness for specific risk organisms

- Prioritising development of contingency response plans for specific risk organisms according to potential risk, available resources and level of relevant stakeholder contributions/support.
- Prioritising surveillance programmes and ongoing activities to increase the likelihood of detecting priority risk organisms according to potential risk, available resources and level of relevant stakeholder contributions/support.
- Informing targeted sectors of the public about what they can do to keep watch for specific risk organisms of concern.
- Reviewing response plans and related policy and procedures periodically to identify opportunities for improvement.
- Ensuring that, where we become aware of gaps in risk pathways, these are addressed.
- Notifying trading partners when risk organisms that are the focus of response plans are found on imported goods (significant non-compliances) to reduce the risk of an incursion occurring.

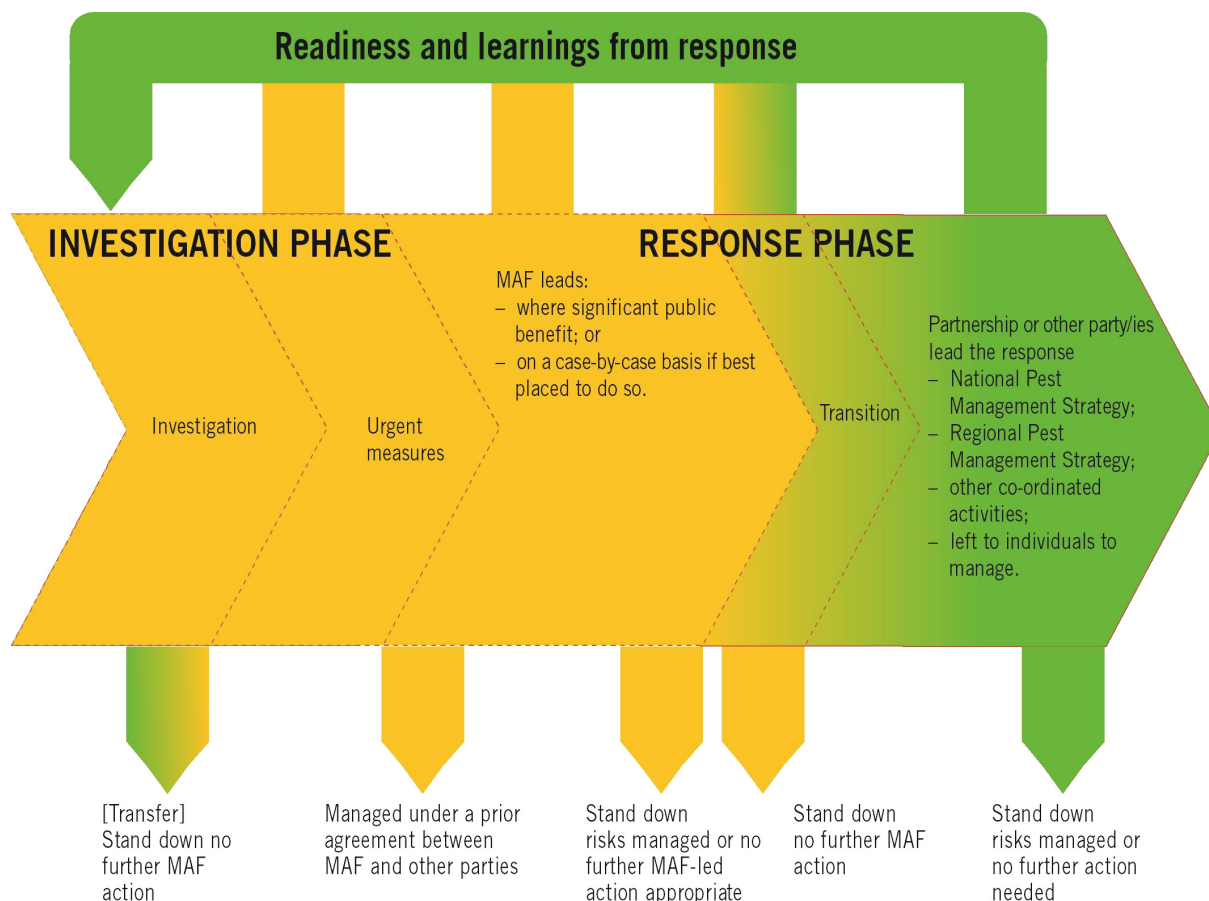
Biosecurity Response

60. This section of the policy applies where MAF leads a response to a risk organism, or contributes to organism/biosecurity management activities as part of a wider whole-of-government response. Further detail is contained in the *Biosecurity Response Processes and Procedures*, which implements this policy and sets out the management practices to be followed during a response.
61. Where an agreement covering joint decision-making and resourcing or other arrangements for responses to particular organisms exists, the terms and conditions of the agreement will take precedence over this policy where they differ.

RESPONSE PHASES

62. Specific response phases covered by this policy are shown in Figure One below.

Figure One: Response phases

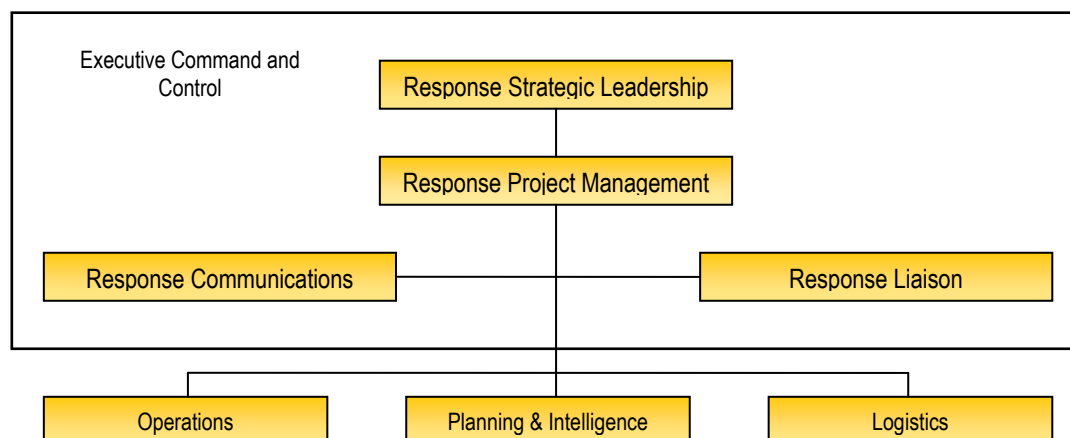


- **Investigation** – MAF will investigate where there are credible reports of suspected incursions of risk organisms, where the risk profile of an established organism changes, and where new management options for responding to risk organisms (such as a new biological control) become available. We will carry out urgent measures needed to preserve management options while we evaluate whether to implement a response.
- **Response** – MAF will evaluate options and prepare a response plan. We will implement the approved plan. We will use project management disciplines and set specific response objectives, which are reviewed regularly. We will continue with any urgent measures while we evaluate whether to implement a response. We will lead long-term management programmes where we are best placed to do so and this is agreed with other parties. Where it is agreed that a partnership or other agency will lead long-term management, a formal transition from MAF to those arrangements will occur.
- **Learning from responses** – We will review our response systems during or following a response with the aim of improving those systems for the future.

POLICY APPLICABLE TO ALL RESPONSES

Response management

63. Response projects will adopt a Co-ordinated Incident Management System (CIMS)-based management structure, terminology and processes for interagency co-ordination and planning for a response,¹⁰ scalable to the nature of the response. Responses will be managed in such a way that systems, people and their capabilities are supported and developed so they can perform sustainably.



Decision-making

64. Response decision-making will be guided by the *Decision Steps*, and associated *Process and Content Principles* (Appendix Five). MAF will:
- a) gather sufficient information to support decision-making. This includes identifying the current and future organism impacts, identifying the range of options, confirming that these options are feasible, and assessing the impacts of the options. The decision maker will set clear timeframes, expectations about quality and uncertainty before asking for more information;
 - b) consider both short and long-term costs and benefits across all values (including non-quantitative elements) when making decisions, including the likely impacts if actions are or are not taken. This includes the public acceptability of proposed actions and any other barriers or opportunities;
 - c) analysis will take into account multi-disciplined national and international scientific and other advice (e.g. from existing literature, networking or subject matter experts);
 - d) prioritise the response against our other current interventions (including existing responses);
 - e) consider the need for access to statutory powers required to take the action(s) proposed;
 - f) be clear to stakeholders and affected parties, including Māori, what the values and processes underpinning the decision-making are; and
 - g) seek to consult with stakeholders, wherever possible, before making decisions.
65. Where the impacts of not intervening are likely to be irreversible, there is a stronger case for intervention even when the benefits only marginally outweigh the costs.

¹⁰ *New Zealand Co-ordinated Incident Management System (CIMS) - Teamwork in Emergency Management*, NZ Fire Service Commission 1998.

66. Within legal constraints, MAF will not delay making decisions where this delay would compromise viable response options. Decisions will take into account the knowledge and information available at the time the decision must be made. Where there is uncertainty, decisions will focus on what reasonable steps can be taken at the time, while maintaining future options where appropriate and being transparent about the uncertainties and assumptions.

Authority to make decisions

67. Where the potential impacts of a risk organism or response are significant, or new funding is required, decisions on whether and how the Government will respond may be taken by the Cabinet. In these situations MAF will prepare advice for the Minister for Biosecurity to take to the Cabinet. In preparing this advice we will consult with other relevant government agencies and, as far as is practicable, other stakeholders.
68. MAF is responsible for decisions required to implement responses directed by the Cabinet, and for decisions on lower-level responses (generally routine responses that can be managed within existing budgets). The Director-General of MAF delegates this decision-making authority through the appointment of chief technical officers under the Biosecurity Act, through other delegations under the Biosecurity Act, through delegations made under the State Sector Act 1988, and by assigning organisational responsibilities to role-holders. The Director-General remains responsible and accountable for the use of delegated powers or functions as outlined in MAF's *Delegations Policy*.
69. People holding statutory decision-making authority in a response are empowered to exercise or delegate their responsibilities as they see fit within organisational policies and procedures. There are some constraints on this:
- Functions or powers can be sub-delegated only with the approval of the delegator, unless specifically allowed for by legislation.
 - Decisions with financial implications must be made by persons with the appropriate financial delegation.
 - Persons exercising statutory powers under the Biosecurity Act (chief technical officers, inspectors, accredited and/or authorised persons) are expected to do so in accordance with the approved objectives set for the response.
70. To ensure the timeliness of decision-making, decision-rights for responses are delegated to the lowest organisational level with the necessary identified competencies able to make the decisions needed. Decision-makers must have the skills and experience necessary in making such decisions. They must be able to:
- understand the consequences of the decision, including the impact on the values we are seeking to protect;
 - align the decision with Government priorities;
 - examine and review the advice received across the full range of critical issues;
 - make decisions in accordance with the law, following criteria and processes where these are prescribed in relevant legislation and ratified international standards;
 - make decisions in accordance with this policy and other defined standards (see also Appendix Five); and
 - represent and communicate the decision to affected people and interested parties.

71. A decision-maker must be an individual. All decisions are subject to peer review, and consultation may occur with any interested or affected person or organisation. Decision-rights may be escalated upwards through the organisation and to Ministers when the designated decision-maker considers:
- the issues are more complex than those usually encountered;
 - the level of risk is higher than expected for that level of decision-making;
 - there is a lack of confidence or competency to make the decision;
 - there is significant variance in the views of peers and others consulted; or
 - there are significant budgetary implications or implementation may disrupt existing or future work programmes.
72. Those making recommendations and giving advice to decision-makers need to be competent in respect of the stream of advice (e.g. science, communications, planning, policy, legal, etc) being given, and have an understanding of the factors affecting the costs and benefits arising from the decision.

Documentation

73. MAF will document key response decisions. This will include:
- a) delegations of authority (role holder, decision-rights, etc);
 - b) risk organism notifications;
 - c) assessments of the credibility of notifications;
 - d) redirection of a response where investigation of the risk organism determines the issue better fits the mandate of another agency;
 - e) recommendations and decisions to:
 - stand down an investigation;
 - initiate a response;
 - undertake urgent actions prior to a full response;
 - undertake a full response, including the response options and response objectives;
 - undertake a response in partnership with others;
 - subsequently amend full response options and objectives;
 - transition from a MAF-led response to a partnership or other agency-led response;
 - stand down a response;
 - f) any discussions which may infer an expectation by any party for compensation under section 162A of the Biosecurity Act or any other payment by the Crown;
 - g) any offers of voluntary assistance;
 - h) any other correspondence, meeting minutes, and other records that provide transparency on the decision-making processes and the decisions made;
 - i) the formal debriefing report; and
 - j) records of any exercise of statutory powers (and when such powers are amended or withdrawn).

Urgent measures

74. Urgent measures are time-critical actions taken before response project management processes are in place or consultation has commenced. Urgent measures may be taken:
- to prevent or slow down the increase in risk to New Zealand's overall economic, environmental, health and social/cultural values arising from the risk organism; and/or
 - where failure to take the urgent measure would compromise an otherwise viable response option.

75. The extent of an urgent measure should be appropriate/in proportion to the risks it attempts to address and should take into account the best available information at the time of the decision.
76. In determining whether urgent measures are needed, the *Decision Steps*, and associated *Process and Content Principles* (Appendix Five) should be considered as well as:
- the adequacy of available information;
 - the relative priority of the measure(s) with respect to other work in relation to this response and other responses;
 - the feasibility of the proposed measure(s);
 - the likely change in biosecurity risk if the measures(s) are taken, including the probability of losing or significantly impacting on future potential response option(s);
 - the consequences of undertaking the measures(s), including the public acceptability and impact on resources available for the rest of the response;
 - the need for access to statutory powers required to take the measure(s); and
 - a high-level review of the overall net benefit of the measure(s) including costs and benefits and their likelihood(s).
77. Urgent measures may continue until the response plan has been approved, and either be built in to the response plan (as an ongoing activity) or ceased. New urgent measures may be agreed in the response phase, if a new threat emerges that could affect the response plan objectives, and continue until the response plan is reviewed.

Consultation

78. To the extent possible within time and resource constraints, MAF will consult and consider the views of those individuals/organisations, including Māori, or groups representative of these parties, that are:
- a) affected or potentially affected by the risk organism;
 - b) affected or potentially affected by the proposed response options; or
 - c) able to contribute to the development or execution of the response.
79. MAF will often make decisions on investigation and urgent measures before being able to consult fully and will have to manage uncertainties such as organism identification. Our principles in this situation are to:
- keep options open;
 - be transparent about the decision;
 - set up a process and timeframe to engage stakeholders and review decisions;
 - reduce overall impact on New Zealand's values; and
 - use the Co-ordinated Incident Management System so we can more easily work with other agencies in an emergency.
80. This should enable our staff and affected stakeholders to gain better understanding of:
- a) the nature of the risk organism;
 - b) the risks to the values being protected;
 - c) the objectives of taking action, and the views of affected parties, including Māori, on the options; and
 - d) how stakeholders, including Māori¹¹, may be impacted on by the organism and/or the response, and other stakeholder concerns.

¹¹ This includes their culture and traditions, relationship with ancestral lands, waters, sites, waahi tapu and taonga.

Communications

81. A key biosecurity outcome is that New Zealanders are informed and involved participants in the biosecurity system. This means New Zealanders understand biosecurity risks, change risk behaviours, increase participation in biosecurity activities, and support biosecurity programmes.
82. Biosecurity communications help ensure that stakeholders understand and support our biosecurity response activities, requirements and systems, and have sufficient information to manage their own related risks.
83. MAF will communicate in an ongoing and timely manner with target audiences and the public at large, including providing feedback to those who contribute ideas and/or identify issues. MAF will determine the approach, nature and extent of consultation and communication taking into consideration the:
 - a) information needs of stakeholders and affected parties;
 - b) urgency with which response decisions need to be made;
 - c) extent to which consultation and communication will improve response decision-making and acceptance of decisions; and
 - d) costs of communication and consultation, both to us and to those being consulted.

Compliance and enforcement

84. Extra obligations may be placed on various individuals or groups through MAF's use of legislation in a response, such as when a controlled area is in place. Where there is a potential intentional breach of the legislation administered by MAF, criminal investigation and the gathering of evidence may occur alongside the response process. Where possible, and appropriate, offenders may be prosecuted or some other enforcement action taken as per the *MAF Compliance Framework*.

Compensation

85. The main purposes of compensation are to provide incentives for early reporting of risk organisms and fairly compensate people when the Crown destroys their property using legal powers. Compensation is payable under section 162A of the Biosecurity Act where powers under the Act are exercised for the purpose of managing or eradicating any organism and the exercise of those powers causes verifiable loss as a result of:
 - a) the damage to or destruction of a person's property; or
 - b) restrictions, imposed in accordance with Part VI or Part VII (of the Act), on the movement or disposal of a person's goods.
86. The types of losses that might be eligible for compensation include:
 - plants or animals, not already affected by the risk organism, that are destroyed or reduced in value;
 - losses arising from restrictions on sale or movement imposed by a restricted place notice or movement controls under the Biosecurity Act.

87. Compensation is not payable under section 162A of the Biosecurity Act:
- a) for a loss suffered before the time when the exercise of powers commenced;
 - b) to a person who has failed to comply with the Biosecurity Act or regulations made under the Act and whose failure has been serious or significant or has contributed to the presence of the organism or to the spread of the organism being managed or eradicated;
 - c) for damage caused by the organism itself;
 - d) for losses resulting from the inability to sell, display, breed or propagate affected plants, animals or property that result from the status of the organism rather than the exercise of the powers; or
 - e) for any voluntary action undertaken that is not a result of the exercise of powers under the Biosecurity Act.
88. All reasonable steps must be taken by affected parties to mitigate losses. Compensation is calculated so that those affected are no better or worse off than any person whose property or goods are not directly affected by the exercise of the powers. Loss is based on the value of property at the moment before the exercise of the powers commenced, or the actual cost was incurred. It is the responsibility of the individual or organisation incurring the loss to present a claim, which must be verified by evidence. We will consider all claims for compensation, and offer settlement where this is consistent with section 162A of the Biosecurity Act.
89. The Biosecurity Act provides for arbitration where there is dispute over the eligibility for, or amount of, compensation.

Ex gratia payments

90. Where losses are incurred, but fall outside of what is compensatable under section 162A of the Biosecurity Act, the Crown may consider providing an ex gratia payment on a case-by-case basis.

Supply of goods and services

91. Where MAF negotiates for supply of goods or services under this policy, such goods and services will be procured in accordance with the *MAF Procurement Policy* and will be formalised through a contract prior to commencement or delivery.

Voluntary assistance

92. MAF may seek voluntary assistance for managing some functions during a response.

Other government assistance in a response

93. The Government may choose to provide other forms of financial and non-financial support to industry, communities, or businesses in accordance with the *Adverse Event Recovery Policy* administered by MAF Policy. This includes, but is not limited to:
- a) human and animal welfare;
 - b) facilitating business and/or trade continuity and economic recovery; and/or
 - c) mitigating the social, business, and other effects of response activities (this is a facilitation role distinct from administration of compensation or ex-gratia payments under sections 85 to 90 above).

Exit points/stand down

94. MAF will consider standing down a response when:
- a) new information indicates that the response no longer provides significant public benefit to the values we seek to protect;
 - b) the risks posed by the organism are considered negligible or less than other response priorities;
 - c) the costs of the response outweigh the benefits from the response;
 - d) no feasible response option exists. Government may, however, elect to support further investigation and/or research to identify management tools, and may re-institute a response at some future point;
 - e) the risks posed by the organism fall on an identified group in the private sector, and it has the capacity to manage those risks without further government intervention;
 - f) resources from the response have to be re-directed to support a higher priority response; and/or
 - g) the objectives of the response plan have been met, e.g. eradication.
95. Should MAF decide to stand-down a response, nothing prevents another agency, organisation, or other party from assuming responsibility for managing the ongoing risks posed by the risk organism (subject to applicable law).

POLICY APPLICABLE TO SPECIFIC RESPONSE PHASES

Investigation

96. The investigation phase begins when MAF receives a notification of:
- a suspect risk organism; or
 - a suspect risk good that has been previously approved for entry into New Zealand; or
 - a suspect new organism under the Hazardous Substances and New Organisms Act; or
 - the risk profile of an established organism changing; or
 - new management options for responding to risk organisms becoming available (such as a new biological control).
97. Investigation ends with a recommendation by the investigator that further action should be taken or the investigation is stood down.
98. MAF will:
- a) maintain a widely publicised hotline (i.e. 0800 exotic disease and pest emergency hotline) for receiving notification of potential biosecurity risk organisms;
 - b) assess the credibility of all potential risk organism notifications based on:
 - the likelihood that the issue is caused by something that is not biosecurity in nature;
 - the likely seriousness of the potential impacts arising from the issue notified; and
 - c) identify or diagnose all credible notifications to a point where investigation decisions can be made to stand-down, recommend that a response is initiated, or transfer to the appropriate organisation (where not a biosecurity issue).

99. MAF will refer to the appropriate organisation:
- a) any non-biosecurity issues exposed during investigation; and
 - b) any biosecurity issues exposed during investigation for which another organisation has responsibility.
100. In order to reduce confusion and unwarranted concern, communications during the investigation phase will be on a need-to-know basis as per our *Emergency Management Communications Manual*. MAF will confirm identification of suspected risk organisms before communicating widely, wherever possible.

Response

101. The response phase comprises seven areas of activity as follows:
- a) Continuing urgent measures to preserve the range of potential response options until a full response plan has been approved. For example, measures may be taken to maintain the option of later eradication. Urgent border measures may be necessary to mitigate further incursions of risk organisms from entering New Zealand on the identified pathway. These may remain in place until a separate pathway review can be undertaken by MAF.
 - b) Assessing the risks (likelihood and consequence) that the risk organism poses to the values being protected.
 - c) Considering the relative priority of the response with respect to other responses.
 - d) Developing and evaluating response options in order to determine the most appropriate course of action.
 - e) Approval (and funding where required) of the course of action seen as the most appropriate response to the risk organism. This is underpinned by a documented response plan with defined response objective(s) and timeframe(s).
 - f) Implementation of the response plan.
 - g) Ongoing evaluation of the response plan and agreed adjustments to that plan as needed.
102. MAF will evaluate all viable response options which, at a minimum, will include:
- a) a baseline scenario that describes the likely impacts if there is no government intervention;
 - b) eradication of the risk organism from all New Zealand habitats;
 - c) long-term management to mitigate the impacts of an established risk organism, such as establishing zone freedom (exclusion from an area) or compartment freedom (excluding from populations of a host species) or social marketing to raise awareness.
103. MAF will develop objectives for each response option.
104. MAF will seek the advice of organisations or individuals who:
- a) are involved in planning and implementing the response in accordance with formal agreements;
 - b) may be more appropriate than MAF to lead a response;
 - c) have relevant knowledge or experience of managing the risk organism or a similar organism.

105. In MAF's assessments of the viability of response options we will:
- a) evaluate the risk (likelihood and consequence) posed by the risk organism to the values being protected;
 - b) consider the strategic fit, net benefit, resources, feasibility and opportunities/barriers to success;
 - c) consider the costs and benefits of response options, including:
 - the operational costs to complete the response options;
 - the negative and positive impacts of the response options on the values being protected;
 - the value of impacts that have a measurable market value;
 - the non-quantitative assessment of impacts that do not have a measurable market value; and
 - d) determine either the equivalent market value of non-financial costs and benefits and consolidate this with market value cost and benefits, or describe the costs and benefits in terms relevant to the nature of the non-market values where an equivalent market value cannot be derived.
106. MAF will use the discount rates in the cost-benefit analysis that are recommended in Treasury guidelines, unless we have consulted Treasury about using a different discount rate. The timeframe for the analysis will generally be 20 years. Where epidemiological or ecological factors make this timeframe less meaningful, other timeframes will be considered.
107. In selecting a response option MAF will consider:
- a) the biosecurity risk faced and the level of intervention justified;
 - b) the consequences of failure associated with each option;
 - c) the costs (taking contributions from other stakeholders into account) and benefits of each option including net benefits and the cost: benefit ratio of each option (including non-financial); and
 - d) the strategic fit with the Government's strategies and goals, feasibility, resources and opportunities or barriers to success.
108. MAF will re-evaluate response objectives during the response as needed, and through formal review to determine if objectives are being achieved and if the objectives continue to be appropriate, given any changes in circumstances or new information. Evaluation will use the same approach taken to evaluating potential response options during initial response.
109. Subsequent to achievement of response objectives, the requirements for ongoing surveillance will be determined.

Long-term management as a response option

110. Long-term management actions may include:

- a) seeking zone or compartment freedom from the risk organism;
- b) containing the spread of the organism, usually by management of an internal border or outer perimeter through some form of movement controls;
- c) excluding the risk organism from specific high value areas through a combination of perimeter controls, and local elimination of populations within the high value area;
- d) reducing the prevalence of the risk organism (e.g. possum control in reserves and national parks); and/or
- e) mitigating the impacts of the risk organism by other means, such as education and awareness raising.

111. Long-term management may include activities that target specific organisms (pest-led programmes), target specific pathways to prevent the spread of the organism (pathway programmes), and/or target organisms at specific sites to protect site values (site-led programmes).

112. New research is often required to enable long-term management. MAF will work with science providers, funders and users to prioritise this research.

Leadership of long-term management

113. Long-term management should be led by the party(ies) who are best placed to respond and/or who receive the benefits. This means organisations with:

- a) the requisite infrastructure and resources;
- b) local, regional, or landowner responsibility for the affected habitat;
- c) the greatest skills and experience in managing the risk organism; and
- d) a mandate consistent with the response objectives.

114. National long-term management may be led by MAF or a partnership including MAF where MAF is best placed to be involved. When MAF is leading it will usually be in partnership with others where they also contribute resources. MAF may still contribute to a long-term management programme, even if we are not leading the programme, if there is a public good component.

Transition of long-term management to a partnership or other party

115. MAF will work with party/ies that may lead or contribute to long-term management to consider how these arrangements will be implemented. Planning for this may take place at an early stage in a MAF-led response to ensure that the option is well developed should it be needed.

116. The transition to long-term management led by another party is complete when a long-term management organisation has been identified, a long-term management plan has been agreed, and an orderly transfer of responsibilities has been completed.

117. MAF will disestablish our response team at the end of the transition period. Any contribution MAF makes to a long-term management programme will be included in “business-as-usual” work programmes.

Learning from response

118. MAF will ensure that:

- a) what we learn during a response is captured and communicated to participants during the response;
- b) the performance of responses, progress against stakeholder expectations for the Biosecurity Response System, and our policies and procedures are formally reviewed at the conclusion of a response; and
- c) this learning is used to update the generic response systems and risk organism-specific plans.

119. A formal debriefing will occur when a response has been stood down or when the response has been formally transferred to another organisation. The participants in the debriefing will include project members of the response and key stakeholders. The debriefing will consider whether the expectations for the biosecurity response system (refer sections 16 through 19) were met.

120. In addition to formal debriefing, it may be appropriate to consider a wider review of the response. This could be initiated by MAF or requested by Government, and should operate to an established terms of reference. Persons leading such a review will not be those responsible for the execution of the response.

Appendix 1: Definition of Key Terms

Enforcement	The process of investigation of suspected non-compliance and prosecution of offences set out in the legislation administered by MAF.
Eradication	The removal of every individual and propagule of a species from New Zealand so that only reintroduction from beyond New Zealand's borders would enable the re-emergence of the species. Achievement of eradication should be demonstrated by surveillance. ¹²
Freedom	Status achieved where proof exists that an organism is absent from New Zealand (national freedom), or an area (zone freedom) ¹³ , or a target population of host species (compartment freedom). Such freedom may require interventions (at the New Zealand border, or a zone perimeter, or around a target population) to be maintained. It may arise from demonstrating, usually by a surveillance programme, that the organism was either never present or has been eradicated.
Incursion	The occurrence of an organism not previously known to be present in New Zealand, where there is a likelihood that the specimen(s) found is part of a self-sustaining/breeding population. Note that re-invasion of a species that has already been eradicated or controlled is considered a new incursion.
Interception	Where a risk organism, not known to be present in New Zealand, is found but there is no evidence that a self-sustaining/breeding population is present. Destroying/treating the risk organism removes the threat.
Investigation phase	The period from when the Investigation and Diagnostics Centre Duty Investigator receives notification of a possible risk organism until the investigation is completed and closed, or a response is initiated.
MAF National Response Centre	The MAF National Response Centre, led by the Director General of MAF, is MAF's co-ordinating structure for managing responses that have MAF-wide implications. It is also MAF's mechanism for linking with the whole-of-government emergency management system.
New organism	As defined by the HSNO Act 1996 in Section 2A: A new organism is- <ul style="list-style-type: none"> a) an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998; b) an organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation; c) an organism for which a containment approval has been given under this Act; d) an organism for which a conditional release approval has been given; e) a qualifying organism approved for release with controls; f) a genetically modified organism; g) an organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.
Organism	As defined by the Biosecurity Act 1993: <ul style="list-style-type: none"> a) does not include a human being or a genetic structure derived from a human being; b) includes a micro-organism; c) subject to paragraph (a), includes a genetic structure that is capable of replicating itself (whether that structure comprises all or only part of an entity, and whether it comprises all or only part of the total genetic structure of an entity); d) includes an entity (other than a human being) declared by the Governor-General by Order in Council to be an organism for the purposes of this Act; e) includes a reproductive cell or developmental stage of an organism; f) includes any particle that is a prion.
Organism management	Decisions on, and programmes for, containing, controlling or eradicating a risk organism under the MAF National Response Centre.

¹² Adapted from Zavaleta, Hobbs & Mooney (2001) Viewing Invasive species removal in a whole system context: *Trends in Ecology and Evolution* 16(8) 454-59; Myers, Simberloff, Kuris and Carey (2000) Eradication revisited: dealing with exotic species. *Tree* 15(8): 316-320; and Myers, Savoie and Randen (1998) Eradication and pest management: *Annual Review Entomology* 43: 471-491.

¹³ Sometimes referred to as "local eradication" where the organism is established in New Zealand but is restricted to certain parts of the country.

Response	<p>The actions taken immediately before, during or after a risk organism has been confirmed where management of the risks posed by that organism is considered appropriate. A response may be triggered where the impacts of the risk organism have increased, or new response options become available, that make a response feasible.</p> <p>Response can include:</p> <ul style="list-style-type: none"> • investigation of suspect risk organisms; • identification of the organism, containment, and initial assessments of the organism's impacts and response options; • efforts to eradicate a risk organism; • long-term management to mitigate the impacts of an established risk organism, sometimes referred to as "pest management". <p>Types of long-term management include:</p> <ul style="list-style-type: none"> • national pest management strategies administered by pest management agencies in accordance with regulations made under the Biosecurity Act 1993; • regional pest management strategies administered by regional councils in accordance with Part V of the Biosecurity Act; • other small scale management administered by regional councils under section 100 of the Biosecurity Act; • the national, regional or local management of pests and their impacts under other legislation such as the Wild Animal Control Act, Wildlife Act, and Conservation Act; • other forms of co-ordinated activities undertaken by a group/groups of stakeholders, e.g. industry-led disease/pest programmes; and • non-co-ordinated activities by land-managing Crown agencies, private and Māori landowners, organisations and/or individuals in respect of established risk organisms. <p>MAF will lead national long-term management programmes where it is best placed to do so.</p>
Response plan	<p>This term is adapted from the Co-ordinated Incident Management System (CIMS framework) which refers to an Incident Action Plan, and in the context of this policy is used to mean a statement of the objectives, strategies, and critical functions for managing a response.</p>
Risk	<p>The Australian/New Zealand Standard for Risk Management (AS/NZS 4360) defines risk as: "The chance of something happening that will have an impact upon objectives. It is measured in terms of likelihood and consequences".</p>
Risk organism	<p>This policy introduces the concept of a 'risk organism' to describe the full range of organisms that could pose a threat to the values we wish to protect, and that may be managed under this policy. The risk (threat and its likelihood) posed by the organism in New Zealand can range from unknown to well understood. The definition of 'organism' is consistent with that found in the Biosecurity Act 1993. The reference to a risk organism in this document therefore means organisms affecting plants or animals, in marine, freshwater or terrestrial environments, and includes:</p> <ol style="list-style-type: none"> a) new or existing/established pests¹⁴ and diseases that could pose a threat to the values we wish to protect, their related vectors/ pest agents, and particles such as prions, (including organisms that have been purposefully established but later prove to be a threat to the values); b) zoonotic diseases that may impact on animals and humans (purely human health matters are otherwise not covered by this policy); c) syndromes (including where the causative agent(s) is not known) or where there could be more than one risk organism present contributing to the threat; d) new organisms (defined under the Hazardous Substances and New Organisms Act 1996) that do not have approval under that Act, or that have breached containment or other controls, including both GMOs and non-GMOs; e) organisms associated with imported risk goods that have received biosecurity clearance but are subsequently found to require further biosecurity risk management.
Risk pathway	<p>The way in which a risk organism may be transported into the country and within New Zealand. Pathways include goods, the material in which goods are packaged, containers, luggage, aircraft and vessels, and natural pathways such as wind and the sea.</p>

¹⁴ In this context, 'pest' refers to an organism that is harmful or potentially harmful to the values we wish to protect, and is not limited to an organism specified as a pest in a national or regional pest management strategy.

Stakeholder	Any organisation or individual who may be affected by the impacts of a risk organism or a response undertaken against it. This includes Māori in their Kaitiaki role and the general public.
Values	<p>The economic, environmental, health and social/cultural (including values to Māori) values of New Zealand that are threatened by risk organisms. Under MAF's Statement of Intent, we consider the impact of the risk organism or the proposed response options on:</p> <ul style="list-style-type: none"> • the sustainable economic growth and prosperity for New Zealanders; • healthy New Zealanders and a vibrant rural community; and • maintained and enhanced economic, social and cultural benefits for New Zealanders from the natural environment. <p>These values overlap to some extent and are seen as contributing to the public good</p>

Appendix 2: Related Documents

The following strategies, agreements, policies and procedures relate to this policy. This policy overrides statements made in an older policy or procedure where a discrepancy exists. Those with an asterisk must be referred to when implementing this policy.

- *A Biosecurity Science Strategy for New Zealand/Mahere Rautaki Putaiao Whakamaru* (2007)
- *Adverse Events Recovery Policy*, MAF (2007)
- *Agreement on the Application of Sanitary and Phytosanitary Measures*, World Trade Organization (1995)*
- *Biosecurity Response Processes and Procedures*, MAF (2007)
- *Delegations Policy*, MAF (2007)
- *Emergency Management Communications Manual*, MAF (2006)
- *MAF Regulatory Authority Policy Statement: Meeting the Transparency Obligations of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (1998)
- *Memorandum of Understanding between ERMA New Zealand and the Ministry of Agriculture and Forestry Concerning New Organism Enforcement** (2003)
- *Memorandum of Understanding on biosecurity activities between Ministry of Agriculture and Forestry and Department of Conservation, Ministry of Fisheries and Ministry of Health** (2006)
- *National Response Centre Procedures*, MAF (2005)
- *Policy Statement on Consultation*, MAF (November 2003)
- *Policy Statement on the Development of National Pest Management Strategies by Departments*, Biosecurity Council (December 2000)
- *Policy Statement on Unwanted Organisms for the Purpose of the Biosecurity Act 1993*, MAF and Biosecurity Council (September 1998)
- *Procurement Policy*, MAF (2006)
- *Prosecution Policy*, MAF (2005)
- Relevant Codes of Welfare developed under the Animal Welfare Act 1996
- *Tiakina Aotearoa / Protect New Zealand: Biosecurity Strategy for New Zealand*, Biosecurity Council (August 2003)
- *Treaty of Waitangi Issues Analysis Guide*, MAF (2007)

Appendix 3: Associated Legislation

The following legislation potentially affects the planning, execution, and criminal investigation of biosecurity responses. This list is not exhaustive, and policy and legal advice in planning a response is needed.

BIOSECURITY ACT 1993

MAF administers the Biosecurity Act. It provides a legal basis for excluding, eradicating and effectively managing pests and unwanted organisms, and its powers can be variously used by MAF Biosecurity New Zealand, other government agencies, regional councils and pest management agencies. It is an enabling tool that provides a range of functions, powers and options for the management of risk organisms.

Management options under the Biosecurity Act are:

- import and border controls aimed at effective management of risks associated with the importation of risk goods, including treatment of contaminated goods and craft;
- access to Part VI powers for organisms declared unwanted organisms;
- exigency actions where other options are not adequate or available;
- national pest management strategies that provide access to powers and rules by any organisation that is declared a pest management agency. Any response must be undertaken within those powers or rules, unless the strategy is subsequently amended or revoked in accordance with the Biosecurity Act;
- regional pest management strategies (mainly administered by regional councils);
- access by regional councils to powers in the Biosecurity Act for small-scale management programmes under section 100 of the Act without needing to have a pest management strategy; and
- enforcement of section 52 and 53 prohibitions (which make it an offence to sell, propagate, breed, release, or display an unwanted organism or pest).

Voluntary support for response actions will be sought where possible, however, response actions may invoke use of powers under the Biosecurity Act where needed.

HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

The Hazardous Substances and New Organisms Act (HSNO Act) aims to protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms. The Act is administered by the Ministry for the Environment and implemented by the Environmental Risk Management Authority (ERMA New Zealand), which makes decisions on applications to import, manufacture, develop, test, or release a hazardous substance or new organism.

MAF Biosecurity New Zealand is the enforcement agency for the HSNO Act's new organism provisions, and responds to detections of new organisms present in New Zealand without HSNO Act approval. This includes new organisms that have breached containment, conditional release, or other controls that have been set by ERMA New Zealand.

The HSNO Act may also apply (and compliance with an approval may be required) if a response involves using hazardous substances (defined as substances that are explosive, flammable, corrosive, toxic, ecotoxic, or have the capacity to oxidize).

RESOURCE MANAGEMENT ACT 1991

The Ministry for the Environment administers the Resource Management Act. Its purpose is to promote the sustainable management of natural and physical resources. Part 3 of the Resource Management Act sets out duties and restrictions on the use of land, the coastal marine area, river and lake beds, and water. The Resource Management Act prohibits discharges of contaminants onto water or land unless the discharge is authorised by a regional council, resource consent, or regulation. Activities during a response may require resource consents or exemption from Part 3. The process and requirements for exemptions are set out in section 7A of the Biosecurity Act.

AGRICULTURAL COMPOUNDS AND VETERINARY MEDICINES ACT 1997

The New Zealand Food Safety Authority administers the Agricultural Compounds and Veterinary Medicines Act. The scope of this Act includes regulatory control of agricultural compounds (veterinary medicines/plant compounds), and their importation, manufacture, sale, and use. If a response involves application of agricultural compounds then the requirements of this Act are likely to apply.

ANIMAL WELFARE ACT 1999

MAF administers the Animal Welfare Act. It requires that “owners of animals and persons in charge of an animal take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met”. These needs are defined in section 4 of the Act. Animal Welfare Codes created under Part 5 of the Act may need to be considered when planning and carrying out responses. Relevant codes include the *Code of Recommendations and Minimum Standards for the Emergency Slaughter of Farm Livestock*, as well as codes for treatment of specific types of livestock such as layer hens, pigs, horses, and dairy cattle. The Act generally does not apply to the hunting and killing of animals in a wild state, including pest control, except where an animal is caught alive, contained, and not immediately killed. In this case the obligations in the Act relating to animals in people’s care apply. The Act and regulations made under the Act govern the use of traps and research involving animal pests. The Act does not apply to most invertebrates, and would have a limited effect on pest fish.

ANIMAL PRODUCTS ACT 1999

The New Zealand Food Safety Authority administers the Animal Products Act and the Animal Products (Ancillary and Transitional Provisions) Act 1999, and various regulations made under these Acts. They regulate the production and processing of animal material and animal products traded and used in New Zealand, or exported from New Zealand, to manage associated risks and facilitate overseas market access. The Animal Products Act requires all animal products traded and used to be “fit for intended purpose”. This means they must meet New Zealand animal product standards. The New Zealand animal product standards are contained in Part 1 of the Animal Product Regulations 2000. The risk management system potentially applies anywhere in the value chain from production, through processing, and to the market.

CONSERVATION ACT 1987, RESERVES ACT 1977, NATIONAL PARKS ACT 1980, MARINE RESERVES ACT 1971

The Department of Conservation administers these Acts. Response activities that take place on conservation land or within marine reserves may require exemptions from the requirements of these Acts.

The Conservation Act addresses the conservation of natural and historic resources to maintain their intrinsic values, provide for the enjoyment of the public, and to safeguard the options of future generations. The Conservation Act established the Department of Conservation and sets out the functions of the Department.

The Freshwater Fisheries Regulations are made under the Conservation Act. They cover a number of matters relating to freshwater fish such as the licensing of fishers, the taking or movement of freshwater fish, the processing of those fish and the controls on the taking of indigenous fish.

The Reserves Act covers the set up and management of nature, scientific, historic, scenic and recreation reserves (among others). The purpose of such reserves is to provide for the benefit and enjoyment of the public, to ensure the survival of all indigenous species in their natural habitat, to preserve representative examples of areas that together originally gave New Zealand its own recognisable character, and to preserve public access to coastline, river banks, lake shores, and islands.

The National Parks Act sets out the establishment and management of National Parks. The purpose of national parks is to preserve, for their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest. They are preserved as far as possible in their natural state.

The Marine Reserves Act provides for “the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study”. In a marine reserve all marine life is totally protected - no fishing, polluting, disturbance, damage, or removal of any natural thing from the marine reserve is allowed.

ENVIRONMENT ACT 1986

The Ministry for the Environment administers the Environment Act, and is set up under the Act. The Act also created the office of the Parliamentary Commissioner for the Environment. The Act promotes the management of the natural and physical resources of New Zealand.

FISHERIES ACT 1996

The Ministry of Fisheries administers the Fisheries Act. Its purpose is to provide for the sustainable utilisation of fisheries resources (which includes avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment). The Fisheries Act allows for emergency measures to be taken if there has been a disease outbreak or “a significant adverse change in the aquatic environment”. Under section 16 of the Act, the Minister of Fisheries may close an area by “prohibiting the harvesting of all or any fish, aquatic life, or seaweed in that area”.

FORESTS ACT 1949

MAF administers the Forests Act. It will apply if, as part of a response, there is a need to destroy indigenous trees that are subject to the Act.

HEALTH ACT 1956

The Ministry of Health administers the Health Act. It deals with the improvement, promotion and protection of public health. Matters relevant to biosecurity include the powers and duties of local authorities, the duty of ships' masters to notify suspected infectious diseases, provisions relating to diseases that require quarantine, and regulations relating to public health, including prevention of the spread of infectious diseases.

HEALTH AND SAFETY IN EMPLOYMENT ACT 1992

The Department of Labour administers the Health and Safety in Employment Act. Maritime New Zealand and the Civil Aviation Authority have administrative and enforcement roles in their sectors; and the Police have roles in respect of commercial vehicles.

The Act applies to all New Zealand workplaces and places duties on employers, the self-employed, employees, principals and others who are in a position to manage or control hazards. Hazards arising from organisms or response actions will need to be managed recognising these responsibilities.

LOCAL GOVERNMENT ACT 2002

The Department of Internal Affairs administers the Local Government Act. Guidelines have been developed where regulatory functions may involve local government, which has a duty to consult with rate payers under this Act.

NGAI TAHU CLAIMS SETTLEMENT 1998

The Ngai Tahu Claims Settlement addressed grievances from Ngai Tahu regarding the Crown's obligations under the Treaty of Waitangi. The Settlement included legal provisions to formalise Ngai Tahu's role in conservation management on their takiwa (ancestral land). Responses that could impact on Ngai Tahu's takiwa may need to consider the arrangements that were put in place as part of the settlement.

WILD ANIMAL CONTROL ACT 1977

The Department of Conservation administers the Wild Animal Control Act, which regulates certain species of introduced animals defined by the Act to be "wild animals". These include deer, wallaby, thar, chamois, possums, and feral goats and pigs.

WILDLIFE ACT 1953

The Department of Conservation administers the Wildlife Act, which protects specified wildlife while permitting the hunting of some wildlife at certain set times, e.g. ducks, game, pukekoes, Canadian geese and other species.

Appendix 4: International Treaties, Agreements and Agencies

The following multilateral agreements to which New Zealand is a party, could affect the planning and execution of biosecurity responses. This list is not exhaustive, but highlights key agreements and international organisations.

WORLD TRADE ORGANIZATION (WTO)

The WTO is the only global international organisation dealing with the rules of trade between nations. At its heart are the WTO agreements, which the bulk of the world's trading nations are party to. The goal is to help producers of goods and services, exporters, and importers conduct their business by providing a strategic and clear legal framework for the conduct of international trade. Principles include trade without discrimination, freer trade (gradually through negotiation), predictability (through binding countries and requiring transparency), promoting fair competition and encouraging development and economic reform. See also www.wto.int.

The **General Agreement on Tariffs and Trade (GATT)**, a series of rules-based agreements setting out how those countries that are parties can trade goods with each other, is relevant for biosecurity. Agreements under GATT can have a sectoral focus (e.g. Agreement on Agriculture) and can be negotiated and reviewed over time and cover multiple clauses. Article 20 of GATT allows governments to act on trade in order to protect human, animal or plant life or health, provided they do not discriminate or use this as disguised protectionism.

Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) allows countries to set their own standards, but regulations must be based on science. They should be applied only to the extent necessary to protect human, animal or plant life or health. They should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail. The SPS Agreement recognises three international organisations to set standards for this purpose:

- the FAO/WHO Codex Alimentarius Commission (food);
- the World Organisation for Animal Health (OIE);
- the Commission on Phytosanitary Measures (CPM) (plant health).

Agreement on Technical Barriers to Trade requires that countries' regulations, standards, testing and certification procedures do not create unnecessary obstacles. This agreement does not apply to measures covered by the SPS Agreement.

WORLD ORGANISATION FOR ANIMAL HEALTH (OIE)

The stated objectives of the OIE are to:

- ensure transparency in animal disease and zoonoses situations;
- to collect, analyse and disseminate scientific veterinary information;
- to provide expertise and encourage international solidarity in the control of animal diseases;
- within its mandate under the SPS Agreement, to safeguard world trade by publishing health standards for international trade in animals and animal products;
- to improve the legal framework and resources of national veterinary services; and
- to provide a better guarantee of the safety of food of animal origin and to promote animal welfare through a science-based approach.

The four standards established by the OIE to meet the SPS Agreement are:

- Terrestrial Animal Health Code – this sets out the standards for ensuring that trade in animals and animal products does not spread listed animal diseases;
- Aquatic Animal Health Code – same as above for animals of aquatic origin;
- The Manual of Diagnostic Tests and Vaccines for Terrestrial Animals; and
- The Manual of Diagnostic Tests for Aquatic Animals.

MAF's response, surveillance and testing policies and procedures for specific animal diseases draw heavily on, and seek to be compliant with, these Codes. MAF also has, as the New Zealand Government's "competent authority", responsibility for reporting the occurrence of risk organisms to OIE, reporting the official controls that have been put in place to manage biosecurity risks, and providing official assurances of New Zealand's country, area or compartment freedom based on directed surveillance programmes. See also www.oie.int.

FOOD AND AGRICULTURAL ORGANIZATION OF UNITED NATIONS (FAO)

FAO's primary mandate is to lead international efforts to reduce hunger, by focusing on improving agriculture, forestry and fisheries practices. Within this framework, the FAO acts as the host for the International Plant Protection Convention (IPPC) Secretariat.

Commission on Phytosanitary Measures – established in 2006, this Commission undertakes the tasks outlined in the SPS Agreement in relation to the International Plant Protection Convention – outlining actions to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control. The International Phytosanitary Portal is the forum for reporting and exchange of general information. MAF is recognised as New Zealand's National Plant Protection Organisation with responsibility for a range of phytosanitary functions and for reporting. See also www.ippc.int.

WORLD HEALTH ORGANIZATION (WHO)

WHO is the United Nations' specialised agency for health. WHO's objective is the attainment by all peoples of the highest possible level of health. Health is defined in WHO's Constitution as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. WHO tracks and provides information on major disease outbreaks in the world and can produce guidelines for human disease management. These are particularly relevant for MAF in respect of zoonotic diseases, such as avian influenza. WHO and FAO cooperate with the WTO on the implementation of the SPS agreement. See also www.who.int.

CODEX ALIMENTARIUS COMMISSION (CODEX)

Codex is a commission established by FAO and WHO to develop food standards, guidelines and related texts such as codes of practice under the Joint FAO/WHO Food Standards Programme. The main purposes of this Programme are protecting health of the consumers and ensuring fair trade practices in the food trade, and promoting co-ordination of all food standards work undertaken by international governmental and non-governmental organisations. The standards created by Codex are used as benchmarks for food regulations and must have a sound scientific basis. See also www.codexalimentarius.net.

UNITED NATIONS ENVIRONMENT PROGRAMME

The United Nations Environment Programme covers a range of environmental programmes. Three conventions of interest to biosecurity are:

Convention on International Trade in Endangered Species of Wild Animal and Fauna (CITES) – CITES seeks to limit the impact of trade on endangered species. The import, export, re-export and introduction from the sea of species covered by CITES must be authorised through a licensing system. The Trade in Endangered Species Act 1989 implements CITES into domestic law, and MAF supports the system through its border inspection services. Finding an unauthorised CITES-listed organism requires actions to be taken to re-export it back to the country of origin or to destroy it.

International Maritime Organization (IMO) – Aims to improve maritime safety and prevent pollution from ships. Relevant biosecurity-related measures include conventions on anti-fouling systems, ballast water management and dumping of waste.

Convention on Biological Diversity (CBD) – CBD is one of a number of conventions which aim to realise a “comprehensive strategy for sustainable development – meeting our needs while ensuring that we leave a healthy and viable world for future generations”.¹⁵ The CBD establishes three main goals:

- the conservation of biological diversity;
- the sustainable use of its components; and
- the fair and equitable sharing of the benefits from the use of genetic resources.

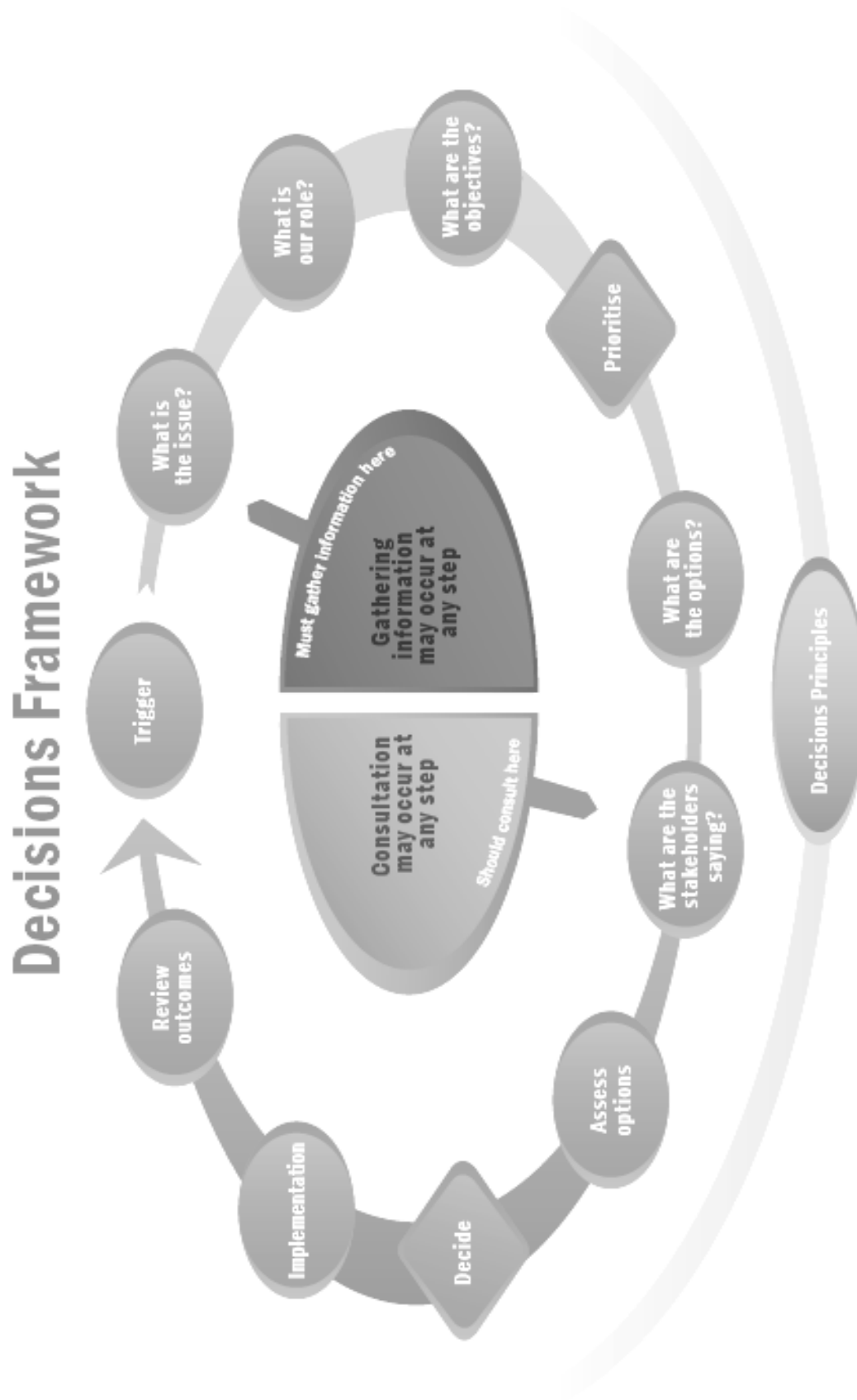
The Cartagena Protocol on Biosafety, a supplementary agreement to the CBD, seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.¹⁶ The Protocol established an Advanced Informed Agreement procedure to ensure countries make informed decisions to allow the importation of such organisms.

The CBD places both a duty of care to protect biodiversity values, but also constrains the types of treatments and actions that can be taken in respect of a response where it can affect biodiversity and environmental values.

¹⁵ 1992 Earth Summit, Rio de Janeiro (“Rio Summit”)

¹⁶ <http://www.cbd.int/biosafety/background.shtml>

Appendix 5: Decisions Framework: Steps and Principles



Decisions steps

Gather information

Gather information throughout the whole decisions process, particularly to help define the issue and to identify and assess options.

Consultation

Identify and consult affected parties as early as possible in the process and give sufficient time and information to affected parties. Where there is little information, consultation may need to be ongoing or occur at several points in the decisions process. Consultation may not be necessary in all cases.

- Who should be consulted and how?
- What is the objective of the consultation?
- What is the key information that needs to be provided?
- What is the scope/timeframe of the consultation?
- Do the expectations of those consulting/those being consulted align with consultation objectives?
- What are the areas of concern identified?

Trigger

A trigger such as an incursion, new information, or a new business need should prompt the decisions process.

What is the issue?

Explain the background to the issue, including the nature and extent of the issue and the need for action.

Nature of the issue

- What is it?
- What is the underlying cause of the issue?
- What are the symptoms of the issue?
- What is the likelihood & consequence of the issue?
- What are the risks/opportunities?
- Has this been an issue in the past?
- How successful have we been at addressing it?
- What behaviours need to change?
- Who needs to change behaviour?

Size and scale of the issue

- How significant is the issue?
- What is the scope of the issue?
- Who is it an issue for?
- How reversible are the impacts of the issue?
- Does consultation need to occur to help define the issue/objectives?

What is our role?

Clarify/agree who has the mandate/duty to act.

- Do we have a legislative requirement or prearranged role?
- Is it a pre-agreed role or responsibility of another agency?
- Who is best placed to solve it?
- Do we need to agree role division between MAF and another agency?
- Who is best placed within MAF to be responsible?

What are the objectives?

Clearly define the objective(s) to address the underlying cause of the issue in a way that does not pre-determine solutions, and is specific, measurable and achievable. State if objectives are subject to constraints like time or resources.

- How will you measure success?
- How will you know that you have achieved the desired outcome?
- Recognise that different people may have differing objectives that you may need to balance or reconcile when evaluating options
- Are there any relevant government objectives/outcomes?

Prioritise

Assess importance of the issue using the strategic fit and net benefit criteria and decide how much effort is needed, if any.

- How important is this issue compared to other issues?
- How much effort is needed, if any?
- What is the urgency/need for action?
- What are the likely costs associated with maintaining the status quo?
- Set timeframes and the amount of analysis required
- What is the appropriate governance mechanism?
- Who should be the decision-maker?

What are the options?

Develop and analyse realistic options for achieving the objectives and that can be implemented.

Develop options

- What is the status quo?
- Is more information needed to inform development of options?
- Can the options be implemented?

Analyse options

- What is the level of analysis required and timeframe?
- What are the costs and benefits of intervening/not intervening?
- Who benefits and who bears the cost of each option?
- How well do the options manage the risks?
- How will behaviours affect the level of compliance?
- Do the options address the underlying cause or the symptoms of the issue?
- What are the indicators for measuring success/performance?

What are the stakeholders saying?

Consult with affected parties even if you have already discussed the issue with them previously. Consultation must be genuine and feedback used to inform your decision. If you decide not to consult on the options make your reasons for this decision clear.

Assess options

Assess options against strategic fit, net benefit, feasibility, resources, and opportunities/barriers to success (see Principle 9). Discuss and agree the meaning of the criteria before assessment is made.

- What is/are the preferred option(s)?
- How well does the preferred option(s) meet the objective(s)?

Decide on an option

Choose an option, decide what we are going to do or not do and clearly communicate the decision to affected parties.

Implement the decision

Develop an implementation plan and take action.

- Is a communication strategy required?
- What risks may affect successful implementation?
- What review mechanisms and performance targets are needed?
- What compliance and audit is needed?

Monitor and review outcomes

Monitor and evaluate performance, and review against the objectives. If recommendations from the review identify new information or issues these should feed back into the decisions process.

- How well does the decision meet the success/ performance criteria and objectives?
- How well does the decision respond to the risks, costs and benefits and public reaction to your actions?
- What are the intended/unintended effects of the action?
- What is the likely level of compliance?

Decisions principles

Process Principles

1. Follow the criteria and processes prescribed in relevant legislation and ratified international standards

Where legislation prescribes the process to be followed and/or criteria to be applied for a particular decision, these must be followed and applied. International standards or treaties that have been ratified by the government must also be followed.

2. Analyse the issue before trying to find solutions

Spend time identifying the 'real' issue, before thinking through solutions by:

- understanding and analysing: the issue, the context, the risks and opportunities and the objectives first; *then*
- thinking through solutions to manage the issue and assessing strategic fit, net benefit, feasibility, resources, and any other barriers for the solutions.

3. Decisions should be made by those best placed to do so

Unless specified elsewhere (such as in legislation), decisions should be made by the people who have the right information, skills and incentives as they are best placed to make good decisions in that area.

4. Timely and well-informed

There will always be uncertainty and lack of information, but we must make the best decisions we can with the best information available at the time. The level of information sought and analysis should be proportional to the size of the risk/opportunity identified in the available timeframe and the urgency required.

5. Consistency

Follow a consistent decisions process but only to the point where it is sensible to do so. Apply decisions principles, criteria and tools consistently so that decisions do not differ in assessment approach.

6. Consult affected parties, including Maori

Identify and consult those affected by our decisions, including Maori, as soon as possible in the decisions process. Give sufficient time and information to affected parties so they can provide effective feedback before final decisions are made and so they can manage their own risks and interests at the same time.

7. Transparency

Tell affected parties, in plain language they can understand, what the decision is and the reasoning behind the decision so they understand the decision, the implications, and the behaviours being sought.

Content Principles

8. Decisions should aim to improve New Zealand's overall economic, social, health and environmental values

Decisions should be driven by the objective of securing positive consequences and limiting negative consequences for our economic, social, health and environmental values as a country except where there are specific government objectives, directions or statutory requirements.

All decisions by the government to intervene should be tested to check that the intervention is justified and delivers more benefits than costs.

9. Assess options based on strategic advantage, net benefit, feasibility, resources and opportunities/barriers to success.

Assess options using the following criteria. Discuss and agree the criteria before assessment is made.

- Strategic fit – how well does it fit with the government's strategies and MAF's Statement of Intent and/or strategies that reflect wider Government strategies?
- Net benefit – what is the overall net benefit including costs, benefits and their likelihoods?
- Feasibility – is it feasible and what is the probability of success?
- Resources – what resources, skills and capabilities are required?
- Opportunities/Barriers – are there other opportunities or barriers to success, such as timing or the factors that cause public concern (coercion, equity, fear etc)?

10. Uncertainty is not an excuse for inaction

There is always uncertainty but it should not be an excuse for unnecessary delay or indecision. Decisions should focus on what reasonable steps can be taken at the time based on the best information available at the time, while maintaining future options where appropriate. Be transparent about the uncertainties and assumptions.

11. Irreversibility provides a stronger case for intervention

Where the impacts of not intervening are likely to be irreversible, there is a stronger case for intervention even when benefits only marginally outweigh costs.

12. Risks/opportunities should be managed by those best placed to do so

Those with the most appropriate incentives, capability, access to resources and the best information related to any specific opportunity or risk should manage those risks/opportunities.

13. Favour outcome-based over prescription-based interventions

Favour performance/outcome based interventions over prescriptive interventions wherever practicable and appropriate. This may be easier where sector groups have large well-resourced players that interact with each other. Standards should be enforceable, and should draw on existing (industry) standards as much as is practicable to minimise compliance costs and allow innovation. Try to describe criteria for equivalent ways of achieving the standard