



Biosecurity Act 1993

Proposed amendments

Discussion Document

1 – Overview



Making submissions

The Ministry for Primary Industries (MPI) is seeking feedback on proposed amendments to the Biosecurity Act 1993.

Having your say

Online

Submissions can be made using the online submission form: www.mpi.govt.nz/proposed-amendments-to-the-biosecurity-act

Email

Please email your feedback to: BiosecurityBill@mpi.govt.nz

Letters

While we prefer email or online submissions, you may send your responses by post to:

Biosecurity Act 1993 proposed amendments
Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand

All written submissions, whether by email or in hard copy, must be received by MPI no later than **13 December 2024**.

Please make sure you include the following information in your submission:

- the title(s) of the consultation document(s) you are providing feedback on;
- your name and title;
- your organisation's name (if you are submitting on behalf of an organisation, and whether your submission represents the whole organisation or a section of it);
- your contact details (such as phone number, address, and email).

Submissions are public information

Any submission you make becomes public information. Anyone can ask for copies of all submissions under the Official Information Act 1982 (OIA). The OIA says we must make the information available unless there is a good reason for withholding it. You can find those grounds in sections 6 and 9 of the OIA.

Tell us if you think there are grounds to withhold specific information in your submission. Reasons might include if it is commercially sensitive or personal information. Any decision MPI makes to withhold information can, however, be reviewed by the Ombudsman, who may require the information be released.

Contents

1. Summary	page # 3
<hr/>	
2. Introduction	page # 4
<hr/>	
3. Context	page # 5
<hr/>	
4. Reason for change	page # 11
<hr/>	
5. Key terms	page # 13
<hr/>	
6. Proposals	page # 16
<hr/>	
7. Questions	page # 29

1 Summary

New Zealand's biosecurity system underpins trade, primary production, and biodiversity.

The Biosecurity Act 1993 provides the legal framework for the biosecurity system.

The Biosecurity Act helps keep harmful organisms out of New Zealand, manage those that get into the country, manage established pests and diseases, and assure trading partners of the quality of our exports.

The Biosecurity Act interacts with other regulatory systems (such as biodiversity, food safety, animal welfare and human health). For example, stopping exotic mosquitoes from becoming established is good for the economy, environment, and our health.

The biosecurity system is complex with multiple components, rules and participants that rely on each other to protect New Zealand's way of life and values. The whole system, including the Biosecurity Act, must stay strong to keep protecting what is important to us.

The Biosecurity Act is now over 30 years old. The context has changed significantly since it was enacted. Biosecurity threats to New Zealand are growing in scale and complexity. The biosecurity system needs a modern biosecurity law that reflects the context and environment we are operating in today.

MPI has completed a review of the Biosecurity Act. While the Biosecurity Act is working well, there are some critical areas that need legislative change. We propose amending the Biosecurity Act to deliver solutions to these problems and capitalise on the opportunity to do things better.

This consultation package contains proposals that span across a range of areas in the biosecurity system. These proposals have been grouped into six topics:

- **System-wide issues;**
- **Funding and compensation;**
- **Border and imports;**
- **Readiness and response;**
- **Long-term management;**
- **Legislative interfaces.**

This document provides an overview of the biosecurity system. A full list of proposals is included at the end of this document.

We welcome your feedback on these proposals.

2 Introduction

Structure of this document

This document is structured as follows:

- **Context:** This section provides background information on the biosecurity system and the Act.
- **Reason for change:** This section discusses the proposed amendments and how MPI has reached the options for change included in this consultation.
- **List of proposals:** This section provides a full list of the proposals for changes to the Act.

This document is partnered with:

- 6 companion papers.
- 7 impact analysis papers.

This is the overarching discussion document. The companion papers and their matching impact analyses provides the detailed proposals specific to the **6 key areas** for change we've identified.

Key Areas:

- System-wide issues;
- Funding and compensation;
- Border and imports;
- Readiness and response;
- Long-term management;
- Legislative interfaces.

Impact analysis

The impact analysis papers focus largely on the costs associated with the proposals. Where we considered benefits, we have focused on qualitative benefits. This means that we generally have not put a dollar value to the possible benefits that each proposal will have on the biosecurity system. Where possible, we include mention of expected quantitative benefits.

A full cost-benefit analysis will be completed when final policy proposals are developed following this consultation.

Question numbers match those on our online survey.

Questions

- **6** - What impacts do you expect to see considered in the full cost-benefit analysis?

Next steps

At the end of the consultation, MPI will analyse every submission and make recommendations to the Minister for Biosecurity. A summary of submissions will be posted on MPI's website.

We anticipate that final policy proposals will be considered by Cabinet in 2025.

3 Context

The biosecurity system protects New Zealand's way of life and values

Biosecurity protects what we value

Biosecurity is about excluding, eradicating, or managing pests and diseases that threaten New Zealand's economy, environment, taonga species, and way of life. These pests and diseases include threats to plant, human and animal health, and invasive species that threaten our unique and indigenous species and ecosystems.

New Zealand's biosecurity system is the foundation for trade, primary production, and biodiversity. The country's freedom from major pests and diseases enables primary producers to grow high-quality produce and trade freely. Biosecurity allows animals, plants, and food to be safely moved within New Zealand, and to and from other countries.

Biosecurity protects human health

In New Zealand, biosecurity does not include managing or responding to diseases carried and transmitted by humans, such as measles. Responses to diseases that affect human health are led by the Ministry of Health. However, the biosecurity system does help to manage or prevent the spread of pests that can carry diseases that negatively impact human health. As an example, preventing pests such as exotic mosquitoes from becoming established has significant benefits for our economy, environment, and health.

Biosecurity supports biodiversity

New Zealand's native biodiversity and taonga species are socially and culturally important to New Zealanders. Biosecurity protects the health and value of the country's animals and plants, including economically and culturally important species. The country's natural heritage and landscapes are also an intrinsic part of the nation's identity. They are key reasons that international visitors choose to visit and the biosecurity system protects this.

New Zealanders benefit from the environment being protected by good biosecurity. Access to areas for recreational activities, and the enjoyment of them, can be hindered when pests and diseases are not effectively managed.

Biosecurity plays a role in national security

The biosecurity system also plays a role in protecting national security. Specifically, it protects against threats and/or risks of the deliberate introduction or release of pests or diseases within New Zealand in order to create economic harm to our country.

Biosecurity affects everyone in New Zealand

Biosecurity is a shared responsibility and operates at all levels — international, national, regional, iwi, community and individual. It is a system where everyone can help to identify, reduce and manage risk.

- Many **industries** have a direct interest in biosecurity, including primary producers, importers, exporters, and the industry bodies that represent them.
- **Māori** hold key interests and statutory roles in the management of natural resources.
- **Research organisations** play an important role in understanding and managing biosecurity risks.
- A range of **government agencies, boards and local government bodies** have an interest in biosecurity matters, from trade, border management, and pest management.
- **International partners and bodies** set international standards and obligations relevant to the biosecurity system. This includes the World Trade Organization, the World Organisation for Animal Health, the International Plant Protection Convention, and Codex Alimentarius Commission.
- **The general public** play a role in identifying pest and disease incursions, and the ongoing management of pests and diseases at a community level.

The biosecurity system is more than just the border

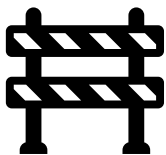
The biosecurity system manages risk through multiple layers of protection. As much risk as possible is managed offshore through supporting international standards, import permitting and offshore treatments.

We then screen all arriving goods, craft and passengers at the border and take steps within New Zealand to eradicate pests or reduce their harm. These layers are all connected. Each layer cannot operate successfully without the others.



Offshore

High standards and strict rules keep most biosecurity risks offshore. We specify what commodities, goods, and craft can come into the country, and how they must be treated before they arrive.



At the border

All incoming goods, passengers, mail, and craft are screened at the border. Our biosecurity officers manage biosecurity risks on the four main pathways to New Zealand – passenger, mail, cargo, and craft. For example, we:

- educate passengers and importers on biosecurity rules;
- inspect items to make sure they comply with import requirements;
- test new breeding material for pests and diseases in quarantine facilities.



Within New Zealand

If pests and diseases get through offshore and border protections, there are other layers of protection in the country, including:

- partnership with iwi/Māori, regional councils, industry and communities to coordinate biosecurity activities;
- surveillance to detect pests quickly;
- strong readiness and an ability to anticipate and plan for threats such as foot and mouth disease;
- an animal tracing system for cattle and deer;
- responses to pest and disease incursions;
- pest management programmes to control pests that are here.

Trade and travel benefit New Zealand, but they also present biosecurity risk

New Zealand benefits from trade and travel. Tourism plays an important part in the economy. In the year ended March 2023 tourism directly contributed \$13.3 billion to the New Zealand economy. In the same year over two million overseas travellers visited New Zealand.

New Zealand's primary producers feed New Zealanders and people across the world. In the financial year ending June 2024, the food and fibre sector generated \$54.6 billion in export revenue. This enables the economy to thrive, creating jobs and prosperity. In 2022, the food and fibre sector employed 359,000 people, representing 12.8% of New Zealand's workforce.

Trade and travel contribute to a better standard of living and wellbeing in New Zealand. Imports can reduce the price and increase the variety of goods including fresh produce, groceries, cars, appliances, farm machinery, and animal feed.

However, trade and travel also create biosecurity risks. Every time something or someone enters New Zealand, a pest or disease could also enter. The biosecurity system aims to reduce biosecurity risk without unnecessarily hampering trade and travel.

Biosecurity comes at a cost. For example, offshore exporters and New Zealand importers may need to pay for testing, or for treating products to kill pests before products are shipped. They may need to pay for product inspection before export and on arrival. These costs are often passed on to purchasers in New Zealand.

Biosecurity involves balancing benefits and costs

New Zealand seeks a low level of biosecurity risk. However, if we tried to remove all risk, trade and travel would stop. Some trading partners might retaliate by not accepting New Zealand's exports. Even then, there would still be risk. For example, pests could arrive in the ocean or on the wind.

The country is constantly considering how to balance the benefits of trade and travel against biosecurity risks. This raises key questions for biosecurity decision-makers, such as how much risk we can accept while remaining an open, trading nation. Such questions are at the heart of how New Zealand manages biosecurity.

In balancing these benefits and costs, we also need to be sure that:

- the system is fair;
- we create incentives so that people do the right thing;
- the system is effective at a national and community level;
- the system remains science-based;
- any costs are proportionate and well justified.

The Biosecurity Act 1993 underpins the biosecurity system

The Biosecurity Act covers:

- leadership in the biosecurity system;
- pre-border activities to manage risk offshore;
- activities at the border to manage risk from incoming craft, passengers, and goods;
- funding arrangements and cost recovery for some areas of biosecurity;
- surveillance for pests and diseases;
- timely responses to incursions;
- long-term management of pests and diseases that have established in New Zealand;
- emergency powers.

The Act provides for secondary legislation, such as regulations and standards. Standards are the requirements set by MPI to support how the system operates in more detail. An example is the Craft Risk Management Standard, which specifies requirements that ships must follow to manage biosecurity risks before they can safely dock in New Zealand.

The Act works hand-in-hand with other laws

The Biosecurity Act works alongside other pieces of legislation in the biosecurity system. This is not a comprehensive list, but highlights some of the other key statutory regimes involved in or related to the biosecurity system:

- Resource Management Act 1991 (administered by the Ministry for the Environment)
- National Animal Identification and Tracing Act 2012 (administered by MPI)
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (administered by the Ministry for the Environment)
- Conservation Act 1987 (administered by the Department of Conservation)
- Wildlife Act 1953 (administered by the Department of Conservation)
- Hazardous Substance and New Organisms Act 1996 (administered by the Ministry for the Environment)
- Health Act 1956 (administered by the Ministry of Health)
- Civil Defence Emergency Management Act 2002 (administered by the Ministry of Civil Defence and Emergency Management)

4 Reason for change

We have an opportunity to update the Biosecurity Act

The Biosecurity Act is over 30 years old, with only two substantive amendments made in 1997 and 2012. The context has changed significantly since then.

For example:

- There are significant pressures facing the biosecurity system. In 2017 New Zealand faced our biggest biosecurity event to date in the *Mycoplasma bovis* outbreak. The total cost to New Zealand of the *Mycoplasma bovis* response, which is working to eradicate the disease, is expected to be close to \$1 billion (it is still ongoing).
- The cost of primary sector production losses from pests has increased from an estimated \$1.5 billion cost in 2009, to an estimated \$4.3 billion cost in 2020.
- We continue to face threats of diseases and pests that risk our access to overseas markets.
- Extreme weather events and new temperature norms may create conditions for new pests and diseases to arrive and become established across the country. These include diseases such as *Xylella fastidiosa* (a significant plant disease) and foot and mouth disease (a highly contagious viral disease that affects cattle, sheep, pigs, goats, llamas, alpacas and deer).

MPI has reviewed the Biosecurity Act. Overall, the Act is working well. However, we have identified some areas in the Act which impede the effectiveness of the biosecurity system, and which constrain progress, protection and trade.

The biosecurity system needs a modern biosecurity law that protects what is important to us. We have the opportunity to make sure the law reflects the context of today and is ready for the future. We have identified opportunities to make the system more efficient and effective.

Objectives of the proposed amendments

The overarching policy objective of the proposed amendments is to ensure biosecurity measures continue to protect our environment and support our economy. As a secondary objective, we want to provide all users of the Act with a fit-for-purpose toolbox that is complete, effective, efficient and future-proof.

If these objectives are delivered, we should see:

- enhanced measures to prevent and manage biosecurity risks – offshore, at the border, and within New Zealand;
- the right behaviours being incentivised, and improved personal responsibility;
- fit-for-purpose legislation with reduced compliance costs;
- appropriate sharing of decision making;
- the facilitation of trade opportunities.

Question numbers match those on our online survey.

Questions

- **7** - Do you agree with the objectives of the proposed amendments? Please explain in detail.

5 Key terms

Within this section you will find simplified definitions of key terms that are used throughout the Discussion Documents. To see the full, legal definitions of these terms, please see section 2 of the Biosecurity Act 1993.

Term used in the Discussion Documents	Simplified definition
Biosecurity control area	A place that is part of a port approved as a place of first arrival, that can be used by MPI for biosecurity purposes/activities.
Biosecurity emergency	Urgent situations where harmful pests, diseases, or contaminants are detected, posing a significant threat to a country's agriculture, environment, or public health.
Biosecurity incursions	The entry of an unwanted pest, organism, or disease to an area.
Biosecurity response	Activities undertaken to manage or eradicate unwanted organisms in New Zealand.
Border	The point at which goods and people enter New Zealand from other countries.
Chief technical officer	A person that is appointed as a chief technical officer because they have significant experience, technical competence, and qualification.
Craft Risk Management Standard	A document that contains that set of rules that must be followed to bring craft (e.g. boats) into New Zealand's waters.
Crown indemnity	A legal concept where the government, or "the Crown", provides protection against legal claims or liabilities.
Erroneous declarations	Mistakes or inaccuracies in the information provided to biosecurity inspectors. Alternate: When false information is given to biosecurity inspectors by a person. This can either be because of a mistake or done on purpose.
Exclusive economic zone	The area extending 200 nautical miles from New Zealand's coast. Within this zone, New Zealand has special rights to explore, exploit, conserve, and manage natural resources. This includes activities like fishing, mining, and scientific research.

Goods	All kinds of moveable personal property.
Import and export system	The processes required to be undertaken in order to import or export goods to or from New Zealand.
Import health standards	Documents that contain the set of rules that must be followed to import specific goods into New Zealand.
Incursion	The arrival of a harmful pest, disease, or unwanted organism into New Zealand
Infringement offence	A minor violation of a rule that results in a small fine.
Joint border Management System	Any system used for the collection, storage, and use of border information by Customs and MPI.
Minor and technical	Changes that are proposed to be made to the Biosecurity Act that do not require a risk impact assessment. They are seen as amendments that would not change the current practice but would clarify intent.
National policy direction (for pest management)	The purpose of a national policy direction is to ensure that activities under Part 5 (Pest management) and provide the best use of available resources for New Zealand's best interests and align with one another.
Passenger pathway	The way a person arrives in New Zealand and moves through the border. For example, a person arriving in New Zealand in an aircraft uses the air passenger pathway.
Place of first arrivals (PoFA)	Specific locations where international passengers, goods, and vessels can enter New Zealand.
Post-border	Includes everywhere in New Zealand other than the border.
Pre-border	All locations before goods reach New Zealand.
Risk goods	Anything that may be, or possess, an organism that may cause harm to human, animal, and plant health, or interfere with the management of pests or unwanted organisms in New Zealand.
Sanitary and phytosanitary (SPS) measures	Regulations and procedures used by countries to protect human, animal, and plant health from risks associated with food safety, pests, and diseases.
Strict liability offence	Offences where the person can be held responsible without the need to prove intent, negligence, or fault.

The Executive	The branch of the New Zealand Government that is responsible for implementing and administering laws and policies.
Unauthorised goods	Goods that have been imported and have either not yet been permitted to enter New Zealand or have entered New Zealand illegally.
Unwanted organism	Any organism that a chief technical officer thinks could cause harm to human, animal, and plant health.

6 Proposals

Here are our proposals for change. Each proposal is numbered. Where there are multiple options, if MPI has an initial preference, this is indicated by a star.

Each proposal is assessed compared with the status quo in the impact analysis papers. In each case, the status quo remains an option.

System-Wide Issues proposals			
Theme	Proposal Number	Proposal	Relevant documents
Purpose clause in the Biosecurity Act	1	Insert an overarching purpose clause in the Biosecurity Act.	RIS 2. Discussion document 2 – System-wide issues. <u>See also:</u> Limiting food volumes in the air passenger pathway (RIS 4). Surveillance under the Biosecurity Act (RIS 7).
	2 ★	Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act.	
Ministerial involvement in significant decisions	3A ★	Vest the Minister responsible for the Biosecurity Act with a ‘call-in’ power.	RIS 2. Discussion document 2 – System-wide issues.
	3B	Vest the Minister of the portfolio the chief technical officer works in with a ‘call-in’ power.	
Local knowledge in decision-making	4	Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act	RIS 2. Discussion document 2 – System-wide issues.
Biometric information	5	Clarify that the collection, use, or storage of information (including personal information) includes biometric information.	RIS 2. Discussion document 2 – System-wide issues.

System-Wide Issues proposals

Theme	Proposal Number	Proposal	Relevant documents
Powers of inspectors during searches	6	Introduce a power of arrest for obstruction during searches.	RIS 2. Discussion document 2 – System-wide issues.
Border fines for travellers with high-risk goods	7	Create an additional infringement penalty for higher risk goods.	RIS 2. Discussion document 2 – System-wide issues. <u>See also:</u> Border and imports proposals (RIS 4)
Regional council access to infringement offences for pest and pathway management plans	8 ★	Introduce the ability for regional councils to establish infringement offences in regional pest management plans	RIS 2. Discussion document 2 – System-wide issues. <u>See also:</u> Long-term management proposals (RIS 6)
Enhancing compliance options for breach of a Controlled Area Notice (CAN)	9 ★	Amend an existing offence, establish a new offence and corresponding infringement.	RIS 2. Discussion document 2 – System-wide issues.
Stronger compliance options for places of first arrival (PoFA)	10	Enable pecuniary penalties for breach of PoFA requirements	RIS 2. Discussion document 2 – System-wide issues. <u>See also:</u> Border and imports proposals (RIS 4)
	11	Create a new offence for breaching PoFA conditions of approval with a fine of up to \$200,000 and a continuing penalty of \$10,000 each day	

System-Wide Issues proposals

Theme	Proposal Number	Proposal	Relevant documents
Arrest powers for Police (minor and technical)	12 ★	Clarify arrest powers of police officers (or authorised biosecurity officers pending current proposal)	Discussion document 2 – System-wide issues.
Sentencing	13 ★	Introduce sentencing guidance into the Biosecurity Act	RIS 2. Discussion document 2 – System-wide issues.

Funding and compensation proposals

Theme	Proposal Number	Proposal	Relevant documents
Cost-shares in the Government-Industry Agreement (GIA)	14A	Mandate a periodic review of the cost-shares in the GIA deed.	RIS 3. Discussion document 3 – Funding and compensation.
	14B ★	Set out a cost-share framework in legislation to guide cost-share arrangements with GIA partners.	
Cost recovery from non-signatory beneficiaries	15A	Levy non-signatory beneficiaries (NSBs) to build an up-front fund.	RIS 3. Discussion document 3 – Funding and compensation.
	15B	Levy NSBs after a response to recover costs.	
Compensation - Improvements to operation of the scheme	16 ★	Refining how non-compliance would make a person ineligible for compensation.	RIS 3. Discussion document 3 – Funding and compensation.
	17 ★	Enabling more detailed compensation entitlements and requirements via regulation.	

Funding and compensation proposals

Theme	Proposal Number	Proposal	Relevant documents
	18 ★	Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred.	
	19	Codify the operational dispute resolution process.	
Compensation - Scope of losses that are compensable	20 ★	<p>Stating which type of losses are and are not compensable, including removing some or all consequential losses from compensation.</p> <p>All sub-options (listed below 20A-E) include the proposal to address the first part of the option about tangible property and goods. The main trade-offs between the options are on how consequential losses are treated.</p>	RIS 3. Discussion document 3 – Funding and compensation.
	20A	Income and professional fees are payable.	
	20B	All consequential losses are payable for the first year a producer is affected by the exercise of government powers.	
	20C	All consequential losses are payable for the first six months a producer is affected by the exercise of government powers.	
	20D	Professional fees are payable.	
	20E	No consequential losses are payable.	

Funding and compensation proposals

Theme	Proposal Number	Proposal	Relevant documents
Interaction between compensation and pest management plans (minor and technical)	21	Make excluding compensation for breaches of national pathway management plans (NPMPs) and regional management plans (RPMPs) optional or align it with section 162A of the Biosecurity Act.	Discussion document 3 – Funding and compensation. <u>See also:</u> Long-term management proposals (RIS 6)
	21A	Make excluding compensation optional in the event of non-compliance with a pest or pathway management plan optional.	
	21B	Differentiate how non-compliance affects compensation between pest management plans and pathway management plans.	

Border and imports proposals

Theme	Proposal Number	Proposal	Relevant documents
Development of import health standards	22	Enable technical amendments to an IHS without consultation.	RIS 4. Discussion document 4 – Border and imports. <u>See also:</u> Erroneous declarations in the passenger pathway (RIS 2). Better compliance options for place of first arrival (PoFA) (RIS 2).
	23	Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation.	
	24	Enable the ability to issue one-off or ad hoc permits for goods being imported as a one-off or on a sporadic basis.	
	25	Enable the use of permits to allow trade to continue while a suspended IHS is being reviewed.	

Border and imports proposals

Theme	Proposal Number	Proposal	Relevant documents
	26	Enable consultation on a risk management proposal for a good, rather than the draft IHS itself.	
Section 24 independent review panels	27A	Amend the Biosecurity (Process for Establishing Independent Review Panel) Notice 2015 and work on cost recovery.	RIS 4. Discussion document 4 – Border and imports.
	27B ★	Amend section 24 so the review is undertaken by a senior public official rather than by establishing an independent review panel.	
	27C	Amend section 24 so that the review must only be about new evidence.	
	27D ★	Remove section 24 from the Biosecurity Act.	
Border clearances for cruise craft passengers	28 ★	Create additional powers and duties in the Biosecurity Act enabling biosecurity inspectors to process passengers disembarking a vessel but who have already arrived in New Zealand.	RIS 4. Discussion document 4 – Border and imports.
Better management of biofouling removal in New Zealand's Exclusive Economic Zone	29A ★	Amend the Biosecurity Act to clarify that MPI has the power to regulate biofouling removal in relation to all vessels arriving in the EEZ with a clearly stated intention of arriving in New Zealand.	RIS 4. Discussion document 4 – Border and imports.
	29B	Amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to enable MPI to regulate biofouling removal under specific regulations.	

Border and imports proposals

Theme	Proposal Number	Proposal	Relevant documents
Limiting volumes of food in the air passenger pathway	30	Amend the purpose section of Part 3 of the Biosecurity Act to include improving operational efficiencies.	RIS 4. Discussion document 4 – Border and imports. <u>See also:</u> Purpose clause in the Biosecurity Act (RIS 2)
	31	Enable the Director-General to impose a limit on the volume of a class of food moving through the air passenger pathway.	
Facility approval framework	32 ★	Streamline the legislative framework for transitional and containment facilities.	RIS 4. Discussion document 4 – Border and imports.
Enabling third-party verification at transitional facilities	33A	Amend the Biosecurity Act to include the ability for an authorised third-party to undertake verification activities at transitional facilities.	RIS 4. Discussion document 4 – Border and imports.
	33B ★	Enable the Director-General of MPI to recognise third parties to undertake specified roles and functions.	
Providing biosecurity information to incoming passengers on commercial craft	34A	Removing general duty under section 17AA of the Biosecurity Act and supporting regulations to provide biosecurity information to incoming passengers.	RIS 4. Discussion document 4 – Border and imports.
	34B	Include a requirement for carriers of commercial craft to provide notice to the Director-General of MPI that biosecurity information has been provided.	

Border and imports proposals

Theme	Proposal Number	Proposal	Relevant documents
Establishment of biosecurity control area in Place of First Arrival (minor and technical)	35 ★	Make explicit the ability for a Place of First Arrival Standard to establish a biosecurity control area (BCA).	RIS 4. Discussion document 4 – Border and imports.

Readiness and response proposals

Theme	Proposal Number	Proposal	Relevant documents
Government / industry Agreement	36	Modify and grow the GIA.	RIS 5.
	37	Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience.	Discussion document 5 – Readiness and response.
Liability protection for GIA partners	38 ★	Amend Part 5A to state that this confers functions on GIA Signatories to make joint-decisions under the Deed and Operational Agreements.	RIS 5. Discussion document 5 – Readiness and response.
Faster emergency declarations	39 ★	Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity.	RIS 5. Discussion document 5 – Readiness and response.
Biosecurity practices	40	Add a general biosecurity duty in the Biosecurity Act.	RIS 5. Discussion document 5 – Readiness and response.
	41	Expand the range of risk management plans that can be set through regulations under the Act.	

Readiness and response proposals

Theme	Proposal Number	Proposal	Relevant documents
	42	Add provisions to the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan.	
Minor technical amendment to section 100ZA (minor and technical)	43	Amend section 100ZA to add a power for the Minister to “un-recognise” an industry body when a sector withdraws from the GIA.	RIS 5. Discussion document 5 – Readiness and response.

Long-term management proposals

Theme	Proposal Number	Proposal	Relevant documents
Pest and pathway management and small-scale management programmes	44 ★	Simplify the process to create national or regional pest and pathway management plans.	RIS 6 Discussion document 6 – Long-term management. <u>See also:</u> Regional council access to infringement offences for pest and pathway management plans (RIS 2) Interaction between compensation and pest management plans (minor and
	45 ★	Enable (but not require) integrated pest and pathway management plans.	
	46 ★	Enable (but not require) the ability to have consolidated levies for NPMPs.	
	47 ★	Make it easier for regional councils to create small-scale management programmes (SSMPs).	
	48 ★	Enable management agencies to provide exemptions from rules in NPMPs.	

Long-term management proposals

Theme	Proposal Number	Proposal	Relevant documents
	49 ★	Enable more than one legal entity to share management agency responsibilities.	technical exemption from RIS, Discussion document 3 – Funding and compensation).
	50 ★	Enable management agencies and regional councils the function of issuing permits for pests in NPMPs or RPMPs.	
	51 ★	Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original time frame.	
Alignment of long-term management outcomes	52 ★	Enable multiple National Policy Directions for Pest management to be made.	RIS 6. Discussion document 6 – Long-term management.
	53 ★	Enable new regulations to be made to create nationally consistent baseline objectives, policies or rules for pest management.	
	54A	Strengthen section 55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway.	
	54B ★	Streamline the process set out in the regulations to remove unnecessary steps or duplication.	
	54C	Repeal section 55 of the Act and revoke its associated regulations.	

Long-term management proposals

Theme	Proposal Number	Proposal	Relevant documents
Management of unwanted organisms and notifiable organisms	55 ★	Amend section 52 to define “communicate” in relation to a pest or unwanted organism.	RIS 6. Discussion document 6 – Long-term management.
	56 ★	Enable a chief technical officer to tailor the application of sections 52 and 53 when declaring an unwanted organism.	
	57 ★	Align the permissions for exemptions contained in section 53(2) with those in section 52.	
	58 ★	Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient.	
	59 ★	Include a new transitional provision for all unwanted organisms to expire after five years.	
	60 ★	Improve the management of notifiable organisms.	
Minor and technical	61	Changing the name of the term “Unwanted Organisms” to “Controlled Organisms”	Discussion document 6 – Long-term management.
Definitions related to unauthorised goods	62A ★	Provide a definition for ‘New Zealand-born progeny’ in section 2 of the Biosecurity Act	RIS 6. Discussion document 6 – Long-term management.
	62B ★	Amend the definition of “goods” in section 2 of the Biosecurity Act to include planted trees or plants alongside moveable personal property.	

Long-term management proposals

Theme	Proposal Number	Proposal	Relevant documents
	62C	Amend the definition of “risk goods’ in section 2 of the Biosecurity Act to include the New Zealand-born progeny of unauthorised goods.	
	62D ★	Amend the definition of “unauthorised goods” to include the New Zealand-born progeny of unauthorised goods.	
Minor and technical	63	Amendment to section 115 (use of dogs and devices).	Discussion document 6 – Long-term management.

Surveillance and interfaces with Department of Conservation-administered legislation

Theme	Proposal Number	Proposal	Relevant documents
Interaction with the Freshwater Fisheries Regulations 1983	64	Enable the Biosecurity Act to take precedence over sports fishing benefits.	RIS 7. Discussion document 7 - Surveillance and interfaces with Department of Conservation-administered legislation
	65	Enable the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer.	
	66	Enable biosecurity powers, functions or duties to take precedence over other provisions where a fish is also an unwanted organism.	
	67	Amend the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree.	

Surveillance and interfaces with Department of Conservation-administered legislation

Theme	Proposal Number	Proposal	Relevant documents
Surveillance and interaction with the Marine Mammals Protection Act 1978	68 ★	Change the purpose of Part 4 by enabling monitoring for pests, notifiable organisms, unwanted organisms, and other organisms that may cause infections, diseases or unwanted harm.	RIS 7. Discussion document 7 - Surveillance and interfaces with Department of Conservation-administered legislation.
	69 ★	Include a reference to the Marine Mammals Protection Act in the Biosecurity Act.	
Interaction with the Wild Animal Control Act 1977	70 ★	Clarify that regional councils can enter private land to control wild animals.	RIS 7. Discussion document 7 - Surveillance and interfaces with Department of Conservation-administered legislation.
	71 ★	Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land.	

7 Questions

Here are our full set of questions that appear throughout the discussion documents. Each question is numbered.

Question number	Question	Relevant document
6	What impacts do you expect to see considered in the full cost-benefit analysis?	Discussion Document 1
7	Do you agree with the objectives of the proposed amendments? Please explain in detail.	Discussion Document 1
8	Do you agree with our preferred approach to progress proposal 2? Why, or why not?	Discussion Document 2
9	To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes?	Discussion Document 2
10	What do you think the purpose of the biosecurity system should be? Do you agree with the elements we have set out for proposal one? Is there something that should not be included?	Discussion Document 2
11	Do you agree with our preferred approach to progress option 3A? Why, or why not?	Discussion Document 2
12	Do you agree with the threshold that we have set? Have we missed anything?	Discussion Document 2
13	What factors suggest that a power is better exercised by an elected official? What factors suggest a power is better exercised by a non-elected official?	Discussion Document 2
14	How could local knowledge make decision-making more effective?	Discussion Document 2
15	How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?	Discussion Document 2
16	Do you agree with proposal 5? Why, or why not?	Discussion Document 2

17	Are there any additional legislative safeguards that should be included for MPI's use of biometric information?	Discussion Document 2
18	What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?	Discussion Document 2
19	Do you prefer a blanket approach to infringements for erroneous declarations at the border, or a scaled approach?	Discussion Document 2
20	Do you think the infringement fee in this proposal is set at the right level?	Discussion Document 2
21	Do you agree with our preferred approach to progress proposal 8? Why, or why not?	Discussion Document 2
22	Do you think councils should have the ability to designate infringements for pest and pathway management plans? Why, or why not?	Discussion Document 2
23	Do you think the proposed infringement fee is set at the right level? Why, or why not?	Discussion Document 2
24	Do you think the safeguard requiring MPI consultation is sufficient? Why, or why not?	Discussion Document 2
25	Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient? Why, or why not?	Discussion Document 2
26	Do you agree with our preferred approach to progress proposal 9? Why, or why not?	Discussion Document 2
27	Do you think compliance officers enforcing Controlled Area Notices should be able to issue an infringement against an individual breaching a rule in a Notice?	Discussion Document 2
28	Do you think the infringement fee in this proposal is set at the right level?	Discussion Document 2

29	To what extent are these proposals likely to incentivise better compliance?	Discussion Document 2
30	What alternative tools could be used to incentivise compliance?	Discussion Document 2
31	Do you agree with our preferred approach to progress proposal 13? Why, or why not?	Discussion Document 2
32	What advantages and disadvantages might there be in including sentencing guidelines in the Biosecurity Act?	Discussion Document 2
33	What specific considerations relevant to the biosecurity system do you think should be given weight in sentencing decisions?	Discussion Document 2
34	Do you agree with our preferred approach to progress option 14B? Why, or why not?	Discussion Document 3
35	What benefits do you see with having a cost share framework in legislation? Do you think this should be set out in the Biosecurity Act or in regulations?	Discussion Document 3
36	How do you think having a cost share framework might impact the GIA Deed? What impacts do you think it might have on GIA negotiations and reconfirming the GIA Deed?	Discussion Document 3
37	What risks do you see with adopting this approach? How will it impact on your participation in the GIA? How would it affect your business?	Discussion Document 3
38	For industry readers, how would the options impact your business? For other readers, how would the options affect balance/fairness in cost recovery?	Discussion Document 3
39	If you are a GIA partner, which option do you think is better aligned with the existing GIA cost share arrangement? What benefits do you see with the options?	Discussion Document 3
40	Do you agree with our preferred approach to progress proposals 16, 17, and 18? Why, or why not?	Discussion Document 3

41	Do you agree with our proposed definition of biosecurity law? Is there anything we should include or should be taken out?	Discussion Document 3
42	Do you think our proposed suite of changes (proposals 16-19) are adaptable enough to cater to different situations and scenarios? Can you think of any situation where the options in this suite may be inadequate?	Discussion Document 3
43	When considering compensation, how much value should be placed on certainty of compensation payments versus the flexibility of the compensation scheme?	Discussion Document 3
44	Is there anything else you would like to provide comments on regarding improvements to the compensation scheme?	Discussion Document 3
45	What impact would proposal 19 have on dispute resolution?	Discussion Document 3
46	How do you currently protect against loss?	Discussion Document 3
47	If compensation was limited what alternative would you use to protect yourself or your business?	Discussion Document 3
48	How do you think people's behaviour might change if less compensation was available?	Discussion Document 3
49	What role does compensation play in helping you recover from an incursion?	Discussion Document 3
50	How critical is it for you to know you could be compensated for something when you are making biosecurity decisions?	Discussion Document 3
51	What impacts could it have on you if you were dealing with different compensation requirements for pest, and for pathway management plans? How will it affect your understanding if you must deal with different compensation pathways?	Discussion Document 3
52	If each proposal was implemented, how would it impact you or your business?	Discussion Document 4

53	Do you think these proposals would make importing easier? Why, or why not?	Discussion Document 4
54	On what grounds (if any) do you think one-off permits to import goods should be issued?	Discussion Document 4
55	Are you aware of any additional barriers to importing contained in the Biosecurity Act? How might these be addressed?	Discussion Document 4
56	Do you agree with our preference for option 27D, followed by option 27B? Why, or why not?	Discussion Document 4
57	What impacts would removing section 24 have on the efficiency of the imports system?	Discussion Document 4
58	Are there other ways to provide checks and balances on MPI's decision-making that would promote an efficient import system?	Discussion Document 4
59	Do you agree with our preferred approach to progress proposal 28? Why, or why not?	Discussion Document 4
60	Do you agree with our preferred approach to progress proposal 29A? Why, or why not?	Discussion Document 4
61	Are there any reasons that our preferred approach would not be an efficient tool to manage biofouling removal in New Zealand? If so, what are they?	Discussion Document 4
62	Should "operational efficiencies" justify the limitation of food in the air passenger pathway? Why, or why not?	Discussion Document 4
63	If this proposal proceeds, what sort of exemptions might be required and why?	Discussion Document 4
64	Do you agree with our preferred approach to progress proposal 32? Why, or why not?	Discussion Document 4
65	Do you think this proposal would deliver a more enduring and efficient system for regulating and approving facilities? Why, or why not?	Discussion Document 4

66	If you are a facility owner or operator, how do you anticipate this option would impact your business?	Discussion Document 4
67	Do you agree with our preferred approach to progress proposal 33B? Why, or why not?	Discussion Document 4
68	What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act?	Discussion Document 4
69	Are there any areas of the Biosecurity Act where third-party verification should not take place? Why?	Discussion Document 4
70	Do you think the duty established under section 17AA and its associated regulations is effective or necessary? Why, or why not?	Discussion Document 4
71	Do you think that the regulations should include a requirement for carriers of commercial craft to notify the Director-General of MPI that biosecurity information has been provided to passengers? If so, how do you think this notification should be verified and communicated to the Director-General?	Discussion Document 4
72	To what extent is intervention from MPI is required to grow and develop the GIA?	Discussion Document 5
73	Do you think the current scope of the GIA is fit-for-purpose and working? Why?	Discussion Document 5
74	What role do you see industry organisations playing in New Zealand's biosecurity system?	Discussion Document 5
75	Which options do you think would be most useful to grow and develop the GIA?	Discussion Document 5
76	Do you anticipate any problems with establishing industry organisations?	Discussion Document 5
77	Do you agree with our preferred approach to progress proposal 38? Why, or why not?	Discussion Document 5

78	To protect GIA partners from legal liability, which do you think is the better option – amending the Biosecurity Act or the existing Crown indemnity? Why?	Discussion Document 5
79	Do you agree that the Minister for Biosecurity should be the decision maker for an emergency response under the Biosecurity Act? If not, who do you think would be the best decision maker?	Discussion Document 5
80	How might a general biosecurity duty improve biosecurity system outcomes?	Discussion Document 5
81	Should we enhance legislation’s role in improving biosecurity practices, or is it better to rely on non-legislative approaches like information and education?	Discussion Document 5
82	How might we incentivise businesses to improve management of biosecurity risk?	Discussion Document 5
83	To what extent might it be costly and difficult to develop a risk management plan for your business?	Discussion Document 5
84	Do you agree with our preferred approach to progress proposals 44-51? Why, or why not?	Discussion Document 6
85	Are there additional areas in long-term management that could be streamlined, removed, or changed?	Discussion Document 6
86	How much of a difference might these proposals make to more efficient and effective long-term management?	Discussion Document 6
87	What will be the impacts of enabling pest and pathway management plans to be combined? What risks do you anticipate?	Discussion Document 6
88	Do you think the right checks and balances for decision-making are in place with respect to the changes we are proposing? Why or why not?	Discussion Document 6
89	Do you agree with our preferred approach to progress proposals 52, 53 and 54B? Why, or why not?	Discussion Document 6

90	Do you think nationally consistent baseline objectives, policies or rules for long-term management would be helpful? Why, or why not?	Discussion Document 6
91	What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management?	Discussion Document 6
92	Do you agree with our preferred approach to progress proposals 55-60? Why, or why not?	Discussion Document 6
93	If the term “communicate” is retained in section 52 of the Biosecurity Act, should it have a very broad meaning (i.e., to include moving a single specimen of the organism from one place to another) or a narrower meaning focussed on transmitting a disease or pest from one organism to another? Why?	Discussion Document 6
94	What impacts do you anticipate from the proposed process of enabling a chief technical officer to tailor the application of sections 52 and 53 for unwanted organisms?	Discussion Document 6
95	What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status?	Discussion Document 6
96	Do you think the transitional provision with a one-off five-year transitional period to remove unwanted organisms is an appropriate mechanism to refine the unwanted organism register?	Discussion Document 6
97	Do you think the right checks and balances are in place in the process for removing and monitoring unwanted organism status? Are there any ways this process could be improved?	Discussion Document 6
98	Is the current definition of an unwanted organism fit-for-purpose? What improvements can be made to ensure that designating an organism as unwanted is proportionate to the potential harm it may cause?	Discussion Document 6

99	Do you have a view on changing the name “unwanted organism” to “controlled organism”? If so, let us know why.	Discussion Document 6
100	Are there any other term/s in the Biosecurity Act that are problematic? If so, tell us the term/s, what the issue is, and how a change might solve the issue.	Discussion Document 6
101	Do you agree with our preferred approach to progress proposals 62A, B and D? Why, or why not?	Discussion Document 6
102	Would a definition for “New Zealand-born progeny” be useful for you? Why, or why not?	Discussion Document 6
103	If the proposal to define “New Zealand-born progeny” was progressed, how should it be defined? Should there be a ‘cut-off’ in terms of the number of generations of progeny it applies to?	Discussion Document 6
104	Do you currently deal with progeny goods? What impact would classifying progeny goods as either risk goods or unauthorised goods have on you?	Discussion Document 6
105	Do you think it is appropriate for biosecurity outcomes to take priority over sports fishing benefits? When should one outweigh the other, and what might cause the priority to change?	Discussion Document 7
106	What decision-making criteria for proposals 64 and 67 do you think should be included in the Biosecurity Act? How can these best reflect the importance of biosecurity as well as sports fishing benefits?	Discussion Document 7
107	Do you agree with our preferred approach to progress proposals 68 and 69? Why, or why not?	Discussion Document 7
108	What other changes could be made to ensure that the surveillance system is robust and delivers information quickly?	Discussion Document 7
109	What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection?	Discussion Document 7

110	What alternatives are there to the proposals above that could deliver the same, or better outcomes?	Discussion Document 7
111	How do we best get a balance between the needs of the biosecurity and biodiversity systems?	Discussion Document 7
112	Do you agree with our preferred approach to progress proposals 70 and 71? Why, or why not?	Discussion Document 7