

Out of scope

From: Rosamond Connelly <s9(2)(a)>
Sent: Friday, December 13, 2024 5:00 PM
To: Biosecurity Act Amendment Bill <BiosecurityBill@mpi.govt.nz>
Cc: Corina Jordan <s9(2)(a)> Maggie Tait <s9(2)(a)>
Richie Cosgrove <s9(2)(a)>
Subject: Submission from Fish & Game NZC

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Please find attached our submission on the Proposed amendments to the Biosecurity Act

Kind regards,

Ros Connelly | Governance and Policy Advisor

New Zealand Fish and Game Council

PO Box 25-055, Wellington 6140

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E s9(2)(a) | W www.fishandgame.org.nz





Submission closing date 5 pm 13 December 2024 (updated 5 November 2024)
BiosecurityBill@mpi.govt.nz

Link to discussion document: [Proposed amendments to the Biosecurity Act | NZ Government](#) on MPI web page.

Submission on proposed amendments to the Biosecurity Act

The following submission relates to Fish and Game's position on the proposed amendments to the Biosecurity Act. Fish & Game is specifically responding to discussion document 7 (Surveillance and Legislative Interfaces), as this contains proposals of direct interest to Fish & Game.

Fish & Game comprises 13 entities, 12 regional Fish and Game Councils and the New Zealand Council. The New Zealand Fish & Game Council has the statutory function to "*advise the Minister on issues relating to sports fish and game*" (s26C(1)(b)).

On matters that relate to legislation changes, the New Zealand Fish & Game Council, under section 26C (g) of the Conservation Act 1988, has the statutory function "*to advocate generally and in any statutory planning process the interests of the New Zealand Fish and Game Council and, with its agreement, of any Fish and Game Council in the management of sports fish and game, and habitats*":

If you have any questions relating to our submission, we would be more than happy to answer them in a meeting in person or online.

Ngā mihi

s9(2)(a)

Corina Jordan
CEO New Zealand Fish and Game Council

Contact for this submission

Helen Brosnan | Senior Policy Advisor
New Zealand Fish and Game Council

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Fish & Game's specific submission points are made under each topic. There are some topic areas where we have not provided any comment.

Summary

About Fish and Game

Fish and Game is the statutory manager for sports fish and game, with functions conveyed under the Conservation Act 1987. The organisation is an affiliation of 12 regional Councils and one New Zealand Council. Together, these organisations represent approx. 150,000 anglers and hunters.

The sports fish and game resource managed by Fish and Game is defined and protected under the Conservation Act and the Wildlife Act 1953. The species include introduced sports fish and upland game, along with a mix of native and introduced waterfowl.

In 2024, the New Zealand Fish and Game Council commissioned NZIER to estimate the economic contribution of recreational freshwater angling and to assess the wider well-being impacts.

The report estimates domestic and international Fish and Game licence holders spend \$113 million - \$139 million per year on angling trips. This results in a total (direct and indirect) output of between \$96 - \$118 million, of which \$66 - \$81 million is value added (GDP). Angling also supports between 952 - 1,168 jobs across the country.

The report also found evidence that freshwater angling enhances physical and mental health outcomes and is part of a cluster of physical recreational activities in which anglers participate, such as hiking, kayaking and swimming, to name a few.

Scope of Biosecurity Legislation

Sports fish and game birds must be considered as valued biodiversity (Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020¹). Valued Introduced Species (VIS) do not warrant pest designation in Aotearoa/New Zealand. A delineation between biodiversity (under the purview of the RMA/ National Direction and Biosecurity (under the Biosecurity Act) should be maintained. Fish & Game also note that trout management issues require a focus on individual river reaches where problems can be resolved meaningfully and effectively. Landscape level approaches often overshadow localised solutions and can have detrimental impacts on fish populations, including valued introduced species and indigenous species.

Compensation

Fish & Game notes in the recent bird flu outbreak that the poultry farmer in Otago was compensated for losses associated with the outbreak. Fish & Game would also like to discuss what avenues there are for compensation or support should Fish & Game suffer a significant decline in licence sales due to a biosecurity event such as H5N1. We note that licence sales are not our “own property” and that Fish & Game do not own the species that we manage. Due to our predominate revenue source being licence fees, the closure of a fishing or hunting season would create a significant financial burden for the organisation, while there would still be species management tasks that needed to be undertaken.

Valued Introduced Species

Fish and Game reiterate that valued introduced species are not pests and believe that it would be valuable if this position was clarified in any amendment to the Biosecurity Act. Species such as sports fish and game birds are already provided for in other legislation. Fish & Game seek that the Biosecurity Act is amended to include the definition set out below for Valued introduced species.

Page 9 of Te Mana o te Taiao provides a definition of species and valued introduced species, and we seek that this definition is adopted in the Biosecurity Act:

“Species means a group of living organisms consisting of similar individuals capable of freely exchanging genes or interbreeding. In this strategy, the term ‘species’ also includes subspecies and varieties.

¹ [Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020: Biodiversity](#)

- *Indigenous species refers to species that occur naturally in Aotearoa New Zealand.*
- *Non-indigenous species, or introduced species, refers to species that have been brought to New Zealand by humans, whether intentionally or unintentionally.*
- *Valued introduced species are introduced species, including sports fish, game animals and species introduced for biocontrol, which provide recreational, economic, environmental or cultural benefits to society."*

Pest Species Definition

Fish & Game notes that the current definition for pest is "*pest means an organism specified as a pest in a pest management plan*".

The definition of pest species needs to specifically exclude sports fish and game birds. Fish & Game has examples where MPI has used an incorrect definition in some working papers. We request that these are amended, and the correct definitions be used in future.

New Zealand Fish and Game Council would be a valuable source of information for effective decision-making and should be named as a statutory consultee (along with other relevant stakeholders such as Game Animal Council).

Fish & Game support the suggested change to the decision maker to declare a national emergency (Governor General to Minister for Biosecurity) on the premise that this would reduce any delay between the detection of, e.g. Foot and Mouth Disease and the declaration of a biosecurity emergency.

Support Biosecurity Act Taking Precedence Over Sports Fishing Benefits

Fish and Game support the Biosecurity Act taking precedence over sports fishing in certain situations. Fish & Game has cooperated with restrictions associated with the spread of Golden Clams. Fish & Game will continue to work with MPI on biosecurity measures to stop the spread of this and other biosecurity outbreaks such as didymo.

Biosecurity MOU

A MOU between Fish and Game, DOC and MPI would better co-ordinate the roles of different bodies and encourage working collegially on topical areas.

Biodiversity Management

Fish & Game encourage you to retain the status quo regarding biodiversity and leave this management to regional councils and DOC to lead on. Fish & Game have worked with them on specific projects involving Sports Fish and Game Birds. Fish & Game believe that the focus of the Biosecurity Act should continue to be on biosecurity threats and incursions.

1. Overview

The presence of sports fish in Aotearoa/New Zealand, which have been present in the country for over 150 years, does not pose a significant biosecurity threat to the indigenous fauna of Aotearoa/New Zealand. Their designation as sports fish does not impede the effectiveness of the biosecurity system in this country, and no change to their status as sports fish or the hierarchy of legislation governing the management of sports fish is warranted.

Fish and Game are concerned that the proposed changes to the Biosecurity Act (BA) will allow for the unnecessary removal of sports fish, including salmonids. An increasing trend is the “Introduced bad, native good” catch-cry in some circles of bureaucracy. The criteria should not provide for sports fish to be listed in regional pest management plans (RPMPs) as pest fish. Criteria such as impacts on threatened species, indigenous plants, water quality or Māori cultural values is far too broad to safeguard the potential and will likely lead to unintended outcomes. Furthermore, sports fish management is being used as a wedge in the regulatory arena, dividing stakeholders such as environmentalists, farmers, and irrigators. This is specifically impeding collaborative efforts and could be used to weaken Fish & Game’s functions.

While the introduction of over 70 terrestrial vertebrates has had a devastating impact on New Zealand’s national bio distinctiveness, the impact of 20 freshwater fish introduced to our streams, rivers and lakes is less pronounced. Compared to the 43 terrestrial extinctions since human colonisation, including widespread deforestation, only one native fish, the grayling (*Prototroctes oxyrhynchus*), has become nationally extinct.

Sports fish, including brown trout (*Salmo trutta*), arrived in New Zealand over 150 years ago and have since woven themselves into the country’s cultural and ecological fabric. With their superior requirements for clean and abundant fresh water, sports fish and their habitats are formally protected under New Zealand legislation, which has played a key role in the protection of New Zealand’s waterways and rivers for all riverine fish. Other freshwater fish, however, have proven less benign examples, including specific instances where koi and bullhead catfish/mosquito fish deserve pest status due to the actual risk they pose to indigenous biodiversity more broadly.

There is now a growing body of evidence that some of these introduced, whilst controversial species, are playing key roles in supporting native species and protecting native fish species (Kavermann et al. 2021, Stewart et al. 2024²).

Despite this fact, some people and groups continue to actively demonise sports fish with the belief that removing sports fish from aquatic systems will restore native aquatic communities to pre-human states. This view negates or simply ignores the major drivers of native fish population declines, the impacts of habitat loss and land-use intensification, which have been far more catastrophic for our indigenous fish fauna but which cannot be managed under the Biosecurity Act³. A growing body of research is showing that habitat protection is the most essential factor to provide for both indigenous and valued introduced species such as trout, as well as to mitigate adverse impacts such as competition for resources, extreme flooding events and climate change. An overly simplistic view, treating valued introduced species as pests, does not appreciate the highly complex ecological communities involved and have had catastrophic effects on native fish assemblages as 150 years of ecological and evolutionary coexistence is undone.

However, different approaches to sports freshwater fish around the country leaves Fish & Game in a challenging position. Having a national policy or MOU with relevant agencies is essential for maintaining the integrity of our social licence to operate.

Similarly, this isn't to say that sports fish don't have any impact on some isolated native fish populations. The latest research by (see Coughlan 2022⁴) shows populations of highly vulnerable native species will likely be negatively impacted by trout predation. Coughlan states (2022) that this occurs in a small fraction of the country's entire flowing waterways – 10 per cent – and where this overlap is not favourable towards the indigenous fish community, we acknowledge it, we collaborate with other parties. Fish & Game do intervene to exclude trout to protect the native species. This has been carried out effectively and collaboratively with regional councils in numerous site-specific locations around the country without needing a change in legislation.

² [Multiple lines of evidence suggest that de-stocking predatory trout from a lake will release competition and drive native kōaro to extinction - Fish Futures](#)

³ [\(PDF\) Decline in New Zealand's freshwater fish fauna: effect of land use | Mike Joy - Academia.edu](#)

⁴ Coughlan, A. (2022) Risk assessment and mitigations of the potential impacts of trout predation on New Zealand's indigenous fish species. Massey University, Palmerston North: 92.

Our specific submission points are as follows:

2. System-wide issues.

<p>Proposal 1 – insert overarching purpose clause in the Biosecurity Act Oppose inclusion of biodiversity</p>	<p>The focus of the Act must remain on effective management of biosecurity risk. Biodiversity is better managed under other mechanisms. Support proposed clause:</p> <ul style="list-style-type: none"> • <i>A statement about the protection of valued introduced species (valued biodiversity).</i> • <i>A statement about giving effect to international agreements.</i> • <i>Clarification that trade (both imports and exports) is facilitated.</i> • <i>Reference to the system being operationally efficient in delivering biosecurity outcomes.</i> • <i>Reference to environmental, economic, social, and cultural values, so there is a legislative mandate to consider them in decision-making.</i> • <i>Clarification that the Biosecurity Act is about effective management of biosecurity risks.</i>
<p>Proposal 2 – include a new purpose clause Support</p>	<ul style="list-style-type: none"> • <i>Part 3 – Importation of risk goods: amending to also reference the need for operational efficiency when managing biosecurity risks.</i> • <i>Part 4 – Surveillance and protections: amending to enable monitoring and surveillance of all organisms to include endemic diseases and not just unwanted organisms. It could also include the ability to consider local knowledge as an additional source of evidence to support decision-making.</i>⁵ • <i>Part 9 – Miscellaneous provisions: amending the sections relating to compensation to clearly set out the policy intent of compensation, or a ‘mixed’ purpose to set out the policy intent as well as the criteria and process for decision-making on this issue.</i>
<p>Question 10 What do you think the purpose of the</p>	<p>The definition of pest species needs to specifically exclude sports fish and game birds, which have already been incorrectly classified by MPI in some working papers⁶. The</p>

⁵ <https://www.mpi.govt.nz/dmsdocument/43906-Developing-a-new-Special-Permit-Purpose>

⁶ <https://www.mpi.govt.nz/dmsdocument/43906-Developing-a-new-Special-Permit-Purpose>

<p>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?</p> <p>Oppose in part</p>	<p>definition of pest should also exclude the wider suite of valued introduced species.</p> <p>The focus of the Biosecurity Act should be on unwanted pest species and diseases, not species covered under existing legislation or issues better covered by a review of the Wildlife Act, Freshwater Fisheries regulations or that can already be achieved by the RMA, particularly regarding biodiversity.</p>
<p>Proposal 3A Ministerial Involvement in significant decisions</p> <p>Support on the condition that biodiversity remains addressed through other mechanisms and the Act remains focused on Biosecurity risk management .</p>	<p>Vest the Minister responsible for the Biosecurity Act with a call in power. Ideally, where access or opportunity will be restricted or shut down, we request that the Minister for Hunting and Fishing is notified and each applicable regional Fish & Game office so we can work out if there are any angling or hunting values impacted.</p>
<p>Page 9 Local Knowledge in decision making</p> <p>Support</p>	<p>Regarding this requirement, we would like to point out that we have completed annual aerial trend counts for game birds and duck banding surveys and have done so for over 30 years for some species, so we have the best available information relating to game bird population monitoring. We also do several river/fishing and spawning surveys to keep abreast of the angling opportunities in a given place.</p> <ul style="list-style-type: none"> • <i>an expert in biological sciences to provide information about the incidence, prevalence, or distribution of a specified organism for purposes of surveillance (section 48).</i>
<p>Page 10</p> <p>Proposal 4 – Enable local knowledge to inform or guide decision making in specific parts of the BA.</p> <p>Question 14</p>	<p>New Zealand Fish and Game Council would be an ideal source of information for effective decision making and should be named as a statutory consultee. Game Animal Council is another example of a statutory consultee that you should consult on matters that are relevant to the animals that they manage.</p>

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Page 12 Proposal 5 Use of Biometric information at the border	Support.
Page 14 6 Powers of inspectors during searches	Support for power to arrest or for obstruction during searches.
Page 21 6C Regional Council access to infringement offences for pest pathway management plans	Support Fish & Game would like to be involved in the development of operational policies around the use of infringement notices to ensure the protection of valued introduced species.
Page 25 6D Enhancing compliance options for breach of a Controlled Area Notice, proposals 9	No comment
6E First arrivals compliance, 6F Arrest Powers of police, 7 Sentencing	No comment

3. Funding and compensation – based on discussion document

Compensation to Fish and Game	Fish & Game notes that 1/3 of our income comes from the sale of game bird licence fees. If HPAI (H5N1) has a significant impact on game bird populations, this would not only have devastating impacts on the species we manage, it could lose us an income of approximately \$3 million per annum. Fish & Game notes that the organisation does not pay into the Government Industry Agreement (GIA). It is conceivable that due to HPAI and the necessary actions of the government (closing hunting areas due to Avian Bird Flu and or amending and or cancelling a game hunting season) the result would be a direct loss of income. This would create a significant financial burden for the organisation, while there would still be species management tasks that needed to be undertaken.
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	F & G and the licence holders they represent stand to lose a recreational resource without compensation. We would also like to point out that hunting and fishing resources not only provides food for the table but also provide for mental health and well-being for those that participate in this form of recreation.
Page 7 Proposal 14	We support option 14B to set out a cost share framework in legislation to guide cost share arrangements with GIA partners. We would consider becoming a GIA partner at a future time when we could show licence holders that the sector protections to sports fish and game justified the additional levy
Page 10 Proposal 15A 15B Cost recovery from non signatory beneficiaries of the GIA	At this stage any such upfront fund should only be levied to commercial growers.
Page 16 Proposal 16, 17 and 18 and now non compliance would make a person ineligible for compensation	No comment
Page 19 option 20A - E	No comment
Question 46	Fish and Game maintains financial reserves for unforeseen events. However these reserves are unlikely to be sufficient if a significant event such as avian bird flu or there was a foot and mouth outbreak that shut down hunting and/or fishing for a season or longer.
Compensation and compliance with pest pathway plan compliance	No comment
Other	Fish & Game wishes to discuss compensation, or financial support should actions in relation to a Biosecurity incursion cause the loss of a fishing or hunting season. Our current financial model means that we would be financially exposed should a closure be necessary. We believe that we are a valuable ally in Biosecurity responses, but this work is only possible through our collection of licence fees.

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4. Border and imports – no comment

5. Readiness and response.

Declaration of Biosecurity Emergency – proposal 39

Fish and Game notes that sports fish and game bird animals are defined under the Wildlife Act and Freshwater Fisheries Regulations and should not be included in industry organisations.

However, we are interested in further discussing liability, for example, if there is an avian bird flu outbreak. As noted previously in this submission, Fish & Game do not think we should be levied as we do not farm species or contain or control them, so our ability to contain an outbreak (e.g. bird flu) is not comparable to farmed animals.

Fish & Game are interested in the discussion on page 12 relating to “faster emergency declarations” as the example involves Foot and Mouth Disease (FMD), which, during the outbreak in the UK in the early 2000s, shut down the countryside. This could also have a widespread impact on our business as we are a user pays organisation that receives no central government funding.

Fish & Game support the suggested change to the decision maker to declare a national emergency (Governor General to Minister for Biosecurity) on the premise that this would reduce any delay between the detection of, e.g. FMD and the declaration of a biosecurity emergency.

General Biosecurity Duty in the Biosecurity Act – proposal 40

Fish & Game notes your compliance orders and enforcement provisions; however, Fish & Game notes that border control is the best way to check hunting and fishing equipment before international travellers enter Aotearoa/New Zealand.

Our rangers do licence checks, but it is not possible to get around all licence holders to also check gear every time someone goes hunting and fishing. Therefore, good communication with licence holders is the best method for reminding our individual licence holders of their responsibilities. Fish & Game will continue to be vigilant and encourage everyone to do the right thing in relation to golden clams and didymo. Still, Fish and Game as an organisation cannot be held responsible for compliance under the Biosecurity Act. This needs to be made clear in any amendments.

Specific Risk Management Requirements and regulations – proposal 41

Fish and Game has been actively encouraging MPI to do this work, especially regarding the Golden Clams outbreak. Your example, “a requirement could be put in place requiring the cleaning of machinery and equipment before moving it from one site to another,” is supported by our organisation. Fish & Game would also like to continue to be involved in developing such regulations or protocols to ensure that proposals work for our licence holders.

Businesses to Develop their own Risk Management Plan – proposal 42

From the discussion document, it is unclear whether risk management plans would be required from Fish and Game. Fish & Game have developed a draft national response plan for a bird flu outbreak. However, the Risk Management Plan may not provide any benefit as the animals that we manage are not farmed or contained. Therefore we are unlikely to support this approach for our organisation.

6. Long-term management.

Fish and Game would like it made clear in amendments to the Biosecurity Act that valued introduced species are not pests and species such as sports fish and game birds are already provided for in other legislation. Biosecurity legislation should not include biodiversity issues as this is already covered by regional councils and other legislation. Therefore, Fish & Game anticipates that all references to “pests” will not relate to any of the species that Fish & Game manage.

Page 7, “who MPI works with,” should include Fish and Game as we actively promote doing the right thing in relation to didymo, golden clams, etc. Fish & Game is also a landowner of wetlands and reserves around lakes. On occasion, Fish & Game are also contracted to control non game birds that have become pests.

Simplified national and regional pest management pathway plans – proposal 44

Support, subject to pests being defined in legislation as not including sports fish and game bird species. Fish & Game notes that the existing process provides for the pest management issue to be discussed with the Minister before undertaking the full piece of work and undergoing the public consultation process. Fish & Game considers this a good step to continue to include in the process rather than just ministerial approval at the end, where the plan may not be approved, and then the resources put into that process are for no gain. Fish & Game would also like to be involved in the management plan if it affects our species.

Fish & Game is also concerned that the following key consideration is too broad and should be removed: *“ the subject being capable of causing adverse effects on the economy, native plants or animals, the environment, social and cultural wellbeing, human health, recreation, animal welfare, and the relationship of Māori with the environment;”*

Enable integrated national and regional pest and pathway management plans - proposal 45

Support

Enable more regional council decision making proposal 46 - 52 (except 50 see below)

Neutral – does not apply to Fish and Game

Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans – proposal 50

Support if sports fish and game birds are not defined as pests, and this definition is changed to make this clearer.

Enable national direction, new regulations, amend decision maker etc proposal 52 – 54 Neutral

Part 5 – Management of unwanted and notifiable organisms – not relevant to the species that F&G manages, so no comment is included. Proposal 55 – 61.

Part 6 - Definitions related to unauthorised goods Proposal 62 – no comment.

Part 7 – Section 115 use of dogs and devices – proposal 63 – no comment.

7. Surveillance and legislative interfaces.

Reference	Reason / Detail
Proposal 64 Page 4 of discussion document Support Enabling the Biosecurity Act to take precedence over sports fishing benefits	Fish and Game are willing to cooperate with Biosecurity directions to control a specified outbreak. This may occasionally result in a temporary loss or compromise over sports fishing benefits. For the greater good, we think that in certain situations, this is reasonable. Fish & Game considers that the focus of the Biosecurity Act is management of Biosecurity risk. Biodiversity is better addressed through other mechanisms.

	<p>In RMA Site Specific Effects Management Plans, there are clauses such as the following: <i>“Any pest fish caught will be removed from the catchment and disposed of appropriately and humanely”</i>.</p> <p>At present, a special licence from Fish & Game is required to kill sports fish, and we think that this system is working well.</p> <p>Fish & Game is a statutory entity established by Parliament under the Conservation Act 1987 to manage, maintain and enhance sports fish throughout the country. Thus, this management function is already being achieved at no cost to ratepayers or local government. Note that this is a species' responsibility. The Department of Conservation has similar responsibilities for indigenous freshwater fish.</p> <p>Within some agencies, there appears to be a misunderstanding between sports fish and sports fisheries. Sports fish are a living species, existing in most places in New Zealand, with management responsibilities delegated to regional Fish and Game councils. A fishery is an area of a catchment, or multiple catchments, that is used for or supports recreational fishing across the entire lifecycle of the fish. The legislation and regulations relate to fish, not fisheries, regardless of whether there is any access to the site for public fishing, responsibilities for the statutory management of sports fish remain under regional Fish and Game council jurisdiction, and we argue that this function should not change.</p> <p>Fish and Game think the criteria set out are too broad, which will not only impact coarse fish but trout fisheries too, as many populations overlap. <i>“Causing harm to environmental, amenity, recreational, cultural and economic values”</i> could be anything and needs to include specific outcome-based criteria like those listed in 2c.</p> <p>This section should also explicitly exclude all existing salmonid populations.</p>
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	<p>There is no evidence that biosecurity outcomes or water quality outcomes would be improved by the proposed amendments and that in some, if not many cases, the biodiversity outcomes would be worse. No evidence has been provided that would indicate water quality or ecological improvements have been blocked/ impeded by the current legislation. This paper by Joy provides some valuable insights regarding the decline in freshwater fish and the effects of land use⁷.</p> <p>A MOU between Fish and Game, DOC and MPI would better co-ordinate the roles of different bodies and encourage working collegially on topical areas.</p> <p>Regional Councils take a proactive approach to collaborating, or at the least cooperating with Fish and Game over sports fish management in their regions. This model provides ample opportunity to coordinate on further management issues if necessary.</p> <p>Fish & Game are also concerned that there has been no comment on the benefits to the public associated with sports fishing. Fish & Game are concerned that sports fish are referred to as a biosecurity issue, which they are not. Fish & Game is concerned that a balanced view has not been provided.</p>
<p>Proposal 65 Page 5 discussion document Oppose Enabling the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer</p>	<p>Fish and Game are the mandated organisation and the Minister for Hunting and Fishing is responsible for approving designations regarding sports fish. For the reasons listed above, we do not support enabling the Biosecurity Act to take precedence over sports fishing following the agreement for a chief technical officer.</p>
<p>Proposal 66 Oppose</p>	<p>Fish & Game do not believe this proposal is necessary. The relationship between Fish & Game and Regional Councils</p>

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<p>Enabling biosecurity powers, functions or duties to take precedence over other provisions where fish is also an <i>unwanted organism</i></p>	<p>current provides protection for Sports fish and there is the flexibility to undertake further Sports fish management actions if necessary.</p>
<p>Proposal 67 Oppose Amend the Biosecurity Act to require Ministerial Decision Making if a Regional Council and Fish and Game do not agree</p>	<p>New Zealand Fish and Game Council (NZC) are statutory managers of sports fish and are responsible for their management. NZC is willing to work with Regional Councils on sports fish management where it is unequivocally deemed necessary, with decision making based on just and sound, robust science.</p> <p>Fish & Game is concerned that ministerial decision making would allow for politically based decision making. If Regional Councils are allowed to list sports fish (excluding salmonids) in their RPMP, the criteria listed in section 2c should be required in addition to guaranteed funding from the RC for the proposed ongoing removal efforts.</p> <p>Fish & Game submit that sports fish and game birds should not be listed as a pest species in RPMP.</p> <p>The above changes are unlikely to result in the best outcomes for sports fishing and are already provided for in the RMA. Fish & Game is concerned that the criteria would go beyond biosecurity objectives "as well as broader sports fishing and conservation interests". Fish & Game do not agree that the Biosecurity Act is the best place to manage and preside over the management of sports fish species.</p>
<p>Questions 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? Oppose</p>	<p>There will be times when stopping the spread of something will involve the cessation of the use of a resource in a defined geographical area. Golden Clams is a good example, although check clean dry is often sufficient for anglers.</p> <p>There is current agreement not to expand the number of catchments where trout reside. However, the New Zealand Biodiversity Strategy (DOC 2020) also does not promote a significant reduction in the current distribution of trout.</p>

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	<p>Fish & Game is already actively managing trout in some areas to eliminate interactions with non-diadromous galaxiids. This work, undertaken with the need for a change in designation or hierarchy of legislative powers, is but one example of F&G managing sports fish for improved biodiversity benefits.</p> <p>Ultimately, the specific problem will dictate the priority. Fish & Game are concerned that the proposed changes to the Biosecurity Act will be used by regional councils to get rid of trout and salmon because it is easier to manage waterways for indigenous species that have lower habitat requirements than trout and salmon, i.e. they can cope with higher temperature, less flow, more nutrients (contamination) etc</p> <p>Fish & Game are not opposed to the removal of some sports fish but are opposed to the needless killing of sports fish and loss of recreational opportunity if there is no achievable outcome (also see Bomford and O'Brien 1995)⁸. Regional councils have frequently demonstrated they are willing to waste ratepayer money by repeating failed attempts to remove sports fish. Considering there is no evidence to support the need for legislative changes enabling the BA to take precedence over sports fishing benefits is fundamentally flawed.</p>
<p>Question 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? Oppose</p>	<p>Earlier this year, Fish & Game provided some criteria to the Otago Regional Council for their draft land and water plan consultation process relating to species interactions.</p> <p>These processes are best left in the resource management domain and not pulled into the scope of biosecurity management.</p>

⁸ Bomford, M., and P. O'Brien. 1995. Eradication or control for vertebrate pests? Wildl. Soc. Bull. 23:249-255.

Page 9 Surveillance under the Marine Mammals Protection Act	Support proposals Fish & Game also asks that you let Fish & Game know the results of your work so we can draw on it, e.g., in relation to HPAI. Fish & Game also do an annual duck banding survey, and Fish & Game have more than 25 years' worth of data in our monitoring programme, which will be key to draw from if we get an Avian Bird Flu outbreak.
Proposal 68 – enable monitoring for pests, notifiable organisms, unwanted organisms and other organisms	Support It makes sense for MPI to be able to monitor WOAH listed avian diseases.
Proposal 69 includes a reference to the Marine Mammals Protection Act in Biosecurity Act	Neutral – Leave it to DOC and iwi to answer.
Question 107 Do you agree with our preferred approach to progress proposals 68 and 69? Why, or why not?	Neutral
Question s 108 What other changes could be made to ensure that the surveillance system is robust and delivers information quickly?	Fish & Game suggests that you urgently develop a citizen science app so that the GPS location of e.g., a dead sea bird can be provided to you when people find animals and suspect Avian Bird Flu.
Question 109 What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection?	There have been news articles overseas showing that drone surveillance of oystercatchers can cause them to leave their nests and have detrimental impacts, so ongoing monitoring of new monitoring methods will need to be considered.
Question 110 What alternatives are there to the proposals above that could deliver the same or better outcomes?	

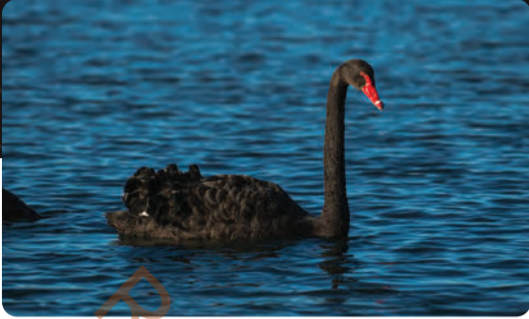
<p>Question 111 How do we best get a balance between the needs of the biosecurity and biodiversity systems?</p>	<p>An all encompassing Wildlife Act could address both biosecurity and biodiversity issues; however, if we make the scope too wide, the work will not be completed within a reasonable timeframe, and that is why the status quo is likely to remain.</p>
<p>Page 13 Interaction with the Wild Animal Control Act</p>	<p>Fish & Game will leave GAC to respond specifically to these provisions.</p>
<p>Page 14 Proposal 70 – Clarify that regional councils can enter private land to control wild animals</p>	<p>Fish & Game will leave it to the regional council or LGNZ to respond to this issue.</p>
<p>Proposal 71 Amend with the more technically correct phrase “other than land held or managed under the Conservation Act 1987 or the Acts listed in Schedule 1 of that Act”.</p>	<p>Support</p>

Appendix 1 – The species we manage

Appendix 2 – About Fish and Game

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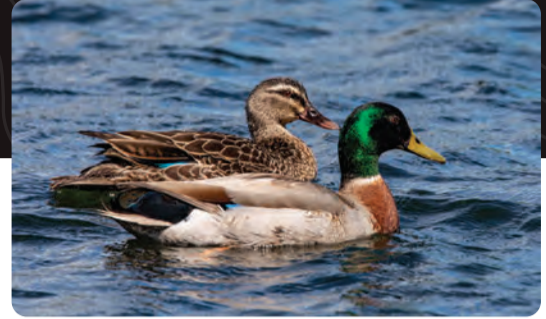
Species we manage



Black Swan Kakianau



Californiaian Quail Koitareke



Mallard Rakiraki



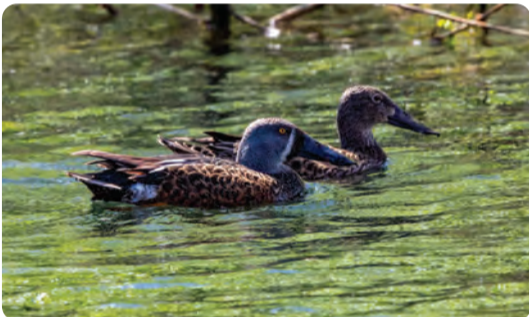
Paradise Shelduck Pūtakitaki



Pheasant Peihana



Pūkeko



Shoveler Kuruwhengi



Chukar



Grey Duck Pārera



Brown Trout



Rainbow Trout



Chinook Salmon



Sockeye Salmon



Brook Trout



Tiger Trout



Perch

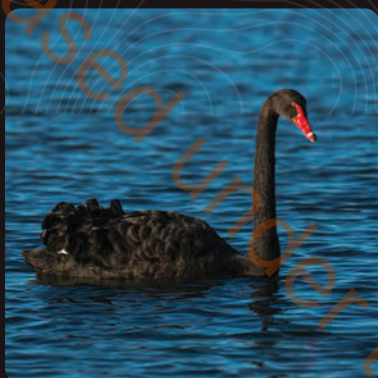


Tench

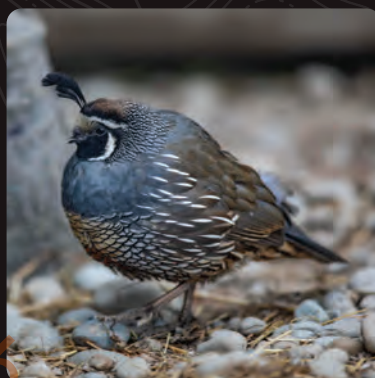
Species we manage



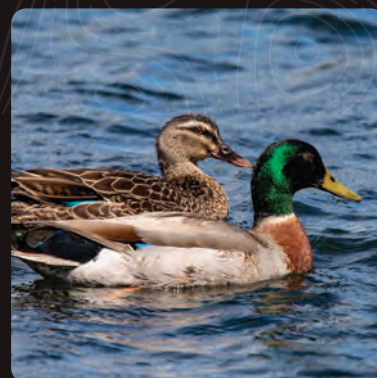
GAME BIRD SPECIES



Black Swan
Kakianau



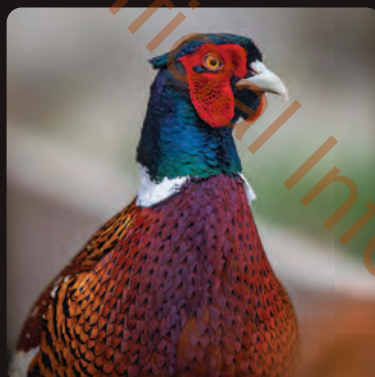
Californiaian Quail
Koitareke



Mallard
Rakiraki



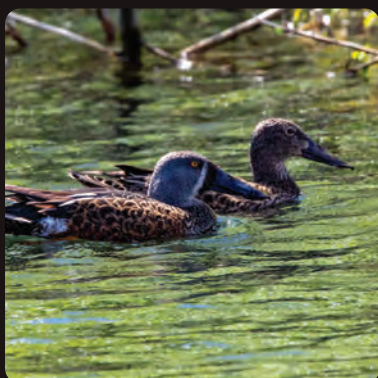
Paradise Shelduck
Pūtakitaki



Pheasant
Peihana



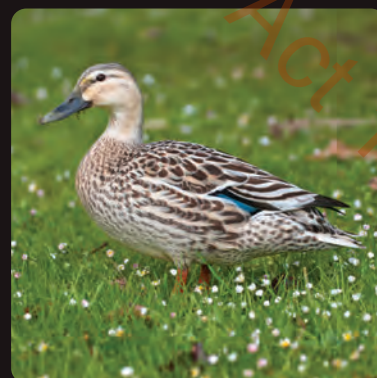
Pukeko



Shoveler
Kuruwhengi



Chukar



Grey Duck
Pāera

Species we manage



FISH SPECIES



Brown Trout



Rainbow Trout



Chinook Salmon



Sockeye Salmon



Brook Trout



Tiger Trout



Perch



Tench

What does Fish & Game do?

Who are we? Fish & Game New Zealand manages, maintains and enhances sports fish and game birds and their freshwater habitats in the best long-term interests of anglers, hunters and all New Zealanders.

Our vision

A New Zealand where freshwater habitats and species flourish, where game bird hunting and fishing traditions thrive and all New Zealanders enjoy access to sustainable wild fish and game resources.

Together, let's ensure a thriving future for fishing and game bird hunting!

What we do

- Manage fishing and hunting regulations
- Conduct research to monitor fish and game bird populations
- Collaborate with communities to protect natural habitats
- Provide educational programmes and resources
- Advocate for valued habitats and species
- Negotiate and maintain access for anglers, hunters and all New Zealanders

fishandgame.org.nz

#ReWild



What does Fish & Game do?

Species management: We monitor and survey species populations; set season regulations; and sustainably manage pressure on the resource.

Habitat protection: Advocate and take action to protect and enhance lakes, rivers, streams and wetlands; and secure 'national park' status to important rivers through Water Conservation Orders.



Access and participation: Negotiate and advocate so all New Zealanders can access our natural places; maintain access signage, information and brochures; organise fishing and hunting events and classes.

Public awareness: Maintain public advocacy; schools programmes; website and newsletters; community liaison; promote the right of licensed anglers and game bird hunters to pursue their chosen pastime.

Compliance: Recruit, train, equip and coordinate warranted rangers, to educate and enforce regulations to ensure the fish and game resource is sustained.

Licensing: Provide a nationwide licensing system with a range of licence categories and sales channels that makes it easy to buy a licence. We are solely funded by licence holders.



Council: Hold public meetings of elected licence holders to approve regulations and budgets, set policies and provide governance for the Fish & Game system.

Coordination and planning: Provide research, planning and reporting; financial management and general coordination across Fish & Game New Zealand.



From: [Arnja Dale](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: RNZSPCA submission to the proposed amendments to the Biosecurity Act consultation
Date: Friday, 13 December 2024 7:30:15 PM
Attachments: [image001.jpg](#)
[RNZSPCA Submission Amendment Biosecurity Act 13.12.24.pdf](#)

You don't often get email from s9(2)(a) [Learn why this is important](#)

Kia ora,

Please find attached our RNZSPCA submission to the proposed amendments to the Biosecurity Act consultation.

Please let me know if you have any questions, would like any further information, or would like to meet to discuss this.

Ngā mihi,
Arnja

Dr Arnja Dale BSc., GDipNFPL, GDipHE, MSc., MSc.(Hons), PhD
Chief Scientific Officer (Science, Education & SPCA
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**Submission by the
Royal New Zealand Society for the
Prevention of Cruelty to Animals Inc.**

**on the
Biosecurity Act 1993 Proposed Amendments**

13th December 2024

Released under the Official Information Act 1982



Executive Summary

- SPCA urges MPI to consider the broader concept of One Welfare which recognises the interconnectedness of animal welfare, human wellbeing, and the environment.
- SPCA supports Proposal 2 in principle. Due to the complexity of the Biosecurity Act, purpose clauses for selected parts of the Act would allow for more targeted wording, likely providing greater clarity than an overarching purpose clause.
- SPCA supports the integration of local knowledge into decision-making under the Biosecurity Act in Proposal 4. Protecting biodiversity requires agreement and social license from members of the public and local knowledge can provide broader types of knowledge and more genuine engagement.
- SPCA supports the introduction of infringements to respond to non-compliance under the Biosecurity Act. Infringements may be a more appropriate response to non-compliance compared to current tools and provide inspectors with more flexible options for motivating compliance.
- SPCA supports changes laid out under Proposal 32 in principle, providing that their impact on the care and welfare of animals in containment/transition facilities is appropriately considered.
- SPCA supports fast emergency declarations for highly contagious diseases to reduce the potential negative impacts on large numbers of animals, people, and the country as a whole under Proposal 39. In principle, SPCA supports more rapid emergency responses to avoid exacerbating negative impacts on animals and people.
- SPCA supports the use of regulatory tools to ensure consistent approaches to biosecurity under Proposals 40-42. We do not think actions to address the range of factors that impact the health and welfare of farmed and wild animals on farm should be optional.
- In principle, SPCA supports amendments to the Biosecurity Act that improve efficiency and reduce costs in creating tools for long-term management, such as National Pest Management Plans and Regional Pest Management Plans under Proposals 44-51. SPCA supports Option 3 which allows, but does not require, pest



management plans and pathway management plans to be integrated into a single plan.

- SPCA agrees in principle with ensuring national consistency in baseline objectives, policies, or rules for long-term management to achieve biosecurity outcomes under Proposals 52-54.
- SPCA supports the general approach to Proposals 55-60 to improve clarity and efficiency in managing unwanted and notifiable organisms. SPCA supports an amendment of section 52 to define “communicate” as this terminology may cause confusion and varying interpretations.
- For Proposals 64-67, SPCA considers the protection of native flora, fauna, and ecosystems more important than upholding sports benefits. Based on evidence for the capacity of fish to experience pain and distress, SPCA is concerned about fish welfare in recreational fishing and during pest control programmes. As the methods employed by both can cause pain, injury, or distress to fish, SPCA supports the development of standards and guidelines to minimise the negative impacts on fish welfare. SPCA considers that compliance with these guidelines should be a condition of recreational fishing licences.
- SPCA supports Proposals 68-69 in principle to better protect marine mammals. Biosecurity incursions have the potential to significantly impact the health and welfare of wild and domestic animal species (e.g. HPAI). Monitoring is an essential tool to prepare for such incursions and to ensure rapid initiation of a response where indicated.
- SPCA supports Proposals 70-71 in principle as long as hunting is conducted as humanely as possible. SPCA opposes inflicting avoidable pain and distress upon wild animals. Where human activities can negatively impact the welfare of wild animals there is a duty to ensure that these actions are conducted to minimise the injury, pain, or distress animals experience.



Table of Contents

Executive Summary	1
Introduction	5
Submission	5
System Wide Issues (Regulatory Impact Statement & Discussion Document 2).....	6
Purpose Clause in the Biosecurity Act.....	6
Questions	6
Local Knowledge in Decision-Making.....	8
Questions	8
Regional council access to infringement offences for pest and pathway management plans	9
Questions	9
Containment and transitional facilities	10
Questions	10
Readiness and response (Regulatory Impact Statement & Discussion Document 5).....	11
Faster emergency declarations	11
Questions	11
Biosecurity practices	11
Questions	12
Long-term Management (Regulatory Impact Statement and Discussion Document 6).....	13
Pest and Pathway Management and Small-Scale Management Programmes.....	13
Questions	13
Alignment of Long-Term Management Outcomes	14
Questions	15



Management of Unwanted and Notifiable Organisms	15
Questions	15
Surveillance and interfaces with Department of Conservation-administered legislation (Regulatory Impact Statement& Discussion Document 7)	17
Interaction with the Freshwater Fisheries Regulations 1983	17
Questions	17
Surveillance and Interaction with the Marine Mammals Protection Act	18
Questions	18
Interaction with the Wild Animal Control Act.....	19
Questions	19
Conclusion	20
References.....	21

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Introduction

The following submission is made on behalf of The Royal New Zealand Society for the Prevention of Cruelty to Animals (trading as SPCA).

SPCA is the preeminent animal welfare and advocacy organisation in New Zealand. The Society has been in existence for over 150 years with a supporter base representing more than 100,000 New Zealanders across the nation.

The organisation includes 28 Animal Welfare Centres across New Zealand and approximately 60 inspectors appointed under the Animal Welfare Act 1999.

SPCA welcomes the opportunity to submit on the proposed amendments to the Biosecurity Act 1993.

Submission

There is growing international acceptance of the importance of the links between animal, environmental, and human well-being. New Zealand works within the frameworks provided by the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (WOAH), the United Nations Environment Programme (UNEP), and the World Health Organisation (WHO). These organisations acknowledge that animal health is closely linked to the health and well-being of people and the sustainability of socio-economic and ecological systems (FAO, UNEP, WHO, & WOAH, 2022).

We urge MPI to also consider the broader concept of One Welfare which recognises the interconnectedness of animal welfare, human wellbeing, and the environment (Pinillos, 2018; Pinillos et al., 2016). A One Welfare approach complements the One Health approach that focuses on the interconnectedness of human, animal, and environmental health. SPCA also recognises the value of a One Biosecurity approach which shifts away from the focus on individual organisms and towards a systems approach (Hulme, 2020).



SPCA considers biosecurity essential to protect New Zealand from biosecurity risks, as biosecurity incursions can impact animal health and welfare. Biosecurity and animal welfare are important for achieving more environmentally and socially sustainable livestock industries in New Zealand and require government support and stakeholder engagement (Stone, 2023).

The Biosecurity Act is the overarching legislation for pest management in New Zealand. SPCA is concerned about the welfare of New Zealand's non-native animals targeted for population control to protect biodiversity, human health, and agriculture. SPCA acknowledges there are times when pest management is justified, however, our organisation advocates that all population control methods for wild animals must be humane.

Our goal with this submission is to provide insight into the benefit of considering the links between animal health and welfare as integral to protecting biosecurity. Below we provide feedback on aspects of the consultation most relevant to our organisation.

System Wide Issues (Regulatory Impact Statement & Discussion Document 2)

Purpose Clause in the Biosecurity Act

- Proposal 1 – Insert an overarching purpose clause in the Biosecurity Act Ministerial involvement in significant decisions
- Proposal 2 – Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act

Questions

- Q8 – Do you agree with our preferred approach to progress proposal 2? Why, or why not?
- Q9 - To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes?



- Q10 - 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?

SPCA advocates for more explicit inclusion of animal welfare in a biosecurity system. A purpose clause is needed to clarify how work under the Biosecurity Act will be conducted. Many activities to protect biosecurity impact individual animal's welfare.

SPCA supports Proposal 2 in principle. Due to the complexity of the Biosecurity Act, purpose clauses for selected parts of the Act would allow for more targeted wording, likely providing greater clarity than an overarching purpose clause.

Management of animals considered pests should incorporate goals and pathways that aim to achieve a robust ethical decision-making process for the protection of the welfare of all animals. Dubois et al. (2017) provide a framework that uses both an ethical and evidence-based approach to managing animals perceived as pests based on the following questions:

- Can the problem be mitigated by changing human behaviour?
- Are the harms serious enough to warrant wildlife control?
- Is the desired outcome clear and achievable, and will it be monitored?
- Does the proposed method carry the least animal welfare cost and to the fewest animals?
- Have community values been considered alongside scientific, technical, and practical information?
- Is the control action part of a systematic, long-term management program?
- Are the decisions warranted by the specifics of the situation rather than negative labels applied to the animals?

This framework explicitly includes questions about humans first altering their actions, and how perceptions about the perceived instrumental value of an animal can influence decisions.



Local Knowledge in Decision-Making

- Proposal 4 – Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act

Questions

- Q14 - How could local knowledge make decision-making more effective?
- Q15 - How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?

SPCA supports the integration of local knowledge into decision-making under the Biosecurity Act. Protecting biodiversity requires agreement and social license from members of the public (Dubois et al., 2017; Linklater & Steer, 2018) and local knowledge can provide more robust information and more genuine engagement (McEntee et al., 2024). The specific context of a biosecurity risk is needed to develop and implement targeted plans that effectively protect biodiversity values rather than relying on the general categorisation of animals as pests (Dubois et al., 2017).

The more relevant knowledge, the better prepared we will be to make appropriate and effective decisions. For example, there could be situations where general science knowledge does not necessarily provide all the answers to a specific situation due to special contributing factors that may not have been investigated previously. In this case, having local knowledge may provide support to improve decision-making.

However, SPCA is unsure whether, as suggested, an amendment of Part 4 section 48(1) is appropriate for seeking local knowledge regarding the incidence, prevalence, or distribution of specified organisms. Section 48(1) of the Biosecurity Act is titled "*power to require information*" which appears to be intended to address scientific questions than place-based local knowledge that includes experiences, practices, and skills as discussed in the Regulatory Impact Statement. That providing local knowledge would be required seems counterproductive to the intention of seeking community input. This may have implications for what information is provided, may lead to incomplete information being provided, and could lead to a strained relationship with the



providers of the information, which may be detrimental to the success of any biosecurity programme for which the information is collected.

SPCA does not consider differences in local and scientific knowledge to be insurmountable. Often, decision-makers must balance differences in scientific knowledge to make decisions. Differences between scientific and local knowledge may need to be assessed on a case-by-case basis rather than having a set approach and a framework for determining where it is appropriate to weigh evidence in favour of scientific or local knowledge may need to be developed.

Regional council access to infringement offences for pest and pathway management plans

- Proposal 8 – Introduce the ability for regional councils to establish infringement offences in regional pest management plans

Questions

- Q21 – Do you agree with our preferred approach to progress proposal 8? Why, or why not?
- Q22 - Do you think councils should have the ability to designate infringements for pest and pathway management plans? Why, or why not?
- Q23 - Do you think the proposed infringement fee is set at the right level? Why, or why not?
- Q24 - Do you think the safeguard requiring MPI consultation is sufficient? Why, or why not?
- Q25 - Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient? Why, or why not?

SPCA supports the introduction of infringements to respond to non-compliance under the Biosecurity Act. Infringements may be a more appropriate response to non-compliance compared to current tools and provide inspectors with more flexible options for motivating compliance.



Our organisation recognises the value of having infringements as a tool for addressing non-compliance. Animal welfare infringement offences introduced between 2016 and 2020 (see [Animal Welfare \(Care and Procedures\) Regulations 2018](#)) under the Animal Welfare Act provide more appropriate tools to deal with small to medium offending than prosecutions under the Act. Allowing infringement offences for small to medium breaches of regional pest management plans may thus be an appropriate way to achieve compliance and deter repeat offending in those circumstances. In addition, safeguards would be in place to ensure councils follow the relevant criteria when setting infringement offences through the suggested review by Government.

Containment and transitional facilities

- Proposal 32 – Streamline the legislative framework for transitional and containment facilities
- Proposal 33 - Enabling third-party verification at transitional facilities
 - Option 33A - Amend the Biosecurity Act to include the ability for an authorised third party to undertake verification activities at transitional facilities
 - Option 33B – Enable the Director-General of MPI to recognise third parties to undertake specified roles and functions

Questions

- Q64 - Do you agree with our preferred approach to progress proposal 32? Why, or why not?
- Q65 - Do you think this proposal would deliver a more enduring and efficient system for regulating and approving facilities? Why, or why not?
- Q66 - If you are a facility owner or operator, how do you anticipate this option would impact your business
- Q67 - Do you agree with our preferred approach to progress proposal 33B? Why, or why not?
- Q68 - What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act?



- Q69 - Are there any areas of the Biosecurity Act where third-party verification should not take place? Why?

SPCA supports changes laid out under Proposal 32 in principle, providing that their impact on the care and welfare of animals in containment/transition facilities is appropriately considered.

Readiness and response (Regulatory Impact Statement & Discussion Document 5)

Faster emergency declarations

- Proposal 39 – Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity

Questions

- Q79 - 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?

SPCA supports fast emergency declarations for highly contagious diseases to reduce the potential negative impacts on large numbers of animals, people, and the country as a whole under Proposal 39. In principle, SPCA supports more rapid emergency responses to avoid exacerbating negative impacts on animals and people.

Biosecurity practices

- Proposal 40 – Add a general biosecurity duty in the Biosecurity Act
- Proposal 41 – Expand the range of specific risk management requirements that can be set up through regulations under the Act
- Proposal 42 – Add provisions in the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan



Questions

- Q80 - How might a general biosecurity duty improve biosecurity system outcomes?
- Q81 - Should we enhance legislation's role in improving biosecurity practices, or is it better to rely on non-legislative approaches like information and education?
- Q82 - How might we incentivise businesses to improve management of biosecurity risk?
- Q83 - To what extent might it be costly and difficult to develop a risk management plan for your business?

SPCA considers biosecurity an essential part of farming that helps safeguard animal health and welfare. For that reason, all farms under our animal welfare certification scheme, SPCA Certified, must develop and follow biosecurity plans.

SPCA supports the use of regulatory tools to ensure consistent approaches to biosecurity under Proposals 40-42. We do not think actions to address the range of factors that impact the health and welfare of farmed and wild animals on farms should be optional. Farmers may not adhere to biosecurity practices for many reasons, including a belief that there are no problems (Ritter et al., 2017). Reliable welfare monitoring that also impacts biosecurity in aquaculture systems is uncommon (Barreto et al., 2021).

As noted by the relevant RIS, biosecurity practices are not consistently employed by primary producers, which is a concern and shows that the *status quo* (i.e. non-legislative initiatives and industry promotion of good biosecurity practices), is not bringing about the desired results.

Adding a general biosecurity duty/requirement for risk management plans could be useful, providing tools to deal with poor practices while retaining educational approaches. Therefore, we advocate that specific requirements, especially rules for risky practices, are explicitly conveyed in on-farm biosecurity plans.



Long-term Management (Regulatory Impact Statement and Discussion Document 6)

Pest and Pathway Management and Small-Scale Management Programmes

- Proposal 44 – Simplify the process to create national or regional pest and pathway management plans
- Proposal 45 – Enable (but not require) integrated national or regional pest and pathway management plans _
- Proposal 46 – Enable (but not require) the ability to have consolidated levies for national pest and pathway management plans
- Proposal 47 – Make it easier for regional councils to create small-scale management programmes
- Proposal 48 – Enable management agencies to provide exemptions from rules in national pest or pathway management plans
- Proposal 49 – Enable more than one entity to share management agency responsibilities
- Proposal 50 – Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans
- Proposal 51 – Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original timeframe

Questions

- Q 84 - Do you agree with our preferred approach to progress Proposals 44-51? Why, or why not?
- Q 85 - Are there additional areas in long-term management that could be streamlined, removed, or changed?
- Q 86 - How much of a difference might these Proposals make to more efficient and effective long-term management?
- Q 87 - What will be the impacts of enabling pest and pathway management plans to be combined? What risks do you anticipate?



- Q 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?

In principle, SPCA supports amendments to the Biosecurity Act that improve efficiency and reduce costs in creating tools for long-term management, such as National Pest Management Plans and Regional Pest Management Plans under Proposals 44-51. However, regarding Option 2, SPCA is concerned it is not entirely clear how the removal of requirements in Step 1 supports the processes in Step 2. SPCA recommends demonstrating more clarity in the analysis of the impacts of amending this section.

SPCA supports Option 3 which allows, but does not require, pest management plans and pathway management plans to be integrated into a single plan. This would reduce costs and improve the effectiveness and consistency in implementing the plans.

Alignment of Long-Term Management Outcomes

- Proposal 52 – Enable multiple National Policy Directions for pest management to be made
- Proposal 53 Enable new regulations to be made to create national consistent baseline objectives, policies, or rules for pest management
- Proposal 54 Amend section 55 of the Biosecurity Act and its associated regulations (Responsible Minister may assign responsibility for decisions on a harmful organism or pathway)
 - Option 54A - Strengthen section 55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway
 - Option 54B - Streamline the process set out in regulations to remove unnecessary steps or duplication
 - Option 54C - Repeal section 55 of the Act and revoke its associated regulations



Questions

- 89 - Do you agree with our preferred approach to progress Proposals 52, 53 and 54B? Why, or why not?
- Q90 - Do you think nationally consistent baseline objectives, policies or rules for long-term management would be helpful? Why, or why not?
- Q91 - What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management?

SPCA agrees in principle with ensuring national consistency in baseline objectives, policies, or rules for long-term management to achieve biosecurity outcomes under Proposals 52-54. For example, reducing unnecessary harm in pest management is facilitated by systematic approaches that have consistent and clear objectives that are part of long-term planning (Dubois et al., 2017).

Management of Unwanted and Notifiable Organisms

- Proposal 55 – Amend section 52 to define “communicate” in relation to a pest or unwanted organism
- Proposal 56 – Enable a chief technical officer to tailor the application of sections 52 and 53 when declaring an unwanted organism
- Proposal 57 – Align the permissions for exemptions in section 53(2) with the exemptions in section 52
- Proposal 58 – Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient
- Proposal 59 - Include a new transitional provision for all unwanted organisms to expire after five years
- Proposal 60 – Improve the management of notifiable organisms

Questions

- Q92 - Do you agree with our preferred approach to progress Proposals 55-60? Why, or why not?



- Q93 - 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?
- Q94 - 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?
- Q95 - What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status?
- Q96 - 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?
- Q97 - 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?
- Q98 - 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?

SPCA supports the general approach to Proposals 55-60 to improve clarity and efficiency in the management of unwanted and notifiable organisms.

SPCA supports an amendment of section 52 to define “communicate” as this terminology is likely to cause confusion and varying interpretations. SPCA supports a broad meaning as a narrow meaning, as per the example given in question 93, could exclude the movement of plant and animal pest species with potential negative impact on ecosystems and endangered species. Pest management terms need to be clearly defined to ensure the specific needs of a situation drive the decision to manage pests, rather than perceptions of an animal (Dubois et al., 2017).

SPCA agrees in principle with ensuring national consistency in baseline objectives, policies, or rules for long-term management to achieve biosecurity outcomes. For example, reducing unnecessary harm in pest management is facilitated by systematic approaches that have consistent and clear objectives and are part of long-term planning (Dubois et al., 2017).



Surveillance and interfaces with Department of Conservation-administered legislation (Regulatory Impact Statement & Discussion Document 7)

Interaction with the Freshwater Fisheries Regulations 1983

- Proposal 64 - Enabling the Biosecurity Act to take precedence over sports fishing benefits
- Proposal 65 - Enabling the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer
- Proposal 66 - Enabling biosecurity powers, functions or duties to take precedence over other provisions where a fish is also an unwanted organism
- Proposal 67 – Amending the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree

Questions

- Q105 - 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?
- Q106 - 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?

For Proposals 64-67, SPCA considers the protection of native flora, fauna, and ecosystems more important than upholding sports benefits. Based on evidence for the capacity of fish to experience pain and distress, SPCA is concerned about fish welfare in recreational fishing and during pest control programmes. As the methods employed by both can cause pain, injury, or distress to fish, SPCA supports the development of standards and guidelines to minimise the negative impacts on fish welfare. SPCA considers that compliance with these guidelines should be a condition of recreational fishing licences.



The methods of controlling fish considered pests can also negatively impact fish welfare. SPCA advocates for the protection of wild animals from human actions that compromise their welfare and is opposed to inflicting avoidable pain and distress upon wild animals.

SPCA advocates that conservation activities be carried out when they are supported with clear objectives, monitored, evaluated, and continuously adapted to ensure goals are met. Where capture or killing of wild animals is deemed necessary and is permitted, SPCA advocates using methods that minimise negative impacts on animal welfare.

Surveillance and Interaction with the Marine Mammals Protection Act

- Proposal 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
- Proposal 69 – Include a reference to the Marine Mammals Protection Act in the Biosecurity Act

Questions

- Q107 - Do you agree with our preferred approach to progress Proposals 68 and 69? Why, or why not?
- Q108 - What other changes could be made to ensure that the surveillance system is robust and delivers information quickly?
- Q109 - What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection?
- Q110 - What alternatives are there to the Proposals above that could deliver the same or better outcomes?
- Q111 - How do we best get a balance between the needs of the biosecurity and biodiversity systems?

SPCA supports Proposals 68-69 in principle to better protect marine mammals. Biosecurity incursions have the potential to significantly impact the health and welfare of wild and domestic



animal species (e.g. HPAI). Monitoring is an essential tool to prepare for such incursions and to ensure rapid response where indicated. However, SPCA considers that monitoring may negatively impact individual wildlife and should be undertaken with the welfare of animals and the potential impacts on ecosystems in mind.

SPCA advocates for animal welfare impact assessments for activities that may cause welfare harm to wildlife. The welfare of aquatic wild animals is no less important than conservation goals and should be considered when assessing the viability of animal populations. The welfare of an individual impacts their fitness and thus the population of a species; activities that harm the individual can also harm the group (see Beausoleil et al., 2018). Therefore, actions to protect the population should also consider the impacts on an animal's welfare. Welfare impact assessments can be useful for mapping out the direct and indirect welfare impacts (Joseph et al., 2023; Rae et al., 2023; Sandøe & Gamborg, 2017).

When human activities have the potential to negatively impact the welfare of wild animals, SPCA believes there is a duty to ensure that these actions are conducted in a manner that minimises injury, pain, or distress to animals.

Interaction with the Wild Animal Control Act

- Proposal 70 – Clarify that regional councils can enter private land to control wild animals
- Proposal 71 - Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land

Questions

- Q112 – Do you agree with our preferred approach to progress Proposals 70 and 71? Why, or why not?

SPCA supports Proposals 70-71 in principle as long as hunting is conducted as humanely as possible. SPCA opposes inflicting avoidable pain and distress upon wild animals. Where human activities have the potential to negatively impact the welfare of wild animals there is a duty to



ensure that these actions are conducted in a manner that minimises the injury, pain, or distress to animals.

SPCA advocates for an end to certain hunting and wildlife control practices due to the harm they cause to targeted and non-targeted animals, including those that are protected wildlife. We advocate for an end to the following:

- Use of leghold traps. SPCA opposes the manufacture, importation, sale, and use of all leg-hold traps due to the negative impacts on animal welfare they cause and the indiscriminate nature of how they catch animals. Leg-hold traps consistently rank as having a higher animal welfare impact compared to other methods of control for many species, including feral cats and feral rabbits. Leg-hold traps for possums have been evaluated as causing moderate to extremely negative welfare impacts because of the injuries caused by these traps and psychological effects such as anxiety, pain, fear, or distress caused over the duration the animal is caught.
- Hunting with dogs. Animals hunted with dogs can experience negative psychological and physical harm when chased or bitten by dogs. SPCA is concerned about the negative impacts on the welfare of non-targeted animals caused by the dogs used in hunting. SPCA opposes the practice of killing hunted pigs by 'sticking' because of the risk of injury to the pig or the likelihood that death does not rapidly follow. Sticking also presents a risk of injury or death to dogs used in pig hunting.
- The use of poisons. SPCA opposes the use of poisons to kill animals because of the level of pain and distress caused to animals.

Conclusion

SPCA appreciates the opportunity to contribute to the proposed amendments to the Biosecurity Act 1993. Our organisation is happy to discuss this matter if further information is required.



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From: [Tilly Duncan](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submissions on behalf of the Maori Caucus - Tauranga Moana Biosecurity Capital
Date: Friday, 13 December 2024 8:11:36 PM
Attachments: [TMBC - Maori Caucus Submissions to the Biosecurity Act Proposed Amendments.pdf](#)

Kia ora tatou

Please find enclosed submissions on behalf of the Maori Caucus of the Tauranga Moana Biosecurity Capital attached.

Please do not hesitate to contact the writer if you require further information.

Nga mihi

Matire Duncan

s9(2)(a)

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13 December 2024

Biosecurity System Policy Team
Policy and Trade Branch

Ministry for Primary Industries
Po Box 2526
Wellington 6140

Via Email To: biosecuritybill@mpi.govt.nz

Tēnā koutou katoa

Ko Ranginui e tu iho nei, ko Papatuanuku e takoto ake nei, ka puta ko ōnā rāua Tamariki he Atua o te Ao. Tihei Mauriora! Mai ki ngā kurī ā Whare ki Te Tumu, ko Mauao te maunga tohu e tu Rangatira mai nei, ko Te Awanui te wai e riporipo ana mai e. Ko Ngāti Ranginui, Ngāi Te Rangi, Ngāti Pukenga ngā Iwi, ko Tauranga moana, Tauranga tangata e mihi atu nei. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

Introduction:

In Tauranga Moana a community-led biosecurity network called Tauranga Moana Biosecurity Capital (TMBC) was established in 2018 to create awareness and build collaboration around biosecurity issues. Central to TMBC is the partnership with local Maori through the formation of a Maori caucus to ensure the Maori voice, values and protocols are part of responses and issues concerning biosecurity. In addition to the Maori caucus, TMBC's leadership includes community organisations, industry, businesses, science experts, education sector, central government and local government representation.

TMBC's model of indigenous inclusion in this case the Maori caucus made up of tangata whenua has led to improved biosecurity outcomes not only in Tauranga Moana but also across the sub-region of the Western Bay of Plenty, providing specific examples around responses to myrtle rust and Asian paddle crabs that have impacted our local ecosystems and how it has led to improved relationships and better inclusion of Maori in biosecurity at a national level.

Key areas important to us:

There is particular focus on understanding the impact that changes to the Biosecurity Act could have on tangata whenua. This is a crucial conversation, as the Biosecurity Act plays an essential role in protecting New Zealand's environment, agriculture, and biosecurity from harmful pests and diseases. When it comes to tangata whenua, it is essential to ensure that tangata whenua rights, responsibilities, and relationship to the land and natural resources are fully respected in any changes to the Act.

The Maori caucus have highlighted some key areas we want the Biosecurity System Policy Team to consider.

1. Recognition of Maori interests in biosecurity:

- a. **Partnership with Maori:** The proposed amendments should recognise Te Tiriti o Waitangi and the principles of partnership between the Crown and Maori in biosecurity management. Is there surety that Maori have a say in biosecurity decisions that affect their whenua and taonga?
- b. **Consultation Processes:** To ensure the consultation processes in the proposal robust and culturally appropriate for engaging with iwi, hapū, and whānau and to ensure tangata whenua participation in decision-making is meaningful and effective.

2. Matauranga Maori:

- a. **Integration of Maori knowledge:** Provisions should recognise and incorporate matauranga Maori, traditional ecological knowledge, and indigenous practices in biosecurity decision-making. Maori knowledge systems contribute to biosecurity management, especially in pest and disease prevention.
- b. **Customary rights:** The proposal should safeguard the ability of tangata whenua to exercise their kaitiakitanga over natural resources, especially when it comes to managing biosecurity risks that may affect culturally significant species or environments.

3. Cultural and environmental impact:

- a. **Impacts on Maori land and resources:** The proposals should address the potential impacts on Maori land, water, and other resources, particularly if biosecurity measure involve restrictions or interventions. Tangata whenua should be adequately compensated for any losses they might incur due to biosecurity measures.
- b. **Biosecurity protection:** The proposals should take into account the protection of taonga species, and ecosystems that are of particular cultural or spiritual significance to Maori, such as native flora and fauna.

4. Maori representation in biosecurity governance:

- a. **Decision-making power:** The proposals should allow for meaningful Maori representation on biosecurity governance bodies or committees. This would ensure that Maori perspectives are included in high-level decision-making processes regarding biosecurity policies and strategies.

5. Equity and access:

- a. **Equitable outcomes:** The proposals should be designed to ensure that Maori communities, especially those who may be more vulnerable to biosecurity threats, are treated equitably and have access to resources needed to manage those risks.
- b. **Capacity and capability building:** That the consultation processes to include measures for increasing the capacity and capability of Maori communities to participate in biosecurity management, such as funding, training and support.

In the meantime, we look forward to hearing from you.

Nga mihi kia koutou katoa.

s9(2)(a)

Matire Duncan

On behalf of the Maori Caucus – Tauranga Moana Biosecurity Capital

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Question number	Question	Response
6	What impacts do you expect to see considered in the full cost-benefit analysis?	New Zealand's Biosecurity Act 1993 would need to consider a broad range of cultural, economic, environmental, and social impacts, including direct and indirect effects on industries, ecosystems, and communities.
		<p>Environmental Impacts:</p> <p>Ecosystem Integrity</p> <ul style="list-style-type: none"> ○ Prevention of invasive species that threaten native flora, fauna, and habitats. ○ Long-term protection of biodiversity, including taonga species significant to Māori.
		<p>Social and Cultural Impacts:</p> <p>Māori Values and Kaitiakitanga</p> <ul style="list-style-type: none"> ○ Consideration of Māori perspectives on biosecurity, including the protection of culturally significant species and landscapes. ○ Opportunities for co-governance and Māori-led initiatives in biosecurity.
		<p>Economic Impacts:</p> <ol style="list-style-type: none"> 1. Agriculture, Horticulture, and Forestry <ul style="list-style-type: none"> ○ Costs of compliance for farmers and exporters (e.g., stricter reporting, treatment, or biosecurity measures). ○ Benefits of reduced pest and disease outbreaks, which protect productivity and export markets. 2. Tourism and Trade <ul style="list-style-type: none"> ○ Impacts on tourism (e.g., enhanced protection of natural attractions vs. restrictions on visitors or imports). ○ Potential trade benefits from improved biosecurity credentials. ○ Costs associated with inspections, certifications, and delays at borders. 3. Public Expenditure <ul style="list-style-type: none"> ○ Increased government spending on monitoring, technology, or enforcement.

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		<ul style="list-style-type: none"> ○ Savings from reduced response costs during biosecurity breaches (e.g., eradication programs). <p>4. Small and Medium Enterprises (SMEs)</p> <ul style="list-style-type: none"> ○ Disproportionate effects on SMEs in the supply chain due to added compliance costs.
		<p>Net Impact Considerations: The CBA would need to assess:</p> <ul style="list-style-type: none"> • The balance between short-term compliance costs and long-term savings or avoided losses. • The value of ecosystem services and intangible benefits like cultural heritage and national identity.
7	Do you agree with the objectives of the proposed amendments?	<p>The proposed amendments to the Biosecurity Act 1993 likely aim is to strengthen New Zealand's biosecurity system in response to evolving challenges such as climate change, increased trade and travel, and emerging biosecurity threats. While the specific objectives of the amendments have not been detailed here, based on the typical goals of such reforms, the following are key points we would consider be supported:</p>
		<p>Alignment with National Priorities:</p> <p>1. Enhanced Protection of Biodiversity New Zealand's unique ecosystems and native species, many of which are not found anywhere else, require strong protections. Strengthening biosecurity measures is crucial to prevent the introduction and spread of invasive species.</p> <p>2. Economic Security Given the importance of primary industries (agriculture, horticulture, and forestry) to the economy, improving biosecurity safeguards supports sector resilience and trade reputation.</p> <p>3. Climate Change Adaptation Climate change is shifting pest and disease risks. Modernizing the Biosecurity Act to anticipate and address these changes is essential.</p>
		<p>Modernization and Responsiveness:</p> <p>1. Use of Technology Incorporating advanced technologies (e.g., AI, remote sensing, or genetic tools) can improve efficiency and effectiveness in pest detection and response.</p>

		<p>2. Integrated Stakeholder Roles Stronger collaboration between government, industries, Māori, and communities ensures a more inclusive and resilient biosecurity framework.</p> <p>3. Risk-Based Approaches Tailoring interventions based on risk assessments reduces unnecessary costs while focusing resources where they are most needed.</p> <p>4. Māori Partnership and Kaitiakitanga Ensuring the amendments reflect the principles of the Te Tiriti o Waitangi is vital. Acknowledging Māori perspectives and enabling their active role in biosecurity management strengthens both cultural and environmental outcomes.</p>
		<p>Challenges and Concerns: While we broadly agree with the likely objectives, there are considerations to ensure the amendments are balanced:</p> <ul style="list-style-type: none"> • Cost Impacts: Compliance costs could disproportionately affect smaller stakeholders. Effective communication and support mechanisms are necessary. • Implementation Feasibility: Any increased obligations for inspection, enforcement, or reporting must be supported by adequate resources. • Equity: The distribution of responsibilities and costs across stakeholders, including government and private sectors, must be fair.
8	Do you agree with our preferred approach to progress proposal 2? Why, or why not?	<p>Proposal 2, specifically, involves changes to the overarching purpose clause in the Act to improve clarity and consistency in decision-making. MPI’s preferred approach is to include an overarching purpose clause covering all parts of the Act rather than separate clauses for individual sections. This approach is intended to ensure that decision-making aligns with the primary goals of biosecurity while supporting flexibility in implementation.</p> <p>The consultation process invites feedback from various stakeholders, including Māori, local authorities, primary industries, and the general public, to ensure the amendments reflect diverse perspectives and obligations under the Te Tiriti o Waitangi. Input will shape the development of policy advice for the government before advancing the amendment bill.</p> <p>Support for Proposal 2</p>

9	To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes?	<p>The purpose clause should reflect diverse perspectives and obligations under the Te Tiriti o Waitangi.</p> <p>Upholding Cultural Heritage and Kaitiakitanga:</p> <ul style="list-style-type: none"> Protecting species and ecosystems of cultural significance to Māori, as part of honoring the principles of the Te Tiriti o Waitangi. Enabling Māori participation and leadership in biosecurity decision-making, emphasizing kaitiakitanga (guardianship).
		Including a purpose clause in the Biosecurity Act could significantly improve MPI's ability to achieve better biosecurity outcomes by providing clarity, consistency, and a unified direction for decision-making.
		A purpose clause can reinforce New Zealand's commitment to its international obligations (e.g., the WTO Sanitary and Phytosanitary Agreement) and reflect national priorities like sustainability and Te Tiriti o Waitangi principles
		In summary, a purpose clause provides a foundational guide for decision-making and ensures coherence across the biosecurity system. By promoting clarity, consistency, and adaptability, it aligns legislative intent with operational outcomes. However, its effectiveness will depend on precise and balanced wording that captures New Zealand's unique biosecurity challenges.
		The purpose of New Zealand's biosecurity system should be to protect the country's economy, environment, public health, and cultural heritage from the risks posed by pests, diseases, and invasive species. It should also balance enabling trade and travel with maintaining strong biosecurity measures.
10	What do you think the purpose of the biosecurity system should be?	<p>Proposal One in MPI's consultation focuses on introducing an overarching purpose clause to the Biosecurity Act 1993. The elements proposed for inclusion in the clause are designed to clarify and unify the objectives of the biosecurity system. From the consultation documents reviewed, these elements appear to cover key areas, including:</p> <ol style="list-style-type: none"> Cultural and Te Tiriti o Waitangi Obligations <ul style="list-style-type: none"> Recognizing the importance of kaitiakitanga (guardianship) and Te Tiriti o Waitangi principles, which uphold the protection of taonga species and Māori involvement in biosecurity.
	Do you agree with the elements we have set out for proposal one?	<p>Yes, we broadly agree with the elements proposed for the following reasons:</p> <ol style="list-style-type: none"> Incorporation of Te Tiriti o Waitangi Principles

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		<ul style="list-style-type: none"> ○ Recognizing Māori partnership aligns with legal obligations under the Te Tiriti o Waitangi and acknowledges Māori expertise in environmental stewardship.
	Is there something that should not be included?	<p>When considering the elements MPI proposes for the overarching purpose clause in the Biosecurity Act 1993, it's important to ensure the focus remains on clear, actionable goals. While the current elements are broadly aligned with achieving better biosecurity outcomes, there are potential inclusions that could dilute or complicate the clause's purpose. Here are some areas of concern:</p> <p>Incomplete Incorporation of Cultural Obligations</p> <ul style="list-style-type: none"> ● If cultural aspects (e.g., Māori values and kaitiakitanga) are included superficially or in a tokenistic manner without specifying actionable commitments, this could undermine meaningful partnership with Māori communities.
11	Do you agree with the preferred approach to progress option 3A of the Systems-wide issues proposals? Why, or why not?	<p>The 'call-in' power proposed by MPI for the minister responsible for the Biosecurity Act would enable the minister to intervene in critical decisions, overriding the standard processes where necessary. MPI's preferred approach aims to give the government a mechanism to address high-stakes or controversial biosecurity decisions, particularly when broader national interests or exceptional circumstances are involved.</p>
		<p>Potential Benefits of the 'Call-In' Power:</p> <ol style="list-style-type: none"> 1. National-Level Oversight <ul style="list-style-type: none"> ○ Provides a mechanism to align biosecurity decisions with overarching government policies and priorities, ensuring broader interests are considered (e.g., Te Tiriti o Waitangi obligations, climate change impacts, or trade implications). 2. Responsive Decision-Making <ul style="list-style-type: none"> ○ Empowers the minister to act swiftly in extraordinary situations, such as sudden pest outbreaks or trade disputes that could have major economic or environmental repercussions. 3. Accountability <ul style="list-style-type: none"> ○ By placing decision-making responsibility in the hands of an elected official, the process may enhance transparency and democratic accountability in critical cases.

		<p>Concerns and Limitations:</p> <ol style="list-style-type: none"> 1. Risk of Politicization <ul style="list-style-type: none"> ○ Decisions about biosecurity could become influenced by political or economic pressures, potentially undermining science-based risk assessments. 2. Erosion of Technical Expertise <ul style="list-style-type: none"> ○ If ministerial intervention overrides expert recommendations from MPI, it could lead to suboptimal biosecurity outcomes. 3. Ambiguity in Scope <ul style="list-style-type: none"> ○ Without clear criteria for when the 'call-in' power can be used, there is potential for overuse or inconsistent application. 4. Stakeholder Confidence <ul style="list-style-type: none"> ○ Industry stakeholders and Māori partners might view this power with suspicion, fearing it could bypass collaborative and consultative processes.
		<p>Do we agree?</p> <p>We agree in principle with the need for a 'call-in' power but only if it is tightly defined and used sparingly. To balance the benefits and risks, the following safeguards should be considered:</p> <ol style="list-style-type: none"> 1. Transparent Criteria <ul style="list-style-type: none"> ○ Clearly outline the circumstances under which the power can be invoked, such as public health emergencies, significant environmental threats, or major trade implications. 2. Consultation Obligations <ul style="list-style-type: none"> ○ Require the minister to consult with key stakeholders, including experts, Māori representatives, and industry groups, before exercising the power. 3. Checks and Balances <ul style="list-style-type: none"> ○ Ensure independent oversight of ministerial decisions, such as parliamentary review or judicial review options. 4. Public Accountability <ul style="list-style-type: none"> ○ Mandate public disclosure of the reasons and evidence supporting the decision, enhancing transparency.

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		While the 'call-in' power could provide the necessary flexibility for urgent or high-level decisions, its effectiveness and fairness depend on robust safeguards to prevent misuse.
12	Do you agree with the threshold that we have set? Have we missed anything?	<p>The threshold MPI has set for exercising the proposed 'call-in' power under the Biosecurity Act revolves around situations where significant national interests or extraordinary biosecurity challenges are at stake. This includes criteria like emergencies or issues requiring urgent decisions that cannot be adequately addressed through the usual regulatory process.</p> <p>Inclusion of Cultural Risks</p> <ul style="list-style-type: none"> ○ The threshold currently emphasizes environmental and economic risks but could explicitly consider cultural impacts, particularly on taonga species or ecosystems of significance to Māori. <p>The threshold set by MPI is broadly appropriate for the intended purpose but could be refined to ensure it fully reflects the breadth of New Zealand's biosecurity priorities, particularly cultural and Te Tiriti o Waitangi-related considerations. Safeguards like mandatory consultation and transparency measures would also bolster public and stakeholder confidence.</p>
14	How could local knowledge make decision-making more effective?	<p>Incorporating local knowledge into biosecurity decision-making is essential for improving the effectiveness and responsiveness of biosecurity efforts, especially in a country like New Zealand, where local conditions, communities, and ecosystems play a vital role in shaping biosecurity outcomes. Local knowledge refers to the insights and experiences of people who live, work, play and learn in specific regions, including indigenous knowledge, local communities, farmers, and local environmental experts. Here's how local knowledge can enhance decision-making:</p> <p>1. Early Detection and Prevention</p> <p>Local communities often have the first-hand experience with unusual pest or disease patterns in their area. For example, farmers may observe subtle changes in plant health or animal behaviour long before official monitoring systems detect them. Integrating local knowledge allows for early identification of biosecurity threats, enabling quicker intervention and minimizing the spread of pests or diseases. A study by the FAO highlighted the importance of local community involvement in detecting invasive species, particularly in remote areas where government resources are limited.</p>

		<p>2. Tailored Solutions</p> <p>Local knowledge helps create context-specific solutions that are more likely to be accepted by communities. Biosecurity measures that work in one region may not be effective in another due to differences in geography, climate, or local practices. Involving local stakeholders ensures that interventions are practical, culturally appropriate, and tailored to the specific needs of the community. For example, Māori iwi (tribes) have valuable traditional ecological knowledge that can guide sustainable biosecurity practices and protect taonga (treasured) species.</p>
		<p>When local people are part of the decision-making process, they are more likely to adopt and support biosecurity measures. Māori perspectives, as an example, emphasize the importance of kaitiakitanga (guardianship), which advocates for a holistic approach to managing the environment, including biosecurity.</p>
		<p>Cultural and Social Relevance – Incorporating indigenous and local knowledge ensures that biosecurity efforts are culturally sensitive and aligned with the values of local communities. Engaging Māori communities and respecting Te Tiriti o Waitangi obligations ensures that decisions about biosecurity issues are not only effective but also just and equitable. This helps mitigate potential conflicts and promotes shared responsibility for biosecurity outcomes.</p>
		<p>Incorporating local knowledge into biosecurity decision-making significantly enhances effectiveness, responsiveness, and community buy-in. By combining traditional ecological knowledge, local observations, and scientific expertise, biosecurity efforts become more holistic, relevant, and sustainable. This collaborative approach not only strengthens biosecurity outcomes but also fosters deeper engagement with communities, especially for Māori.</p>
24	Do you think safeguard requiring MPI consultation is sufficient? Why, or why not?	<p>The safeguard requiring MPI consultation in the proposal for the Biosecurity Act, particularly regarding the ‘call-in’ power, is an important step to ensure that biosecurity decisions are transparent, inclusive, and well-informed. However, whether it is <i>sufficient</i> depends on the nature and scope of the consultation process.</p> <ol style="list-style-type: none"> <p>1. Expert Involvement</p> <p>The consultation ensures that biosecurity decisions are informed by the best available scientific evidence. Involving technical experts in the consultation process allows for robust risk assessments, ensuring decisions are grounded in evidence, not just political or economic considerations. This is critical</p>

		<p>when dealing with complex biosecurity issues like pest management or disease outbreaks.</p> <p>2. inclusive Stakeholder Engagement By mandating consultation with a range of stakeholders (including Māori, industry groups, and local communities), MPI can gain diverse perspectives. This is particularly important where Māori are key stakeholders in biosecurity matters due to their deep cultural ties to the land and traditional ecological knowledge (kaitiakitanga). The inclusion of affected communities can also improve trust and compliance with biosecurity measures.</p> <p>3. Enhanced Accountability Consultation adds a layer of transparency, ensuring that decision-makers are held accountable for their choices. It allows for scrutiny of the decision-making process and helps mitigate potential political bias in biosecurity decisions.</p>
		<p>Potential Gaps and Improvements</p> <p>1. Clarity on Stakeholder Selection While the consultation safeguard is important, ensuring broad and inclusive representation is key. The consultation process should not only involve large industry groups but also smaller stakeholders, including local communities, environmental organizations, and Māori. Furthermore, the consultation process should reach marginalized or affected groups who may have unique insights into biosecurity risks (e.g., rural communities or low-income farmers).</p>
		<p>The safeguard requiring MPI consultation is a positive step toward inclusive, evidence-based decision-making in biosecurity. However, it could be improved by clarifying stakeholder selection, ensuring post-consultation transparency, and adapting consultation processes for urgent situations. Strengthening these areas would ensure that biosecurity decisions are not only effective but also fair and representative of New Zealand's diverse communities and ecosystems.</p>
50	How critical is it for you to know you could be compensated for something when you are making biosecurity decisions?	<p>The potential for compensation when making biosecurity decisions is indeed critical for a variety of reasons. It influences both the incentives, and the risks associated with decision-making in biosecurity, particularly in areas like pest control, disease prevention, or land management.</p> <p>1. Encouraging Responsible Decision-Making</p>

		<p>Knowing that compensation is available can motivate individuals and businesses to act in the public interest, even when those actions might involve personal or financial risks. For instance, a farmer who needs to destroy infected crops or implement strict pest control measures might be deterred by the potential financial loss. However, if they are assured of compensation, they may be more willing to comply with biosecurity measures that protect national interests, such as preventing the spread of invasive species or diseases. This principle is often used in policies like compensation for the culling of animals during disease outbreaks (e.g., foot-and-mouth disease in the UK or Mycoplasma bovis in New Zealand).</p> <p>2. Minimizing Resistance to Biosecurity Measures</p> <p>When compensation is offered, individuals are less likely to resist biosecurity measures that may be disruptive to their livelihoods. For example, landowners may be more willing to eradicate invasive pests if they know they will be financially supported in managing the aftermath. According to the FAO and studies on biosecurity policy, compensation reduces resistance from stakeholders who might otherwise see biosecurity measures as detrimental to their economic interests. This principle is supported by New Zealand's management of Mycoplasma bovis, where compensation for affected farmers was essential in maintaining compliance with the culling of livestock, thereby protecting the broader agricultural sector.</p> <p>3. Equity and Fairness</p> <p>The concept of compensation is tied to the principles of equity and fairness. If a person is required to take measures that benefit society at large, such as preventing an outbreak or controlling a pest, it is reasonable that they should not bear the full financial burden of that action alone. For example, pest eradication programs may require individuals to trap and manage invasive species, but the cost of these activities can be significant. If compensation is provided, it ensures that the financial burden is shared between the individual and the wider society, making the system more equitable and encouraging public participation in biosecurity efforts.</p> <p>4. Ensuring Long-Term Sustainability</p> <p>Offering compensation can also ensure the long-term sustainability of biosecurity measures. Stakeholders are more likely to maintain their engagement with biosecurity programs if they are confident in fair treatment. Over time, a lack of compensation or perceived unfairness can undermine the effectiveness of</p>
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		<p>biosecurity measures. The EU's Common Agricultural Policy incorporates compensation for farmers who adopt environmentally friendly practices, showing that compensation not only encourages immediate action but supports sustained commitment to public goods over the long run. Despite its importance, compensation can raise challenges:</p> <ul style="list-style-type: none">• Budgetary Constraints: Compensation requires funding, which may strain public resources. In some cases, balancing the need for compensation with fiscal responsibility can be difficult.• Potential for Abuse: Without clear guidelines, compensation schemes can be vulnerable to abuse, leading to individuals claiming compensation unnecessarily or fraudulently. This is why such schemes often require clear criteria and monitoring mechanisms.• Fairness in Distribution: There must be a fair system for determining who is eligible for compensation. Unclear or inconsistent application of compensation policies can lead to resentment or inequality. <p>Conclusion In summary, the potential for compensation is indeed critical for encouraging responsible decision-making, minimizing resistance, ensuring fairness, and supporting long-term sustainability in biosecurity efforts. However, careful design of these schemes is needed to avoid abuse and to ensure that compensation is allocated fairly and equitably.</p>
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From: [Niels Meinderts](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission on proposed amendments to the Biosecurity Act - Air New Zealand
Date: Friday, 13 December 2024 9:48:49 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Air NZ submission re amendments to the Biosecurity Act 1993 - Nov 2024 FF.pdf](#)

You don't often get email from **s9(2)(a)** [Learn why this is important](#)

Kia ora,

I attach Air New Zealand's submission on proposed amendments to the Biosecurity Act.

Please reach out if you have any follow up questions.

Mā te wā,

Niels

Niels Meinderts
Regulatory Affairs Manager | Corporate Affairs

s9(2)(a)
W: www.airnewzealand.co.nz



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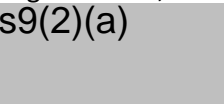
13 December 2024

Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140

By email: BiosecurityBill@mpi.govt.nz

Re: Submission on proposed amendments to the Biosecurity Act 1993

1. Air New Zealand welcomes the opportunity to submit on the Ministry for Primary Industries (**MPI**) consultation on proposed amendments to the Biosecurity Act 1993.
2. Air New Zealand takes its role in supporting New Zealand's work to manage biosecurity risk very seriously, and we value our relationship with MPI to deliver on these responsibilities.
3. Air New Zealand supports a system that is both clear and proportionate to risk. Our response to this consultation is focused on ensuring the proposed amendments to the Biosecurity Act consider the operational realities of the aviation sector.
4. Air New Zealand supports any opportunities to make the system more efficient and effective and will support MPI in implementing any necessary changes to the Biosecurity Act 1993 (**Biosecurity Act**) that may impact the air passenger and freight pathway.
5. If you have any follow up questions on the response set out below, please do not hesitate to contact Niels Meinderts, Regulatory Affairs Manager at Air New Zealand (s9(2)(a) )

Ngā mihi nui,
s9(2)(a) 

Kiri Hannifin
Chief Sustainability and Corporate Affairs Officer

Appendix 1 Air New Zealand Response:**System-wide issues****Proposal 1 – Insert an overarching purpose clause in the Biosecurity Act**

Air New Zealand supports the proposal to create an overarching purpose clause for the whole Biosecurity Act. A well-defined purpose clause could offer clearer guidelines on biosecurity responsibilities, aiding in compliance and operational planning. Suggested elements that could be included in the overarching clause include:

- 1) A statement giving effect to the international agreements that underpin the aviation sector and aim to harmonize the global regulatory framework for the aviation sector e.g. the Chicago Convention.
- 2) Clarification that trade (both imports and exports) is facilitated by the biosecurity system – in particular to clarify the important role of facilitating tourism, a key contributor to the economy.
- 3) Reference to the system being operationally efficient in delivering biosecurity outcomes - as part of this assessment the system could take a dynamic approach to risk by being able to scale up and scale down as risk levels change.

Proposal 2 – Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act

Air New Zealand supports amending 'Part 3 – Importation of risk goods' to also reference the need for operational efficiency when managing biosecurity risks. Ensuring the efficient management of biosecurity risk is seen as one part of a much broader integrated border system is key as the whole is greater than the sum of the parts.

Proposal 5 - Clarify that the collection, use or storage of information (including personal information) includes biometric information.

Air New Zealand supports an explicit reference that would make it clear that biometric information is included in the information that MPI is able to collect, use and store under the Biosecurity Act. Air New Zealand, alongside BARNZ, supports MPI exploring the potential for the integrated use of biometric information to streamline processing and further strengthen the border, as the consultation material signals, and looks forward to further cross industry work on these important matters. If there is a government expectation that biometrics should be collected or used Air New Zealand would prefer an explicit or a specific regulatory requirement rather than a discretionary one.

Proposal 6 - Introduce a power of arrest for obstruction during searches

Under this proposal, a new section would be created in the Biosecurity Act to enable a biosecurity inspector to arrest a person who has threatened, assaulted, or intentionally obstructed an official (an offence under the Biosecurity Act). While supporting these changes Air New Zealand encourages additional staff training in the airport precinct to inform them of these new arrest powers and to ensure a more comprehensive understanding of biosecurity protocols across the system. Air New Zealand recommends clear communication channels between enforcement agencies and airlines to manage passenger interactions effectively.

Border and imports

Proposal 22 – Enable technical amendments to an import health standard (IHS) without consultation. An IHS sets out the rules and procedures that must be met for risk goods to be imported into New Zealand.

As the proposal would reduce the administrative burden and improve the speed by which technical changes to IHSs can be done Air New Zealand supports this proposal, provided changes are introduced in collaboration with industry stakeholders and clearly communicated well in advance to key stakeholders to avoid any unintended breaches.

Proposal 23 - Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation

From an operational perspective Air New Zealand supports these changes in line with the reasons set out in the discussion document as rapid amendments to fix any teething issues with IHSs would improve flexibility; better manage biosecurity risk; and make the process for amending IHSs more effective.

Proposal 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

Air New Zealand supports this proposal as this would improve efficiency by allowing resources to be focused on developing standards for goods that would be imported on a larger scale, and with greater economic benefit.

Proposal 25 - Enable use of permits to allow trade to continue while a suspended IHS is being reviewed

Air New Zealand supports this proposal.

Proposal 26 - Enable consultation on a risk management proposal for a good, rather than on the draft IHS itself

Air New Zealand supports this proposal as this would improve the consultation process by focusing on the content of risk management proposals, rather than the wording of the standard itself.

Proposal 30 & 31 - Amend the purpose section of Part 3 (Importation of risk goods) of the Biosecurity Act to include improving operational efficiencies

This change would enable MPI to limit the volume of food (or specific foods) that could be brought in by arriving international passengers and is expected to reduce biosecurity risk while improving passenger processing flows. Air New Zealand is supportive of a food limit in principle but would like to understand what the limits are proposed to be and how these limits would be enforced and/or monitored and whether a breach would be subject to an infringement fee.

Alignment with Australia on food volumes (where 10 kgs appears to be the standard) would be preferred wherever possible to create regional best practice and ensure those passengers transiting through New Zealand to Australia do not face unnecessary complexity or confusion.

Providing adequate education and communication to impacted markets offshore about new restrictions will be important, in particular those markets who rely on the passenger pathway to import larger volumes of food. It will also be important to have adequate systems in place to deal with confiscated excess food. Air

New Zealand would not support a similar process to Customs' destruction of at-risk items where confiscated goods are bonded and require Air New Zealand Cargo to dispose of them.

We further do not support consideration of volume restrictions being time-limited to address particularly busy periods, or restricted to a specific passenger pathway as this will add unnecessary complexity.

Proposal 32 – Streamline the legislative framework for transitional and containment facilities

Air New Zealand supports this proposal as streamlining the legislative framework would enable an operator to delegate a deputy operator so that the facility can remain compliant and continue to operate if the operator isn't there. This formalises what Air New Zealand already works to, although note that in any proposed changes it would be important to provide clarity on the enforcement frameworks and the exposure of operations managers, as delegates, to prosecution if they were found to not be performing to the regulatory standard.

Option 33B – Enable the Director-General of MPI to recognise third-parties to undertake specified roles and functions

Air New Zealand supports Option 33B as practicable, however, it would be good to clarify what roles and powers the third parties have under the Act and what oversight MPI has before any infringements are issued. Additional clarity around dispute resolution and how a disagreement between Air New Zealand and a third-party would be addressed by MPI could also be useful.

Proposal 34 – Providing biosecurity information to incoming passengers

We appreciate the ongoing cooperative relationship with MPI to ensure Air New Zealand passengers receive the necessary briefing and continue to adhere to New Zealand's biosecurity requirements. We support MPI's ongoing approach to avoid overly prescriptive methods or requirements to meet the requirements of the Biosecurity Act including under section 17AA and look forward to continuing to ensure the associated regulations are implemented effectively. Air New Zealand are of the position that additional regulation to require carriers of commercial aircraft to notify the Director-General of MPI that biosecurity information has been provided to passengers is not required as the current regulatory framework is fit for purpose.

Air New Zealand notes the New Zealand Traveller Declaration (NZTD) presents an excellent opportunity to provide biosecurity messaging direct to passengers, reducing the need for carrier involvement and the associated administrative/enforcement burden for MPI. Leveraging the NZTD to engage directly with passengers well ahead of travel and during air travel via their digital devices would be highly recommended to improve adherence and enforcement of biosecurity rules. This further future proofs communication channels as some airlines are moving away from providing in-seat screens and may start streaming content directly to people's devices.

From: [April Nordstrom](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Proposed amendments to the Biosecurity Act 1993 feedback - Papa Pounamu
Date: Friday, 13 December 2024 10:30:41 PM
Attachments: [Outlook-weygarfm.png](#)
[Papa Pounamu -Biosecurty Act 1993 feedback.docx](#)

Kia ora,

On behalf of Papa Pounamu, I would like to submit our feedback to MPI on the proposed amendments to the Biosecurity Act 1993.

Papa Pounamu is the Māori special interest group for the New Zealand Planning Institute. Our member base is made up of Māori planners and practitioners from a range of different planning areas.

Preferably we would have liked to have done more consultation with our members on the submission, but due to time constraints we haven't had the opportunity.

We are happy to follow up on any of the feedback given, and hope that our feedback is able to support MPI in progressing to the next steps.

Also a big thanks to Carlo and other MPI staff supporting us in holding a webinar for our members.

Nga manaakitanga,

April Nordstrom
Kaitātari kaupapa Wai Māori (Planning and Policy)
s9(2)(a)



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Papa Pounamu Māori Planners and Practitioners

**Special interest group of the
New Zealand Planning Institute**

Official Information Act 1982



**SUBMISSION TO THE MINISTRY FOR PRIMARY INDUSTRIES
BIOSECURITY ACT 1993 – Amendments feedback on proposals**

13 December 2024

SUBMITTER INFORMATION

Name: Papa Pounamu
(Special interest group of the New Zealand Planning Institute)

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admin@papapounamu.co.nz

Phone: Lara Taylor s9(2)(a)
April Nordstrom s9(2)(a)

Contact: Lara Taylor – Papa Pounamu Chair
April Nordstrom – Papa Pounamu Kōmiti member Te Taitokerau branch

Key Authors: Papa Pounamu members
April Nordstrom – Kaitātari Kaupapa Wai Māori; Northland Regional Council
Lara Taylor – Kairangahau Māori; Consultant E Oho!

Contents

1. Introduction	3
2. Te Tiriti o Waitangi clause.....	3
3. Feedback on proposals.....	0
4. System wide issues proposals.....	0
5. Funding and compensation proposals	3
6. Border and import proposals	5
7. Readiness and response proposals	8
8. Long term management proposals	9
9. Surveillance and interfaces with Department of Conservation-administered legislation	12

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1. Introduction

1. Papa Pounamu would like to thank the Ministry for Primary Industries (MPI) for the opportunity to be able to provide feedback on the proposals that were put forward to amend the Biosecurity Act 1993 (the act).
2. Papa Pounamu is a technical interest group which aligns with the Special Interest Groups (SIG) within the New Zealand Planning Institute (NZPI). Papa Pounamu focuses on the role of Māori in the New Zealand planning framework, and the integration of Māori perspectives in resource management planning and decision-making. Papa Pounamu complements the strategic direction of NZPI by providing a fully informed Māori perspective. This SIG provides Māori leadership, alongside NZPI, for the co-existence of two paradigms in managing Aotearoa's environmental taonga / natural resources¹.
3. Papa Pounamu is not a relationship management group.
4. Papa Pounamu notes that the draft bill has not yet been prepared and much of the analysis around the costs and benefits have not yet been finalized. However, Papa Pounamu wishes to remain informed of these processes, particularly as it related to outcomes for Māori within the new act, development of powers and responsibilities from MPI to regional councils and iwi/hapū entities.
5. Feedback has been provided through tables on the following pages. These tables note MPI's issues and proposals, as well as Papa Pounamu's stance in support or opposition alongside commentary for each matter if required. All of the proposals have been included all of MPI's proposals and options, and focused feedback on those proposals where there could be stronger policy direction and outcomes for Māori.

2. Te Tiriti o Waitangi clause

6. Papa Pounamu note that there has not been the inclusion of a clause that requires all persons exercising functions and powers under the biosecurity act in relations to management, development and protection of Aotearoa (New Zealand) against unwanted organisms from a range of different pathways shall take into account Te Tiriti o Waitangi (The Treaty of Waitangi).
7. Papa Pounamu acknowledges the direction that central government is undertaking at the moment to review the current treaty clauses in over 28 pieces of legislation, however the biosecurity act (though created after the resource management act 1991), has severely lacked in being even on parr with other legislation for outcomes relating to Māori.
8. While a Te Tiriti clause is critical, we urge MPI to also consider how taking into account Treaty Settlements and statutory acknowledgements play a role in the preservation of the environment and sites of significance.
9. Papa Pounamu recommends that MPI include a Te Tiriti clause based on the following:
 - a. **Active protection:** Te Tiriti principles emphasize that active protection of taonga and taonga species (which includes native species and ecosystems). This aligns with biosecurity goals to prevent the introduction and spread of harmful organisms that could threaten Aotearoa (New Zealand's) biodiversity². The Biosecurity 2025 initiative aims to enhance Aotearoa's biosecurity by incorporating Te Tiriti principles. This strategy highlights the importance of Māori knowledge and practices in biosecurity measures³.

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¹ Papa Pounamu website. Available at: <https://planning.org.nz/papa-pounamu>

² <https://www.mpi.govt.nz/dmsdocument/29126/direct>

³ <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Providing-for-the-Treaty-of-Waitangi-in-legislation.pdf>

- b. **Partnership and participation:** Incorporating Te Tiriti principles ensures that Māori are involved in biosecurity governance and decision-making processes. This partnership approach can enhance the effectiveness of biosecurity measures by integrating mātauranga Māori and ensuring that policies are culturally appropriate and supported by local communities^{4,5}. The Resource Management Act 1991 requires decision makers to take into account the principles and requires the participation of Māori (as much as Māori want to be involved) in environmental management. The Fisheries Act 1996 includes provisions for Māori involvement in fisheries management, reflecting principles and what has been included in treaty settlements³.
- c. **Kaitiakitanga:** Māori have a long-standing role as kaitiaki of the land, sea, rivers and resources in Aotearoa. Recognising this role in biosecurity legislation can strengthen efforts to protect Aotearoa's natural heritage by leveraging traditional practices and knowledge systems⁶. Kōrero toku iho can provide valuable insights into sustainable practices and methodologies to prevent unwanted organisms. An example of this is the Ngāi Tahu Claims Settlement Act 1998, which includes provisions that recognize Ngāi Tahu's role as kaitiaki of their natural resources. Protection of natural resources also require pest management strategies. This has led to co-management arrangements in areas such as fisheries, and conservation, ensuring that Ngāi Tahu's traditional knowledge and practices are integrated⁷. The Conservation Act 1987 includes a specific reference to Te Tiriti o Waitangi and recognizes the role of Māori as kaitiaki, ensuring their involvement in conservation efforts. The Wildlife Act 1953 acknowledges the role of Māori as guardians of wildlife, integrating traditional knowledge and practices into wildlife management³.
- d. **Holistic approach:** Te Tiriti principles encourage a holistic view of the taiao (environment), considering the interconnectedness of all living things. Te Ao Māori leads to a more comprehensive and sustainable biosecurity strategies that address the root causes of biosecurity threats³. An example of holistic management includes the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 established a co-governance framework for the Waikato River. This approach integrates Te Tiriti principles and recognizes the river as a living entity, ensuring that both Māori and non-Māori perspectives are considered in its management⁸. This has been instrumental in understanding the cultural costs that freshwater gold clam have had on the Waikato river, and managing this on-going incursion and response.
- e. **Legal and ethical framework:** Including Te Tiriti principles in biosecurity laws provides a legal and ethical framework for ensuring that Māori rights and interests are respected. This can help prevent conflicts and build trust between the Crown and Māori communities³. The Waitangi Tribunal's Wai 262 landmark report addresses the protection of Māori cultural and intellectual property, including traditional knowledge related to biodiversity. It provides a comprehensive legal and ethical framework for incorporating Te Tiriti principles into legislation and policy, strongly influencing areas such as biosecurity and environmental management⁹.

⁴ <https://teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-matapono-o-te-tiriti-o-waitangi/page-1>

⁵ <https://www.dpmc.govt.nz/our-programmes/policy-project/policy-methods-toolbox/treaty-waitangi-analysis>

⁶ <https://www.thisisus.nz/assets/Resources/Biosecurity-2025-critical-focus-area-Te-Ao-Maori.pdf>

⁷ <https://bioheritage.nz/research-document-champions-authentic-te-tiriti-o-waitangi-relationships-for-local-government/>

⁸ <https://www.journalofglobalindigenity.com/article/92446-a-critical-tiriti-analysis-of-the-treaty-statement-from-a-university-in-aotearoa-new-zealand>

⁹ <https://nzmqj.org.nz/journal/vol-131-no-1469/treaty-of-waitangi-in-new-zealand-public-health-strategies-and-plans-2006-2016>

10. By integrating Te Tiriti o Waitangi into biosecurity legislation, Aotearoa can create more inclusive, effective, and culturally responsive biosecurity legislation and benefits all. The case studies and references in other legislation demonstrate the practical application of Te Tiriti o Waitangi principles in various legislative and policy contexts, highlighting the benefits of integrating Te Ao Māori and mātauranga Māori into governance and management practices.
11. The inclusion of a clause would take into account Māori rights and interests to be able to make decisions that would benefit the protection of their resources, rather than just focusing on the outcomes for Māori that are highlighted in the proposal.

3. Iwi/hapū environmental management plans

12. Biosecurity is of the up most importance to the preservation and sustainability of Māori culture and thriving taonga species. Traditional practices, sustainable harvesting, and use of taonga species as passed down through kōrero toku iho and tikanga are already under threat from exotic and invasive species. Māori economics are also threatened as most enterprises are based in te taiao and could easily be lost through one invasive species. Considering the sensitivity of the plant species, flora and fauna in Aotearoa, it makes sense to have the kaitiaki that are mana whenua lead decision-making with mātauranga about these species that has been passed down for generations.
13. Iwi/hapū environmental management (IHEMP) , are a key mechanism for Māori to be able to participate in resource and biosecurity management. The Wai 2358 report (Waitangi Tribunal Report 2019)¹⁰ states that the IHEMP's were intended to be a scheme that mana whenua would use as self-management of the resources that were in their rohe and have status alongside regional and district plans. They are a way for planners to understand how a marae/iwi/hapū set out their priorities for the management of their taonga, their views and aspirations as kaitiaki, the sites and resources of significance to them, and their vision for how these values should be implemented into decision-making¹⁰.
14. As additional feedback into the planning process for regional pest management plans, pathway plans and site-led management plans that IHEMPs are included as part of the proposals that are put forward to start the review process. IHEMPs are an essential to understand the priorities for the local context of a region or district for tangata whenua in that rohe and provide essential information on taonga species and other biodiversity of significance.
15. Incorporating IHEMPs into biosecurity plans (including MPI processes for when councils apply for controlled area notices as an example) offer some significant benefits:
 - a. Cultural insights and values: mana whenua bring a deep understanding of the local tatio, including traditional knowledge and cultural values. This can enhance biosecurity management plans by integrating holistic and sustainable practices that respect the mauri of the taiao.
 - b. Partnership and stronger relationships with ministry and councils: this can lead to more effective and coordinated efforts in managing biosecurity threats, as seen in projects like Predator Free 2050 Pēwhairangi Whānui.
 - c. Improved environmental outcomes: IHEMPs often include strategies for habitat restoration, riparian planting, and other practices that can mitigate the cumulative effects of land use and improve overall environmental health.

d. Legal and policy alignment: can support to ensure compliance within a range of different frameworks, including other legislation that overlaps with the biosecurity act like the resource management act.

16. The integration of IHEMPs can enhance biosecurity plans and strategies to become more comprehensive, culturally sensitive, and effective in protecting Aotearoa and our unique ecosystems .

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3. Feedback on proposals

The table below sets out the proposals put forward by MPI and Papa Pounamu's comments .
 MPI preferred proposals are highlighted in yellow.

4. System wide issues proposals

Theme	Proposal	Support / Oppose	Papa Pounamu's Comment	
Purpose clause in the Biosecurity Act	1	Insert an overarching purpose clause in the Biosecurity Act	No comment	
	2	Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act	Support	We consider that the existing purposes in the Act are clear and do not hinder the ability for management agencies to carry out biosecurity management. For example, s54 sets out the Purpose of Pest Management, which is broad enough to enable us to develop a robust Regional Pest Management and Marine Pathways Plan. We note that both the existing Act and the amendment proposals put forward do not explicitly reference Te Tiriti o Waitangi. We recommend that MPI seriously consider including references to Te Tiriti to better recognise the holistic approach to environmental management undertaken by kaitiaki (as above in section 2). We look forward to further consultation on specific wording.
Ministerial involvement in significant decisions	3A	Vest the minister responsible for the Biosecurity Act with a 'call-in' power.	More info required	More information is required to understand what powers would be exercised in this instance. It would be concerning for a political Minister to be able to override local decisions on regional operations which have considerable tangata whenua and community feedback. There are additional risks associated with timely decision making, noting the length of time required for a call-in process.
	3B	Vest the Minister of the portfolio the chief technical officer works in with a 'call-in' power.	More info required	
Local knowledge in decision-making	4	Enable local knowledge to inform or guide decision-	Support	Though not specifically referenced, mana whenua are able to incorporate local and community knowledge, including matauranga

		making in specific parts of the Biosecurity Act		Maori, without hindrance in our Regional Pest Management and Marine Pathways Plan. However, RPMPs manage pests that have already arrived in New Zealand, and to this end we support MPI's proposal to include reference to local and community knowledge as it relates to decisions on the importation of risk goods and surveillance and prevention. These proposals would require MPI's Chief Technical Officers to seek out local knowledge to understand the full range of potential effects on human health and the environment.
Biometric information	5	Clarify that the collection, use, or storage of information (including personal information) includes biometric information.		No comment
Powers of inspectors during searches	6	Introduce a power of arrest for obstruction during searches.		No comment
Border fines for travellers with high-risk goods	7	Create an additional infringement penalty for higher risk goods		No comment
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	Support	<p>We support the intention to make infringement notices available to regional councils. Regional councils need to have appropriate powers to enforce RPMPs, which are practical and appropriate to the scale of offence. Offence provisions are a powerful tool to encourage positive behaviour change.</p> <p>Further consultation with MPI on the appropriate level of infringement fee is needed.</p> <p>It may be more useful to have a sliding scale of infringement fee appropriate for the offence rather than a flat fee as proposed. There are potential challenges with consistency with the establishment and application of infringement offences between regional plans. It is likely that infringement offences could be used across a wide range of rules. However, councils can work to address this as a collective group.</p>

				<p>The requirement to consult MPI (and the Ministry of Justice) would add an additional step and as yet unknown time cost into the plan-making process.</p> <p>We seek clarification on the third criterium (contravention of the rule is likely to occur in high volumes) to understand what MPI considers to be high volumes. In general, it is unlikely that regional councils will be issuing infringement notices in large quantities so this criterium may be unachievable.</p>
Enhancing compliance options for breach of a Controlled Area Notice (CAN)	9	Amend an existing offence, establish a new offence and corresponding infringement.	Support	Support having an additional tool to enforce CANs.
Stronger compliance options for places of first arrival (PoFA)	10	Enable pecuniary penalties for breach of PoFA requirements	Support	See below
	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	Support	Northland has several ports of first arrival and stronger compliance options particularly when it comes to preventing unwanted organisms being transported into the region is critical, as it is elsewhere around the motu. Breaches to the PoFA should be treated seriously, and as a threat to Māori traditions, culture and taonga.
Arrest powers for Police (minor and technical)	12	Clarify arrest powers of police officers (authorised biosecurity officers pending current proposal)		Supports arrest powers for police and does not support giving arresting powers to biosecurity officers.
Sentencing	13	Introduce sentencing guidance into the Biosecurity Act	Support	This will be helpful in establishing nationally consistent penalties and provide prosecuting councils with guidance in the absence of case law.

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5. Funding and compensation proposals

Theme	Proposal	Support / Oppose	NRC Comment	
Cost-shares in the Government-Industry Agreement	14A	Mandate a periodic review of the cost-shares in the GIA deed.	No comment	
	14B	Set out a cost-share framework in legislation to guide cost-share arrangements with GIA partners	Support	Support this proposal to clarify and establish a cost-share framework to guide GIA partners. This is expected to improve the ability for MPI to lead incursion responses to prevent pests from establishing and becoming long-term management issues. To be considered is the critical need for iwi and hapū to support councils and agencies when an incursion occurs and how kaitiaki are trained and compensated to participate in protection.
Cost recovery from non-signatory beneficiaries	15A	Levy non-signatory beneficiaries (NSBs) to build an up-front fund.	No comment	
	15B	Levy NSBs after a response to recover costs/	No comment	
Compensation – Improvements to operation of the scheme	16	Refining how non-compliance would make a person ineligible for compensation	Support	We recognise the importance of enabling more transparent compensation processes to encourage better and more accurate reporting.
	17	Enabling more detailed compensation entitlements and requirements via regulation	Support	
	18	Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred	Support	
	19	Codify the operational dispute the resolution process		No comment
	20	Stating which type of losses are and are not compensable,		No comment

Compensations – Scope of losses that are compensable		including removing some or all consequential losses from compensation. All sub-options (listed below 20A – 20E) 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.		
	20A	Income and professional fees are payable.		No comment
	20B	All consequential losses are payable for the first year a producer is affected by the exercise of government powers.		No comment
	20C	All consequential losses are payable for the first six months a producer is affected by the exercise of government powers.		No comment
	20D	Professional fees are payable.		No comment
	20E	No consequential losses are payable.		No comment
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 s162A of the Biosecurity Act.	Further information required	The enforcement of rules for National plans could be affected by this proposal and we would like to understand more about this.

	21A	Make excluding compensation optional in the event of non-compliance with a pest or pathway management plan optional.	As above	As above
	21B	Differentiate how non-compliance affects compensation between pest management plans and pathway management plans.	As above	As above

6. Border and import proposals

Theme	Proposal	Support / Oppose	NRC Comment
Development of import health standards	22	Enable technical amendments to an HIS without consultation.	No comment
	23	Enable a rapid amendment process for HISs during the first year of trade in a good without consultation.	No comment
	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	No comment
	25	Enable the use of permits to allow trade to continue while a suspended HIS is being reviewed.	No comment
	26	Enable consultation on a risk management proposal for a	No comment

		good rather than the draft HIS itself.		
Section 24 independent review panels	27A	Amend the Biosecurity (Process for Establishing Independent Review Panel) notice 2015 and work on cost recovery.		No comment
	27B	Amend section 24 so the review is undertaken by a senior public official rather than by establishing an independent review panel		These sections relate to import health standards and as Māori health is greatly affected in Aotearoa we urge MPI to consider also having a Māori senior public official to support the review, or making sure that there is a Māori representative on an independent review panel.
	27C	Amend section 24 so that the review must only be about new evidence		No comment
	27D	Remove section 24 from the Biosecurity Act.		No comment
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.	Support	Supports measures designed to strengthen our border security, particularly as we are now seeing tourists and passengers becoming pathways for pests 'inter-regionally'. Freshwater gold clam is of particular concern, where tourists may unwittingly carry these in water-gear between destinations.
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.	Support	We support the intention to strengthen the national response to biofouling in the EEZ within the BSA. Biofouling is a primary pathway for new marine pests, particularly in tourist destinations and internationally renowned marinas. Having the ability to enforce biofouling removal prior to entry into our Coastal Marine Areas reduces the risk of marine pests from establishing in our ports, harbours, and bays.
	29B	Amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) to enable MPI to	Support	MPI should also take into account mana whenua mātauranga, sites of significance (e.g waahi tapū, māhinga kai, mātaimai, taiapure) when areas are been allocated to undertake removal of biofouling in areas that are least likely to affect the people.

		regulate biofouling removal under specific		
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.	Support	Support
	31	Enable the Director-General to impose a limit on the volume of a class of food moving through the air passenger pathway.	Support	Support
Facility approval framework	32	Streamline the legislative framework for transitional and containment facilities.		No comment
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.		No comment
	33B	Enable the Director-General of MPI to recognise third parties to undertake specified roles and functions.		No comment
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.		No comment
	34B	Include a requirement for carriers of commercial craft to provide notice to the Director-General of MPI that biosecurity information has been provided.		No comment

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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).		No comment
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7. Readiness and response proposals

Theme	Proposal		Support / Oppose	NRC Comment
Government Industry Agreement	36	Modify and grow the GIA	Support	This will significantly impact Regional Councils by formally including them in GIA decisions. Regional Councils can then better contribute to and align with long-term thinking, potentially leading to more comprehensive and cohesive biosecurity strategies with minimal implementation costs. Proposal 37's creation of biosecurity-focused cross-industry organisations will further improve the countries' biosecurity resilience and enhance coordination and investment in biosecurity efforts.
	37	Create one or more biosecurity focused cross-industry organisations to build primary sector skill and resilience.	Support	
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.	Support	Support
Faster emergency declarations	39	Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity.	Support	We support this as such declarations are operational and require urgency.
Biosecurity practices	40	Add a general biosecurity duty in the Biosecurity Act	Support	We support this in general as it would set the expectations for duties requiring good biosecurity practices, but monitoring and enforcement needs clarity to make sure these are effective.
	41	Expand the range of risk management plans that can be		No comment

		set through regulations under the Act.		
	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.		The provisions should also include clauses for businesses to take into account iwi/hapū environmental management plans that have sections for biosecurity management practices in their rōhe.
Minor technical amendment to section 100ZA (minor and technical)	43	Amend section 100ZA to add a power for the Minister to “unrecognise” an industry body when a sector withdraws from the GIA.	Support	Support

8. Long term management proposals

Theme	Proposal		Support / oppose	NRC Comment
Pest and pathway management and small-scale management programmes	44	Simplify the process to create national or regional pest and pathway management plans	Support	<p>The proposed streamlined process reduced redundant and pedantic efforts that are currently required to prepare a Regional Pest Management Plan. The first “proposal” steps are combined to enable the plan drafting to commence immediately with the creation of a new plan.</p> <p>Fewer regulatory steps and checkpoints means we can draft plans more quickly and efficiently, reducing time gaps between biosecurity response and long-term management (e.g. Caulerpa)</p> <p>Regional and district councils should need to take into account lodged iwi/hapū environmental management plans for taonga species, biosecurity practices and other cultural matters of significance.</p>
	45	Enable (but not require) integrated pest and pathway management plans	Support	It is logical to enable different forms and methods of pest/pathway management to allow fit-for-purpose approaches to different issues in different geographies

	46	Enable (but not require) the ability to have consolidated levies for NPMPs	Support	A simpler approach for levying industry sectors could improve engagement with primary sector and tourism sector.
	47	Make it easier for regional councils to create small-scale management programmes (SSMPs)	Support	We support the proposed changes that enable a wider range of programmes and increased timeframes/funding caps.
	48	Enable management agencies to provide exemptions from rules in NPMPs	Support	We support the ability to have jurisdiction over NPMPs as they relate to decision-making, but only where cost-recovery is available. This proposal will benefit from further consultation between MPI and councils on the development of a framework.
	49	Enable more than one legal entity to share management agency responsibilities	Support	This could lead to improved cooperation between agencies and empower partnerships between RCs, iwi, management agencies, and central government agencies.
	50	Enable management agencies and regional councils the function of issuing permits for pests in NPMPs or RPMPs	Support	We support the ability for regional councils to have jurisdiction over NPMPs as they relate to decision-making (in partnership with mana whenua in the rōhe), but only where cost-recovery is available. This proposal will benefit from further consultation between MPI and councils on the development of a framework.
	51	Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original time frame	Support	We support ability to revoke an exemption if holder contravenes conditions of a permit/exemption. A process would be developed to provide notification, opportunity for holder to rectify, and imposition of further conditions by councils.
Alignment of long-term management outcomes	52	Enable multiple National Policy Directions for Pest management to be made	Support	Provides greater flexibility in amending a National Policy Direction where new threats emerge while existing threat management continues. Enable the national policy direction to resource the participation and management of iwi/hapū to be able to undertake tikanga led pest management with a relationship with local councils.
	53	Enable new regulations to be made to create nationally consistent baseline objectives,	Support	Regionally consistent rules and regulations are very much necessary for efficient control of pests in terms of pathway plans as well as movement across territorial boundaries. E.g. banning the sale and

		policies, or rules for pest management		propagation of a species in one region but not its neighbour will significantly reduce plan effectiveness. MPI need to include objects that take into account Māori values and how these are affected by pests, and how their management is undertaken.
	54A	Strengthen s55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway		No comment
	54B«	Streamline the process set out in the regulations to remove unnecessary steps or duplication	Support	We support all steps undertaken to streamline long-term management planning steps, particularly where there is duplication and/or multiple steps requiring completion in a sequential manner.
	54C	Repeal s55 of the Act and revoke its associated regulations		No comment
Management of unwanted organisms and notifiable organisms	55	Amend s52 to define "communicate" in relation to a pest or unwanted organism	Support	Support for these in general where there is more clarity on terms and definitions. Overall reduction in unnecessary or repetitive permission processes only slows emergency responses. Papa Pounamu or an appropriate Te Ao Māori entity should be included in further discussions with MPI regarding unwanted organism list review. We suggest forming a special interest group or similar to progress this over the programmed five years. This will not only spread the workload, but will enable a more robust review process from experts on the ground, and partnership is empowered.
	56	Enable a chief technical officer to tailor the application of ss52 and 53 when declaring an unwanted organism	Support	
	57	Align the permissions for exemptions contained in s3(2) with those in s52	Support	
	58	Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient	Support	
	59«	Include a new transitional provision for all unwanted	Support	

		organisms to expire after five years		
	60	Improve the management of notifiable organisms	Support	
Minor and technical	61	Changing the name of the term "Unwanted Organisms" to "Controlled Organisms"		
Definitions related to unauthorised goods	62A	Provide a definition for 'New Zealand-born progeny' in s2 of the Biosecurity Act	Support	Support for these in general where there is more clarity on terms and definitions.
	62B	Amend the definition of "goods" in s2 of the Biosecurity Act to include planted trees or plants alongside moveable personal property	Support	
	62C	Amend the definition of "risk goods" in s2 of the Biosecurity Act to include the New Zealand-born progeny of unauthorised goods.	Support	
	62D	Amend the definition of "unauthorised goods" to include the New Zealand-born progeny of unauthorised goods.	Support	
Minor and technical	63	Amendment to s115 (use of dogs and devices)		No comment

9. Surveillance and interfaces with Department of Conservation-administered legislation

Theme	Proposal	Support / oppose	NRC Comment
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Interaction with the Freshwater Fisheries Regulations 1983	64	Enable the Biosecurity Act to take precedence over sports fishing benefits	Support	Sports fishing releases (legal and otherwise) have occurred throughout areas like Northland in arguably inappropriate aquatic environments, resulting in biodiversity decline and the spread of other unwanted organisms. The existing framework requires good faith and good relationships between individuals at Fish and Game and management agencies. While this has improved in recent times there is an inherent risk that future empowered individuals within Fish and Game could progress personal agenda, as has been done in the past without consequence. There is also overlap here with the NPS-FM and the direction for regional councils to develop fish passage actions plans. Where there can be misalignment with 'pest' fish and 'undesirable' species.
	65	Enable the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer	Support	
	66	Enable biosecurity powers, functions, or duties to take precedence over other provisions where a fish is also an unwanted organism	Support	
	67	Amend the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree	Oppose	
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.	Support	We support improved alignment and reference between these two Acts. Especially in areas where taonga species have migratory pathways and breeding grounds. Climate change will be a critical factor in monitoring the moana to, and being able to effectively identify pest species and eliminate them (if possible) in a timely manner to preserve Aotearoa's ecosystems.
	69	Include a reference to the Marine Mammals Protection Act in the Biosecurity Act	Support	
Interaction with the Wild Animal Control Act 1977	70	Clarify that regional councils can enter private land to control wild animals	Support	This will provide more clarity and understanding for our own Biosecurity officers. It may be useful and helpful for regional councils if media / consultation collateral on this point can be developed and shared by MPI for councils to use in our public education campaigns.
	71	Make a technical amendment to section 7(5) of the	Support	

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	Biosecurity Act to correct a reference to conservation land		
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From: [Tim and Kath Riding](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission for Biosecurity Act review, consultation process
Date: Friday, 13 December 2024 10:36:25 PM

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Hi,

Please consider the comments below that we (a family of two marine scientists and a very marine-focussed young adult) have in relation to the Biosecurity Act consultation process, that closes today.

Section 3: [Border and imports](#):

Development of import health standards

Proposal 22 – Enable technical amendments to an IHS without consultation:

Although we acknowledge there could be benefits for the system to decrease time required to implement 'minor BA changes', we feel that consultation is critical to ensuring that stakeholders, wider interested parties and views, and SME's from wider organisation can have their input into potential revisions. We are supportive of more meaningful consultation, where that might lead to positive outcomes for an IHS amendment(s) and New Zealand Inc.

Proposal 23 - Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation

Not supportive - not consulting widely will miss the value that other organisations and SMES might bring to the discussion.

Proposal 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

Further information here would be useful to inform our feedback as to whether we support this proposal or not. Specifically, how would a risk assessment for the proposed imported goods be undertaken, and how would management options to mitigate biosecurity risks then be assigned? One assumes that in order for a one-off permit to be issued, much of the formal process to assess risk and inform appropriate management would need to be undertaken anyway – in which case, why not use it to inform a more enduring IHS going forward, halting the need for further ad-hoc requests to initiate this process every time? Bespoke one-off permits could very likely create more administrative burden in the long run. Without more details, particularly around the process for risk assessment and management for potential one-off importations, we do not support this proposal.

Section 24 – independent review panels

Proposal 27 - Improving efficiency in the import health standard review

We see that s24 provides a clear pathway to guide submitters through a process to

challenge the IHS process, should they believe that the IHS does not align with scientific evidence. Removing this pathway (via the preferred option 27D) would appear to undermine democratic process (as S23 in the act does not appear to outline a similar process for challenging the crown on a matter pertaining to missed scientific evidence in the way the s24 does currently). If s23 and s24 had the same intent in the initial drafting of the BA, then it seems unlikely that they would have survived the various revisions the act has seen in the last 30 years.

However, including cost recovery options would seem sensible – so option 27A would seem the best option to retain the intent of s24 whilst reducing the burden to the govt of any s24 challenges.

Option 27B (in conjunction with 27A) could also be a tenable way of reducing burden, as long as independence from MPI/the Crown could be ensured and would be easily defensible under public scrutiny – which seems dubious without more detail on how this might evolve and where this independent expert may be sourced from.

Better management of biofouling removal in New Zealand's Exclusive Economic Zone
Proposal 29A – Amend the Biosecurity Act to clarify that MPI has the power to regulate biofouling removal in relation to all vessels' arrival in the EEZ with a clearly stated intention of arriving in New Zealand; and Proposal 29B – Amend the EEZ Act to enable MPI to regulate biofouling removal under specific regulations

We agree that the Biosecurity Act (BA) should be amended to allow its applicability to both the territorial sea (12NM) and the EEZ (200NM), with the assumption that this will allow all relevant IHS's to extend to provide full legal cover over these wider areas. It also could be argued that the BA's validity should be extended to include the NZ continental shelf (if in fact it is legally plausible to do so). Any marine area geographically or hydrographically connected to the NZ coastline with shallow waters (<200m depth, such as the continental shelf) could provide a suitable environment for non-indigenous marine organisms to settle, survive and reproduce – creating a 'beach head' for biological invasion of the EEZ and/or the mainland. Activities in any of these areas that might lead to the release of live, foreign-sourced biological material poses a risk to the receiving environment and the economic, social and cultural values that the environment supports. Consequently, an extension of the BA's applicability to the EEZ (and the Continental Shelf, if legally possible) should allow a step-wise improvement in BNZ's ability to manage biosecurity risk around New Zealand's coastal and marine areas.

With regard to biofouling removal in the NZ EEZ and/or Continental Shelf. If an inbound vessel fails the hull cleanliness requirements of the CRMS (long-stay vessels that have more than a slime layer and goose barnacles; short-stay vessels with >1% incidental macrofouling coverage of waterline and hull areas, and/or >5% incidental macrofouling coverage of niche areas – see CRMS 2023, Schedule 4), then it will likely have a considerable diversity, abundance and volume of live exotic organisms contained within that biome, including likely foreign-sourced pests and/or diseases. Allowing the removal and dumping of these organisms into the NZ environment creates a considerable risk (see MAF Risk Analysis: Vessel Biofouling 2011 for an overview of various risk taxa present

within biofouling assemblages). Arguably, the risk of a single vessel undergoing biofouling removal and dumping in a remote offshore location might be considered low, depending on the source and makeup of the hull biofouling communities, how geographically connected the cleaning and dumping location is to coastal NZ, seamounts and ridges, and how hydrodynamically connected that cleaning/dumping location is to settlement areas via upwelling, tides, currents and waves. However, repeated dumping of biological wastes from multiple hull-cleaning operations in the same area or areas over extended time frames will likely increase the risk of those activities to New Zealand by orders of magnitude. This risk is likely to be particularly high for larva and gametes of those biofouling communities that are released into the water column during the cleaning process, and/or adults, juveniles, larva and gametes dumped or dispersed onto the seafloor below. This dumped biota will inevitably provide a large quantity of crushed/damaged organisms (food) and settlement material (shell hash and other calcareous material) which will likely facilitate some of these adult, juvenile and larval organisms to survive – particularly mobile detrital-feeding organisms.

The MEPC Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species (MEPC 378(80) states "Cleaning is an important measure to remove biofouling from the hull and niche areas but, when conducted in-water, it poses a risk of releasing invasive aquatic species into the water. Waste substances which are dislodged from the ship during the cleaning operation should therefore be collected."

If hull cleaning activities were to be undertaken in any marine area within the NZ EEZ/Continental Shelf, we strongly suggest that this should only be considered with the complete capture (using a suitable system which has been appropriately tested for the vessel and its anti-fouling coatings (AFCs)), with appropriate disposal of all removed biofouling and associated wastes – such as toxic or harmful materials from the AFCs (MEPC Guidelines state "When conducting biofouling management, potential release of harmful waste substances should also be considered.")

The MEPC guidelines continues (Section 9.4) that "... cleaning without capture should not be conducted ... when biofouling exceeds microfouling only", (when macrofouling is 1% or greater). Based on when incoming vessels might trigger the CRMS biofouling limits and be required to clean before being cleared into New Zealand (>1% macrofouling coverage) – all vessels requiring cleaning to meet the CRMS will exceed this threshold, therefore, according to the MEPC guidelines, should require biofouling capture and appropriate disposal.

Further from the in-water cleaning guidelines:

"In-water cleaning to routinely remove mature and extensive macrofouling as a substitute for earlier and/or better maintenance practices is not recommended.

In-water cleaning is only acceptable where contaminant discharges from the cleaning activity meet water quality standards set by the relevant authority."

"In-water cleaning of vessels or movable structures should only be carried out before departing to new destinations, not after arriving at these destinations.

In-water cleaning should not be performed on vessels or movable structures that have

reached or exceeded their planned in-service period. The anti-fouling coating on such vessels or movable structures has reached the end of its service life and the vessel or movable structure should be removed from the water and a new anti-fouling coating applied.

In-water cleaning or treatment of biofouling should only be carried out using technology that does not harm the underlying coating or result in the excessive release of contaminants. The capabilities of new technologies should be verified independently.

Information on the suitability of particular cleaning or treatment methods can be obtained from coating manufacturers.

When in-water cleaning involves the removal of macrofouling, methods should be used to ensure that unacceptable amounts of biological material are not released into the water column. In-water cleaning technologies should aim to, at least, capture debris greater than 50 µm in diameter which will minimise the release of viable adult, juvenile and larval stages of macrofouling organisms. Any cleaning debris collected must be disposed of on land and in compliance with the waste disposal requirements of the relevant authority. If suspected invasive or non-indigenous aquatic species are encountered during in-water cleaning or other vessel maintenance activities, the relevant authority should immediately be notified and the cleaning or maintenance activity ceased.”

Location of potential cleaning areas – even with capture of biofoul from cleaned hull surfaces, release of mobile organisms is still highly likely, so there is still considerable risk associated with these activities – particularly with a more heavily fouled vessel with advanced biofouling that includes mobile organisms. Consequently, we could only support hull cleaning in areas where released organisms have negligible likelihood of establishing within New Zealand waters - well away from the coastal marine area, seamounts, ridges and other hydrographic features, and in areas that provide currents, waves and hydrological features that ensure organisms released during cleaning do not end up actively or passively moving towards the New Zealand coast, seamounts or ridges. This would need to be informed by extensive modelling, including likely climate change impacts on oceanic currents. Without these considerations (including availability of technologies that completely capture biofouling and toxins associated with the AFC), we cannot support hull cleaning of foreign-sourced biofouling inside the NZ EEZ.

Q60 - Do you agree with our preferred approach to progress proposal 29A? Why, or why not?

Partially. The BA should be modified to be applicable in the EEZ/Continental Shelf, however, the addition of in-water cleaning without capture, is not supported. In-water cleaning with capture could be supported, with appropriate modelling to inform the lowest-risk location(s), and with appropriate processes in place to ensure negligible risks associated with the storage, transport and disposal of captured biofouling. That might include having approved dumping site(s) for disposal outside of the EEZ/continental shelf with negligible hydrological or hydrographic connectivity to the NZ continental shelf.

Q61 - 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

As stated above, they might be an efficient tool to manage biofoul removal, however, there are some details lacking from the proposal that would clarify our opinion. These include:

- where these biofouling removal sites might be, or how they might be selected;
- what processes or systems might be used for biofouling removal (e.g., utilising appropriate capture technologies); and
- details around where and how biofouling disposal might be managed.

Without some clarity around these details, the proposed approaches, as they are outlined, have the potential to come with considerable biological risk to NZ and consequently we cannot support the any proposed biofouling removal within the NZ EEZ.

Kind regards,

Kath Blakemore and family

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From: s9(2)(a) [redacted]
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission on Proposed amendments to the Biosecurity Act
Date: Monday, 16 December 2024 1:51:33 AM
Attachments: [Outlook-iwn00g3y](#)
[2024 - TTW Submission on Proposed Amendments to the Biosecurity Act.pdf](#)

Please find attached feedback on the proposed amendments to the Biosecurity Act.

Should you have questions please contact me directly.

Regards

s9(2)(a)



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Biosecurity System Policy Team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140
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16 December 2024

Tēnā koutou,

Te Tira Whakamātaki Submission on the Proposed Amendments to the Biosecurity Act

Te Tira Whakamātaki welcomes the opportunity to provide feedback on the proposed amendments to the Biosecurity Act (“the Proposal”). We are committed to protecting our natural heritage through Indigenous-led and Indigenous knowledge-based solutions. Our team includes mātauranga experts, Māori scientists, policymakers, and kaitiaki.

We have consolidated our feedback with insights from our research and communities. We recognise the global, national and local importance of the Biosecurity System especially in the face of unprecedented global movements and biodiversity decline, and we are making this submission because the Biosecurity System should not only respond to that but it should also be Tiriti-led and meaningfully recognise the role of whānau/hapū/Iwi. Our submission does not seek to represent the views or experiences of all Māori but rather provides our feedback based on our whakapapa (ancestry) and expertise.

In our submission below we emphasise the need for a biosecurity framework that acknowledges and actively supports Māori tino rangatiratanga (self-determination) over natural resources and aligns with Waitangi Tribunal findings. Our submission aims to ensure the Biosecurity System is grounded in the principles of Te Tiriti o Waitangi, legal precedents, and the rights affirmed through Treaty settlements.

Key Feedback

1. Te Tiriti o Waitangi and Crown Obligations

The Biosecurity Act amendments must explicitly uphold the principles of Te Tiriti o Waitangi, which include:

- **Partnership:** Shared decision-making between the Crown and Māori in biosecurity policy and governance.
- **Active Protection:** Proactively safeguarding Māori taonga (treasures), including whenua (lands), ngāhere (forests), wai (waters), and biodiversity.
- **Equity:** Ensuring Māori communities have equitable access to resources, capacity-building, and funding to participate in biosecurity efforts.

The Waitangi Tribunal's Wai 262 report ("Ko Aotearoa Tēnei") highlights the importance of Māori participation in environmental management and the need for mātauranga Māori to inform decision-making. The amendments should enshrine these obligations, ensuring Māori have substantive roles in shaping biosecurity policies that impact their taonga and the Māori economy.

2. Knowledge and Mātauranga Māori

The inclusion of local knowledge, particularly mātauranga Māori, in surveillance and decision-making is commendable but must be operationalised effectively. This requires:

- **Co-Design Mechanisms:** Creating frameworks where Māori, through Iwi, hapū, and Māori businesses, co-develop policies and strategies with the Crown.
- **Resourcing Māori Knowledge Systems:** Providing adequate funding to support the collection, preservation, and application of mātauranga Māori in biosecurity practices.

As an example, Te Tira Whakamātaki has worked to ensure mātauranga Māori complements contemporary science in pest management responses including myrtle rust and kauri dieback, demonstrating the effectiveness of this approach.

3. Treaty Settlements and Customary Rights

The proposed amendments must not undermine Māori rights recognised in Treaty settlements. For example:

- **Customary Marine Title Areas:** Under the Marine and Coastal Area (Takutai Moana) Act 2011, Māori have legal rights over specific coastal areas. Biosecurity measures affecting these areas must respect these rights and involve hapū in decision-making processes.
- **Settled Taonga Rights:** Māori settlements often include provisions for co-governance of natural resources (e.g., Waikato River Authority, Te Urewera Board). The Act should align with these settlement frameworks to avoid legal inconsistencies.

4. Active Involvement in Governance

To reflect partnership and active protection, Māori should have governance roles in:

- **Biosecurity Coordination Committees:** Iwi/hapū representatives must be included in decision-making at the national and regional levels.
- **Funding Allocation:** Māori must be involved in funding decisions, creating space for them to establish funding streams specifically for Iwi and hapū to undertake pest management, respond to biosecurity threats, and build capacity within Māori communities.

As an example, the Ngāi Tahu partnership with the Department of Conservation for managing biodiversity in the Ngāi Tahu takiwa (region) demonstrates successful co-governance that could be replicated in biosecurity governance.

5. Legal Considerations

The proposed amendments must address the Crown's legal obligations to Māori. Drawing on relevant legal advice and Waitangi Tribunal decisions:

- The Tribunal's Wai 1040 report on Te Paparahi o Te Raki (Northland) emphasised the Crown's duty to ensure Māori retain authority over their taonga and environmental

resources. For example, the Wai 262 findings reinforce the need for Crown policies to support Māori kaitiakitanga (guardianship) and avoid unilateral decisions that marginalise Māori interests.

The Crown's failure to incorporate these principles risks judicial review or claims under the Waitangi Tribunal for breaches of Te Tiriti.

6. Capacity Building and Funding

Amending the Act should involve:

- **Dedicated Māori Funding:** Allocating targeted funding to support Māori biosecurity initiatives and capacity building; a lack of resourcing has historically hindered Māori participation.
- **Training and Development:** Establishing programs to equip Māori communities with the technical skills for biosecurity management, enabling them to exercise tino rangatiratanga over their resources.

7. Equity in the Government Industry Agreement (GIA)

The GIA framework, while industry-focused, must accommodate Māori businesses and Iwi organisations, particularly those reliant on primary industries such as forestry, agriculture, and aquaculture. Proposals should:

- Enable Māori entities to participate in GIA negotiations directly, not via industry reps, and without financial barriers.
- Recognise Māori businesses as Treaty partners rather than standard industry stakeholders.

8. Environmental Justice and Community Engagement

The Crown must prioritise Māori communities disproportionately affected by biosecurity incursions. For example, kauri dieback impacts Māori cultural practices and connections to whenua. Amendments should include:

- **Community-Led Responses:** Enabling hapū to lead local biosecurity responses with Crown support.
- **Access to Data and Research:** Providing hapū, Iwi and Māori with transparent access to biosecurity data and research to inform their kaitiaki responsibilities.

Summary:

The proposed amendment should cover the following:

- **Genuine Partnership:** The amendments should move beyond consultation to establish co-governance models that reflect a true Treaty partnership. This includes Māori having decision-making authority in biosecurity governance structures.
- **Resourcing and Support:** To effectively incorporate mātauranga Māori, the Crown must invest in building the capacity of Māori communities and organisations. This involves funding for research, education, and the application of indigenous knowledge in biosecurity practices.

- **Legal Recognition of Rights:** The amendments must explicitly recognise and uphold Māori rights as affirmed in Treaty settlements and customary practices. This ensures that biosecurity measures do not infringe upon these rights but instead support Māori in their role as kaitiaki.
- **Holistic Approach:** Biosecurity strategies should integrate environmental, cultural, and social dimensions, reflecting the interconnectedness emphasised in te ao Māori (the Māori worldview). This holistic approach enhances the effectiveness and cultural appropriateness of biosecurity measures.

The proposed amendments to the Biosecurity Act represent an opportunity for the Crown to fulfil its Treaty obligations and establish a biosecurity framework that upholds Māori rights, incorporates mātauranga Māori, and supports kaitiakitanga. We urge the Ministry and Government to engage meaningfully with Māori stakeholders, reflect Te Tiriti or at the least Treaty principles in the Act, and ensure any amendments result in equitable and culturally appropriate biosecurity outcomes.

Please contact s9(2)(a) if you wish to discuss this submission.

Ngā mihi,

s9(2)(a)

s9(2)(a)

Tumu Whakarae, Chief Executive Officer

s9(2)(a)

Privacy disclaimer

- We are happy to be contacted in the future by the Ministry for Primary Industries.
- We do not wish to speak to this submission.
- We give permission for this submission to be proactively published but only after removing any personal details, including names of people and their email addresses. You may publish our organisation's name.
- You may make our submission available in response to requests made under the OIA but must remove or redact personal details, including individuals' names and contact details.
- We request that personal details only are withheld as they are private.

QUESTIONS:

Q6. What impacts do you expect to see considered in the full cost-benefit analysis?

A full cost-benefit analysis should reflect a holistic approach that considered not only economic impacts but also environmental, cultural, and social dimensions. These aspects are crucial to delivering a Tiriti-led biosecurity system that benefits all New Zealanders, including Māori communities. Impacts that should be measured include:

- Cultural impacts which including protection of taonga species, loss of mātauranga and cultural practices (includes impacts of biosecurity measures on cultural practices such as mahinga kai, rongoā Māori, and ceremonial use of native plants).
- Environmental impacts which include biodiversity loss and ecosystem services.
- Social impacts which include community resilience and health and wellbeing.
- Economic impacts which include primary industries, Māori economic participation and economy, and the cost of inaction.
- Equity and capacity building impacts which include capacity building for Māori and equity in access to resources.
- Treaty obligations which include alignment with Te Tiriti and avoidance of legal risk (including costs of failing to meet Treaty obligations which could lead to a Tribunal claim).
- Long-term sustainability which include the intergenerational impact and holistic approach.

System-Wide Issues

1. Overarching Purpose Clause:

We support the inclusion of an overarching purpose clause that explicitly references Te Tiriti o Waitangi, ensuring the Act aligns with Treaty obligations and incorporates cultural, environmental, and social values alongside economic considerations

2. Ministerial Involvement in Significant Decisions:

We advocate for a 'call-in' power vested in the Minister responsible for the Biosecurity Act, with mandatory consultation with Māori to uphold partnership principles and consider impacts on Māori communities and taonga species. An alternative we might consider would be mandatory consultation with the Minister for Māori Development and Minister for Treaty Negotiations, complemented by a Treaty Impact Assessment.

3. Incorporating Local Knowledge:

We strongly support amendments enabling the integration of local knowledge, including mātauranga Māori, in decision-making processes, ensuring culturally informed and effective biosecurity measures.

Local knowledge, particularly mātauranga Māori, is a critical component in making biosecurity decision-making, more effective. Mātauranga Māori encompasses generations of observation, experience, and practice in managing Aotearoa's unique ecosystems, making it highly relevant to biosecurity. Its inclusion:

- **Improves Detection and Surveillance:** Māori communities possess intimate knowledge of their local environments and can identify subtle changes in ecosystems that may indicate new biosecurity threats.
- **Enhances Cultural Relevance:** Solutions rooted in mātauranga Māori are more likely to resonate with Māori communities, fostering greater cooperation and participation in biosecurity initiatives.
- **Strengthens Ecosystem Understanding:** Mātauranga Māori often considers the interconnectedness of species and ecosystems, providing a holistic approach that complements Western scientific methods.
- **Enables Rapid Responses:** Leveraging local networks and knowledge systems allows for quicker and more targeted responses to emerging threats.
- **Builds Community Resilience:** By empowering communities to contribute their knowledge, decision-making becomes more inclusive and sustainable, strengthening local and national resilience to biosecurity risks.

Examples of mātauranga Māori in biosecurity decision-making include:

- Rongoā Māori (traditional medicine): Knowledge of native plants used in rongoā Māori includes an understanding of pest-resistant species and their roles in ecosystem balance. This knowledge could guide decisions about biosecurity interventions, such as reforestation with pest-resistant native plants. See the Kauri Dieback Rongoā Solution work.
- Taonga species as indicators of ecosystem health: Māori kaitiaki observe taonga species (e.g., tuna, kākahi, and pōhutukawa) as indicators of ecosystem health. For example: Māori communities detected early signs of kauri dieback disease through changes in soil and tree health long before scientific diagnostics confirmed its presence. These observations could complement contemporary biosecurity surveillance systems.
- Observing seasonal indicators (Maramataka – Māori Lunar Calendar): The maramataka incorporates environmental and seasonal cues to guide activities such as planting, harvesting, and pest control. This knowledge could inform biosecurity timing and management, particularly for invasive species that align with seasonal cycles.
- Traditional pest management: Historical Māori practices for managing pests, such as trapping and habitat manipulation, offer sustainable and culturally grounded methods. As an example, using harakeke and native plants as natural barriers to control pest movement.
- Naming and categorisation of species: Māori names and classifications of flora and fauna often reflect their ecological roles and relationships. This knowledge could help prioritise species for protection or identify invasive threats more accurately.
- Management of marine ecosystems: Local Māori knowledge of marine environments, such as customary rāhui, has been used to protect and regenerate marine species. For example, Ngāti Porou implemented a rāhui to address kina barrens caused by overfishing, improving marine ecosystem health. This approach could be applied to biosecurity responses in coastal and marine environments. Iwi and hapū are also actively involved in monitoring freshwater taonga like tuna, which provided valuable data on water quality and pest invasions, enhancing biosecurity decisions at the regional level.

4. **Biometric Information:**

We have no preference for either the proposal or the status quo, however should the proposal go ahead we recommend clear guidelines for the collection and use of biometric information, ensuring alignment with Māori data sovereignty principles and the protection of individual rights.

5. Power of Arrest for Obstruction:

We **strongly disagree** with giving powers of arrest to biosecurity inspectors. We advise caution against expanding powers of arrest without robust safeguards to prevent potential misuse. Despite MPI noting it would only use such powers as a last resort, the proposal focuses on MPI staff risks, forgetting that Māori are often at the receiving end of such misuse.

Despite the promise of discretion, we believe without adequate training and clear protocols around respecting Māori rights, in order to minimise adverse impacts on Māori and their communities, MPI would need Police level training in particularly with regards to the Bill of Rights and calming and de-escalation techniques.

Funding and Compensation

6. Cost Recovery and Levies:

We support equitable and scalable cost-sharing arrangements that consider the unique position of Māori as Treaty partners. That said we acknowledge that a blanket approach might be more efficient and manageable. We support the infringement fees proposed. However, as it relates to proposals 8 and 9, we note that MPI and councils must ensure Māori and Māori entities are not disproportionately targeted or burdened, but we believe there is some merit in considering a pathway for councils to designate infringements for pest and pathway management plans and amending the offence levels.

7. Sentencing:

We advise caution before introducing sentencing guidance into the Biosecurity Act, noting that Māori are often disproportionately targeted, burdened or impacted by sentencing guides. We suggest that any sentencing guidance is co-developed with Māori legal and justice experts.

8. Compensation Framework:

We advocate for a compensation framework that acknowledges the disproportional cultural and economic losses Māori may incur due to a biosecurity incursion and encourage MPI to ensure fair and timely compensation for Māori whether they are GIA / NSB partners or not.

We also anticipate that should a model be adopted that places more costs on GIA partners, that GIA partners would expect more decision-making power. If this occurs, then we expect MPI to ensure their Treaty partners views are not further weakened because the GIA has more influence.

We support a level of fair and balanced cost recovery but note that if GIA partners or NSBs are expected to pay more, they should also be determining how responses are run and not expected to cover costs that may blow out due to MPI decisions. They should also be involved in planning for the response and funding should be set aside for pre-emptive research to ensure impacts are known and planned for in advance.

We support the removal of restrictions on the ability to vary compensation, and the codifying of a dispute resolution process, so long as it doesn't adversely affect Māori or negate Treaty Settlements or obligations.

Border and Imports

8. Import Health Standards (IHS):

We support the suspension of IHS when new biosecurity risks are identified, so long as it is coupled **with** processes that include consultation with Māori to assess potential impacts on taonga species and ecosystems and complies with all legal and ethical requirements – nationally and internationally.

9. Border Management Powers:

We support changes that increase the ability to protect our taiao (land or marine based) and recommend that any extension of border management powers includes provisions for cultural sensitivity and engagement with Māori, particularly in areas of significant cultural importance or areas covered by existing and future Treaty Settlements. This is particularly relevant in the marine space.

10. Limiting Pathways and Providing Information to Passengers:

It is our view that operational efficiencies cannot and should not be used to justify decisions that may increase risks to the health and viability of our taiao, taonga, and associated cultural practices. We would argue that such risks could be deemed a breach of Article 2 of Te Tiriti. However, we support the inclusion of appropriate mechanisms that increase the ability of MPI to limit, restrict or prohibit entry of specific foods where those foods pose a risk to our taonga.

Any third party acting on behalf of the Biosecurity System must be adequately trained in Māori rights and engagement and have clear protocols in place to demonstrate their compliance with Treaty Settlements, past and future, and their ability to minimise adverse impacts on Māori and their communities.

We do not support removing the general duty to provide biosecurity information to incoming passengers. Whilst this might reduce the administrative burden and compliance costs for carriers and MPI, without research to prove otherwise, we believe it will increase delays at customs and costs for the airport, MPI and Police at the border.

Readiness and Response

10. Government-Industry Agreement (GIA):

We encourage the modification of the GIA partnership so long as it ensures Māori representation, perspectives and interests are integrated into all readiness and response activities.

11. Liability Protection for GIA Partners:

We support liability protections that encourage participation in biosecurity activities, provided they do not absolve parties from accountability, especially concerning impacts on Māori communities.

12. Emergency Declarations:

We can only support streamlined emergency declaration processes where they include mechanisms for rapid consultation with Māori to address potential cultural and environmental impacts. History suggest rapid- and emergency-based powers are often used to harm Māori and

their communities (e.g., anti-terrorism and police powers), and or prevent services reaching Māori communities (e.g., Covid regulations).

13. Biosecurity Practices:

We encourage the development of biosecurity practices that incorporate mātauranga Māori and empower Māori communities to actively participate in biosecurity efforts. We also note that the Crown may pass responsibility to develop risk management plans to businesses and industry, but the responsibility to protect Māori and their taonga (Article 2 of Te Tiriti) remains with the Crown / MPI.

Long-Term Management

14. Pest and Pathway Management Plans:

We support simplifying the process for creating pest and pathway management plans, as long as it provides for the facilitation of Māori-led initiatives and ensures plan reflect Māori values and priorities.

15. Management Agency Responsibilities:

We support enabling multiple entities, including Māori organisations, to share management agency responsibilities, fostering collaborative and culturally appropriate pest management strategies.

16. Small-Scale Management Programmes:

We support empowering regional councils and Māori entities to implement small-scale management programmes, addressing localised biosecurity threats effectively.

Legislative Interfaces

17. Alignment with Other Legislation:

We support any amendments to the Biosecurity Act that prioritise the protection of our environment over the rights of recreational or commercial hunters and fishers, including giving power to a chief technical officer, with the appropriate skills, to designate a sports fish a pest. This aligns with Article 2 of Te Tiriti which promises the protection of our taonga.

We do not support the Fish and Game Council having a say over the inclusion of a sports fish in a council regional pest management plan. The Fish and Game Councils are the successor of the New Zealand acclimatisation societies, the creators of many of our pest problems, and they advocate for the interests of anglers and hunters over the rights of Māori, counter to the promises made in Article 2 of Te Tiriti. In our view they are unable to make fair, reasonable and unbiased decisions.

We recommend ensuring the Biosecurity Act aligns with all relevant legislation including Treaty Settlements and Acts that recognise and protect Māori cultural associations with taonga species e.g. Marine Mammals Protection Act.

18. Surveillance Activities:

We support amendments facilitating appropriate and efficient surveillance activities, provided they respect Māori rights, do not breach the Bill of Rights or cause undue harm to persons, and as long as they include meaningful consultation with affected Iwi, hapū and communities.

Likewise we support increasing the ability for councils to carry out pest management activities on private land, so long as such activities don't unfairly and disproportionately target Māori landowners. Provisions need to be made to ensure impact on the immediate community are considered.

General Feedback

19. Engagement with Māori:

We emphasise the necessity for ongoing, meaningful engagement with Māori throughout the development and implementation of biosecurity policies, ensuring adherence to Te Tiriti o Waitangi principles.

20. Capacity Building:

We would advocate for initiatives that build Māori capacity in biosecurity, including funding, training, and support for Māori-led research and management programmes.

21. Monitoring and Evaluation:

We recommend establishing monitoring and evaluation frameworks that assess the effectiveness of biosecurity measures to protect Māori interests and incorporate Māori perspectives into assessments.

22. Data Sovereignty:

We note the importance of respecting Māori data sovereignty in all biosecurity data collection, storage, and usage, ensuring Māori have control over their data.

23. Research and Development:

We encourage investment in research that integrates mātauranga Māori and science, fostering innovative and culturally appropriate biosecurity solutions.

24. Public Awareness:

We support public awareness campaigns that educate the public about biosecurity threats and the role of Māori as kaitiaki of Aotearoa's natural resources.

25. International Obligations:

We expect the Biosecurity System to ensure that New Zealand's international biosecurity obligations are met in ways that uphold Te Tiriti o Waitangi and protect Māori interests.

26. Climate Change Considerations:

We support the incorporation of climate change projections into biosecurity planning, recognising the potential for new threats to taonga species and Māori livelihoods.

27. Resource Allocation:

We advocate for equitable resource allocation to enable Māori participation.

From: [Gillan, Gordon](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission on proposed amendments to the Biosecurity Act
Date: Friday, 13 December 2024 4:22:08 PM
Attachments: [bp submission on proposed amendments to the Biosecurity Act.pdf](#)

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Good afternoon,

Here is a submission from bp.

Kind regards

Gordon

Gordon Gillan
Communications & External Affairs Manager
bp New Zealand

s9(2)(a)

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bp submission on proposed amendments to the Biosecurity Act

bp New Zealand welcomes the opportunity to submit on the proposed amendments to the Biosecurity Act. bp supports the policy objective of ensuring biosecurity measures continue to protect our environment and support our economy.

bp recommends that any amendments to the Act include relief provisions to ensure New Zealand's fuel security and supply is not negatively affected.

This submission focuses specifically on Proposal 29A, which aims to clarify the Ministry of Primary Industry's (MPI) power to regulate biofouling removal in relation to all vessels' arrival in the Exclusive Economic Zone (EEZ) with a clearly stated intention of arriving in New Zealand.

In bp's view:

- Current regulatory settings are sufficient, particularly when matched with improvements in anti-fouling technology that are already reducing biosecurity risk;
- Proposal 29A as written presents a risk to New Zealand's fuel security; and
- Any amendments should only proceed if relief is clearly provided in the regulations to allow for biofouling to be done inside New Zealand's EEZ, in urgent or special circumstances, as is currently allowed.

On average, bp receives two to four fuel cargoes every month, a combination of time charter and spot charter ships. Having time charter ships ensures we can factor hull cleaning into our business-as-usual operations. In practice, this means we hull clean approximately every six months. However, with spot charter ships, we are reliant on the international vessel owners with ships operating in East Asia being willing to bear costs without a guarantee of return for maintaining a hull that meets New Zealand's biosecurity standards. This reduces the number of ships in the market that are willing to be chartered for delivery to New Zealand.

Vessel owners have a strong incentive to ensure the fuel efficiency of their vessels, due to the cost of fuel and upcoming UN Carbon Intensity Index Regulations. Anti-fouling paint technology has improved significantly in recent years. It is bp's view that New Zealand regulations should be designed to understand the risks over time to assess if the rules could be changed (e.g. to annual cleaning), reducing the compliance cost where technology like hull coatings is proven to be reducing the risk.

Under business-as-usual trading and shipping conditions, bp is comfortable that it is well-positioned to meet the biofouling requirements under Proposal 29A. However, it is not clear

Submission on proposed amendments to the Biosecurity Act

whether the proposed regulations will provide relief for special or urgent circumstances to allow the cleaning of vessels within New Zealand's EEZ, as can be done today. Under the current Act, a ship can be inspected and cleaned outside the 12 nautical miles limit. This is inconvenient but not a significant penalty compared with the unknown scenario of conducting such inspections and cleaning outside the EEZ.

Potential Impact on fuel supply

If no relief is clearly provided for in the Act, Proposal 29A is likely to impact the pool of ships that can be used to deliver to New Zealand. A plausible scenario would be where bp needs to divert a vessel destined for Australia to New Zealand to maintain compliance with the Government's new minimum stockholding obligations (MSO). If the vessel being diverted does not routinely travel to New Zealand, or had not planned to (i.e. it is a spot ship), Proposal 29A would require this cleaning to be done outside the EEZ (e.g. Australia). This would come at a significant cost and time delay to meet an urgent requirement.

In bp's experience, different regional councils can apply regulation and manage or view risk differently.

Without a consistent approach, international shippers may not know in advance what would be required in order to perform cleaning in New Zealand. There is therefore an inherent risk that Proposal 29A as written will harm New Zealand's fuel security during an emergency or urgent event, as the ship owner will not want to be exposed to substantial financial penalties if MPI are not satisfied with the vessel's hull cleanliness documentation. In practice, urgent cargoes could be delayed.

We recommend MPI review whether Proposal 29A is necessary, given current settings are already sufficient when considered alongside the improvements the shipping industry has seen in biofouling technology.

At a minimum, we recommend any amendments to the Act include relief provisions to ensure New Zealand's fuel security and supply is not negatively affected.

We are available to discuss the points raised in our submission with officials further, as needed.

bp Contact

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Out of scope

From: New Zealand Beekeeping <info@nzbeekeeping.co.nz>
Sent: Monday, December 16, 2024 9:01 AM
To: Biosecurity Act Amendment Bill <BiosecurityBill@mpi.govt.nz>
Cc: New Zealand Beekeeping <info@nzbeekeeping.co.nz>
Subject: Submission on proposed amendments to the Biosecurity Act

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Biosecurity System Policy Team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140
Email: biosecuritybill@mpi.govt.nz

To Whom,

Please see attached our Submission with the support of the Southern North Island Beekeeping Group for the Proposed amendments to the Biosecurity Act.

The recommendations set out here are drawn both from our collective beekeeping experience and from the regulatory and biosecurity experience of our adviser, Ian

Fletcher. Ian has regulated a number of industries in four countries, and headed the department that included Biosecurity Queensland for some years.

We wish to thank Karen Adair (DDG, Agriculture), MPI for allowing the weekend extension of time to submit our submission.

Thank you for your consideration.

JANE LORIMER

PRESIDENT



New Zealand Beekeeping Incorporated

Email info@nzbeekeeping.co.nz

SUBMISSION FROM:
NEW ZEALAND BEEKEEPING INCORPORATED &
SUPPORTED BY SOUTHERN NORTH ISLAND BEEKEEPING GROUP INC

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TO THE CONSULTATION:
PROPOSED AMENDMENTS TO THE BIOSECURITY ACT 1993

1. Introduction

This submission is on behalf of New Zealand Beekeeping Inc (NZB) and supported by Southern North Island Beekeeping group (SNIBG). NZB and SNIBG represent several hundred commercial beekeepers across New Zealand, mainly family businesses.

New Zealand Beekeeping Inc and Southern North Island Beekeeping Group are content to be identified as the authors of this submission and for it to be published.

Biosecurity risks are a serious threat to beekeeping in New Zealand. Beekeepers and the honey bees they protect provide pollination of crops and pastures – essential to the rural economy and environment. NZB and SNIBG therefore consider that Biosecurity is the most important thing for government to get right in order that the Beekeeping Industry survives and thrives, so bees are available for pollination – both paid and unpaid - to ensure New Zealand’s economy also thrives.

This submission is a stand-alone one which does not consider many of the questions posed by MPI in their online submission form.

Our submission covers the following sections of the review:

Section 3	Funding and Compensation
Section 4	Border and Imports
Section 5	Readiness and Response
Section 6	Long term Management

2. Purpose

The discussion on the purpose(s) of the Act shows up many of the problems we see with its operation.

Beekeeping is an activity which encompasses a wide range of environmental and economic consequences. Because bees provide a vital pollination service across both the rural economy and the wider environment, biosecurity Risk is particularly acutely felt, and the experience in recent decades has been one of repeated, damaging and cumulative failures.

Against that context, we see five major problems with the way biosecurity is managed in New Zealand at present: –

a) Risks are not clearly distinguished between the intolerable and the merely unwelcome. Risks that are absolutely intolerable should be absolutely prevented. Examples might include foot and mouth disease or rabies. Other risks might be regarded as falling on a spectrum of undesirability. Different risks require a different response. This should be recognised in the Biosecurity Act. For beekeepers, there are a number of diseases which we do not have in New Zealand which would make commercial Beekeeping so difficult as to render it unworkable. These diseases should be recognised.

b) The management of diseases that have become established in New Zealand is a matter of pest management. This is not Biosecurity. Ideally, pest management should be the subject of a separate Act with separate purposes. Biosecurity is the public good attached to the economic value which arises from

the assured absence of new destructive pests and diseases. Biosecurity activity should be funded from general revenue (like any form of public defence), and not from cost recovery arrangements. In contrast, pest management involves a combination of public good and private benefit, and is therefore legitimately a matter for cost recovery, at least in principle. It follows from this argument that we consider that intrusive search, seizure, destruction and arrest powers should only be used in the detection and elimination of new pests and diseases not in the management of existing or established ones.

c) Risk management is profoundly misunderstood in current MPI biosecurity arrangements. A very low risk of an incursion with disastrous consequences should be treated as totally unacceptable, and managed accordingly. MPI seems to see low likelihood as the relevant measure, not the magnitude of an adverse consequence. The result is that the department misdirects itself. Here we note that the department (and many others) use the fancy word “mitigate” to describe desirable actions. This is misleading: risks that are merely mitigated are made less severe. Some risks need actual elimination, not mitigation. Others actually don’t matter, and can be left. The language leads to a lack of proper discrimination, and so avoids responsibility and accountability.

d) It is a consequence of (c) above that we consider that operational efficiency should NEVER be a consideration in biosecurity. Cost may be a factor: things we can’t afford cannot be done, and it’s a political choice whether to provide more money. But “efficiency” risks a policy of taking the easy road, lower standards and being less vigilant. A strong Biosecurity system is always grit in the economic oyster, adding deliberate inefficiencies to others’ processes to get the intrusive protection we need. For the same reason, compliance with trade agreements should NEVER be an objective. Why? Because established exceptions rules would allow for any reasonable system, and so this is just an excuse to do less.

e) It’s all about the border, and surveillance. Resources for true biosecurity should involve strong border measures, near-border surveillance, and a flexible response system. Anything else is pest management, which risks confusing the system, and making it sclerotic and unresponsive.

3. Speed of response

One vital issue not addressed at all in this consultation is speed of response. New disease incursions – potentially devastating – should be tackled aggressively and above all quickly, if eradication is to be achieved. The Biosecurity Act provides significant powers for the Crown and its officers, including powers of entry, seizure, search and destruction. Arrest powers are being sought. All of these run counter to established principles of justice (and some seem to run counter to express provisions of the Bill of Rights Act). The implicit regulatory bargain here is that these extraordinary powers are needed because biosecurity incursions are potentially extraordinary in their adverse impact, and must be responded to at speed, setting aside normal procedural safeguards. We agree. What is lacking is a clear commitment and capacity on MPI’s behalf to show the zeal and thoroughness that would justify these powers. MPI seems just too slow. Incentivising the right conduct should be a Ministerial and management priority.

4. E-Commerce

And there’s a gap in the system and associated purpose. The lack of legislation around the e-commerce trade is a glaring omission the department seems unable to tackle effectively. Our organisation has had first-hand experience of the failure of e-commerce platforms to stop sales of prohibited items into New Zealand and secondly the failure of border security to stop the prohibited item from entering the country. *See Discussion Document 4 comments.*

5. Discussion Document: 3 - Funding and compensation.

New Zealand Beekeeping Inc and Southern North Island Beekeeping Group Inc members consider that Biosecurity is one of our industry’s major concerns. New Zealand needs a Biosecurity system that is the best it can be to help protect the primary industries and the environment that contribute so much to the economy.

Funding of that system needs to be fair and equitable. We think at-the-border (true) biosecurity should be a matter for general revenue. On established pests and diseases, when GIA was first mooted, the Executive of the National Beekeepers' Association indicated that they wished to be part of that discussion – this was not so much that we were in favour of GIA, but more to ensure that the industry was recognised for the contribution our bees play in the pollination of crops both for domestic use and for export.

The burden of paying for biosecurity would in reality fall on the few commercial beekeepers. Frequently it is quoted by media that there are 8,000 + beekeepers, but true commercial beekeepers account for a fraction of those, at about 300. If those 300 beekeepers were the ones to pay for bee biosecurity, then the fees for that would be prohibitive for most beekeepers. This is manifestly unfair especially as the benefits of pollination support many other more valuable crops, as well as clovers in pastures.

New Zealand's bee population is still relatively disease free compared to many overseas countries. However, many of those pests and diseases if they reached New Zealand shores would be widespread before they are detected. Sentinel hives have worked for many years for Australia (until the recent Varroa mite incursion) and yet New Zealand lacks any sentinel hives at all to detect pests quickly by frequent fortnightly/monthly monitoring (We think this could be undertaken by hobby/semi-commercial beekeepers for little cost).

Unless changes are made, the more sensible thing to do would be to put greater emphasis on pre-border and border control (and fund that from general revenue). Therefore, we consider that should a new bee pest or disease come into the country a small response to confirm its presence is the most practical and cost effective thing to do.

GIA has its place, but not for the Beekeeping sector. We think the status quo should remain for those not signed up to GIA – an incursion response is mounted with sector input and costs recovered at a later date. One of the reasons we say this is that there is no actual data on the contribution of the Beekeeping Industry to the New Zealand Economy – there is data available on our paid pollination and export data for bee products, but nothing that defines the worth of our bees to the unpaid pollination of clover (for example) that supports the production of the dairy, sheep and beef, goats and deer etc. Over the years figures have been quoted (up to ten times the value of honey – so around NZ\$10 Bn). But we know there is no actual data to substantiate those figures.

A couple of the points in the discussion paper:

- a) If we were to enter into GIA there is only joint decision making and cost sharing for the readiness and response part. New Zealand Beekeeping Inc would want the ability to have input into Pre-border and Border Security as well as readiness and response. Our emphasis would be to do everything possible to stop risk goods leaving the exporting country or picking them up at the border.
- b) For those industries that have not signed up to GIA (Wool, Apiculture, smaller fruit growers etc) – if there is an incursion currently a response would be mounted and then the industries would be charged for the response - less first 20% that Government pays. (Note during the Australian varroa incursion response, the Australian Government increased the funding to 50/50 due to the industry's small size and inability to pay). There is a proposal for a levy to be struck that would create a fund for incursion response - what is paid by industry depends on its size/value.

Industry organisations collect the levy and pass on to MPI

As we have indicated above, the status quo would be our preference as there is no actual figures available of our Industry value, nor is there an ability for our organisation to collect the levy and pass it on to MPI because we do not have access to the American Foulbrood Pest Management Plan data base.

6. Discussion Document: 4 – Border and Imports

This document fails to address what we consider a major gap in our Biosecurity system. Whilst the screening of incoming passengers for risk goods, and the screening of incoming mail is very good (we visited the mail centre in Auckland) it fails to screen parcels coming in via courier companies and e-commerce sites. With e-commerce volumes of parcels growing at a steep rate, this failure to screen parcels will result in multiple incursions in the future. Indeed, we have witnessed an incursion through the e-commerce channel – we will outline that now.

Example: Accidental Import

A Beekeeper was looking at their website to make improvements. They wondered how other websites dealt with prohibited goods. The person was looking at a Chinese website and saw Comb honey for sale and of course honey is a prohibited item into New Zealand.

The person clicked on the item and thought that something would come up on it to say that this item is not allowed into New Zealand or other countries with a similar biosecurity policy. Nothing happened.

The person then thought that once they clicked on purchase and they gave the delivery address that it would come up that this item is prohibited from entry into New Zealand. Nothing happened.

The person then thought that our Biosecurity System would pick up the prohibited item at the border – but again nothing happened and to that person's dismay it turned up at their address. New Zealand Beekeeping Inc was informed, and we contacted MPI to come and pick up the goods, to test it for exotic bee diseases (because we were interested in seeing if it contained any) and responsibly dispose of the said goods.

We learnt from a trip to the Auckland mail centre, that all mail is scanned but not the parcels unless you are a 'person of interest'. This is of major concern because it relies on the integrity of the exporter to not send prohibited items.

The accidental importer gave MPI all the details about how the import happened and we suggested that MPI needs to work with e-commerce channels to get algorithms in place to stop this happening – at the time nothing changed other than the manifests were looked at to see what was supposedly in the parcels (but again it relies on the exporter telling truthfully what is being exported).

The results from this were alarming – the said beekeeper/importer was charged for importing a prohibited good and also for importing an unwanted organism (as the comb honey was found to have European Foulbrood that we do not currently have here in New Zealand). It took our Barrister more than a year to get the charges dropped and for the person to be awarded some of their costs.

7. What needs to be done

E-commerce operators need to face a clear regulatory framework: meet import surveillance standards cooperatively, or face intervention up to and including being shut down. Anything else tip-toes around the problem. Companies faced with possible regulatory sanctions behave differently from those that do not – reputational risks and insurance risks alone change behaviour, as well as the need for larger companies to disclose regulatory issues to traded markets.

8. Import Health Standards:

- Proposed changes to Import Health Standards (IHS) - MPI saying that they are way behind reviewing IHS's
- Proposing technical changes without consultation but that MPI would communicate any changes to the stakeholders (OK if MPI sticks to the process).
- Proposing that within the first year of an IHS changes could be made without consultation - to allow for ironing out any unforeseen problems.

NZ Beekeeping have issues with the proposals for IHS. We can see changes being made without industry being informed (like the change to small personal consignments of honey being sent offshore where we now have to be registered exporters to be able to courier honey overseas).

Whenever a new Import Health Standard comes out, NZB and some of its members have always submitted on proposed changes. In many cases we get proposals that may state that it is ok to import honey as an ingredient provided it has undergone heat treatment to destroy things like bacteria and we get told that this heat treatment is 99% effective – but what happens if it is that 1% that comes in that still harbours the bacteria?

Our bees are not contained within fences and they will sniff out anything that is of interest to them even an old container of an imported product that has a little bit of honey left in it. Over time that 1% chance of bringing in an unwanted organism into the country becomes a much greater risk and is likely to occur.

Therefore, because few people understand the beekeeping industry, we vehemently oppose the idea of changes being made to IHS without consultation.

9. Review Process

Option 27D - NZB and SNIBG strongly oppose the deletion of section 24 from the Biosecurity Act. There always must be in place the ability for an appeal to be made. The beekeeping industry has fought for years to keep honey out of New Zealand for biosecurity reasons and have fought and won cases.

Officials' judgement has been found wanting, and clouded by considerations other than the legislation and facts before them Government/MPI are not always right so the appeal process needs to be kept in place. The truth is that there is low trust between the department and beekeepers, and removing appeal routes will weaken that trust further.

In years gone by we have argued that MPI should not have a role to facilitate exports as well as facilitate biosecurity – they are diametrically opposed. We have suggested that there should be two agencies so there is no conflict of interest.

10. Discussion Document: 5 – Readiness and Response

As we have indicated above, GIA currently is not something that the Beekeeping industry would want to enter at this point. The real worth of the industry is not known and so until this work is undertaken and a value struck then paying a levy on this is not appropriate.

See other comments above on GIA.

11. Discussion Document: 6 – Long-term Management

- NZB and SNIBG support the intent to make it easier to formulate a pest or pathway management plan. We support the change in the order of undertaking. It makes perfect sense to suggest who should be the Management Agency before the consultation round.
- There still needs to be an avenue for complaints against the PMP. Our organisation has been one to advocate for this where people have been ordered to destroy hives and equipment. People need to be heard where they have a grievance.

12. Proposal 45 – Enable (but not require) integrated national or regional pest and pathway management plans

- That already happens under the regional PMP's.
- We would not like to think our AFB PMP is extended to cover say varroa.
- We suggest regional PMP 's could include multiple pests but not for national PMP's. The basis for this is the focus of the management agency should be on elimination of a pest where elimination is realistic and technically feasible.

13. Proposal 46 – Enable (but not require) the ability to have consolidated levies for national pest and pathway management plans

- There is a huge difference between the focus of Regional pests and National pests- if the whole country is united in its quest to eradicate an unwanted organism eg gorse then by all means start a National (gorse) PMP, as we have for TB, AFB and PSA. Then fund that PMP through a defined levy where beneficiaries can be identified and levied, with progress against the aims measured.
- The proposal is to allow a single levy to be used to fund control of existing pests AND also fund a program for an exotic organism, as per the GIA concept, would be hard to manage and cumbersome. Would this proposal have the AFB PMP cover the exotic surveillance currently being done by MPI as well? Beekeepers would have concern if their AFB PMP was to include setting up, for instance, sentinel hives for Small Hive Beetle and funding that through the PMP. The GIA concept at least has a significant portion of the funding provided by the taxpayers of NZ. Under a changed Act care would need to be taken to show the costs and benefits of each pest being managed were clear and transparent so everyone could evaluate the effectiveness of the management plans being funded by one levy - consultation with levy payers would become a nightmare.

14. Proposal 48 – Enable management agencies to provide exemptions from rules in national pest or pathway management plans

- The minister already has power to exempt people from rules on a case by case basis and where the rules may be unreasonable in the circumstance – the proposal is to allow management agencies the same discretion as the Minister.
- This proposal may create a dangerous situation where everyone affected by the management of a pest are not being treated equally. We think it is best to leave this one with the Minister

15. Proposal 49 – Enable more than one entity to share management agency responsibilities

- This is sort of what happens within the TB PMP now. The 'management agency' is made up of representatives from Dairy NZ, Beef and Lamb, and Deer farmers and Crown Health reps. There is probably little accountability or responsibility visible to the levy payers to meet s 100 of the act. On the other side, the TB plan has done well in eliminating TB from cattle and levies are painless because the amount is small and deducted from the proceeds of sales of stock.
- Whatever the makeup of the governance entity, there should be some way the funders can appraise the performance of their whole governance structure and remove those (directors) that are not performing. This gets difficult when there are representatives from a number of entities.

There does not appear to be an 'election' of process that weeds out poor performers.

16. Proposal 50 – Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans

- At present the Chief Technical Officer may grant an exemption to breed or transmit the spread of a pest. This has provided for research and other activities to be conducted that would otherwise contravene S 52 and 53 of the Act.
- The proposal is to allow management agencies to grant exemptions to this aspect
- For our industry where could this lead? – our 'industry' definition of AFB is the actual clinical (visual) signs of disease as opposed to the Myco Bovis (plan) whereby the disease appears to be recognised at sub clinical levels (ie spores).
- Under our PMP selling honey from a hive known to have (clinical) AFB is prohibited. However, the sale of honey from a hive where the AFB status has not been checked is perfectly legal as the hive is **Not known to have AFB**
- NZB support the change as this will allow research into AFB to be done as well it will overcome an issue for those without a DECA to be able to burn AFB hives in a suitable location rather than on a landowner's farm where the AFB has been found.
- There would need to be carefully considered rules and processes around this proposal

Thank you for your consideration.

s9(2)(a)

JANE LORIMER
PRESIDENT

SOUTHERN NORTH ISLAND BEEKEEPING GROUP INC LETTER OF SUPPORT

The Southern North Island Beekeeping Group has 87 Members being hobby and commercial beekeepers mainly in the southern half of the North Island. Our main emphasis is on educating beekeepers. Recently we ran a three day Industry conference and in November last year sent four Members to assist Fiji beekeepers with the identification and management of Varroa jacobsoni.

We as a group put together a bee biosecurity proposal along the lines of the Australian Bee Biosecurity Code of Practice which was forwarded to the Minister and MPI last year for their consideration.

The Southern North Island Beekeeping Group Inc Committee have viewed this submission and fully supports the New Zealand Beekeeping Inc submission.

Frank Lindsay ONZM
President
Southern North Island Beekeeping Group Inc

Out of scope

From: Roger & Linda s9(2)(a)
Sent: Friday, December 13, 2024 5:56 PM
To: Biosecurity Act Amendment Bill <BiosecurityBill@mpi.govt.nz>
Cc: s9(2)(a)
Subject: Submission on proposed amendments to the Biosecurity Act

To Whom

Please accept the attached Submission.

The first one was return for an incorrect email address as below.

Thank you

Roger Bray

From: s9(2)(a)
Sent: Friday, 13 December 2024 5:00 p.m.
To: biosecuritybill@mpi.govt.nz
Cc: s9(2)(a)
Subject: Submission on proposed amendments to the Biosecurity Act

Biosecurity System Policy team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140.
Email: biosecuritybill@mpi.govt.nz

Please see attached my Submission

Thank you for your consideration

Roger Bray

Submission of Proposed amendments to the Biosecurity Act 1993

System Wide Issues

Q14 - How could local knowledge make decision-making more effective?

There is quite a lot of difference between 'MPI' and 'Farmer Knowledge' when it comes to pest management for endemic species especially with pathways how spread of mainly bacteria occurs.

For example when Mycoplasma Bovis was being managed there were foot baths and wheel washes promoted for vehicles travelling between farms (such as beekeepers). People that sometimes have vehicles in contact with cattle know that the animals congregate around vehicles and often lick the outside of a vehicle. What a marvellous way to spread a disease that is transmitted by mucous by having a vehicle as a 'lick station' that travels from farm to farm – of course the wheels and tyres would be sanitised but anyone thought about the outside with all that slobber?

Local knowledge is important and sadly lacking in the society of today.

Q15 - How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?

It will be important to get locals on side with any intervention. Sometimes scientific people operate at hobby level unaware of the commercial realities of a situation.

Proposal 6 – Introduce a power of arrest for obstruction during searches

Q18 - What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?

The Biosecurity Act does not distinguish between management of endemic pests and a biosecurity and the seriousness of an exotic incursion. It would be inappropriate to use the powers of an Authorised Person to enter onto private property unannounced and by forcing entry to access remote areas of a farm in a search for example gorse bushes.

Landowners have property rights too. If an Authorised Person wishes to conduct a search of property he should be required to produce written documentation that he can leave with the property owner;

1. Proof of identity - some Authorised Person's do not have distinguishing uniforms or branded vehicles therefore a property owner should be able to ascertain the person is actually what he represents.

The written format may be needed in the future and by leaving a copy of authorisation it clarifies a number of aspects for future use.

2. The AP should be able to have some sort of 'authorisation' that provides the landowner the reason the AP wants access to the land. The landowner has responsibilities under the Health & Safety in the workplace so he may need to ensure the AP can do what he needs while being safe in the environment. Naturally the landowner has the right to observe what the Authorised Person does on the property and is in a position to call a halt to any situation the landowner is not comfortable with.

As well there needs to be a mature discussion about the purpose of the visit and what is to be done. With some instances fires may be needed to dispose of animal carcasses or plant material- I note in some other section that Officials' cannot be held liable for damage they may cause while conducting their duty. I certainly hope the landowner does not have to stand losses because of an AP negligence while conducting official duty.

I would like to think those appointed as Authorised Person are responsible people and conduct the affairs of an authority with the utmost integrity and respect. I wonder if that is always the case.

I would like to see the property rights of the landowner or property owner upheld to the extent the Authorised Person is able to do his job while creating a working atmosphere that is not confrontational.

Long-term management

Proposal 44 – Simplify the process to create national or regional pest and pathway management plans.

I somewhat agree that the process to have a PMP should be simple and straightforward. For example there should not have to be separate consultation with a certain race of people as a pest is a pest. However there are some that do see some species considered a pest in a different light and consider them an important resource, such as the beekeeping industry considers gorse an important resource for pollen.

The previous Biosecurity Act provided for a 'board of inquiry' if there was sufficient opposition to a proposal. That safeguard has now gone and perhaps the only time it was used was when the proposal to introduce the Varroa PMP was made and a significant group of Canterbury beekeepers 'asked' for a Board of inquiry to be held.

The Inquiry established that the Varroa PMP would go ahead despite the concerns of the Canterbury beekeepers – history now has backed up their claim that the varroa PMP was misguided and did not achieve its primary aim.

My view would be that the process of establishing a PMP should be simpler however what needs to be provided is an avenue for those that are opposed to the introduction of a PMP to have a forum whereby issues against a PMP can be articulated and considered. In proposing a PMP I feel the views of those that oppose are unfairly dismissed.

Proposal 45 – Enable (but not require) integrated national or regional pest and pathway management plans

That already happens under the Regional PMP's where multiple species of plants and animals are covered in one plan.

I would not like to think a specific PMP for AFB is extended to cover say varroa.

I suggest regional PMP 's could include multiple pests but not for national PMP's. The basis for this is the focus of the management agency should be on elimination of a pest where elimination is a realistic and technically achievable possibility. In the case of say gorse and other pest plants, manuka was once considered a pest plant, the best we can do is along the containment of the plant, eradication is probably technically impossible.

Proposal 46 – Enable (but not require) the ability to have consolidated levies for national pest and pathway management plans

Again there is a huge difference between focus of Regional pests and National pests- if the whole country is united in its quest to eradicate say gorse then by all means start a National (gorse) PMP, as we have for TB, AFB and PSA. Then fund that PMP through a defined levy where benefit for cost can be measured (and appraised over time).

I would submit against this proposal thus keeping management of existing pests entirely separate from the dubious GIA prospect or we will just create a bureaucracy as we had with the Varroa PMP prior to 2006.

Proposal 48 – Enable management agencies to provide exemptions from rules in national pest or pathway management plans

The minister already has power to exempt people from rules on a case by case basis and where the rules may be unreasonable in the circumstance – the proposal is to allow management agencies the same discretion as the minister.

Can't see the reasoning here but hold to the principle there should be one rule for all. If rules are unreasonable for one then they would be unreasonable for others and should be changed.

Would beekeepers like to see some people exempt from the rule to register hives (via Hive Hub) on the basis they do not own a computer or have an email account?

I would certainly oppose this proposal as this could create all sorts of issues similar to what is possibly happening in the beekeeping AFB PMP at this time. It appears there is an inconsistency in how the management agency treats beekeepers differently when conducting its surveillance and enforcement programs.

Proposal 49 – Enable more than one entity to share management agency responsibilities

This is sort of what happens within the TB PMP now. The 'management agency' is made up of representatives from Dairy NZ, Beef and Lamb, and I think Deer farmers and Crown Health reps. There is probably little accountability or responsibility visible to the levy payers to meet s 100 of the act. On the other side, the TB plan has done well in eliminating TB from cattle and levies are painless because the amount is small and deducted from the proceeds of sales of stock.

The beekeeping industry certainly is looking at how its PMP is being managed and how accountability for the Plan remains with Apiculture NZ Inc., while it appears all other governance and management actions are being undertaken by a group of individuals and MPI reps that claim to be working 'independent' to Apiculture NZ Inc.

I think whatever the makeup of the governance entity, there should be some way the funders can appraise the performance of their whole governance structure and remove those (directors) that are not performing. This gets difficult when there are representatives from a number of entities. There does not appear to be an 'election' process that weeds out poor performers.

I see tremendous difficulty exists within the livestock industries because the levies received do not capture all those that participate in the industry. Levies come from animals that are slaughtered, or on the volume of milk produced. There are many industry participants that may not pay levies at all – those that breed stock and sell before slaughter for instance. These people are subject to PMP rules but do not appear to have any way to seek accountability of those that manage their PMP.

Proposal 50 – Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans

At present the Chief Technical Officer may grant an exemption to breed or transmit the spread of a pest. This has provided for research and other activities to be conducted that would otherwise contravene S 52 and 53 of the Act.

The proposal is to allow management agencies to grant exemptions to this aspect.

This has probably been the reasoning MPI has been looking at the beekeeping industry PMP with respect to the sale of honey with AFB spores present.

For the beekeeping industry where could this lead? – the ‘industry’ definition of AFB is the actual clinical (visual) signs of disease as opposed to the Myco Bovis (plan) whereby the disease appears to be recognised at sub clinical levels (ie spores).

Under beekeeping industry PMP selling honey from a hive **known to have** (clinical) AFB is prohibited. However the sale of honey from a hive where the AFB status has not been checked is perfectly legal as the hive is **Not known to have AFB**. Sometimes AFB spores have been found in NZ honey and a visual examination has not detected clinical signs of the disease – that is the nature of AFB at low levels of spores clinical AFB may come and go. The beekeeping industry issue is that our PMP does not recognise AFB until it is at the Clinical (visual) stage in a beehive, which is at a stage beekeepers are able to handle the disease because the visibility of AFB. With astute beehive management a beekeeper should be able to eliminate AFB from his outfit but that management should consider viewing AFB in its spore form. Elimination of AFB will be enhanced if the beekeeper has an awareness that spores are causing the transmission of AFB therefore he should limit the spread of (unseen) spores by not spreading equipment further than necessary.

I support the change as this will allow research into AFB to be done as well it will overcome an issue for those without a DECA to be able to burn AFB hives in a suitable location rather than on a landowner’s farm where the AFB has been found.

I would hope that if introduced this process is not abused, we really want to get ahead of pest species and not be breeding them.

Prior to this MPI were ‘looking’ at gazetting a requirement for honey to have some labelling that covers that AFB spores may be present in the honey for sale along the lines (from memory) “ This honey may contain AFB spores and must not be fed to bees” This would have an adverse effect on our product integrity as a human food.

These are the MPI consultation questions being asked for the above Proposal comments

Q 84 - Do you agree with our preferred approach to progress proposals 44-51?

I think the process at present is satisfactory. However for the introduction of a new PMP there seems to be far too many hurdles for those that promote a PMP, to overcome.

Q85 - Are there additional areas in long-term management that could be streamlined, removed, or changed?

The PMP 'rules' are adequate but there should be some better 'oversee' by Ministers or some low cost scrutiny organisation that 'keeps an eye on' those in management provisions that might 'overlook' action should be conducted within the regulations that apply.

Q86 - How much of a difference might these proposals make to more efficient and effective long-term management?

I do not think they will make much difference. The main difficulty for anyone now is 'identifying the people that need to be consulted.'

Q 87 - What will be the impacts of enabling pest and pathway management plans to be combined?

I don't understand the term pathway management and why it is at presently a separate consideration.

Q88 - 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?

I would like to be able to judge changes by considering what the current rule is. Why or what is the problem is being accurately portrayed, and to see the proposed change in written form.

Thank you for your consideration.
Roger Bray

From: [Matthew Dolan](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Modernising the Biosecurity Act 1993
Date: Friday, 13 December 2024 4:59:33 PM
Attachments: [NZ Plant Producers Submission Biosecurity Act.pdf](#)

Matthew Dolan | Chief Executive | [New Zealand Plant Producers Incorporated](#)

Level 5, 23 Waring Taylor Street | PO Box 3443 | Wellington 6011

s9(2)(a)

Email: s9(2)(a) | W: www.nzppi.co.nz

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From: [James Kane](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: NZ Winegrowers Submission - Biosecurity Bill
Date: Friday, 13 December 2024 4:58:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[NZ Winegrowers - Biosecurity Act Amendment Submission December 2024.pdf](#)

You don't often get email from **s9(2)(a)** [Learn why this is important](#)

Tēnā koe

Please find attached New Zealand Winegrowers Inc. submission on the Biosecurity Amendment Bill.

As always, we'd be pleased to discuss its contents, and look forward to continued engagement on these proposals.

Warm regards

James

James Kane | Legal and Policy Advisor | New Zealand Winegrowers

s9(2)(a) | Working from Mapua, Tasman.

s9(2)(a) | www.nzwine.com



While all due care and attention has been exercised in the preparation of the information contained herein, New Zealand Winegrowers Inc. does not accept any liability of any kind for any loss and/or damage that may arise from reliance on the information presented.

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New Zealand Wine
Altogether Unique.

NEW ZEALAND WINEGROWERS SUBMISSION

Proposed Amendments to the Biosecurity Act 1993

December 2024

1. New Zealand Winegrowers (NZW) provides strategic leadership for the wine industry and is the body that represents the interests of New Zealand's grape growers and winemakers. Established in 2002, NZW is funded by compulsory levies under the Commodity Levies Act and the Wine Act and has approximately 1,400 members. We are the only major wine producing country to have a single, unified industry body. New Zealand's wine regions extend 1,600 km, from Northland down to Central Otago. In total, more than 40,000 ha of land in New Zealand is used for winegrape production. The export value of New Zealand wine for the year to June 2024 was \$2.11 billion.

Biosecurity's imperative place in New Zealand's wine industry

2. Biosecurity is crucial to the long-term sustainability and growth of the New Zealand wine industry. An incursion of an invasive pest or disease affecting grapevines could result in significantly reduced grape yields, potentially affect wine quality, and ultimately may impact our communities' way of life. A strong, future proofed biosecurity system is fundamental to ensure we maintain our reputation as leading producers of trusted, sustainable, premium wine domestically and on the international stage.
3. In 2017 NZW joined the Government Industry Agreement (GIA) to partner with Government and invest in biosecurity readiness and response activities. NZW also contributes to our members biosecurity management and preparedness through our dedicated biosecurity programme which includes an industry biosecurity action plan. This sets the key objective to maximise the protection afforded to members by New Zealand's biosecurity system.
4. A key feature of the action plan is the provision of specific biosecurity planning guidance to assist with developing individualised vineyard biosecurity plans. From 2026 a biosecurity plan will be a mandatory requirement for Sustainable Winegrowing New Zealand (SWNZ) certification.¹
5. NZW welcomes the opportunity to submit on these proposals and considers this review provides an important opportunity to future proof our biosecurity legislation. Given the breadth of proposals our submission is limited to the areas of highest priority for our industry.

¹ SWNZ is the industry-led, independently audited, industry sustainability certification scheme, and will celebrate its 30th year of operation in 2025. 95% of New Zealand's vineyard area is SWNZ certified.

KEY MESSAGES

6. **New Zealand's Biosecurity system is world class and working effectively.**
7. **NZW support legislative amendment to future proof the biosecurity system.** But any legislative change to requirements, mechanisms, and system roles must complement what is working well and present a clear value proposition whilst not complicating established and trusted processes.
8. **The GIA is our biosecurity foundation and as currently structured it works well.** Post border activities are built upon the GIA partnership enabling co-investment in readiness activities that address risk to our industry, whilst also empowering our perspective to be accounted for in response decision making.
9. **The status quo GIA cost-share arrangement must be retained.** This is fundamental to our industry's involvement in GIA. Changes to cost-share determination and review times could impact industry mandates and ability to participate. Exploring other cost arrangements beyond the GIA are the best means to adapt to evolving system needs, including consideration of full crown recovery from non-signatory beneficiaries.
10. **NZW do not support GIA expansion.** Legislating for increased membership and expansion of activities will establish a more complicated cost-sharing model that risks the clarity of objectives and decision making that underpins the system.
11. **Existing compensation provisions must be retained.** These provide the flexibility required to account for direct and consequential losses across differing response circumstances. Increasing the efficiency of the administration of compensation processes would improve the system, as would greater prioritisation of compensation in the GIA Deed to ensure it is a core component of operational agreements.
12. **A more efficient import health standards process is needed.** Our industry relies heavily on this process and delays can present both biosecurity and economic risk to businesses. Improvements could be made by lessening the administrative burden in the legislation and increasing resourcing for operational functions.
13. **System wide changes must not be at the expense of clarity.** Existing response decision making structures are sufficient and should be retained rather than expanded. Any purpose statements within the legislation should be reviewed with great care and specific wording consulted on, before seeking to amend these or insert new overarching purposes.
14. **NZW support a greater range of education, compliance, and enforcement tools.** Non-compliance presents an unacceptable risk to our industry. Increased risk-based enforcement tools and expanding who can issue infringements is sensible. These measures must remain supported by pre and post border public education.

FUNDING AND COMPENSATION

- Retaining the cost-share status quo protects the viability and buy-in of the GIA.
- Full Crown recovery from non-signatory beneficiaries can help sustain the system and better recognise the benefits derived by non-signatories.
- The status quo compensation for consequential losses should remain.
- Specifying operational requirements in regulation can improve compensation efficiency and reduce time and administrative cost.

GIA and Cost Recovery Proposals

Proposals 14 A-B: Cost-shares in the GIA

Mandating periodic reviews of cost-shares in the GIA deed (the Deed).

15. NZW support retaining the GIA status quo cost-share framework and submit the existing GIA Deed contains the necessary provisions and mechanisms for amending cost-shares. Proposals 14A and 14B potentially open the GIA partnership to significant changes in how cost-sharing is approached in a manner that undermine the viability of an agreement current working well.
16. If proposal 14A were progressed, where an exacerbator share is regularly reviewed, and the result is that it is decreased or removed, costs will continue to increase for GIA signatories (it will never return to 20%). Which means the risk posed to industry by exacerbators may not be appropriately reflected in the cost-shares.
17. MPI can already request a review of existing cost-shares under each OA at any time (as can all signatories), within the guidelines set out in the GIA Deed. NZW considers this provides the sufficient opportunity and flexibility for reviews when appropriate.
18. Legislating set reviews of the cost-shares can have a secondary efficiency impact. Inevitably reviews drain time and resource where signatories have significant limitations in both. The incentive for the Crown is clear, but this should not risk undermining the overall operation of the agreement. Review changes will prove a barrier for participation for prospective GIA members where long term certainty of cost and commitment is not provided.
19. Importantly, regular cost-share reviews may subsequently invalidate NZW's mandate to participate in the GIA, which was agreed on the basis of the current government contribution thresholds i.e. minimum 50% government stake in all readiness and response activities, and the exacerbator share of 20% to account for the risk posed by trade and tourism activity. These aspects of government contribution are fundamental to the viability of the partnership.

Setting a cost-share framework in legislation to guide cost-share arrangements.

20. Legislating a cost-share framework will likely decrease the flexibility offered by the current framework for operational agreement (OA) negotiations, due to the constraints that will be imposed by specified legislative criteria.

21. In our experience, every OA is different, and agreements are reached in many different ways. This includes at times 'agreeing to disagree' and finding ways to reach common ground between the partners for an outcome everyone can agree to. This flexibility is essential in arriving meeting good outcomes and maintaining industry buy in.
22. If these provisions were to change, as a levy funded organisation, we may need to seek a new mandate and agreement from our 1400 members. At a time of significant business and economic pressures in the wine industry, uncertainty on potential increased costs can risk ongoing support for GIA participation.

Proposal 15: Cost Recovery from non-signatory beneficiaries

23. NZW welcome consideration of how non-signatory beneficiaries (NSB) can be incentivised to invest in better managing biosecurity risk. We do not have a preferred option, as ultimately the ability to effectively administer cost recovery will determine the efficacy of a proposal, we however make the following comment.
24. Any decision needs to account for the cost trade off identifying and administering a fund/levy, to ensure these do not outweigh the benefits. Levying an NSB after a response has occurred may be a more justifiable, efficient, and effective process. This would be levying on a 'realised benefit' from a specific response. Quantification of benefit is a complex assessment that should be prescribed in legislation to ensure effective identification of NSBs and certainty for those potentially impacted.
25. The impact of legislating for NSB cost recovery would create a positive incentive for NSBs to begin 'investment' as a means of self-insurance for future responses they benefit from – should a levy be applied to their circumstances. Additionally, this may incentivise new signatories to the GIA Deed to have greater input into future readiness and response decisions. Levying in advance may lead to considerable time spent with 'unrealised' cost and raises issues of how funds would be held and to whom the interest would belong.

Compensation proposals

Proposal 20: Scope of losses that are compensable

26. NZW support the status quo, where direct and consequential losses are compensated with no explicit time cap on consequential loss. We do however support greater structure in the approach to compensation, by inserting legislative clarity on the parameters of what may be compensable under the Act to increase certainty in application and transparency in decision making.
27. NZW support the existing framework under Section 162A, that establishes broad criteria and conditions that must be met before a person or business is eligible for compensation. Without this mechanism, livelihoods will be lost because of biosecurity response decisions. The ability to access timely and appropriate compensation is crucial for wine producers. Direct and consequential losses can be significant in response situations, and it is important the legislation remains flexible to account for unique business and property arrangements of our sector.

Types of compensable loss

28. For grape growing, a specific response may include variable direct and consequential losses depending on the options available for treatment, removal, or destruction of plants. Different options often present differing impacts, not only for those who own the grapes but the broader supply chain. For example, a response approach to *Xylella fastidiosa* may include removal and destruction of plants, but also vector control measures such as spot spraying. Due to grape chemical residue limits, this would also result in lost production for those plants and significant consequential loss to a business losing an entire year's harvest production from those plants.
29. As drafted, options under proposal 20 will limit how much consequential loss is compensable or would remove consequential losses entirely in these circumstances. Proposals need to better account for the potential of unnecessary (and unintended) hardship producers may face in a response. Importantly, there are few, if any, feasible options for these businesses to adapt, either through formal or 'self-insurance.'
30. NZW acknowledge the crown incentive to manage compensable costs in a sustainable way whilst driving a level of self-responsibility for good biosecurity practice. Limiting the time for consequential losses may be the most efficient method without creating an untenable compensation liability. However, this is an arbitrary timeframe for viticulture as recovery of vineyards can take multiple years where costs may not be realised.
31. Should the status quo for consequential loss be amended, we tentatively support the rationale for proposal 20B, but with a 3-year window for consequential loss. This strikes an appropriate balance between limiting crown compensation exposure, and enabling sufficient time for equitable compensable costs to be made available to those impacted by response measures. This better accounts for the potential of measures to be extended over significant periods of time.
32. NZW do not support narrowing this loss to professional fees or shorter timeframes for claims as they do not reflect the reality or extent of consequential losses that individual businesses can face in circumstances often beyond their control.

Non legislative means to improve the system.

33. NZW note the importance of non-legislative means that can impact and limit a response 'compensation bill'. A key advantage of the GIA is where a 'Response Governance Group' with decision making responsibility, can affect the need for compensatory measures. For example, a timely decision to move into long-term management for a pest or disease (if eradication is unfeasible) could have the effect of saving large compensation costs, as opposed to pursuing an eradication strategy for as long as possible.
34. With this in mind, we submit greater strategic outlook in operational decisions can negate the need for a costly compensation bill. This includes greater prioritisation of compensation in the GIA deed provisions, to ensure it is explicitly referenced as cost-shareable and a core component of operational agreements.

Proposals 16- 19: **Improvements to operation of the scheme**

Refining how non-compliance would make a person ineligible for compensation.

35. NZW agree the more transparent the process and application of compensation provisions are for our members the better. There should be consequences for non-compliance in an incursion response situation.

Enabling for detailed compensation entitlements and requirements via regulation

36. NZW support this proposal in principle, to again establish transparency beyond the broad requirements under Section 162A of the Act. The effect being to help GIA partners better understand the potential costs of compensation for a given response when simulating/modelling incursion scenarios. There is currently a gap where there are no previous responses available as models for certain pests and pathogen incursions.

37. NZW caution over-prescribing these details in regulations. Ensuing complexity could inadvertently become a barrier for genuine compensation claims leading to these being administered in an overly conservative manner.

Removing restrictions on the ability to vary compensation and enable upfront payment of future losses not yet incurred.

38. NZW strongly support this proposal to improve the efficiency of compensation processing. We recommend insertion of a time limit via regulation for compensation decisions to be processed and communicated to ensure this process is undertaken in a timely, equitable and efficient manner for claimants (businesses) in often highly stressful and financially difficult circumstances.

Proposal 21: **Compensation and pest management plans**

39. NZW agree that the management agency should determine if compensation is payable in a situation of non-compliance with a pest or pathway management plan. Option 21A provides simplicity and flexibility whilst avoiding the potential complexity of differentiating the impact of non-compliance on compensation in option 21B.

READINESS & RESPONSE

Proposals 36 and 37: **GIA modification and growth**

40. NZW support in principle legislating for the power to create additional deeds under the GIA. We note the potential benefits in allowing additional deeds. Biosecurity for our industry is plant focussed, and creation of a tailored agreement such as a 'Plant Industries Deed' may assist in prioritising and aligning the key readiness and response activities. However, this support cannot extend to endorsement of the required detail beneath these provisions to ensure they are implemented appropriately.

Expansion to pest management

41. NZW does not support extending the GIA across pest management activities. This creates a situation where members may be faced with 'double dip' cost-sharing through an additional GIA related cost paid by the industry organisation and then again 'on farm' to undertake their own pest management activities.

Creation of cross-industry organisations to build primary sector skill and resilience

42. NZW do not support this proposal as a system priority, due to affordability and effectiveness of this in practice. Investing further funds in the development of a cross-sector biosecurity organisation is a low priority in the current climate when our industry already benefits from the existing arrangements.

43. Establishment would require significant funding from the partners that is unlikely to be achievable in the current climate. Industry members have finite budgets that can be used for biosecurity/pest management activities. For example, NZW utilise 60% of our biosecurity budget on GIA readiness and response priorities.

44. Secondary impacts include the potential diminishing of 'in-house' biosecurity functions in existing industry organisations, where operational costs are instead filtered to this organisation. This potentially removes a key biosecurity focus from day-to-day operations of these organisations through centralisation. It is important to consider this in the context that New Zealand has a small community of 'biosecurity' expertise. The ability to replicate an Australian scale set up appears unfeasible, whilst a smaller organisational arrangement then raises a question of underlying effectiveness.

Proposals 38: **Liability for GIA Partners**

45. NZW support the proposal to amend Part 5A to specify functions on GIA Signatories to make joint decisions under the Deed and Operational Agreements. This is on the basis the cover by Part 5A equals that of the current indemnity. Indemnity reviews drain Government and GIA partners' time and resource. Additionally, the cover should be extended to the partnership administration (GOL), and to any service providers (engaged by GIA signatories) undertaking specified readiness or response work under operational agreements.

Proposal 39: **Faster emergency declarations**

46. NZW support the Minister for Biosecurity having the power to declare Biosecurity Emergencies. This reflects the practical reality of biosecurity response already, where decisions are informed by officials and regularly agreed by Cabinet collective decision making. This change removes an unnecessary formality in a time critical response.

Proposals 40 - 42: **Improving Biosecurity practices**

47. NZW prefer proposal 40 to add a 'general biosecurity duty' to the Act. A general duty that is not 'directly enforced' would help raise biosecurity awareness through obligation and incentivise lower performing industry and business to have biosecurity mitigations in place.
48. The ability to issue compliance orders provides this duty the necessary teeth, where the breadth could apply to a variety of situations where other enforcement tools are unavailable. For example, poor biosecurity practices emanating from abandoned properties, including orchards or vineyards where there are currently few compliance tools available to shift behaviour.
49. NZW prefer the flexibility and simplicity of this approach as opposed to a complex expansion of risk management requirements in regulation. Any duty would require specificity on the nature of non-compliance and how far a duty extends. If left too broad, this can prove problematic for interpretation and clarity of obligation.

Risk management reporting.

50. NZW do not support proposal 42 development of a regulatory model for risk management plans. As the cost outweighs any potential biosecurity benefit in our industry. The effect is to place another reporting burden on an industry already exemplifying good practice and which experiences *significant* compliance requirements already.
51. Notably, members of Sustainable Winegrowing New Zealand are already transitioning to mandatory biosecurity planning. A new planning instrument would add complexity to existing industry initiatives and inevitably require verification with an associated cost. The value proposition does not add up for our industry.

Proposal 43: **GIA withdrawal: Amendment to Section 100ZA**

52. NZW support this amendment in principle, on the proviso this improves the process for voluntary withdrawal. However, we seek clarity on the scope of this power and that it does not inadvertently empower the Minister to withdraw an industry organisation on expanded criteria.

BORDER AND IMPORTS

- There is an imbalance between risk and efficiency when issuing import health standards.
- Reducing burdensome consultation for minor IHS changes will improve the system.
- Streamlining the administrative aspects of transitional facilities is common sense.
- Pre arrival border education is imperative, and requirements should remain.

53. Improving efficiency in import health standard processes must be a key priority in amending the Biosecurity Act. The wine industry interaction with these processes is primarily through importation of vineyard machinery and equipment for wineries. Whilst nurseries who supply our members, interact with these processes when importing plant material/germplasm for vineyard and nursery stock.

54. We acknowledge increasing access to imported materials must be carefully balanced with risk. NZW was an active member of the MPI Plant Germplasm Import Council (which was recently wound up) and was also involved with its predecessors. Regrettably an advisory group model has struggled to tackle longstanding issues within the import system. This is often where resource to implement an overarching strategy and recommendations is very limited. Import requirements remain difficult to navigate. This causes delay, unnecessary cost and a lack of outcome certainty where the balance between biosecurity risk and process efficiency has not been struck.

55. Key improvements can be made through the primary legislation but supported by an increased resourcing focus in system/operational matters. Our feedback on each proposal should be considered in this context.

Proposals 22-26: Development of Import Health Standards (IHS)
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Reducing consultation requirements.

56. NZW support in principle enabling technical IHS amendments to be made without consultation. This requirement would help reduce IHS backlogs and the additional resource required for consultations. To manage the minimal risk of this change, there must be a clear definition and parameters for what 'technical amendments' include.

57. We also support the proposed rapid amendment process for IHS during the first year of trade of a good. This is another means to improve system efficiency, but must be balanced with certainty for those impacted. A lack of *obligation* to consult should not negate consultation with those holding a legitimate expectation. For certainty, we recommend prescribing what changes to an IHS would qualify for rapid amendment. If progressed, we recommend further engagement with key stakeholders is undertaken on the detail sitting under these amendments.

Expanding use of permits

58. NZW support in principle expanding permit use/scope to improve system efficiencies. Specifically issuing permits for goods being imported on a one-off basis and enabling permits to allow trade continuance whilst a suspended IHS is under review. We note, the associated risk analysis and potential volume of permits may still present an administrative burden.

Proposal 28: **Border clearance for cruise ship passengers**

59. NZW support enabling inspectors to process cruise ship passengers at multiple disembarkation points, addressing modern travel risks. The proposal's effectiveness hinges on effective operational implementation and frontline resource allocation.

Proposals 32 - 33: **Transitional facilities**

Support streamlining facility approval framework.

60. NZW support the streamlining of the approval process for transitional facilities. Having the option to appoint a deputy operator is logical to ensure smooth and continued operation where an operator is away or incapacitated. The wine industry accounts for approximately 20 related approved facilities and we are confident current facilities are mature businesses which can respond to this change. This notwithstanding, it is important the recording and reporting of a delegation process is not administratively burdensome.

Broadening Third party verification activities

61. NZW support in principle the recognition of third parties to verify low risk transitional facilities. However the cost impact remains unclear, what is considered 'low risk' and on what basis would recognition take place? Increasing the efficiency of existing audit processes is supported, but this level of detail is important to clarify. If there is administrative burden on MPI to approve third party operators and compliance checking, then what impact does this have on the biosecurity cost recovery model?
62. We recognise the benefit for MPI of proposal 33B to enable recognition of third parties for broader specified roles and functions more broadly in the biosecurity system. However again, there remains a lack of clarity on how this would be applied. What indicative areas of the system would recognition take place? Against what standards would this recognition be assessed and audited? What is the cost impact of administering this and will this be expectation passed directly back industry? These are important clarifications that must be made before NZW can support this proposal further.

Proposal 34: **Providing biosecurity information to incoming passengers**

63. NZW does not support option 34A to remove the general duty to provide biosecurity information to incoming passengers. There is no *biosecurity benefit* in removing a standard requiring passenger education when entering New Zealand. We do not consider leaving this as a voluntary option for private carriers would improve or maintain biosecurity protections. Pre-arrival education provides the best opportunity to help people comply with often unfamiliar rules.
64. This proposal should be considered in conjunction with the proposed increases to high-risk border infringements. It is counterintuitive to recommend increased stringency in one part of the compliance model, whilst removing education at the other end. NZW support Option 34B of including a requirement for carriers to provide notice that information has been provided. Carriers with large passenger volumes (and risk), should be able to comply with this requirement.

LONG TERM MANAGEMENT

Proposals 52 to 54C: **Alignment of long-term management outcomes**

Enabling multiple National Policy Directions for Pest Management (NPD)

65. NZW support enabling multiple NPD, instead of the current single NPD established in 2015. This results in increased administrative flexibility, enabling more targeted guidance for managing organisms rather than applying broad directives to all pest management activities. It would also streamline the consultation process, allowing tailored engagement on topics when amending an NPD, preventing the need to fully review all national directives with each amendment.

Regulations to create nationally consistent baseline objectives, policies or rules for pest management.

66. NZW agree in principle to enabling regulations that establish nationally consistent baseline objectives, policies, or rules for pest management. However, their effectiveness is conditional on prescribing clear, affordable and achievable objectives.

Minister's abilities to assign responsibility for decisions on harmful organisms or pathway.

67. The benefit of proposals to amend Section 55 are unclear. This power has not been exercised; therefore, its effectiveness has not been measured. The policy problem is not defined to an extent NZW can support it. The question remains, what specific examples of current barriers are there, how would the current power be applied in practice?

Proposals 55-60: **Management of unwanted and notifiable organisms**

68. NZW support in principle proposals to:

- Clarify language on 'communication' of an unwanted organisms.
- Expand process abilities for chief technical officers.
- Align unwanted organism exemption permissions.
- Streamline how unwanted organism status can be removed.
- Improve the management of notifiable organisms.

69. NZW do not support a transitional provision in legislation to remove all unwanted organisms after 5 years. Acknowledging the administrative benefit for MPI, this approach to 15,000 listed organisms is broad brush with risk associated in potential oversight and communication of changes. This is important to consider where the Biosecurity Act also contains related offences for breeding, selling or releasing organisms. We submit updates are better addressed operationally on a case-by-case basis.

Proposals 62 A–D: **Amending the definition of 'Unauthorised Goods'.**

70. NZW support the following combination of proposals in principle:

- Define New Zealand-born progeny; and
- Amend the definition of good to include trees/plants alongside movable property; and
- Amend the definition of 'unauthorised goods' to include the progeny of those goods.

71. This amendment removes technical barriers to enforcement in situations where illegally imported organisms, including plant progeny are identified. Notably it broadens the power to remove/destroy illegally imported plant materials to manage biosecurity risk. In a vineyard setting tracing progeny may prove a complex exercise spanning generations of plants impacting multiple sites/businesses. NZW cautiously support this on the basis further definitional criteria and its enforcement scope are clarified.

SYSTEM ISSUES AND ENFORCEMENT

- The overall system works well for the most part, any changes to purpose statements or powers require clearer problem definitions.
- NZW support the provision of greater biosecurity enforcement tools.

Proposals 1-2: **Purpose clause in the Biosecurity Act**

72. Whilst NZW support greater recognition of trade facilitation in the Biosecurity system, we question whether inserting an overarching purpose clause in the legislation is the best means to achieve this. NZW acknowledge the intent of such clause, however without clarity of wording or detail, the risks outweigh the rewards.
73. A purpose clause would need to be sufficiently broad to account for multiple existing purposes, making it ambiguous, or drafted prescriptively in a manner that would struggle to complement each part of the Act. Neither option is satisfactory. Foreseeable consequences would be to constrain or confuse decision making with dual priorities that must be balanced or traded off.
74. Increased trade facilitation under Biosecurity functions can be better be addressed by revising the specific content of existing purposes statements within the Act, and at an operational level through adequate priority setting and resourcing.

Proposal 3: **Ministerial involvement in significant decisions**

Vesting Ministers with call-in powers.

75. NZW support retaining the status quo that does not expand ministerial involvement in significant response decisions on controlled areas. We submit the appropriate level of ministerial involvement already exists, through the Minister of Biosecurity, MPI and cross agency arrangements. Whilst Cabinet collective decision-making accounts for notable responses that involve other social and economic considerations.
76. Maintaining separation of powers in response structures is essential when exercising technical, science-based advice for on the ground decisions. Enabling a call in power, risks politicisation of technical decision making where existing safeguards already exist.

77. A response necessitates this power would be exercised at pace and the proposed satisfactory 'criteria' would become a secondary consideration. Broader risks are adequately managed through the appropriate response structures, consultation and regular 'oral updates' to Cabinet.

78. Technical decisions which have broader social license issues are not typically made without informing key decision makers and impacted parties. Retaining the status quo allows for this to continue without presenting unnecessary risk for the efficacy of technical decisions.

Proposals 7- 13: **Infringements and Compliance**

Border fines for high-risk travellers.

79. NZW support in principle greater distinction between high and lower risk 'erroneous declarations' and agree with introducing an increased fine that sits between the lower-level infringement offence and prosecutable penalties.

80. Creation of a new infringement tier will enable a cost-effective intermediary enforcement tool, that also allows prosecution resource to be better channelled towards significant, recidivist offending. The strength of the current penalty framework is in its 'simplicity' and if implemented this must be retained.

Regional council infringement offences for pest and pathway management plans

81. NZW support increasing the enforcement tools available to regional councils to deter non-compliance with national pest management plans. This addresses an enforcement gap that regional councils face and offers a more efficient and scalable solution to improve biosecurity outcomes at the local level.

Controlled area notices

82. NZW support increasing compliance options for breaching a controlled area notice, and agree the penalties are set at the appropriate level to deter both intentional and reckless behaviour. The consequences of a breach can significantly impact a response outcome if it results in spread of a pest or disease with wider reaching economic impacts. We support a hierarchy where intentional/reckless behaviour is dealt with by prosecutable fines. Whereas minor breaches are addressed through infringements.

Sentencing guidance

83. NZW support establishing sentencing guidance under the Act. We note guidance is implemented in other regulatory systems to support the judiciary's decision making where offending is novel or lacks supporting precedent. Examples of aggravating factors could include the:

- seriousness of offending, and its impact on the biosecurity system.
- economic, social, or reputational impacts, including the effect on the environment, a community, industry or trade relationships.
- extent of a commercial gain from a breach.
- need to establish deterrents for serious and recidivist biosecurity offending.

Concluding Remarks


84. NZW acknowledge this consultation as a rare opportunity to future proof the biosecurity system's legislation. Accordingly the scope of the proposed changes are substantial and this submission focusses feedback on the areas of highest importance to our industry:

- Government Industry Agreement settings
- Compensation settings
- Import Health Standards processes
- System wide issues including enforcement.

85. Many proposals require greater supporting detail beyond the consultation documents and regulatory impact statements. Without this, it is difficult to assess the full industry impact and therefore determine if support is warranted. Thank you for the opportunity to submit and as always we welcome further discussion and follow up questions on the contents of this submission prior to introduction of a Bill and consideration by the Select Committee.

Yours sincerely

s9(2)(a)



Dr Edwin Massey
General Manager Sustainability
New Zealand Winegrowers Inc.

From: [Emil Murphy](#)
To: [Biosecurity Act Amendment Bill](#)
Cc: [Emil Murphy](#)
Subject: Proposed amendments to the Biosecurity Act
Date: Friday, 13 December 2024 4:56:35 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[DINZ Submission Biosecurity Act amendments 2024.pdf](#)

You don't often get email from **s9(2)(a)** [Learn why this is important](#)

Please see attached DINZ submission on proposed amendments to the Biosecurity Act 1993.

Regards,
Emil

Emil Murphy
Policy and Research Manager

s9(2)(a)



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www.deernz.org | **s9(2)(a)**

Released under the Official Information Act 1982

Biosecurity Act Review - Deer Industry New Zealand submission

Deer Industry New Zealand (DINZ) is pleased to have the opportunity to make submissions on the Biosecurity Act 1993 proposed amendments.

About Deer Industry New Zealand

- 1) DINZ is a levy funded industry-good body established by the Deer Industry New Zealand Regulations 2004 under the Primary Products Marketing Act 1953. DINZ's functions (under regulation 5(1)) include the following:
 - to promote and assist the development of the deer industry in New Zealand;
 - to assist in the organisation and development of the marketing of products derived from deer;
 - to assist in the development of existing and new markets for products derived from deer; and
 - to act in combination or association with any person or body of persons ... engaged, concerned, or interested in the processing, marketing, or distribution of deer or products derived from deer.
- 2) DINZ represents producers of farmed deer, and processors, marketers and exporters of products from farmed deer, which are principally venison and deer velvet.
- 3) DINZ is a signatory to the Government Industry Agreement for Biosecurity Readiness and Response, representing deer famers, and processors of deer products.
- 4) Contact person for this submission is:

Emil Murphy, Policy and Research Manager

s9(2)(a) [REDACTED]

Overview

- 5) Due to the extensive range of proposals for consultation, DINZ is not discussing each proposal but has focused on the proposals we consider of most importance for the industry. Where a proposal is not discussed in this submission, this should be interpreted as DINZ not having a position on that proposal rather than tacit agreement or disagreement.
- 6) In general, proposals are at a high level and better understanding the more detailed policy and proposed implementation may change DINZ position. In addition, many proposals are related, and the practicality and effectiveness of each policy area will depend on how these are balanced.
- 7) New Zealand has one of the best animal health statuses in the world. Maintaining this is immensely important to the deer industry to allow for continuing high levels of animal welfare and productivity. Freedom from diseases with trade impact, as well as diseases with production impact enable us to keep a premium position in overseas markets.

Proposal 1-2 - Purpose clause in the Biosecurity Act

Q8 – Do you agree with our preferred approach to progress proposal 2? Why, or why not?

- 8) In our opinion ensuring that purpose statements for each part of the Act is meeting the needs of a modern biosecurity system is needed. Adding language that allows New Zealand to be more efficient in surveilling for a wider range of organisms will help understand endemic situation for animals and plants. This will enable more opportunities to also eliminate or reduce endemic diseases that are not pests or unwanted organisms.
- 9) If MPI considers referencing operational efficiency, it's critical to also reference the need to use a science-based risk management framework to inform the expected level of performance.

Q9 - To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes?

- 10) In our view, the Biosecurity Act meets several needs, and to clearly articulate these will be beneficial. While providing a clearer line of sight for those impacted by decisions made under the Act, DINZ considers it as important to ensure that actions and interpretations by decision makers are guided by the expressed intent of Parliament.

Q10 - 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?

- 11) DINZ considers that the key purpose statements should clearly link to the following areas
 - a) Clarification that the Biosecurity Act is intended to manage biosecurity risks to New Zealand based on science-based risk management principles.

- b) Protection of both indigenous and production related flora and fauna.
- c) Clarification that trade (both imports and exports) is facilitated.
- d) Giving effect to international agreements.

Proposal 3 – Vest a Minister with a ‘call-in’ power

- 12) DINZ considers that option 3A – vest the Minister for Biosecurity only with ‘call-in’ powers – is preferable to option 3B. This ensures there is clear responsibility and less confusion about roles. It will also likely meant that a Minister exercising ‘call-in’ powers has a good understanding of the legal and policy framework the power is exercised in.
- 13) We agree that the criteria for when the Minister could use a ‘call-in’ power are appropriate. For further policy development however, it will be important to understand how this would work operationally, especially balancing the need for a Minister to have reasonable opportunity to exercise the ‘call-in’ power against the need for staff to make decisions in a fast-moving response.

Proposal 4 – Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act

- 14) DINZ is generally supportive of the concept that decision making should consider the full range of possible effects. It is not clear to us that the Act as currently prevent this. Section 23(4) for example already requires the consideration of effects on human health, environment and economy. Local knowledge would be important to such considerations.
- 15) DINZ would be positive to including language that clarifies that local conditions can be part of the overall considerations, but in our view putting them against each other highlights a rigid understanding of what scientific knowledge is and is limiting the ability to include evidence from a range of sources while considering their respective quality.

Proposal 7 – Create an additional infringement penalty for higher risk goods

- 16) DINZ is supportive of this proposal. High risk goods though the passenger pathway is linked to the two major disease risks for the industry, Chronic Wasting Disease though urine lures and Foot and Mouth disease through untreated animal products.

Proposals 14A and 14B – Amending cost-sharing in the GIA

- 17) DINZ disagrees that periodic reviews of cost shares in the Deed should be mandated. While DINZ in general support flexibility, regular reviews of the cost shares in the deed will lead to increased costs to the system, both direct and in-kind from time spent in negotiations. It is unlikely that these reviews would result in changes that could be agreed by consensus, mainly because the underlying public benefit and cost of exacerbator risks are very difficult to quantify and also vary between different pests.
- 18) DINZ does not support including a framework for cost shares in legislation. In our view such a move would not provide sufficient flexibility to work equally across the wide range of sectors.
- 19) DINZ notes that the current framework is too detailed compared with the level of detail in the inputs, or in other words, where the information that goes into cost-sharing discussions have large uncertainties the margin of error is likely greater than the increments in cost shares.
- 20) DINZ would favour fewer categories of cost sharing which in our view would allow faster agreement between parties and would support outlining the principles by which cost shares should be determined in law, including better articulation of public benefits.

Proposal 15A – Levy non-signatory beneficiaries to build an up-front fund

- 21) DINZ is supportive of cost recovery from non-signatory beneficiaries (NSBs) but recognises there are several practical barriers to doing so.
- 22) DINZ doesn't support proposal 15A, to levy NSBs up front and build a fund. This provides no clear link to the benefits of a potential future response.
- 23) DINZ supports proposal 15B in principle, but note that as most significant industries are signatories, there is likely a significant administrative cost associated with identifying the relevant NSBs and collecting levies from them. The Ministry for Primary Industries should be able to decide whether to pursue cost recover based on whether the administrative cost exceeds the benefits. This would align with the principles of equity and efficiency already in the Act.

Proposal 16 - Refining how non-compliance would make a person ineligible for compensation

- 24) DINZ agrees in principle that the Biosecurity Act should encourage good biosecurity management, and that persons that are non-compliant with requirements that are intended to reduce the impact of a biosecurity event could have the compensation reduced. We further appreciate the restrictions imposed on the current framing of 'biosecurity law' in the context of compensation under the Biosecurity Act.
- 25) There are however several potential issues with the proposal that would require significant policy work before we feel we could take a firm position. The key issues to address are related to

threshold issues – what level of non-compliance is required to impact compensation, penalties under several framework for the same offending – e.g. both NAIT prosecutions and reduced compensation, significance – will the improved level of compliance impact the overall outcomes of incursions, unintended consequences – an important reason for compensation is to promote reporting of exotic disease, with reduced compensation this could lead to slow, or no, reporting of issues.

Proposal 18 - Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred

26) DINZ is supportive of providing more flexibility in how the Ministry for Primary Industries manages compensation assessment and payments. While we are concerned that some of the limitations are internally imposed through process, the ability to adapt payments to relevant circumstances would lead to better support for the exercise of biosecurity powers.

Proposal 20 – Stating which types of losses are and are not compensable, including removing some or all consequential losses from compensation

27) DINZ supports the intent to make the compensation operation and practice more transparent.

28) DINZ considers it important to maintain the compensability for consequential losses. While straight venison production systems might recover with no significant loss other than capital stock, genetic providers and velvet production systems would suffer significant ongoing losses if their herd was depopulated through exercise of biosecurity powers.

29) DINZ does not support options 20C-E, but are open to work with MPI in developing proposals further to balance the desire for limiting consequential losses with the need to ensure the correct outcomes.

Proposal 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

30) DINZ disagrees with proposal 24 as it is currently written. Irregular, one-off, or small are not determinative of biosecurity risk. This proposal would need significant policy development to clarify how the risk associated *ad hoc* permits would be assessed and managed.

Proposal 25 - Enable use of permits to allow trade to continue while a suspended IHS is being reviewed

- 31) DINZ supports the proposal in principle. It would be important though that the HIS had not been suspended due to significant changes in biosecurity risk.

Proposal 27 - Improving efficiency in the import health standard review

- 32) DINZ supports option 27A. The ability to challenge an HIS and have it reviewed by an independent panel is important. However, we recognise that having a standing panel, and the ability to recover some of the costs would improve both the process and likely ensure challenges are genuine .

Proposal 36 – Modify and grow the Government Industry Agreement

- 33) DINZ supports the proposal to extend the scope of GIA to cover the wider biosecurity system, as well as simplifying levies and enabling more than one Deed. It's unclear how the proposal of including non-signatory participants in decision making would work, considering the cornerstone of cost sharing leading to joint decision making. In our view this part of the proposal would need more development to properly assess.

Proposal 37 – Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience

- 34) DINZ supports having a single organisation responsible for cross industry strategies, coordination, and leadership. The specific proposal needs to be refined to clarify how this would work in practice, how it would relate to the Ministry, and how the interests of smaller industries would be protected.
- 35) DINZ suggest that MPI engages with industries to collaboratively develop a detailed proposal for how such an organisation would be structured and resourced..

Proposal 38 – Amend Part 5A to state that this confers functions on GIA Signatories to make joint decisions under the Deed and Operational Agreements

- 36) DINZ supports proposal 38.

Proposal 40 – Add a general biosecurity duty in the Biosecurity Act

- 37) DINZ does not support adding a general biosecurity duty to the Biosecurity Act. It is not clear what this would mean, or how it would be implemented.

Proposal 42 – Add provisions in the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan

- 38) In general terms, DINZ is supportive of farmers taking a structured approach to managing issues on their farms, including biosecurity risks. Many farmers already have processes and plans in place relating to this.
- 39) If additional regulatory requirements were to be considered, the structure of this must not impose additional regulatory burden on those that are already doing good biosecurity management on farm, and it would need to include mechanisms for recognising other programs and the verification of them.

Proposal 43 – Amend Section 100ZA to add a power for the Minister to “un-recognise” an industry body when a sector withdraws from the GIA

- 40) DINZ supports this proposal.

Proposal 44 – Simplify the process to create national or regional pest and pathway management plans

- 41) DINZ supports the proposal but considers it needs to be developed further to understand how they would interact with proposed changes to the GIA framework, including a stronger role of regional councils.
- 42) The process should specifically consider the specific needs when transitioning from a response to long-term management to ensure that the regulatory hurdles doesn't mean activities that should be undertaken under a pest or pathway management plan are not undertaken as responses.

<ENDS>

From: [Jenny Wotten](#)
To: [Biosecurity Act Amendment Bill](#)
Cc: [Tim Gale](#)
Subject: Proposed amendments to the Biosecurity Act - NZGAC Submission
Date: Friday, 13 December 2024 4:48:37 PM
Attachments: [image001.png](#)
[GAC Submission on Modernising the Biosecurity Act - 13 December 2024.pdf](#)

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Biosecurity System Policy team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140
BiosecurityBill@mpi.govt.nz

Dear Policy Team

Please see the attached submission from the New Zealand Game Animal Council on proposed amendments to the Biosecurity Act.

If you have any questions relating to the submission, please contact General Manager Tim Gale on **s9(2)(a)** or **s9(2)(a)**

Ngā mihi, Jenny

Jenny Wotten
Executive Administrator
New Zealand Game Animal Council

s9(2)(a)

<https://nzgameanimalcouncil.org.nz/>



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13 December 2024

Biosecurity System Policy team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140

BiosecurityBill@mpi.govt.nz



Modernising the Biosecurity Act

This is a submission by the New Zealand Game Animal Council on the proposed amendments to the Biosecurity Act 1993.

About the New Zealand Game Animal Council

The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory entity with responsibilities for, among other things:

- Advising and making recommendations (in relation to game animals) to the Minister for Hunting and Fishing (previously Minister of Conservation).
- Raising awareness of the views of the hunting sector.
- Liaising on and managing aspects of game animal hunting and management.
- The Game Animal Council Act 2013 defines game animals as deer, tahr, chamois and wild pigs.¹

Relevance of the Biosecurity Act to game animals

1. Game animals (deer, tahr, chamois and wild pigs) are valued introduced species as recognised within Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020 (ANZBS) (page 9):

‘Valued introduced species are introduced species, including sports fish, game animals and species introduced for biocontrol, which provide recreational, economic, environmental or cultural benefits to society’

2. The management of game animals is provided for under the Wild Animal Control Act 1977 (WAC Act) across all land tenures in accordance with proper land use, and under the Game Animal Council Act 2013 (GAC Act), where ‘herds of special

¹ Wild goats are subject to the Wild Animal Control Act 1977 only and are not part of the Game Animal Council’s statutory responsibilities.

interest' in specified areas of public conservation land are designated by the Minister for Hunting and Fishing.

3. The agency responsible for the administration of both the WAC Act and the GAC Act is the Department of Conservation (DOC).
4. The Biosecurity Act is administered by the Ministry for Primary industries (MPI) and provides powers for regional councils regarding biosecurity management, including pest management plans, pathways and policies.
5. Currently, any species can be declared as a pest under the Biosecurity Act by chief technical officers from twelve regional councils, providing for regional inconsistencies.
6. For game animals, these inconsistencies extend beyond regional settings, into legislative settings regarding their status and management across New Zealand.
7. Inclusion of game animals within pest management plans under the Biosecurity Act for biodiversity purposes essentially creates administrative duplication where there are two agencies, DOC and MPI, undertaking administrative functions for the same purposes under two different pieces of legislation.
8. Importantly, this situation leads to 'double dipping,' where centralised taxes are used to fund the Department of Conservation's management of game animals under the WAC Act, while regional councils also collect rates to manage game animals under the Biosecurity Act.
9. The GAC submits that game animals and other valued introduced species are not pests, i.e. they provide significant recreational, economic, environmental or cultural benefits to society.
10. To establish legislative consistency, game animals should be precluded from being declared as pests within Biosecurity Act national and regional pest management plans and pathways, as there is already legislation in place that enables the management of these species for any harmful effects.
11. Game animals should only be referenced within national and regional pest management plans if they are a vector for a notifiable organism and their management is required to control, eradicate or manage the transmission of that notifiable organism.
12. The GAC submits that decisions to establish and enforce game animal management activities, including exclusion zones, for biodiversity purposes should be retained by the DOC as the administrator the WAC Act and the GAC Act, and in accordance with ANZBS goals.
13. ANZBS 2030 goal for valued introduced browsers, e.g. game animals:

'11.1.2 Introduced browsers, including valued introduced species, are actively managed to reduce pressures on indigenous biodiversity and maintain cultural and recreational values'

14. Effective management of valued introduced species across New Zealand requires consideration of species impacts and value across land of all tenures at both a national and local scale.
15. This can only be achieved through national level administration of game animal management, that includes effective engagement with relevant local bodies and stakeholders and efficient administration processes.
16. Regional councils desire to hold powers for undertaking control of game animals for reasons other than vector management, indicates that improvements to the DOC administration processes may be required and / or additional resources applied in this area.
17. The GAC supports a collective and collaborative approach for the management of game animals across New Zealand.
18. If there are no mechanisms that enable regional councils to contribute towards game animal management other than through pest management plans under the Biosecurity Act, the following options are available:
- a. Change 'Pest Management Plans' to 'Species Management Plans' with separate classifications and management provisions for pests and valued introduced species.
 - b. Establish and incorporate a valued introduced species management mechanism separate from pest management plans.
19. Under either option, the management of game animals should be administered in accordance with the WAC Act and GAC Act, and national level strategy, i.e. management for both value and impacts, and statutory policy and planning.

Surveillance and interfaces with Department of Conservation - administered legislation

Proposal 70 – Clarify that regional councils can enter private land to control wild animals

20. The GAC submits that the current requirement for regional councils to seek authorisation to undertake game animal management activities for biodiversity purposes on private land and public conservation land under the WAC Act is appropriate.
21. The decision to manage vectors for notifiable diseases across all land tenures under the Biosecurity Act is appropriate.
22. For emergency biosecurity purposes, e.g. where game animals are vectors of a notifiable organism and must be controlled to control transmission of that

organism, it is important that entry to private land and public conservation land is immediately actionable.

23. However, where control or management of game animals is not required to urgently prevent the spread of notifiable organisms, i.e. for biodiversity purposes, the WAC Act s16 is the appropriate legislative mechanism.
24. Section 8(2) of the WAC Act currently enables regional councils to provide the authority to hunt or kill or possess game animals and discharge a firearm into or over regional council managed land.
25. Therefore, the proposed amendment only affects privately owned land and public conservation land.
26. Except in emergency circumstances, no government body should hold powers to enter private or public conservation land to control species that are valued without following appropriate due process, including engagement with national level managers.
27. An amendment to the WAC Act to enable regional councils to hold such powers runs contra to statutory designation and management requirements stipulated in the most recent legislation relevant to the management of game animals, the GAC Act.
28. The Wild Animal Control Act 1977, s16, outlines a process that must be followed before entry onto private land for the purposes of this Act is legally enforced.
29. This process affords the landowner a notice period of 28 days and an opportunity to appeal the Ministers decision.
30. The GAC submits that the proposed amendment to section 8(2) of the Wild Animal Control Act 1977 is only made if there is no provision for game animals to be declared as pests in regional pest management plans.
31. In the case of eradicating or managing an unwanted organism, a regional council has authority to hunt or kill or possess game animals and discharge a firearm on private land and public conservation land.
32. Entry onto private land to control or manage game animals for biodiversity purposes should only be granted in accordance with s16 of the WAC Act.

Proposal 71 - Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land

33. The GAC supports this technical amendment.

Other proposed amendments to the Biosecurity Act

System-wide issues

Proposal 4 - Local Knowledge

34. Where there are statutory entities that hold community connection functions, and biosecurity decisions relevant to their mandate arise, consideration of expert advice received from these statutory entities be required as part of chief technical officer decision making.

Biosecurity Act amendment example, or something to this effect:

“The chief technical officer must engage and have regard to the advice, if any, of any statutory entity that holds functions that connect communities to relevant biosecurity considerations, as part of decision making.”

The benefits of this amendment are:

- Enhanced partnership and promotion of participatory biosecurity practices across government and community sectors.
- Alignment of local and national knowledge, direction and communications.
- Certainty that government entities with relevant experts / expertise are utilised to support improved regional decision making and regional considerations are made during national level planning and promotions.

Example of application relevant to the NZ Game Animal Council.

The NZ Game Animal Council has hunting community connection mandated functions. When biosecurity considerations arise that are relevant to hunting and game animals, the proposed amendment to the Act would require the chief technical officer to notify the NZ Game Animal Council, with an opportunity to provide advice.

The NZ Game Animal Council holds expertise in the relevant field, thus can provide support to the chief technical officer regarding any differences between local and scientific knowledge. Also, to identify and promote opportunities that increase hunting community participation in biosecurity.

Where chief technical officer decisions affect the hunting community, the rationale behind decisions can be communicated directly to the hunting community by the GAC and concerns from the hunting community can be condensed into clear and concise communications to the chief technical officer to support efficient decision making.

Long-term management

Proposal 44 – Simplify the process to create national or regional pest and pathway management plans

35. While the GAC understands that the proposed change is intended to make the process more efficient, the lack of early Ministerial oversight is not advisable.
36. Government agencies act on behalf of Ministers, and significant resources may be used to create national and regional plans and undertake consultation.
37. If these resources are used and consultation occurs before a Ministerial decision point, there is significant risk of wasted resources, deteriorating social license and political risks.
38. Regarding the 19 key considerations to be met within the second step, the GAC notes that any species could meet the key considerations summarised as:
- “the subject being capable of causing adverse effects on the economy, native plants or animals, the environment, social and cultural wellbeing, human health, recreation, animal welfare, and the relationship of Māori with the environment;”*
39. The GAC submits that game animals and other valued introduced species are not pests, i.e. they provide significant recreational, economic, environmental or cultural benefits to society.
40. The reverse order of the third and fourth steps proposed is not accurate.
41. The fourth step in the current process is approval of the plan, while the third step in the proposed process is creation of the plan.
42. Approval must come after consultation has been undertaken.

Additional recommended amendment to the Biosecurity Act

43. The GAC submits that game animals should be excluded from s84(4) -

‘Must not provide for the payment of compensation for loss suffered because a person’s income derived from feral or wild organisms is adversely affected by the implementation of the plan.’

44. Game animals can make up a significant component of landowner’s income, and in some cases completely replace income derived from agricultural species.
45. Compensation for the commercial value of these species in such cases where removal of these species from private property is legally enforced within a national pathway management plan should apply.

If you have any queries relating to this feedback or require additional information, please contact me on s9(2)(a) or at s9(2)(a)

Yours sincerely

Tim Gale

s9(2)(a)

General Manager

New Zealand Game Animal Council

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From: [Cathy Webb](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Biosecurity Act Review Submission
Date: Friday, 13 December 2024 4:40:25 PM
Attachments: [image001.png](#)
[SNZ Biosecurity Act Submission 13 December 2024.pdf](#)

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Please find attached the submission made by Seafood New Zealand.

Many thanks

Cathy

Cathy Webb

GM Seafood Standards and Market Access

A Level 12, 7 Waterloo Quay, Pipitea, Wellington 6011

s9(2)(a)

W seafood.co.nz

signature_203064922



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Submission to the Ministry for Primary Industries (MPI)

Consultation on Proposed Amendments to the Biosecurity Act 1993

13 December 2024

1. Seafood New Zealand Limited welcomes the opportunity to provide the following submission on the proposed amendments to the Biosecurity Act 1993.
2. Seafood New Zealand is a professional organisation delivering industry-good services for the wider benefit of the seafood industry, an industry which had an annual export earnings of \$2.1 billion in 2023. Seafood New Zealand plays a lead role in developing and presenting the seafood industry's response on regulatory proposals and generic issues affecting the industry.
3. As a significant user of the marine environment and one who relies on the ability to trade aquatic products, managing biosecurity and potential threats is extremely important to the seafood industry, and we are in broad support of most of the proposed amendments.
4. However, the bio-fouling proposals may have significant consequence for vessels that operate outside the New Zealand EEZ, not only New Zealand fishing vessels but potentially others, including shipping vessels (such as goods container vessels) and so we need to ensure there is balance between protecting biosecurity and not creating rules too stringent that deter those vessels from continuing to come to New Zealand. We provide further detail under proposals 29A and 29B.
5. We note that a full cost-benefit analysis will be completed once the final proposals are developed after the consultation, and we fully support this, in order to ensure the cost of change does not out-weigh its benefit.
6. Many of the proposed amendments will not affect the seafood industry and thus the remainder of our submissions only addresses those that may have a direct or indirect impact.
7. Please find attached the specific comments relating to the Proposed Amendment of the Biosecurity Act Review

Yours sincerely

s9(2)(a)

Cathy Webb

Contact Person: Cathy Webb
GM Seafood Standards & Market Access
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s9(2)(a)

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Specific Comments

Theme	Proposal Number	Comment
Purpose clause in the Biosecurity Act	1 & 2	We would support the inclusion of new purpose clauses in the Biosecurity Act to ensure efforts are focussed in the right area.
Local knowledge in decision-making	4	<p>We would support the facilitation of local knowledge as an informal form of guidance, within the context of the available information (including industry knowledge and scientific data), to aid decision-making. This would involve seeking insights that are specific to local circumstances and expertise, thereby enhancing the decision-making process by making it more informed and relevant to the specific community or region.</p> <p>To reduce delays when local and scientific knowledge differ, it's important to encourage open dialogue and collaboration between local experts, industry, and scientists from the start.</p>
Regional council access to infringement offences for pest and pathway management plan	8	<p>We support in principle that regional councils should be able to set infringements for pest and pathway management plans as a mechanism to help ensure people follow the rules and protect local ecosystems. However, this should only happen if there is enough support and resources to help those affected to comply. Without this, penalties could be unfair.</p> <p>It is important to make sure that operators (including vessel operators) have the information they need to comply with these plans before any infringement fees are introduced. This means providing clear guidance, resources, and support to meet the requirements. This way, the rules are fair, effective, and achieve the intended results without causing undue problems for those affected.</p> <p>The safeguard of requiring MPI consultation should be sufficient, as it brings expertise and national oversight, along with checks with the Ministry of Justice to ensure the rules are fair and legal.</p>
Stronger compliance options for PoFAs	10	<p>We would support the ability to impose fines for breaches under the Biosecurity Act, as this can be an effective tool for enforcing compliance and protecting regional ecosystems. However, a minimum fine of \$10 million seems excessively high for non-criminal offences and seems unfair. Option 3 looks more reasonable, but it would be helpful to know what kinds of offences would justify such a large fine. Clear guidelines on this would make the system fairer and ensure penalties are only applied to the most serious issues.</p> <p>A tiered penalty system that starts with warnings and increases for repeated offences could be effective – similar to the VADE model.</p>
Cost recovery from non-signatory beneficiaries of the GIA	15A & 15B	We support cost recovery measures that align with the set cost recovery rules and principles. These guidelines keep the process transparent and fair, making sure funds go where they're needed to support effective management and compliance.

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		Option 15B seems to better align with existing cost-share arrangements. If clear benefit to an NSB can be demonstrated post-response, it seems appropriate for some cost recovery to be enabled.
Development of import health standards	22	While we support introducing options to make technical amendments quickly, to do so without any consultation could mean that standards are amendment with unintended consequences, so some industry consultation should be required.
	23	We support this proposal in principle.
	24	We do not support this, however there could be grounds to consider options to allow for limited use, such as research but under very tight controls. We suggest, however, that there should be no commercial sales of trial organisms or material brought in on this basis until a full IHS process has been completed.
	25	We support this proposal in principle.
	26	We support this proposal.
Better management of biofouling removal in New Zealand's Exclusive Economic Zone	29A & 29B	<p>We don't support this proposal as it currently stands.</p> <p>There is concern that if vessels go outside the Exclusive Economic Zone (EEZ) and then return, they may face significant challenges in adhering to the requirements set out in the pest management plans. This could be particularly problematic for fishing and shipping vessels, as non-compliance could lead to operational difficulties. For example, there are seafood companies that fish outside of the EEZ, either in other territorial waters (such as Australia) or on the High-Seas and then return to New Zealand, and the proposed complex requirements could impact their ability to operate efficiently. There is a risk that shipping (container) vessels will eliminate New Zealand as a stop off point, if the rules are too complex which would have a significant impact on the flow of goods into and out of New Zealand, and the broader economy.</p> <p>We are concerned that Proposal 29A is too blunt an approach for New Zealand, a maritime nation dependent on trade. Therefore, we believe Proposal 29A should be disregarded as a feasible amendment.</p> <p>Proposal 29A requires vessels to comply with the Craft Risk Management Standard (CRMS) before entering the EEZ, meaning all compliance actions must occur at or beyond the 200nm line. The only feasible option is to conduct In-Water Cleaning (IWC). However, performing IWC at short notice in foreign ports, in line with domestic requirements, is impractical. Out-of-water cleaning is also not viable, leading to significant costs and challenges for industries reliant on vessels entering New Zealand waters. Cleaning inbound vessels at the 200nm line is not feasible.</p> <p>For commercial fishers on high seas voyages, requiring IWC or other remedial actions at the 200nm line would be prohibitively expensive. Costs include engaging IWC providers, fuel, wages, operational expenses, and the opportunity cost of waiting for suitable conditions. This solution is impractical for commercial vessel operators and would severely impact the number of vessels travelling to New Zealand.</p> <p>Beyond the commercial fishing sector, Proposal 29A's additional costs and time requirements could severely impact commercial maritime sectors reliant on vessels entering the New Zealand EEZ from the high seas.</p>

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		<p>International shipping arrivals to New Zealand ports are already facing elevated port and supply costs, leading vessel owners to reduce or eliminate routes to New Zealand. Therefore, it is crucial to facilitate the straightforward and economically viable entry of vessels into New Zealand while maintaining sensible biosecurity integrity. For an island nation dependent on sea trade, failing to do so would represent a significant policy failure and should be avoided at all costs.</p> <p>Proposal 29B suggests including biofouling removal within the definition of “dumping” under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, allowing it to be regulated like other dumping activities. While more workable than 29A, we still have concerns. IWC providers would need a dumping consent in the EEZ to clean vessels entering territorial waters, which is more feasible than beyond 200nm but still problematic.</p> <p>For a feasible consenting framework, operators should receive consents for specific areas and commercially viable durations. Delays in obtaining consents could deter international shipping, affecting the supply and price of goods.</p> <p>We recommend establishing dedicated IWC areas around NZ in consultation with stakeholders. This would allow for efficient biofouling removal without significant delays or deviations for vessels and still manage any potential biosecurity risk.</p>
Facility Approval Framework	32	<p>We support the proposal as it simplifies the rules for transitional and containment facilities, reducing process complexity, while still ensuring safety and proper management. Removing the need for operators to be approved under the Biosecurity Act removes red tape but still requires facilities to meet the necessary standards, including having competent operators. The added requirement for a deputy operator if the main operator isn't based at the facility ensures there's always someone responsible for day-to-day operations.</p>
Enabling third party verification at transitional facilities	33	<p>We support MPI recognising third-party verification at transitional facilities, with Option 33B as the preferred choice. This approach would allow MPI to use third parties for specified roles and functions across the biosecurity system, rather than limiting their use to just transitional facilities.</p>
Government / industry Agreement	36	<p>We would support options that aim to expand the scope and functionality of the framework to create a more streamlined process. By simplifying procedures and removing unnecessary barriers, it would encourage broader participation and make the system more inclusive and efficient and could lead to better collaboration and coordination across different industries.</p>
Pest and pathway management and small-scale management programmes	44* - 51	<p>We would support Options 2 and 3 as it streamlines the process for creating national and regional pest and pathway management plans and allows for the integration of pest and pathway management plan resulting in a more coordinated approach.</p> <p>We are in favour of Option 4, provided it aligns with cost-recovery rules and principles and considers the impact on organisations to ensure it is fair and manageable. Option 5 is also supported, as it offers flexibility in managing organisms, which is important for adapting to different situations. However, we believe it's essential that there is a strong consultation process for regional councils to effectively manage these organisms.</p>

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		<p>We support Options 6 and 7, provided that roles and responsibilities are clearly defined and transparent, which would help ensure accountability and prevent any confusion. Lastly, we support Options 8 and 9, as they seem to align with the overall aim of enhancing the pest and pathway management framework.</p> <p>These proposals could greatly improve long-term pest and pathway management by streamlining processes, making them quicker and more straightforward, and allowing resources to be focused on actual management rather than paperwork. Integrating pest and pathway plans would create a more coordinated approach, and flexible management would help councils respond to new threats more efficiently. Clear roles and responsibilities would prevent confusion and improve collaboration.</p> <p>However, a risk of combining these plans could make the process more complex, as it may require balancing different priorities and requirements within a single plan. There is also a risk that certain aspects might be overlooked or not given enough attention if the plan tries to cover too many areas at once. Additionally, if not properly managed, there could be confusion about responsibilities, which might lead to delays or inefficiencies.</p>
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From: [Clare Grandison](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission on Proposed Amendments to the Biosecurity Act 1993
Date: Friday, 13 December 2024 4:38:39 PM
Attachments: [image001.png](#)
[241213.MIAL_Submission_New_Zealand_Biosecurity_Act.pdf](#)

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Good afternoon,

Thank you for the opportunity to provide a response to the Biosecurity Act consultation.

Please find attached a submission from Maritime Industry Australia Limited, the Australian national maritime peak body representing Australian companies which own or operate a diverse range of maritime assets, including those that operate within the New Zealand EEZ and territorial waters.

Please contact the undersigned for any clarification or further information.

Clare Grandison
Senior Policy Advisor – Sustainability and Industry Transformation

s9(2)(a)

www.mial.org.au

IMPORTANT: this email and any attachments may be confidential. If you have received this email in error, please contact Maritime Industry Australia Limited ('MIAL') on +61 474 477 411 and delete all copies of the email. You may not retain a copy of the email or forward it if you received it in error. Any opinions expressed in this email are those of the author and may not reflect the opinions or position of MIAL, unless otherwise indicated. Before opening or using attachments, check them for viruses and defects. If you identify a virus in any attachment forwarded by MIAL, please contact us immediately. MIAL does not accept any responsibility for problems caused by viruses, whether it is MIAL's fault or not.

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13 December 2024

Biosecurity System Policy team
Policy and Trade Branch
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Email: BiosecurityBill@mpi.govt.nz

Submission on Proposed Amendments to the Biosecurity Act 1993

Thank you for the opportunity to provide a response to the Biosecurity Act consultation. As the Australian national maritime peak body MIAL works to ensure that industry concerns regarding regulatory change are voiced and acknowledged and any impact to operations or the Australian industry is minimised or avoided.

1. About MIAL

Maritime Industry Australia Ltd (MIAL) is the voice and advocate for the Australian maritime industry. MIAL is at the centre of industry transformation, coordinating and unifying the industry and providing a cohesive voice for change.

MIAL represents Australian companies which own or operate a diverse range of maritime assets from international and domestic trading ships; floating production storage and offloading units; cruise ships; offshore oil and gas support vessels; domestic towage and salvage tugs; scientific research vessels; dredges; workboats; construction and utility vessels and ferries. This includes vessels that are covered by the *Maritime Transport and Offshore Facilities Security Act 2003*. MIAL also represents the industries that support these maritime operators – finance, training, equipment, services, insurance and more. MIAL provides a full suite of maritime knowledge and expertise from local setting to global frameworks. This gives us a unique perspective.

We work with all levels of government, local and international stakeholders ensuring that the Australian maritime industry is heard. We provide leadership, advice and assistance to our members spanning topics that include workforce, environment, safety, operations, fiscal and industry structural policy.

MIALS's vision is for a prosperous Australia with a strong sovereign maritime capability.

MIAL's overarching position concerning maritime policy in Australia is that we ought to have a sustainable, viable maritime industry. This activity can occur anywhere – coastal, offshore, and international. This maritime activity should encompass anything – freight, tourism, passenger movement, port and harbour services, offshore oil and gas, construction, scientific/research, essential services, and government services.

MIAL is an advocate for a fiscal and regulatory regime that makes it attractive for shipping and maritime businesses to exist in Australia and affords those Australian businesses every opportunity to compete for work and participate in maritime activity worldwide.

2. MIAL response to consultation paper

2.1. General comments

MIAL acknowledges the importance of marine biosecurity and works closely with our Australian Commonwealth and State based regulators to ensure that our biosecurity framework is supportive of a sustainable maritime industry and is based on robust and reviewed risk-based scientific principles.

MIAL would encourage MPI to conduct a review of the effectiveness and appropriateness of current biofouling and biosecurity regulations, for example the CRMS, prior to instigating any broader regulatory change in the New Zealand EEZ. MIAL suggests that both Proposal 29A and 29B would benefit from this review prior to any further regulatory development occurring.

MIAL has concerns that increased regulation of biofouling removal in the EEZ has the potential to shift in-water cleaning further offshore resulting in greater WHS risk and operational impact, which is not necessarily commensurate with any incursion risk posed by the removal of fouling in the 12nm-200nm distance.

The proposed amendment (29B) to classify biofouling removal as 'dumped waste' under the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) seems inconsistent with the provisions of the Convention and New Zealand's responsibilities under it. MIAL suggests that the proposed classification of biofouling as dumping, goes beyond the original intent and remit of the London Convention, particularly in these offshore environments.

In addition, the intent of current New Zealand Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015, noted in the proposal, also seem inconsistent with the proposed changes.

MIAL is concerned that Proposal 29A and 29B will have potentially adverse impacts on the safe, sustainable, and economically viable operation of our members vessels in the region and does not support their implementation in their current form. A comprehensive review of the current biofouling management and in-water cleaning regulations is desirable, to ensure that change to current arrangements in the EEZ is required to manage incursion risk.

Please feel free to contact the undersigned should any clarification be required.

Clare Grandison

Senior Policy Advisor
Sustainability and Industry Transformation

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From: [Will Halliday](#)
To: [Biosecurity Act Amendment Bill](#)
Cc: [Grant Boston](#)
Subject: Modernising the Biosecurity Act 1993
Date: Monday, 16 December 2024 2:39:39 PM
Attachments: [blnzlogosmallgreentransparent_cdc9e9ce-6737-4c4b-903f-cde3d3d7c328.png](#)
[FINAL Submission Biosecurity Act.docx](#)

Kia Ora

Thank you for your understanding and providing a deadline extension. Please find attached Beef + Lamb New Zealand's submission.

We look forward to continuing discussion.

Hei konā mai

Will



Will Halliday

Senior Advisor – Biosecurity & Animal Welfare

s9(2)(a)

website www.beeflambnz.com

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Submission

Friday, 13 December 2024

TO THE

Ministry for Primary Industries

ON THE

**Proposed amendments to the
Biosecurity Act 1993**

BY

Beef + Lamb New Zealand Ltd

About Beef + Lamb New Zealand Ltd

Beef + Lamb New Zealand Ltd (B+LNZ) is the farmer-owned organisation representing New Zealand's sheep and beef farmers. B+LNZ is funded under the Commodity Levies Act 1990 through a levy paid by producers on all cattle and sheep commercially slaughtered in New Zealand. B+LNZ's purpose is to provide insights and actions that drive tangible impact for farmers.

B+LNZ represents around 9,500 commercial farming businesses, creating around 35,000 jobs directly and 56,000 jobs indirectly (wages, salaries and self-employment) in the sheep and beef sector. Around three quarters of pastoral land and just under a third of New Zealand's total land area is used for sheep and beef farming.

The contact for this submission is Dr William Halliday BVSc, Senior Advisor Biosecurity and Animal Welfare, s9(2)(a) email s9(2)(a)

Introduction

This is a submission by Beef + Lamb New Zealand Ltd (B+LNZ) representing sheep and beef producers.

As a significant stakeholder in the livestock farming industry B+LNZ appreciates the opportunity to provide guidance and engagement with the Ministry for Primary Industries (MPI). We look forward to continuing with such collaboration in the future, both in the development of regulations, standards, and recommended best practices, and in the communication of updates to farmers.

B+LNZ works to promote good biosecurity as an intrinsic part of productive, sustainable and profitable livestock farming, guided by the following principles:

- i) protecting the industry from the implications of exotic disease incursion
- ii) protecting on-farm productivity
- iii) protecting the quality and value of animal products
- iv) protecting the market value of breeding animals
- v) promoting the benefits of prevention rather than treatment
- vi) avoiding the negative effects of disease on animal welfare
- vii) protecting against disease in humans.

B+LNZ has incorporated feedback from farmers into this submission, as well as encouraging farmers to submit their own feedback separately.

B+LNZ has chosen to comment only where the proposals directly affect the interests of the red meat production sector. Accordingly, no comment is provided for some proposals.

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Section 1: System-wide Issues

Proposals 1 & 2

Proposal 1: Insert an overarching purpose clause in the Biosecurity Act

Proposal 2: Include new purpose clauses, as well as revise existing purpose clauses, for selected parts of the Biosecurity Act

B+LNZ agrees with the assessment that these proposals are not mutually exclusive and potentially both could be progressed.

Example purpose clauses could include allowing for monitoring and surveillance of endemic diseases as well as unwanted organisms, and clarifying the policy intent, criteria, and process for compensation.

Proposal 3

Vest a Minister with a 'call-in' power

Option 3A - Vest the Minister responsible for the Biosecurity Act with a 'call-in' power

Option 3B - Vest the Minister of the portfolio the chief technical officer works in with a 'call in' power

B+LNZ supports Option 3A: for the Minister responsible for Biosecurity to be vested with a "call-in" power (the ability to make a decision that would normally sit with a CTO). In our view, Ministerial 'call in' powers need strong checks and balances to avoid politicisation, and so we favour limiting that power to one Minister and support the criteria and limitations explained in the discussion document, the criteria being:

- The decision is likely to have significant environmental risk, national security risk, fiscal risk, trade risk, or risk to property rights.
- The decision is likely to pose significant risk to social and cultural values.
- The decision is likely to involve issues that increase risk to, or complexity for, the liability of the Crown.
- The decision is likely to involve issues that have the potential to seriously affect the Crown's reputation.
- The power is limited to the following sections of the Biosecurity Act:

Section	Description
114A	Chief technical officer may make decision on application of articles or substances from aircraft.

131(2)	Chief technical officer may declare a “controlled area” in order to institute movement or other controls.
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Proposal 4

Enable local knowledge to inform or guide decision-making in specific parts of the Biosecurity Act

B+LNZ supports the use of local knowledge in decision-making, however we see the true value of local knowledge lying within Response and Recovery rather than the importation of risk goods as suggested in the proposal.

Responses to events such as the 2016 Kaikōura earthquake and 2023 Cyclones Hale and Gabrielle clearly demonstrated the value of local knowledge of geography, community and business contacts, capabilities and resources, and support networks.

B+LNZ further sees benefits in terms of local and regional participation in biosecurity readiness, where industry-led or MPI-partnered education or training initiatives can be tailored to the needs of a region or catchment.

Proposal 5

Clarify that the collection, use or storage of information (including personal information) includes biometric information

B+LNZ has no preference for nor against this proposal. Should the proposal be adopted, B+LNZ expects that any biometric information collected will be clearly and appropriately managed to avoid misuse and/or invasion of privacy.

Proposal 6

Introduce a power of arrest for obstruction during searches

B+LNZ supports the introduction of a power of arrest for obstruction of an MPI Compliance Investigator conducting a search under section 111 of the Biosecurity Act.

Proposal 7

Create an additional infringement penalty for higher risk goods

B+LNZ supports the creation of an additional infringement penalty for higher risk goods. While this proposal may complicate the processing of passengers by biosecurity officials at the border B+LNZ is confident that the development of appropriate procedures and guidelines will facilitate correct and consistent application.

Where the discussion document states:

- Amending the maximum fine for the strict liability offence of erroneous declaration from \$1000 to \$2000; and
- Creating a corresponding infringement offence for erroneous declaration of 'high risk goods', with an infringement fee of \$800.

It is unclear whether the \$800 infringement fee is additional to the maximum fine. B+LNZ assumes this is the case and proposes that considering the potential consequences to the agriculture industry even higher penalties be considered.

Proposal 8

Introduce the ability for regional councils to establish infringement offences in regional pest management plans

B+LNZ agrees that this proposal will incentivise compliance with regional pest management plans, thereby improving biosecurity outcomes and reducing the regulatory burden on local and central government.

B+LNZ seeks clarification on the implications of this proposal for the Department of Conservation, State-owned Enterprises, and the Crown.

Proposal 9

Amend an existing offence, establish a new offence and corresponding infringement

B+LNZ supports the approach of graduated penalties based on the level of offending related to the breach of a Controlled Area Notice. The penalties outlined in the proposal appear fair.

Proposal 12

Clarify arrest powers of police officers (or authorised biosecurity officers pending current proposal)

B+LNZ supports the clarification of police powers as a sensible addition to the Biosecurity Act.

Proposal 13

Introduce sentencing guidance into the Biosecurity Act

B+LNZ supports the introduction of sentencing guidelines in line with other Acts.

Section 2: Funding and Compensation

Proposal 14

Amending cost-sharing in the GIA:

Option 14A - mandating a periodic review of the cost-shares in the GIA Deed

Option 14B - Set out a cost-share framework in legislation to guide cost-share arrangements with GIA partners

B+LNZ believes that industry should be able to prioritise levy investment to deliver the greatest benefit, given the industry's biosecurity risk profile. B+LNZ does not support a framework or methodology that undermines an industry's ability to govern the spend of levy money collected from their members.

B+LNZ recognises that more work can be done to ensure a fair and transparent cost-sharing framework under the GIA, potentially including pest and pathway management. However, B+LNZ does not support either of the options under Proposal 14 as they will both contribute to increased administrative burden and be perceived as prescriptive rather than enabling or flexible.

Proposal 15

Cost Recovery from Non-Signatory Beneficiaries

Option 15A – Levy non-signatory beneficiaries to build an up-front fund

Option 15B – Levying non-signatory beneficiaries after a response to recover costs

B+LNZ supports cost recovery from NSBs provided it is equitable.

B+LNZ prefers Option 15B as the most equitable and efficient option presented.

Under Option 15A a NSB may potentially be levied for decades to build up a cash reserve that is never realised by its members, while incurring administrative costs in the process. Further, building a cash reserve for future contingencies creates generational issues where the people that have directly contributed to the creation of the reserve may not be the same people that directly benefit from having the reserve in the future.

Proposal 16

Refining how non-compliance would make a person ineligible for compensation

Currently eligibility for compensation is largely considered an all or nothing decision, where any significant non-compliance renders the claimant ineligible for recompense. B+LNZ suggests an

alternative model whereby a maximum compensation figure is calculated for a business or person, based on their actual loss, with subsequent discounts applied for non-compliance, provided:

- the level of non-compliance meets a pre-determined threshold for penalty, and
- the non-compliant activity has directly influenced the introduction, amplification, or spread of the outbreak, or hindered response activities.

B+LNZ also notes that some activities may be deemed non-compliant under two different regulations or pieces of legislation and may therefore already carry penalties. For example, non-compliance with NAIT is already covered under the NAIT Act 2012. Consideration must be given to which Act will take precedence in these situations to avoid a double jeopardy situation.

Proposal 17

Enabling more detailed compensation entitlements and requirements via regulations

B+LNZ supports the proposal in principle, however, offers the following commentary:

- A transparent system for calculating fair market value is critical
- Clear guidelines for the application of penalties under overlapping legislation is similarly important
- B+LNZ supports the use of schedules to provide a valuation of assets destroyed, provided the system is flexible and adaptable
 - For example, a five-year rolling average for the value of the asset in a given calendar month would be a useful starting point for a compensation calculation
- A review mechanism for cases where non-compliance is contested is desirable.
- There needs to be a mechanism to account for 'outliers' – for example livestock owners with stock of verifiably high genetic value.

Proposal 18

Removing restrictions on the ability to vary compensation and enable upfront payment of future losses that have not yet been incurred

B+LNZ supports this option. Up-front compensation and compensation for future losses will be beneficial for farmers during the response and facilitate more rapid recovery and return to trade.

Proposal 19

Codify the operational dispute resolution process

B+LNZ supports this proposal as it should speed up the resolution process and reduce bureaucratic load.

Proposal 20

Stating which types of losses are and are not compensable, including removing some or all consequential losses from compensation

Option 20A: only income and professional fees are eligible for compensation.

Option 20B: all consequential losses are eligible for compensation for the first year a producer is affected. By setting a time limit on compensation eligibility the affordability and long-term sustainability of the scheme is supported. It may also encourage producers to improve biosecurity management and personal accountability.

Option 20C: all consequential losses are eligible for compensation for the first six months a producer is affected. Similar to option 20B, this would place a time limit on compensable losses and may encourage better biosecurity management behaviours.

Option 20D: only professional fees are eligible for compensation.

Option 20E: no consequential losses are eligible for compensation. Similar to option 20D, this option will likely impact on people's behaviour. Both these options would make the compensation scheme more efficient by making claims simpler to assess and make the law clearer.

B+LNZ supports any proposal to make transparent and certain the provisions relating to compensation for direct and consequential losses.

B+LNZ's preferred option is Option 20A, although we suggest 'professional fees' needs to be broadened to ensure it captured costs such as cost associated with bringing in labour to assist with additional mustering needs.

Section 3: Border and Imports

Proposal 22

Enable technical amendments to an IHS without consultation

B+LNZ has, in the past, been consulted on amendments to several Import Health Standards, including most recently the importation of red meat for human consumption and bovine germplasm. While we understand the benefits of reduced administrative burden and improved speed of technical changes, and we note that the proposal “does not prevent MPI from choosing to consult where it would be appropriate” it would provide B+LNZ with confidence to understand the decision-making process involved in MPI choosing whether to consult.

Proposal 23

Enable a rapid amendment process for IHSs during the first year of trade in a good without consultation

Like Proposal 22, it would provide B+LNZ with confidence to understand the decision-making process involved in MPI choosing whether to consult.

Proposal 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

B+LNZ has no opposition to this proposal, provided that, as stated in the discussion document, “It would not lessen or increase the existing protection to New Zealand from biosecurity risks”.

Proposal 25

Enable use of permits to allow trade to continue while a suspended IHS is being reviewed

B+LNZ seeks clarity on the suggestion of “stricter risk management measures” for permitted goods for which the IHS is suspended, and the criteria under which a permit may be considered given the suspension. Every risk good has a unique risk profile based on probability and consequence, therefore a sensible and transparent approach to any permitting process is necessary.

Proposal 26

Enable consultation on a risk management proposal for a good, rather than on the draft IHS itself

B+LNZ supports this proposal.

Proposal 34

Providing biosecurity information to incoming passengers

B+LNZ seeks clarification of the extent of “the administrative burden and compliance costs for both carriers and MPI” due to the general duty and regulations to provide biosecurity information to incoming passengers.

It is B+LNZ’s position that the provision of biosecurity information to incoming passengers is a critical border-protection tool and forms the basis for the imposition of infringements and prosecutions of passengers who breach regulations.

Proposal 35

Make explicit the ability for a PoFA standard to establish a biosecurity control area

B+LNZ supports this proposal.

Section 4: Readiness and Response

Proposal 36

Modify and grow the Government Industry Agreement

B+LNZ broadly supports the proposals outlined in the discussion document.

- Pest and pathway management are important aspects of biosecurity and therefore it is sensible to include these in an updated deed. It should also streamline the process of transferring a response to a management plan and situations such as dealing with recrudescence of a disease.
- B+LNZ supports the idea of a single biosecurity levy to cover readiness, response, and pest/pathway management.
- B+LNZ supports providing for the possibility of separate deeds for different sectors e.g. plants, animals, aquatic, however we recognise that connections between sectors requires consideration and sees that any decision about how to structure the GIA Deed(s) should be a decision for the parties. In other words, the Biosecurity Act should be enabling on this point, and not directive.

Proposal 37

Create one or more biosecurity focussed cross-industry organisations to build primary sector skill and resilience

B+LNZ supports this proposal as an opportunity to centralise and streamline the delivery of biosecurity services. B+LNZ believe it makes sense to have traceability, readiness, response, and disease management capabilities “under one roof”.

The opportunity also exists for the consolidation of multiple government and industry levies into a single “biosecurity levy” providing improved clarity and affordability for producers. This needs to be balanced against the transparency that comes from itemising levies by purpose, and so again this is an area where the Biosecurity Act should be enabling rather than directive (see also our response to Proposal 46).

It is currently unclear what legislative changes may be required to progress the initiative. There also exists the potential for overlap with Acts including the Animal Welfare Act, Animal Products Act, HSNO Act, and Food Act.

B+LNZ looks forward to future engagement on the design and functioning of the proposed organisation.

Proposal 38

Amend Part 5A to state that this confers functions on GIA Signatories to make joint decisions under the Deed and Operational Agreements

B+LNZ supports this proposal and looks forward to contributing to discussions on how it can proceed.

Proposal 39

Change the decision-maker for a biosecurity emergency from the Governor-General to the Minister for Biosecurity

B+LNZ supports this proposal in the interest of streamlining decision-making and notification processes.

Proposal 40

Add a general biosecurity duty in the Biosecurity Act

B+LNZ opposes the addition of a general duty under the Biosecurity Act. B+LNZ feels that existing legislation such as the HSNO Act, pest management plans, Import Health Standards, and specific duties already outlined in the Biosecurity Act are fit for purpose, and the introduction of a further general duty will lead to an unreasonable increase in compliance cost to producers.

Proposal 41

Expand the range of specific risk management requirements that can be set up through regulations under the Act

B+LNZ opposes this proposal for similar reasons to those given for opposing Proposal 40. The Biosecurity Act already provides for regulations covering serious pests and diseases, including the ability to include new pests and diseases where appropriate.

Proposal 42

Add provisions in the Act to enable greater use of the risk-based regulatory model where businesses are required to develop their own risk management plan

B+LNZ supports the use of risk-based regulatory models where farmers can develop their own risk management plans. Attempting to develop "one-size-fits-all" models, even with built-in flexibility, consistently proves to be an unrewarding exercise when involving the vast range of farming operations in New Zealand. Farmers are astutely aware of the specific risks relating to their operations and are therefore best placed to lead plan development for their businesses.

Proposal 43

Amend Section 100ZA to add a power for the Minister to “un-recognise” an industry body when a sector withdraws from the GIA

B+LNZ supports this proposal.

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Section 5: Long-term Management

Proposal 44

Simplify the process to create national or regional pest and pathway management plans

B+LNZ supports the simplification of the development of national and regional pest and pathway management plans.

Proposal 45

Enable (but not require) integrated national or regional pest and pathway management plans

B+LNZ supports the proposal that the scope of NPMPs can be broadened to include other pests and/or pathways. Integrating multiple pests and/or pathways into a single plan represents an opportunity for collaboration of expertise and effort and improved operational efficiency.

Proposal 46

Enable (but not require) the ability to have consolidated levies for national pest and pathway management plans

B+LNZ supports the consolidation of levies for this purpose and notes that it aligns with Proposal 36 to include pest management within the scope of the GIA.

Proposal 47

Make it easier for regional councils to create small-scale management programmes

B+LNZ supports this proposal in principle but seeks clarification on which “management powers” under Part 6 of the Biosecurity Act regional councils will be afforded access.

Proposal 48

Enable management agencies to provide exemptions from rules in national pest or pathway management plans

B+LNZ supports this proposal in principle but seeks clarification on which “rules” management agencies or regional councils will have such discretionary powers.

Proposal 49

Enable more than one entity to share management agency responsibilities

B+LNZ supports this proposal in principle, noting the following:

- It appears likely to involve partnerships between GIA and non-GIA organisations
- Administration and bureaucracy may become significant factors in the management of these partnerships
- Established cost-sharing principles are expected to apply i.e. “who pays, says”

Proposal 50

Enable management agencies and regional councils the function of issuing permissions for pests in national and regional pest and pathway management plans

B+LNZ supports this proposal in principle, noting that a likely benefit may be to provide increased awareness of sections 52 and 53 of the Biosecurity Act.

Proposal 51

Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original timeframe

B+LNZ supports the amendment to enable regional councils to remove exemptions from pest or pathway management plans.

Proposal 52

Enable multiple National Policy Directions for pest management to be made

B+LNZ seeks clarity as to how the most appropriate NPD will be identified for certain situations where more than one NPD exists. It would be disadvantageous to have competing or mutually exclusive NPDs resulting in unnecessary debate.

Proposal 53

Enable new regulations to be made to create nationally consistent baseline objectives, policies or rules for pest management

B+LNZ supports the proposal in principle, however has concerns that the central prescription of policies and rules relating to regional pest management plans may constitute an overstepping of the intent of the proposal. We would prefer to see limits placed on the prescriptive ability of central government where the development of strategy and delivery remains in the hands of regional authorities.

Proposal 54

Amend section 55 of the Biosecurity Act and its associated regulations (Responsible Minister may assign responsibility for decisions on a harmful organism or pathway)

Option 54A - Strengthen section 55 by requiring that the party that is assigned responsibility must take action to manage the harmful organism or pathway

Option 54B - Streamline the process set out in regulations to remove unnecessary steps or duplication

Option 54C - Repeal section 55 of the Act and revoke its associated regulations

B+LNZ views Option 54B as the preferred option.

Option 54A appears to provide the Minister with significant powers to require action from others that B+LNZ would prefer to have clarified before giving an opinion.

B+LNZ does not consider Option 54C to be necessary, as Section 55 of the Biosecurity Act appears to be a useful mechanism that should be maintained.

Proposal 55

Amend section 52 to define “communicate” in relation to a pest or unwanted organism

B+LNZ supports this amendment.

Proposal 56

Enable a chief technical officer to tailor the application of sections 52 and 53 when declaring an unwanted organism

B+LNZ supports this proposal in the interests of enabling flexibility regarding the designation/treatment of an unwanted organism and therefore reducing downstream administrative burden.

Proposal 57

Align the permissions for exemptions in section 53(2) with the exemptions in section 52

B+LNZ supports this proposal.

Proposal 58

Clarifying in the Biosecurity Act how unwanted organism status can be removed and making this process more efficient

B+LNZ supports this proposal.

Proposal 59

Include a new transitional provision for all unwanted organisms to expire after five years

B+LNZ does not support this proposal.

Instead, B+LNZ prefers Option 5 presented in the Regulatory Impact Statement (Paper 6, clause 140):

“...include new provisions in the Act that clarify the process for removing unwanted organism status from an organism. When determining whether an organism should be unwanted, a Chief Technical Officer must determine if the organism has the potential to cause harm. The unwanted status could be removed where the harm caused by an organism no longer warrants the use of relevant powers under the Act.”

B+LNZ believes this provides the best balance between improving administrative burden while maintaining the robustness of the unwanted organisms register.

Proposal 60

Improve the management of notifiable organisms

B+LNZ supports the proposal to enable easier declaration of an organism as notifiable.

Section 6: Legislative Interfaces

Proposals 64-67

Proposal 64: Enabling the Biosecurity Act to take precedence over sports fishing benefits

Proposal 65: Enabling the Biosecurity Act to take precedence over sports fishing benefits following agreement from a chief technical officer

Proposal 66: Enabling biosecurity powers, functions or duties to take precedence over other provisions where a fish is also an unwanted organism

Proposal 67: Amending the Biosecurity Act to require Ministerial decision-making if a regional council and Fish and Game Council do not agree

With respect to the Biosecurity Act taking precedence over the benefits of sports fishing and the management of sports fish species, B+LNZ supports proposals 64-67.

Proposal 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

B+LNZ supports the change outlined in the discussion document. It will clarify the scope of Part 4 of the Biosecurity Act (Surveillance and Prevention) and better enable New Zealand's reporting requirements to the World Organisation for Animal Health (WOAH). Furthermore, information collected may inform future management or attempted elimination of endemic pests and diseases.

Proposal 70

Clarify that regional councils can enter private land to control wild animals

B+LNZ supports this technical amendment. It is expected that consultation with the landowner and/or manager will continue to be consulted prior to any animal control activities being undertaken.

Proposal 71

Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land

B+LNZ supports this technical amendment.

Conclusion

Beef + Lamb New Zealand is a committed member of the GIA and proudly contributes knowledge, expertise, and funding to biosecurity in New Zealand. We greatly appreciate the opportunity to contribute to the future development of the biosecurity landscape in New Zealand. We also appreciate that this review of the Biosecurity Act and is simply the first step in what will no doubt be a complex ongoing process.

Please do not hesitate to contact Beef + Lamb New Zealand for any further information or clarification on the contents of this submission.

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From: s9(2)(a)
To: [Biosecurity Act Amendment Bill](#)
Subject: Late submission to Biosecurity Bill
Date: Monday, 16 December 2024 5:19:30 PM
Attachments: [Biosecurity Submission NZIF.pdf](#)

Please find attached a submission from the NZ Institute of Forestry regarding the biosecurity bill. While prepared in time last week a mis location of an email instruction meant that it wasn't sent as intended. We hope that this will nevertheless be accepted as prepared for lodgement on the 13th December.

Yours faithfully,

C R Richards
For NZIF

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New Zealand Institute of Forestry

Te Pūtahi Ngāherehere o Aotearoa Incorporated

NZ Legal Harvest Assurance System -Issues paper 2
Consultation Submission

Ministry for Primary Industries

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s9(2)(a)

for

James Treadwell, President
New Zealand Institute of Forestry
Te Pūtahi Ngāherehere o Aotearoa Incorporated

11 Dec 2024

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Introductory Comments	3
About the Submitter	3
Summary	4
Submission	5
Document 1 - Overview	5
Document 2 -System wide issues	6
Document 3 -Funding and Compensation	10
Document 4 -Border & Imports	13
Document 5-Readiness & Response	15
Document 6-Long-term management	18
Document 7-Legislative interfaces	22
General Comment	23

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Introductory Comments

Thank you for the opportunity to submit on the review of the 2050 emissions reduction target consultation.

If appropriate, the New Zealand Institute of Forestry (NZIF) wishes to be heard in support of its submission.

About the Submitter

The New Zealand Institute of Forestry (NZIF), established in 1927 and Incorporated in 1929, is a professional body representing over 850 members who are experts in various aspects of forestry. The NZIF's mission is to advance the forestry profession and all forests in New Zealand and to serve as an independent advocate for the forests and good forestry practice.

Dedicated to enhancing forestry practices and benefiting the broader community, the NZIF emphasises education, accountability, and adherence to its code of ethics and performance standards. It plays a critical role in quality assurance, setting benchmarks for professionalism and ensuring both its members and the wider forestry profession uphold high standards of practice and advice.

NZIF members are involved in the professional management of all types of forests—plantation, natural, conservation, protection, and commercial. Our members are employed across a range of sectors, including forestry companies, consulting firms, research institutions, educational organisations, government agencies, and specialist service providers. The diverse qualifications and expertise of NZIF members span multiple disciplines essential to managing New Zealand's forest resources, including traditional forestry, science, economics, law, microbiology, hydrology, engineering, and resource management.

To maintain professional integrity, the NZIF operates a regulated registration scheme which governs the registration and conduct of forestry professionals. This includes consultants who provide forestry advice to both public and private entities, as well as those in other related roles.

Summary

The Institute;

- At an “in principle” level, is supportive or ambivalent to much of the proposed change.
 - Notes that our primary interest is that in making adjustments to achieve greater efficiencies and responsiveness, the overriding objective must be improved biosecurity response and efficacy, not short-term cost savings.
 - Recognise that while it is desirable that Government Industry Agreements (GIA’s) are logically reviewed from time to time, including funding shares, text used suggests there is a motivation to offload costs to industry. NZIF would not support this without detailed data informed and good faith participation with stakeholders.
 - Would support further moves to ensure non-GIA participants are brought under an umbrella mechanism to ensure they too share in the costs covered by the GIA participants for readiness and response initiatives.
 - Does have specific concerns about how proposed changes in GIA to potentially incorporate pest and pathway management over and above readiness and response, could become a mechanism for a priority of ‘cost shedding’ by the Crown rather than effective pest management.
 - Is particularly concerned about where the interface occurs with long standing and widespread existing pests e.g. wilding pines. We believe that establishment of the balance between exacerbator, beneficiary and wider public benefit and fault (represented through the Crown) needs to be established through detailed evaluation, informed by science and negotiated at arm’s length from local political positions.
 - Also have concerns as to how the scope of pest management infringement provisions might flow through to issues of widespread existing long-term pests. We believe there would need to be guard rails in place to prevent abuse of the mechanism focused on cost offloading from councils rather than based on fair recognition of the drivers and pathways behind the problem.
-



Submission

Document 1 - Overview

Question number	Question	Relevant doc	
6	What impacts do you expect to see considered in the full cost-benefit analysis?	1	NZIF believe any CBA must be comprehensive – see below.
<p>Because of the significance of impacts from failures in biosecurity management, their longevity and the flowthrough effects in both economic and biophysical spheres, it is important that a CBA extends well beyond the direct costs (that are relatively visible and easy to quantify) to also include estimates of the costs of failure or not acting, the associated opportunity costs and externalities. It is accepted that some of these will be more difficult to directly quantify and include probabilistic elements. However, accounting of the consequences of failures must be included in some form to provide an informed picture of the relative benefits and costs of acting vs the costs of failure.</p>			
7	Do you agree with the objectives of the proposed amendments? Please explain in detail.	1	Agree but amend
<p>NZIF believes that the overall objective must include the explicitly stated objective that the purpose is to achieve a continually improving, fit-for purpose, biosecurity system that protects the NZ environment and economy. The proposed amendments must be to give effect to that purpose.</p>			

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Document 2 -System wide issues

Question number	Question	Relevant doc	
8	Do you agree with our preferred approach to progress proposal 2? Why, or why not?	2	Agree with proposal 2 as providing a more nuanced opportunity.
9	To what extent do you feel that a purpose clause in the Biosecurity Act would help us achieve better biosecurity outcomes?	2	As a broad overview statement, a purpose clause may have some benefit
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?	2	Agree but amend
<p>NZIF support the tenor of the elements laid out but believes an overarching as listed under 7 above needs to be included. While an efficient biosecurity system is essential, there is a risk balance. Downside costs/risks are often harder to quantify than immediate costs. It is important that there is particular emphasis on the primacy of biosecurity protection. Operational efficiency, of itself at some level, may simply be cost savings with no or even reduced biosecurity benefit. Such outcomes must be guarded against.</p>			
11	Do you agree with our preferred approach to progress option 3A? Why, or why not?	2	Agree 3A
12	Do you agree with the threshold that we have set? Have we missed anything?	2	Broadly agree with the criteria suggested. But...
<p>while the use of the word "significant" has generally understood meaning it does not provide for a very meaningful threshold giving clarity for when a politician (Minister) may override the decision-making role of a specialist and politically independent technical advisor. We would also suggest that the term fiscal risk be replaced by economic risk as this encompasses the wider and longer-term risks to be contemplated rather than fiscal risk that is very much a matter of shorter term government policy choice.</p>			
Question number	Question	Relevant doc	
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?	2	NZIF do not disagree with the arguments posited in favour of elected officials making final decisions. However,...
<p>NZIF note the risk that the motives between an appointed senior technical officer charged with making science informed decisions (including economic considerations) to achieve a necessary biosecurity outcome could be at odds with the political objectives of an elected official. For this reason, we would promote the notion that any final decision-making pathway to manage biosecurity issues of national or regional importance should be informed by and from the processes that were adopted for the Covid 19 response where technical rather than short term political judgements had primacy.</p>			

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Question number	Question	Relevant doc	
14	How could local knowledge make decision-making more effective?	2	Accept in part.
NZIF accepts the potential benefits arising from local knowledge when related to activities of surveillance and protection. We are less convinced by the argument that it would assist when related to biosecurity around importation of risk goods. Our inclination is that advice from a very targeted specialist audience is what is required when dealing with a foreign imported product. We also note that in providing for its inclusions care has to be taken that 'local knowledge' does not become a mechanism for delay or extracting benefit to particular interests.			
15	How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?	2	Potential delays might be mitigated through the targeted specialist(s).
16	Do you agree with proposal 5? Why, or why not?	2	No particular view but security of personal information is paramount.
17	Are there any additional legislative safeguards that should be included for MPI's use of biometric information?	2	As above.
18	What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?	2	No particular view
19	Do you prefer a blanket approach to infringements for erroneous declarations at the border, or a scaled approach?	2	No particular view
20	Do you think the infringement fee in this proposal is set at the right level?	2	No particular view
21	Do you agree with our preferred approach to progress proposal 8? Why, or why not?	2	Broadly supportive

Question number	Question	Relevant doc	
22	Do you think councils should have the ability to designate infringements for pest and pathway management plans? Why, or why not?	2	Not averse but with caveats -
<p>While NZIF are not necessarily averse to the principle for infringements of Regional Pest Management Plans, we have concerns about the scope framing such actions - In our view a contravening party must have had at least one warning, and a reasonable and appropriate timeline for action. Such powers should also only be able to be applied where the problem pest is accountable to an individual (entity) and their land, and not dependent upon the successful actions of others on adjacent lands. In such cases an agreed joint action pathway should be mapped out and agreed between Council and landowners. A failure to adhere to an agreed joint action might justify a further and possible more significant infringement fine.</p> <p>The greatest concern with this proposal is the potential for Councils to use legal leverage to pass on costs of pest management to landowners in situations where there has been a long history of poor or failed management by multiple parties and there are now also multiple beneficiaries and exacerbators linked to the problem. There needs to be guard rails to prevent unjustified offloading of costs for political or council budgetary expediency.</p>			
23	Do you think the proposed infringement fee is set at the right level? Why, or why not?	2	For small, isolated situation the proposed infringement is probably satisfactory there may be grounds for steeper infringements – see above.
24	Do you think the safeguard requiring MPI consultation is sufficient? Why, or why not?	2	No - see below.
<p>NZIF believe infringement frameworks if initiated, must be identified in the creation of Regional Pest Management Plans which are subject to both public consultation and a technical moderation role performed by MPI both at the level of any individual proposal but also across and between RPMS's produced by councils. MPI need to be part of the decision. Additionally there must be a pathway developed to appeal or review a council's application of infringements.</p>			
25	Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient? Why, or why not?	2	Yes, but subject also to points noted in responses to Q22 - 24 above.
26	Do you agree with our preferred approach to progress proposal 9? Why, or why not?	2	Support this approach
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?	2	Supported

Question number	Question	Relevant doc	
28	Do you think the infringement fee in this proposal is set at the right level?	2	No particular view.
<p>NZIF support the general approach of a more tiered structure to offences, particularly the recognition of 'intent', and the fact that some breaches could be accidental. A key issue in ensuring both fairness and efficacy is the quality and accessibility of communication about the nature and extent of any Controlled Area Notice (CAN).</p>			
29	To what extent are these proposals likely to incentivise better compliance?	2	No particular view.
30	What alternative tools could be used to incentivise compliance?	2	No particular view but a proportionate liability exposure to incursion response would likely keep compliance front of mind for some.
31	Do you agree with our preferred approach to progress proposal 13? Why, or why not?	2	Supported
32	What advantages and disadvantages might there be in including sentencing guidelines in the Biosecurity Act?	2	Provision of opportunity for sentencing to better reflect level of biosecurity risk, damage or conscious intent would be advantageous.
33	What specific considerations relevant to the biosecurity system do you think should be given weight in sentencing decisions?	2	level of biosecurity risk, level of biosecurity damage, degree of conscious intent. Degree of negligence.

Document 3 -Funding and Compensation

Question number	Question	Relevant doc	
34	Do you agree with our preferred approach to progress option 14B? Why, or why not?	3	NZIF are accepting of the potential for a benefit arising from setting out a cost share framework. However,....
<p>NZIF are also concerned that the motivation for this may be or could provide a vehicle by which biosecurity costs are offloaded onto industry who are already signed up via the GIA to provide significant shares in any response to an incursion. NZIF would expect that any framework would be consulted in detail with current GIA partners and that process should embed a detailed assessment on exacerbator/beneficiary and wider public good assessments. As noted previously, the apex objective must be improved biosecurity, not simply cost reduction or shuffling and offloading. We remain concerned that the motivation remains cost reduction (for the Crown) and that the notions as to 'equitable' and 'disproportionate' response costs (to the Crown) indicate preconception.</p>			
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?	3	This mechanism might better enable responses to changing circumstances and knowledge/technology over time.
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?	3	If the framework arose from a good level of recognition and consensus amongst GIA participants, it may have value.
<p>However, as noted above that value must come about through reduction of risk or improved capacity for response across all involved participants, not just as a means to force a renegotiation of the GIA agreements that have been functioning in place for some years.</p>			
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?	3	NZIF is not a GIA participant.
<p>We would foresee a reluctance to engage and participate unless the change proposal is clearly informed and consulted based on good information and data, particularly on the pathways for new incursions and the level of contribution from parties associated with those pathways (or the Crown) on their behalf.</p>			

Question number	Question	Relevant doc	
38	For industry readers, how would the options impact your business? For other readers, how would the options affect balance/fairness in cost recovery?	3	Not applicable to NZIF See below.
<p>NZIF suggest that provided any framework was properly evaluated and consulted upon before implementation, the impacts upon the forestry sector, which is already a major signatory to a GIA, is unlikely to be a problem. Nevertheless, a cost recovery system for current or future non-signatory parties is important. Option 15b seems a more appropriate fit for such parties The key is to get an agreed framework.</p>			
39	If you are a GIA partner, which option to you think is better aligned with the existing GIA cost share arrangement? What benefits do you see with the options?	3	Not applicable to NZIF.
40	Do you agree with our preferred approach to progress proposals 16, 17, and 18? Why, or why not?	3	Agree in principle with caveat as below:
<p>NZIF note that enabling setting or adjustment by regulations is efficient and potentially more responsive. However, there is a concern that such an adjustment process must be accompanied by a good faith consultation process with directly impacted stakeholders. It is important that there are guardrails against simple regulatory adjustments to save money as against fulfilling the objective of robust biosecurity management and encouraging reporting on the principle that someone should be no better or worse off.</p>			
41	Do you agree with our proposed definition of biosecurity law? Is there anything we should include or should be taken out?	3	Agree in principle but only as described in that ineligibility due to breach must relate directly to the biosecurity response.
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?	3	NZIF agree that in principle the proposed changes should lead to a more flexible, responsive and agile system.
43	When considering compensation, how much value should be placed on certainty of compensation payments versus the flexibility of the compensation scheme?	3	No particular view
44	Is there anything else you would like to provide comments on regarding improvements to the compensation scheme?	3	See below:
<p>NZIF note that in considering compensation entitlements, the distinctly different profile of forestry timeframes and income will need to be considered, particularly the 'consequential losses' due to time e.g. regrowing a crop.</p>			



Question number	Question	Relevant doc	
45	What impact would proposal 19 have on dispute resolution?	3	NZIF believe this will lead to a mor efficient and fairer process – see below.
Given this maps out the current status quo approach (which is outside the written law) it simply gives certainty on the pathway and provides for greater transparency and perception of fairness.			
46	How do you currently protect against loss?	3	Not applicable to NZIF.
47	If compensation was limited what alternative would you use to protect yourself or your business?	3	Not applicable to NZIF.
48	How do you think people’s behaviour might change if less compensation was available?	3	No particular view
49	What role does compensation play in helping you recover from an incursion?	3	Not applicable to NZIF.
50	How critical is it for you to know you could be compensated for something when you are making biosecurity decisions?	3	Not applicable to NZIF.
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?	3	Not applicable to NZIF.

Document 4 -Border & Imports

Question number	Question	Relevant doc	
52	If each proposal was implemented, how would it impact you or your business?	4	Not applicable to NZIF.
53	Do you think these proposals would make importing easier? Why, or why not?	4	NZIF support in principle.
54	On what grounds (if any) do you think one-off permits to import goods should be issued?	4	No particular view. Support the intent in principle from the examples provided.
55	Are you aware of any additional barriers to importing contained in the Biosecurity Act? How might these be addressed?	4	Not applicable to NZIF.
56	Do you agree with our preference for option 27D, followed by option 27B? Why, or why not?	4	No particular view.
57	What impacts would removing section 24 have on the efficiency of the imports system?	4	NZIF foresee that any of the options could improve the efficiency of the review system
58	Are there other ways to provide checks and balances on MPI's decision-making that would promote an efficient import system?	4	No particular view
59	Do you agree with our preferred approach to progress proposal 28? Why, or why not?	4	NZIF would support this mechanism
Given that some passengers may not disembark at the first port of entry but may do so on any subsequent stops it is important that a potential loophole is closed.			
60	Do you agree with our preferred approach to progress proposal 29A? Why, or why not?	4	Support in principle
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?	4	No particular view.
62	Should "operational efficiencies" justify the limitation of food in the air passenger pathway? Why, or why not?	4	Yes, provided the objective behind operational efficiency is a secure border not just cost savings.
63	If this proposal proceeds, what sort of exemptions might be required and why?	4	No particular view.
64	Do you agree with our preferred approach to progress proposal 32? Why, or why not?	4	NZIF support in principle

Question number	Question	Relevant doc	
65	Do you think this proposal would deliver a more enduring and efficient system for regulating and approving facilities? Why, or why not?	4	In principle this proposal should assist a more efficient system.
66	If you are a facility owner or operator, how do you anticipate this option would impact your business?	4	Not applicable to NZIF
67	Do you agree with our preferred approach to progress proposal 33B? Why, or why not?	4	Support 33b in principle
68	What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act?	4	See below
<p>NZIF would expect that MPI would have, or would have to establish, a set of criteria, standards, qualifications and reporting/monitoring that any party operating in such facilities would have to have. Any third parties would be required to meet those same conditions. There would need to be some form of corrective and disciplinary/review/audit process operating in tandem to ensure correct running of such roles. We suggest police checks would also be a precursor.</p>			
69	Are there any areas of the Biosecurity Act where third-party verification should not take place? Why?	4	No particular view except that conflicts of interest must be managed stringently.
70	Do you think the duty established under section 17AA and its associated regulations is effective or necessary? Why, or why not?	4	NZIF suggest this is necessary and beneficial to assist in reducing the probability of accidental (in ignorance) or deliberate transgressions.
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?	4	See below.
<p>NZIF is inclined to believe that it would be more appropriate that carriers would be required to lodge (and reconfirm periodically) the process by which they undertake communication of biosecurity information to passengers on entry to NZ rather than on each flight. This would also give opportunity for NZ officials to interact with the carrier to ensure information was current and correct.</p>			

Document 5-Readiness & Response

Question number	Question	Relevant doc	
72	To what extent is intervention from MPI is required to grow and develop the GIA?	5	NZIF do not expect there would be strong support for changes to the industry GIA which is generally viewed as successful as currently focussed - on readiness and response.
73	Do you think the current scope of the GIA is fit-for-purpose and working? Why?	5	NZIF would not disagree on the merit of discussions on making the GIA more fit-for-purpose. However,....
<p>As noted in relation to Report 2, there is concern about the motivations, purpose and means by which a GIA would be extended to cover, in particular pest control. There are significant complications in determining relative actions and cost shares for pest control and determining the appropriate course of action will require detailed study and extensive consultation that will be unique to each pest and often significantly variable between regions. As noted in Report 3, NZIF are concerned that proposed extensions of scope could simply be a vehicle for off-loading or transferring costs. The risks are that such decisions could also be distorted from political (local and national) influences. On this basis NZIF would not support such changes without the concurrent implementation of significant guard rails ensuring costs of existing long running pest problems subject to past deficient management are not offloaded into industry. We think examples like the national Wilding Conifer Control Programme remains a better example of how to manage a complex problem.</p>			
74	What role do you see industry organisations playing in New Zealand's biosecurity system?	5	NZIF acknowledge there is a potential for industry organisations if created to provide added impetus to sector biosecurity. Funding and funding shares will remain a key issue.
75	Which options do you think would be most useful to grow and develop the GIA?	5	NZIF would support the enablement of more tailored approaches to the GIA deeds and potentially enabling wider participation.

Question number	Question	Relevant doc	
76	Do you anticipate any problems with establishing industry organisations?	5	How funding formulae for set-up and maintenance of the industry organisation will be an important hurdle.
77	Do you agree with our preferred approach to progress proposal 38? Why, or why not?	5	Support in principle – see below.
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?	5	NZIF would support in principle the amendment of the Act to provide indemnity to those involved in joint decisions.
NZIF believe this would be a more appropriate approach because joint decisions will likely be continuous over time, rather than discrete circumstances thus indemnity must be available to GIA signatories on a continuous basis.			
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?	5	NZIF supports this amendment to facilitate urgency in response as against the need for approval from the Governor General.
80	How might a general biosecurity duty improve biosecurity system outcomes?	5	NZIF would not favour a general duty – at least at this stage
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?	5	NZIF would support provision of this flexibility, in principle but with caveats – see below.
NZIF acknowledge the potential benefits that might arise from increasing the regulation making powers of MPI to promulgate good biosecurity practice. However, any such action would need to follow development and promulgation of clear standards, educational support and implementation pathways and timelines agreed in conjunction with GIA partners. If post implementation monitoring indicated lack of uptake, introduction of regulations relevant to the specific biosecurity risks may serve to incentivise those who are slow or refuse to uptake the requirements that have been generally accepted and agreed serve the best long-term biosecurity interests of the respective sectors or nation as a whole.			

Question number	Question	Relevant doc	
82	How might we incentivise businesses to improve management of biosecurity risk?	5	As above, NZIF favour a starting point of better education and improved standards/protocols development as the first port of call with reinforcement by regulatory means if required where high risk areas are not being managed at the consistent standard deemed appropriate.
83	To what extent might it be costly and difficult to develop a risk management plan for your business?	5	See below
<p>NZIF believes that the nature of the burden in terms of cost and complexity will vary considerably within the sector. Larger players, particularly those in relatively restricted geographic locations may find the development of risk management plans relatively easy, these may already be incorporated within company environmental management systems. Smaller individual and single location entities may have a relatively easy process but lack sufficient knowledge and skills while those involved in highly geographically fragmented management structures may require multiple approaches to deal with different biosecurity risks, and potentially the way they are handled across different regional pest management strategies. E.g Kauri dieback. On balance NZIF believes developing standardised, agreed, off-the-shelf risk management protocols for different biosecurity risks would be a better path with sector players then utilising those that are relevant to their particular circumstances.</p>			

Document 6-Long-term management

Question number	Question	Relevant doc	
84	Do you agree with our preferred approach to progress proposals 44-51? Why, or why not?	6	Generally, in support in principle but with reservation noted below.
85	Are there additional areas in long-term management that could be streamlined, removed, or changed?	6	No particular view.
<p>NZIF note the proposed move to enable the preparation of a national or regional pest & or pathway management plan followed by consultation prior to confirmation by the Minister. While potentially a much-streamlined process, we believe there is real risk of process capture by the bureaucracy. In our view it is possible to conceive of plans being formulated that lack sufficient cross-reference to practical application. But, despite a subsequent process of consultation, experiences in areas such as the RMA suggest that protagonists of the plan may become captured to the effort and costs they have incurred and be resistant to change including seeking ways to limit the impact of consultation requirements. NZIF are of the view that better plans are likely to arise from some forms of pre-consultation or stakeholder working group input to formulate the 'straw-man' proposal that goes to wider consultation.</p>			
86	How much of a difference might these proposals make to more efficient and effective long-term management?	6	No particular view.
87	What will be the impacts of enabling pest and pathway management plans to be combined? What risks do you anticipate?	6	NZIF support in principle. Done properly, the integration of both the pest and pathway management should engender better clarity on obligations and management requirements
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?	6	No particular view
89	Do you agree with our preferred approach to progress proposals 52, 53 and 54B? Why, or why not?	6	Support in principle

Question number	Question	Relevant doc	
90	Do you think nationally consistent baseline objectives, policies or rules for long-term management would be helpful? Why, or why not?	6	NZIF support subject to caveats as below:
<p>Nationally consistent baselines may often be helpful but as noted in the consultation document there is also a risk of overly prescriptive and insufficiently nuanced outcomes leading to wasteful and expensive processes. To avoid this it will be vital that sufficient time and effort is spent on integrating the knowledge and practical understanding of directly affected stakeholders with informed science.</p>			
91	What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management?	6	NZIF hold the view that flexibility is required in the way consistency is sought.
<p>Pest pathway and management requirements are unique to the pest and its pathways and vectors and often unique or at least variable across regions. To this extent, while NZIF reflect on the costs and management difficulties arising from lack of consistency across regional councils when dealing with regulatory matters, we note that in terms of pests, variability is to be expected. In this light, while consistency is supported, it should be promulgated at a principles and expectations level with a degree of supervisory oversight and coordination while providing for a level of flexibility applied at the technical level where justified.</p>			
92	Do you agree with our preferred approach to progress proposals 55-60? Why, or why not?	6	Broadly support – Note caveats in Q’s 93-96
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?	6	NZIF would favour a narrower meaning because the remaining parts of Secn 53 cover off other circumstances.
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?	6	No particular view but support the principle of enabling faster initial response with subsequent coupling /decoupling decisions as appropriate.
95	What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status?	6	No particular view.

Question number	Question	Relevant doc	
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?	6	NZIF support the intent that the unwanted organisms should be reviewed and updated.
We question why this should be one-off rather than periodic (5 or 10) years and have some concern as to the criteria and transparency accorded any decision to remove the 'unwanted organism status.			
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?	6	See reservation expressed above and below.
NZIF believe that decisions to remove an unwanted organism from the register should be accompanied by evidence for the decisions and a period of discussion with directly affected stakeholder. Any decision must be evidence based rather than a matter of convenience.			
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?	6	No particular view – See below
However, the current definition does not include any means to identify or scope the level of magnitude of unwanted harm that might be deemed intolerable. The definition may benefit from such additions, but it is acknowledged defining suitable and quantifiable thresholds will ultimately include values-based judgements including potential costs of management.			
99	Do you have a view on changing the name "unwanted organism" to "controlled organism"? If so, let us know why.	6	NZIF would support a change to controlled organism as it immediately signals there are controls and expectations associated with the organism.
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.	6	No particular view.
101	Do you agree with our preferred approach to progress proposals 62A, B and D? Why, or why not?	6	Support in principle
102	Would a definition for "New Zealand-born progeny" be useful for you? Why, or why not?	6	Minor concern around the term 'born' since this normally implies a reference to animals only. Could consider 'NZ born or propagated...'



Question number	Question	Relevant doc	
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?	6	Presumably the designation should remain for any period until the risk profile confirms the items do not meet the test of an unwanted organism.
104	Do you currently deal with progeny goods? What impact would classifying progeny goods as either risk goods or unauthorised goods have on you?	6	NA

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Document 7-Legislative interfaces

Question number	Question	Relevant doc	
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?	7	NZIF does not represent professional interests in this area.
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?	7	NZIF does not represent professional interests in this area. As a matter of principle that might
As a matter of principle that might extend to other terrestrial based pest/sport tensions NZIF would support the notion of ministerial decision making (proposal 67) if regulatory and sports bodies cannot resolve a conflicted situation			
107	Do you agree with our preferred approach to progress proposals 68 and 69? Why, or why not?	7	No particular view.
108	What other changes could be made to ensure that the surveillance system is robust and delivers information quickly?	7	No particular view.
109	What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection?	7	No particular view.
110	What alternatives are there to the proposals above that could deliver the same, or better outcomes?	7	No particular view.
111	How do we best get a balance between the needs of the biosecurity and biodiversity systems?	7	No particular view.
112	Do you agree with our preferred approach to progress proposals 70 and 71? Why, or why not?	7	NZIF do not support this proposal as it stands – Any such power would need to include the requirement for permission from the occupier
Any such power would need to include the requirement for permission from the occupier (due to the potential for there to be significant hazards or risks associated with other users of the land). In our view most forest landowners will readily seek to work cooperatively with and support the objectives of pest control initiatives. However, if permission is not reasonably given, an override /referral to higher authority mechanism built into the process would be acceptable.			



General Comment

NZIF appreciates the opportunity to submit on this consultation. We welcome any further opportunities to clarify the points raised in our submission. If you have any questions or require additional information, please feel free to contact the undersigned.

Yours sincerely,

James Treadwell (Fellow and RMNZIF)

President

NZ Institute of Forestry

s9(2)(a)

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From: [Brad Siebert](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: NZ Avocado - Biosecurity Act amendments submission
Date: Wednesday, 18 December 2024 7:39:16 AM
Attachments: [NZAGA Biosecurity Act Submission - Dec 2024 ind.docx](#)

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Good morning,

Please find attached a brief summary submission on the proposed amendments to the Biosecurity Act.

We look forward to working closely with MPI as further work is undertaken.

Brad Siebert

Chief Executive
New Zealand Avocado

[s9\(2\)\(a\)](#) | 0800 AVOCADO
[s9\(2\)\(a\)](#)

Level 5 Harrington House, 32 Harrington Street, Tauranga 3110
PO Box 13267, Tauranga 3141, New Zealand
www.nzavocado.co.nz

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Submission on proposed amendments to the Biosecurity Act

TO: Ministry for Primary Industries
PO Box 2526, Wellington 6140

SUBMISSION ON: Biosecurity Act 1993 proposed amendments

SUBMITTER: NZ Avocado Growers Association Inc.

THE INDUSTRY ASSOCIATION

The N.Z. Avocado Growers' Association Incorporated ("NZAGA") is the industry body dedicated to supporting the interests of New Zealand's avocado growers. NZAGA is the recognised product group under the Horticulture Export Authority Act and undertakes industry good functions to represent and advocate for growers' interests in the areas of biosecurity, market access, research and policy.

SUPPORTING STAKEHOLDERS

This submission is also from and supported by:

The Avocado Exporters Council Inc, (AVEC) an incorporated society made up of all registered avocado exporters with a current HEA licence to export avocados.

NZ Avocado Packer Forum Inc an incorporated society made up of all registered avocado post-harvest organisations who are also Ministry Approved Organisations (MAO's) for the purposes of handling avocados for export.

OUR INTEREST

On behalf of our grower members, NZAGA takes a lead interest in biosecurity regulations, planning and operations towards a well performing biosecurity system. As well as advocating on behalf of the industry in discussions with MPI, Biosecurity New Zealand and other regulators, we work with aligned industry groups, regional initiatives and Councils to raise the awareness and importance of protecting the sector, economy and wider environment from unwanted pests and diseases.

GENERAL VIEW

NZAGA supports the intent of the proposed amendments and have been involved in consultation on the review of the Biosecurity Act for several years. Our support is based on the principles of the review which aims to bring clarity and improvements to the legal framework and its ability to support better biosecurity through the Act underpinning the biosecurity system as well as the suite of secondary legislation it supports. We note many areas of proposed amendments will require further analysis and consultation to understand their financial and economic impacts and to accurately reflect the context and environment we are operating in today.

SPECIFIC PROPOSALS OF INTEREST

PROPOSED PURPOSE CLAUSE

The desire to add a general-purpose clause for the Act that reflects the main 'purpose' of the biosecurity system is acknowledged yet due to the breath of the system we caution that purpose has the potential to be misconstrued with scope and responsibility. Depending on interpretation a purpose clause has the potential to introduce risk to decision-makers and agencies around liability or negligence, so as we aim for a timeless document that can underpin the entire biosecurity system, we ask that you be mindful if or when setting a purpose statement.

PROPOSALS RELATING TO GIA

Suggested changes to Government Industry Agreements (GIA) appear to be shifting additional cost from the Crown to industry. This is likely to result in some sectors stepping away from GIA. There are principle-based arguments why risk exacerbators and the Crown should retain responsibility, and the liability of the costs of readiness and response activities relating to pests and disease originating before and at the border, where industry have no control or influence. If a newly introduced framework removed key settings that industry sought mandate on such as the 50% industry cap, or the 20% exacerbator share this would have significant impact on GIA negotiations, membership and the operation of this partnership as a whole.

Expanding scope

We are also concerned with proposals to expand GIAs in both scope and membership. The proposals risk introducing inefficiency into what is currently a well-functioning contractual partnership between MPI and industry. We therefore support further thinking into engagement and consultation structures to bring insights and resources into GIA initiatives but do not support regional councils or other parties becoming signatories to GIA. Extending decision making rights to multiple parties may complicate readiness activities and/or delay responses when not restricted to industry beneficiaries who are prioritising and co-funding activities.

FURTHER BIOSECURITY FOCUSED ENTITIES

We do not consider further 'biosecurity focused cross-industry organisation(s)' are required and note that this is likely to only complicate an already crowded yet well networked horticulture landscape. We do support thinking to be put towards how existing groupings could collaborate, resource and extend to build industry skills, capabilities and long term resilience.

LIABILITY PROTECTION FOR GIA PARTNERS

liability protection is needed for GIA partners, and the proposal seems like a simple approach to achieve it that is more efficient and provides greater long-term certainty.

ENHANCED LEGISLATION FOR BIOSECURITY PRACTICES (Q81)

We remain uneasy on any blunt, one size fits all, legislation focused on mandated biosecurity practices. However, improved awareness and further consistency in the application of best practice as determined in partnership between industry and government to ensure a well target and an industry-by-industry process will achieve the goal of matching biosecurity measures with risk.

COMPENSATION PROPOSALS

We are strongly in favour of fair compensation for losses incurred because of the exercising of statutory powers. However, we also believe that compensation must remain affordable for both the Crown and industry to allow for timely and purpose driven response decision making. While we do not agree with restricting the types of losses that can be compensated for, we support placing limits around compensation timeframes. However, these should not be determined on a one size fits all basis, but rather on recognising the specific circumstances of each industry. Following the general principle that to encourage timely reporting New Zealanders should not be better or worse off because of government biosecurity response operations.

A review is however needed of the compensation system and how it is funded. The economic costs of the current compensation system create significant liability for GIA partners and have had a significant impact on the affordability of recent responses with compensation costs being cofounded by industry.

There needs to be clarity in process as an over engineered compensation system either at the primary or secondary legislation level would lead to a prescriptive, hard to navigate and inflexible system that would be unable to suit all situations.

We are opposed to limiting the scope of what is compensable due to the complexity of the agriculture sector and compensation for consequential losses may also not be able to be clearly defined. Therefore while not limiting scope we believe compensation provisions of the Act should allow growers to recover from impacts resulting from response operations within certain bounds that are both fair yet encourage proactive reporting and self-responsibility at the personal and business level.

PROPOSALS RELATING TO IMPORT HEALTH STANDARDS

We have general endorsement of the proposed changes to Import Health Standards (IHS) to bring clarity and improved process. However, while we support the removal of wider public consultation in order to improve time delays on minor technical amendments, targeted consultation with well-defined affected parties **should** remain.

We **do not** support the removal of the independent review panel without provision for an alternative mechanism to enable objections to be raised. There simply must be a process for escalation or independent dispute resolution where major decisions that impact on industry viability are left to a few individuals within one agency.

TRANSITIONING TO LONG-TERM MANAGEMENT

We do not think it appropriate to incentivise a rapid conclusion to responses by providing for multiple offramps to the government-industry partnership to a response as this serves only to transfer financial costs and risk to industry and Regional Councils who may be less equipped to manage pest containment and management. However, as many responses will extend into longer term arrangements it is important to enable a process towards a continued government-industry partnership into long term management. We therefore seek provisions of both the Act and of the GIA Deed to enable this but request that further provisions are embedded in this transition phase that guide ensure resourcing and where required legislative controls support long term biosecurity outcomes.

While we do not support regional government, or any other non-paying Deed signatories, becoming signatories to GIAs, we do support their involvement in long term readiness and response. This approach would help build their capability and better position themselves to implement regional management plans.

PEST AND PATHWAY MANAGEMENT

We support efforts to reduce administrative complexity in the development of pest and pathway management plans as long as there remains clear provisions for consultation. We therefore agree that legislation should allow for integrated pest and pathway management plans where biosecurity outcomes are related.

Likewise, and in support of the above effort to seek sensible consolidation, we also support the ability to consolidate levies to fund National Pest and Pathway management plans.

While sensible to make the bureaucratic process clearer for regional councils and other groups to create small-scale management programmes this may not always translate to making it “easier”. The bar should therefore remain high regarding the evidence base, consultation and impact assessment that needs to take place to establish any scale pest management plan.

While there will be benefits in enabling more than one legal entity to share management agency responsibilities, a single agency should remain as a primary lead to drive the coordination of these efforts and to reduce the liability of government having to intervene in dispute resolution.

MINISTERIAL INVOLVEMENT IN SIGNIFICANT DECISIONS

We do not support Ministerial involvement in operational decisions. Decisions should continue to be based on risk, science and technical evidence by those charged to make them. In our view, involving ministers introduces a high risk of political bias and may unnecessarily prolong the decision-making process. Responsibility should continue to rest with the Chief Technical Officer.

It is acknowledged that some significant decisions that do have large consequences beyond biosecurity i.e. social, cultural or environmental will also involve economic considerations where the wider government will remain accountable with cabinet through the Minister for biosecurity needing to approve Crown funding.

REVIEW OF COST-SHARES WITHIN GIA

We **do not** support regular reviews of cost share arrangements or having a cost share framework provided for in legislation. While we agree, there is benefit to industry from readiness and response activities we do not see that this benefit is likely to change substantively over time and the suggested amendments to the GIA Deed previously signed by industry are contrary to the intent of the original agreement.

The GIA Deed already provides for a five-year review by the crown and industry on an equal/partnership basis and any changes to arrangements, set out in the Deed or Operational Agreements, require signatories to seek support from their sectors and re-affirm their commitment. Hard wiring a framework or regular reviews that diverts from long standing beneficiary agreements presents a risk that sectors may conclude it is a liability that makes it untenable to remain GIA signatories.

COST-RECOVERY FROM NON-SIGNATORY BENEFICIARIES

A ‘beneficiary pays’ principle should always be adhered to making it is appropriate that Non-Signatory Beneficiaries (those that are not signatories to the GIA Deed) should contribute towards response and longer term activities alongside industry Deed signatories. However, there may be reasons to depart from this default principle where administrative efficiencies or ability to pay should be a consideration. Both options presented rely on levy collection from Non-Signatory Beneficiaries which is unlikely to work in practice given the small size and fragmented nature of these groups and potentially risks. The GIA Deed has been signed by 23 industry sectors, representing 94 percent of primary production. Therefore, focus should instead be on retaining and growing the GIA model to ensure coverage of major industry collectives as any

alternative levy model may risk current signatories seeing this as a more favourable model outside of the GIA family.

Where levies are imposed on NSBs, this should ideally follow the existing model for levy establishment and collection where prior to being imposed consideration is given to the immediate and long-term impact on the levy payer.

Thank you for the opportunity to contribute to the proposed amendments of the Biosecurity Act, we will remain engaged in the process of consultation with the expectation that many of the proposals presented will require further refinement.

Kind regards,

Brad Siebert

Chief Executive

New Zealand Avocado Growers Association

s9(2)(a) | 0800 AVOCADO

s9(2)(a)

Level 5 Harrington House, 32 Harrington Street, Tauranga 3110

PO Box 13267, Tauranga 3141, New Zealand

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From: [Dave Taylor](#)
To: [Biosecurity Act Amendment Bill](#)
Subject: Submission on proposed amendments to the Biosecurity Act
Date: Wednesday, 18 December 2024 11:32:17 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[AONZ Submission Biosecurity Act Amendments 2024.pdf](#)

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Please find attached the Aquaculture New Zealand submission on the proposed amendments to the Biosecurity Act.

Apologies that this did not get submitted by the 13 Dec deadline, we hope that it can still be accepted.

Ngā mihi
Dave

Dave Taylor
Technical Director
Aquaculture New Zealand

s9(2)(a)

E: s9(2)(a)

W: www.aquaculture.org.nz



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Aquaculture New Zealand’s Submission on the proposed amendments to the Biosecurity Act.

Address for Service

Aquaculture New Zealand
28 Montgomery Square
Nelson 7010
Contact: Dave Taylor (s9(2)(a) [REDACTED])

13 December 2024

Aquaculture New Zealand is the voice of New Zealand's aquaculture industry, representing the interests of the three main species grown in New Zealand: Greenshell mussels, king salmon, and pacific oysters. Aquaculture New Zealand is broadly supportive of the 2024 proposed amendments to the Biosecurity Act. Many of the proposed amendments do not affect aquaculture specifically. Our submission addresses the proposals that are likely to have direct or indirect consequences for the aquaculture industry in New Zealand.

Theme	Proposal Number	Submission	
		AQNZ position	AQNZ Comment
Purpose clause in the Biosecurity Act	1	Support	AQNZ supports the inclusion of an overarching purpose clause in the Biosecurity Act. The primary objective covers environment and economy, and if these are achieved then social and cultural benefits will ensue. We would expect a full cost-benefit analysis of ongoing costs associated with MPI involvement in compliance, verification, and enforcement, relative to overall risks (particularly relevant to proposals 40-43).
	2	Support in principle	AQNZ supports option 2 in principle. A purpose clause will help focus biosecurity efforts in the right areas.

Ministerial involvement in significant decisions	3A*	Support in principle	AQNZ supports option 3A in principle as the Minister may have broader insight into national consequences beyond the purely technical aspects of a response.
Local knowledge in decision-making	4	Support in principle	AQNZ supports this proposal in principle, particularly where published scientific data is not available. AQNZ suggests that consideration of local knowledge should be a requirement even if this creates some delay. Where available, more weight should be given to published scientific evidence. We do have concern over the weighting given to some local knowledge (not directly involved in commercial activities) and suggest that local industry knowledge be given a higher weighting to knowledge from other indirect public sources.
Regional council access to infringement offences for pest and pathway management plan	8*	Support in principle	<p>AQNZ supports this proposal in principle. The approach seems reasonable as councils should have the ability to impose infringement offences when RPMP rules are broken to ensure the goals of the RPMPs are realised.</p> <p>The infringement fee seems appropriate. We think that requiring MPI consultation is a sufficient safeguard as MPI will be able to ensure the goals of the plan are in line with National Directions.</p> <p>AQNZ suggests that councils should be required to have a 'compliance strategy' under this proposal to ensure national consistency in the application of the infringement offence.</p>
Enhancing compliance options for breach of a Controlled Area Notice (CAN)	9*	Support in principle	AQNZ support in principle as controlled area notices are an important mechanism in targeted pest or disease control. The proposed infringement fee seems appropriate.
Cost-shares in the Government Industry Agreement (GIA)	14B*	Support in principle	AQNZ supports in principle but may not be required. GIA partners can agree on an operational rule and negotiate an outcome under the current setting.
Cost recovery from non-signatory	15A	Do not support	AQNZ is concerned that adopting this approach would limit the ability of industry bodies to determine and maintain their own biosecurity priorities. They should not necessarily be

beneficiaries of the GIA			penalised for not signing-on to pay for a response if they have a justifiable and legitimate reason or can show that it is not a high priority for their industry.
	15B	Support in principle	AQNZ supports in principle as 15B seems to better align with existing cost-share arrangements. If clear benefit to an NSB can be demonstrated post-response, it seems appropriate for some cost recovery to be enabled.
Compensation - Improvements to operation of the scheme	16*	Support in principle	AQNZ supports in principle as this proposal creates a good link with existing RMA based biosecurity controls (e.g. under NESMA). We are concerned, however, that smaller operators could suffer most where ongoing compliance costs are high.
	17*	Support in principle	AQNZ would support a mixed model, where a choice could be made between rapid compensation at fixed rates, or a more flexible potentially but drawn-out process.
	18*	Support in principle	AQNZ supports this proposal in principle, as an early payment that enables a more rapid recovery and return to productivity is preferable over one that is drawn-out.
	19	Support in principle	AQNZ supports this proposal in principle as we can only see benefit in providing clarification around dispute resolution process.
Compensation - Scope of losses that are compensable	20A	Do not support	AQNZ do not support this option as full compensation plays an important role in recovery of an industry and encourages reporting to some degree.
	20B	Support in principle	The aquaculture industry has limited to options for independent protection of loss. For most, stock is not insured for loss and industry are unlikely to have access to insurance if the availability of compensation was reduced. There is a chance that reduced compensation might act as a reporting deterrent for indirect parties (such as animal health professionals). A one-year timeframe seems reasonable.
	20C-E	Do not support	
Interaction between compensation and pest management plans (minor and technical)	21B	Support in principle	AQNZ prefers this option as there may be some risk of giving regional councils this power when they may not have access to the same expertise as MPI to assess non-compliance; although we do see benefit in having local council involved in the process to some degree where on the ground understanding may be useful.

Development of import health standards	22	Do not support	AQNZ does not support this amendment. Technical amendments should go through a consultation process as there may be unintended consequences for affected industry parties.
	23	Support in principle	AQNZ support in this proposal in principle.
	24	Do not support	AQNZ generally do not support this but suggest there could be grounds to consider options to allow for research but under very tight controls. We suggest, however, that there should be no commercial sales of trial organisms or material brought in on this basis until a full IHS process has been completed.
	26	Support in principle	AQNZ support this proposed amendment in principle, as this might allow for industry input at an earlier stage in the process of drafting an IHS.
Better management of biofouling removal in New Zealand's Exclusive Economic Zone	29A	Support	AQNZ supports this amendment to ensure that New Zealand has the power to regulate biofouling removal in relation to all vessels arriving in the EEZ.
Government / industry Agreement	36		AQNZ is broadly supportive of a more holistic approach to the biosecurity system. However, the current scope of the GIA seems fit-for-purpose from our perspective. With no other signatories from the marine or aquatic realm, we are an outlier in the GIA signatory list, so we are not likely to benefit from joint Operational Agreements.
	37	Do not support	AQNZ are not sure where aquaculture would sit under such a proposal, but probably under an Animal Health organisation. We are concerned as a relatively small contributor to GIA that there will be significantly higher costs involved in being involved in such an organisation. As a smaller contributor, AQNZ is concerned that it would have little say in determining the priorities of such an organisation, and so would not get a proportional benefit from additional costs.
	38*	Support in principle	Protection from legal liability is essential for GIA to function. AQNZ supports in principle an amendment to the Biosecurity Act, as this is likely to provide a simple approach to on-going protection for GIA partners. Reliance on Crown Indemnity seems overly complex.
	39*	Support in principle	AQNZ supports this proposal in principle.
Biosecurity practices	40	Support in principle	AQNZ supports in principle. However, without more detail of what would be in secondary regulations, it is difficult to determine to what extent we can support this amendment.

	41	Support in principle	AQNZ supports in principle clarity through regulation. Once again, without more detail of what would be in secondary regulations, it is difficult to determine our level of support.
	42	Support in principle	AQNZ supports this proposed amendment in principle, particularly if this would allow industry to use their own biosecurity risk management plans – potentially through an industry framework like aquaculture’s A+, or under a National Pathway Management Plan (e.g. Kiwifruit NPMP). However, there is some concern that the costs associated with government involvement in compliance and verification and enforcement may be significant and greater than the remaining level of risk (post management controls).
	43	Support in principle	AQNZ supports this amendment in principle.
Pest and pathway management and small-scale management programmes	44* - 51	Support in principle	AQNZ supports proposals 44-51 in principle as they will enable a simplified process for creating pest management plans. A simplified approach to national and regional pest management planning would be of considerable benefit in the marine environment, where coordinated pest and pathway planning is essential to minimising impacts.
Alignment of long-term management outcomes	52*,	Support in principle	AQNZ supports this proposed amendment in principle as we see these as enabling more targeted direction to long-term management when needed.
	53	Support in principle	AQNZ supports this proposed amendment in principle as we see benefit in a more nationally coordinated approach to long-term management, particularly in relation to marine biosecurity.
	54B	Support in principle	AQNZ supports this proposed amendment in principle as we see benefit in a more stream-lined process for assigning responsibility for long-term management.
Management of unwanted organisms and notifiable organisms	55*	Support in principle	AQNZ supports proposals 55-60 in principle. For proposal 55, we believe there would be benefit in better defining the term ‘communicate’.
	56	Support in principle	AQNZ supports this proposal in principle as the Chief Technical officer should be able to tailor the approach to applying section 52 and 53 for unwanted organisms to enable rapid enactment of part 6.
	57	Support in principle	AQNZ supports this proposal in principle as it will ensure application of section 53(2) and section 52 to exemptions is appropriate for specific organisms.

	58	Support	AQNZ supports this proposed amendment as there needs to be more clarification and efficiency around removal of 'Unwanted Organism' status. For more than a decade, the aquaculture industry has identified potential in farming <i>Undaria</i> , but gaining resource consent to farm this species has been hampered by its Unwanted Organism status. Despite numerous requests for a review of its status, a review has not been progressed.
	59	Support	AQNZ supports the long-term management of unwanted organisms needs some focus. What are our priorities? What is being managed now and what will be managed in future? The unwanted organisms list is large and unwieldy, many of which have been present in the NZ environment for decades with no ongoing management, suggesting the magnitude of their effects was less than anticipated. A regular review of the unwanted organisms list, therefore, seems appropriate.
	60*	Support	AQNZ supports this proposal as it will provide clarification for trade and market access purposes, particularly in the distinction between notifiable and unwanted organisms. More rapid and timely decisions on declaring organisms notifiable will be beneficial.
	61	Support	AQNZ supports in principle. Once the Unwanted Organisms list is reviewed, there may be situations where regional communities want to invest in local controls. Under these circumstances there could be a benefit in enabling a re-classification as a 'Controlled Organism'.
Interaction with the Freshwater Fisheries Regulations 1983	64-67	Support	AQNZ supports proposals 64-67 to ensure the appropriate biosecurity takes priority over sports fishing. Part of our salmon farming industry operates in the same environment as those that enjoy sports fishing, and we encourage a collective and collaborative approach to biosecurity to ensure good outcomes for all.
Surveillance and interaction with the Marine Mammals Protection Act 1978	68*-71	Support	AQNZ supports the proposals 68-71 as alignment with other legislation will ensure a collective and collaborative approach to biosecurity and will result in better outcomes.

Out of scope

From: Sophie Shaw <s9(2)(a)>
Sent: Wednesday, December 11, 2024 3:24 PM
To: Biosecurity Act Amendment Bill <BiosecurityBill@mpi.govt.nz>
Cc: Laura Curtis <s9(2)(a)> Lynne Roberts <s9(2)(a)>
Subject: Submission on proposed amendments to the Biosecurity Act

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Please find attached our submission to the proposed amendments of the Biosecurity Act.

Our submission is on behalf of Tegel Foods Ltd
Contact: Sophie Shaw – General Manager Technical Services

s9(2)(a)
Email – s9(2)(a)

Kind regards
Sophie

Sophie Shaw
GM - Technical Services

A: Level 1, 33 Broadway, Newmarket, Private Bag 99927, Auckland 1023, New Zealand
s9(2)(a) | E: s9(2)(a) | W: www.tegel.co.nz

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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? <i>We will expect to see a quantitative cost benefit/ dollar analysis.</i>	Discussion Document 1
7	Do you agree with the objectives of the proposed amendments? Please explain in detail. <i>Yes, providing all decisions are based on scientific evidence and not politics or other considerations.</i>	Discussion Document 1
8	Do you agree with our preferred approach to progress proposal 2? Why, or why not? <i>No. Purpose Clause in Part 4, surveillance and protections should be science based.</i>	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? <i>Unlikely to achieve any significant improvements, impacts or clarity.</i>	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? <i>The purpose of the biosecurity system should be to prevent the introduction of new diseases to New Zealand. We do not support the consideration of social or cultural values as these are not applicable when a disease is not present in the Country.</i>	Discussion Document 2
11	Do you agree with our preferred approach to progress option 3A? Why, or why not? <i>Agree with Option 3A, but it requires additional checks and balances to ensure robust scientific evidence is considered in the decision.</i>	Discussion Document 2
12	Do you agree with the threshold that we have set? Have we missed anything? <i>Agree with the threshold.</i>	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? <i>The Act should make it clear how to make the decision and not let it be subjective.</i>	Discussion Document 2
14	How could local knowledge make decision-making more effective? <i>Scientific evidence and risk assessments must inform decision making.</i>	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? <i>Scientific knowledge should take precedence over any conflicting local knowledge.</i>	Discussion Document 2
16	Do you agree with proposal 5? Why, or why not? <i>It is unnecessary to collect biometric information to protect the introduction of new diseases. Do not agree. Proposal 5 expands the scope of the Act beyond it's remit.</i>	Discussion Document 2

17	<p>Are there any additional legislative safeguards that should be included for MPI's use of biometric information?</p> <p><i>There is no need for MPI to collect biometric information.</i></p>	Discussion Document 2
18	<p>What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?</p> <p><i>Inspectors should not have powers of arrest, such powers should remain with the police, who are suitably trained and equipped.</i></p>	Discussion Document 2
19	<p>Do you prefer a blanket approach to infringements for erroneous declarations at the border, or a scaled approach?</p> <p><i>We prefer a scaled approach based on type and quantity of goods not declared.</i></p>	Discussion Document 2
20	<p>Do you think the infringement fee in this proposal is set at the right level?</p> <p><i>Yes, but could be scaled based on quantity.</i></p>	Discussion Document 2
21	<p>Do you agree with our preferred approach to progress proposal 8? Why, or why not?</p> <p><i>Yes, appears to be less cumbersome for councils, but must be cost efficient for the country.</i></p>	Discussion Document 2
22	<p>Do you think councils should have the ability to designate infringements for pest and pathway management plans? Why, or why not?</p> <p><i>No, as it will lead to inconsistencies across the country.</i></p>	Discussion Document 2
23	<p>Do you think the proposed infringement fee is set at the right level? Why, or why not?</p> <p><i>Yes</i></p>	Discussion Document 2
24	<p>Do you think the safeguard requiring MPI consultation is sufficient? Why, or why not?</p> <p><i>No, as consultation does not require the Council to take on the recommendations or actions.</i></p>	Discussion Document 2
25	<p>Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient? Why, or why not?</p> <p><i>No, as it is overly cumbersome with MPI then working with MoJ, before going back to the council.</i></p>	Discussion Document 2
26	<p>Do you agree with our preferred approach to progress proposal 9? Why, or why not?</p> <p><i>No, how do you prove intention? Proposal needs to be evidence based, seems to be adding more administration.</i></p>	Discussion Document 2
27	<p>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?</p> <p><i>No, how does the officer know it is the individual that has caused the problem? Eg is it the renter or the landlord responsible for a pest plant?</i></p>	Discussion Document 2
28	<p>Do you think the infringement fee in this proposal is set at the right level?</p> <p><i>No, infringement fee for corporations is too low.</i></p>	Discussion Document 2

29	To what extent are these proposals likely to incentivise better compliance? <i>Yes, level of monetary fines and threat of conviction could incentivise compliance.</i>	Discussion Document 2
30	What alternative tools could be used to incentivise compliance? <i>Would need to fully understand the root cause of non compliance to determine appropriate tool to use.</i>	Discussion Document 2
31	Do you agree with our preferred approach to progress proposal 13? Why, or why not? <i>No, judges can review case studies and similar cases.</i>	Discussion Document 2
32	What advantages and disadvantages might there be in including sentencing guidelines in the Biosecurity Act? <i>Does not accommodate change in the coming years.</i>	Discussion Document 2
33	What specific considerations relevant to the biosecurity system do you think should be given weight in sentencing decisions? <i>All aspects are important, it is either affecting biosecurity or it is not, and should not be weighted.</i>	Discussion Document 2
34	Do you agree with our preferred approach to progress option 14B? Why, or why not? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	Discussion Document 3
40	Do you agree with our preferred approach to progress proposals 16, 17, and 18? Why, or why not? <i>No, expanding the Act should not be considered.</i>	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? No, Biosecurity should be limited to the Act.	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? No unlikely to be adaptable. Would the future pay outs include consideration of inflation or potential losses for planned expansion into new markets?	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? High level of value should be placed on certainty of payments as it creates partnership between industry and government to do the right thing.	Discussion Document 3
44	Is there anything else you would like to provide comments on regarding improvements to the compensation scheme? Future losses and impact to business should be considered, as the industry is doing the right thing to protect the country.	Discussion Document 3
45	What impact would proposal 19 have on dispute resolution? Streamline the process to be more efficient.	Discussion Document 3
46	How do you currently protect against loss? Insurance, self insurances, policies and procedures.	Discussion Document 3
47	If compensation was limited what alternative would you use to protect yourself or your business? May exit high risk products and limit market opportunities.	Discussion Document 3
48	How do you think people's behaviour might change if less compensation was available? Depends on the person/ business, it may proactively increase biosecurity or it could lead to less reporting and escalation before an event.	Discussion Document 3
49	What role does compensation play in helping you recover from an incursion? Absolutely critical, a fundamental element to carry on with business as usual and supplying food to the market and protecting food security.	Discussion Document 3
50	How critical is it for you to know you could be compensated for something when you are making biosecurity decisions? It is a factor to help understand risk when making biosecurity decisions. It is critical when deciding level of investment that is required to meet all biosecurity factors.	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? Increase complexity and potential to cause confusion, especially when business are located throughout the country.	Discussion Document 3
52	If each proposal was implemented, how would it impact you or your business? Significant impact. Consequential losses and impact to financial viability and ability to restock, eg feedmills, breeder farms if changes were made to IHS without consultation.	Discussion Document 4

53	Do you think these proposals would make importing easier? Why, or why not? <i>Only for smaller businesses where biosecurity risk may be lower.</i>	Discussion Document 4
54	On what grounds (if any) do you think one-off permits to import goods should be issued? <i>As per the example of small business or religious requirements.</i>	Discussion Document 4
55	Are you aware of any additional barriers to importing contained in the Biosecurity Act? How might these be addressed? <i>No</i>	Discussion Document 4
56	Do you agree with our preference for option 27D, followed by option 27B? Why, or why not? <i>Preference is 27B as independent review is present. 27D is still cumbersome.</i>	Discussion Document 4
57	What impacts would removing section 24 have on the efficiency of the imports system? <i>Little, as mentioned in the document, independent reviews rarely happen.</i>	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? <i>No comment.</i>	Discussion Document 4
59	Do you agree with our preferred approach to progress proposal 28? Why, or why not? <i>Yes</i>	Discussion Document 4
60	Do you agree with our preferred approach to progress proposal 29A? Why, or why not? <i>No comment.</i>	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? <i>No comment.</i>	Discussion Document 4
62	Should "operational efficiencies" justify the limitation of food in the air passenger pathway? Why, or why not? <i>No, biosecurity is more important than operational efficiencies.</i>	Discussion Document 4
63	If this proposal proceeds, what sort of exemptions might be required and why? <i>No exemptions should be given, the country's biosecurity is paramount.</i>	Discussion Document 4
64	Do you agree with our preferred approach to progress proposal 32? Why, or why not? <i>Agree that the approval for operators should be within the standard, but do not agree that if there is an entity the deputy operator will also have liability for offences.</i>	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? <i>It could potentially streamline the process, as long as there is consistency between the standards, if multiple standards apply to a transitional facility, it will be unhelpful if there are contradictory requirements.</i>	Discussion Document 4

66	<p>If you are a facility owner or operator, how do you anticipate this option would impact your business?</p> <p>Business would be impacted if deputy operators had the same legal liability as an entity, as people do not wish to be held accountable for actions which may not be in their control. Would impact recruitment for deputy operator roles.</p>	Discussion Document 4
67	<p>Do you agree with our preferred approach to progress proposal 33B? Why, or why not?</p> <p>Yes, third parties should be used, as shown to be effective in food auditing (RMPs, FCP).</p>	Discussion Document 4
68	<p>What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act?</p> <p>An understanding of the facility and product group they are auditing and must have consistency across auditors.</p>	Discussion Document 4
69	<p>Are there any areas of the Biosecurity Act where third-party verification should not take place? Why?</p> <p>Should only be involved in verification, not implementation, eg readiness and response.</p>	Discussion Document 4
70	<p>Do you think the duty established under section 17AA and its associated regulations is effective or necessary? Why, or why not?</p> <p>No comment.</p>	Discussion Document 4
71	<p>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?</p> <p>No comment.</p>	Discussion Document 4
72	<p>To what extent is intervention from MPI is required to grow and develop the GIA?</p> <p>There is already 94% uptake, majority of the work has been undertaken. It demonstrates voluntary is effective.</p>	Discussion Document 5
73	<p>Do you think the current scope of the GIA is fit-for-purpose and working? Why?</p> <p>No comment.</p>	Discussion Document 5
74	<p>What role do you see industry organisations playing in New Zealand's biosecurity system?</p> <p>Being involved in discussions and influencing but ultimately left to MPI to legislate, considering the needs of the country vs business.</p>	Discussion Document 5
75	<p>Which options do you think would be most useful to grow and develop the GIA?</p> <p>Option 1 - status quo. Option 3 is not cost effective and adds additional bureaucracy and complexity which is unnecessary for a small country and population.</p>	Discussion Document 5
76	<p>Do you anticipate any problems with establishing industry organisations?</p> <p>Yes, ongoing and long term funding would be an issue, especially if businesses are hit by an incursion and do not have additional financial resources to fund an organisation.</p>	Discussion Document 5
77	<p>Do you agree with our preferred approach to progress proposal 38? Why, or why not?</p> <p>No comment.</p>	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? <i>Only for smaller businesses where biosecurity risk may be lower.</i>	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? <i>Yes</i>	Discussion Document 5
80	How might a general biosecurity duty improve biosecurity system outcomes? <i>Improve awareness, opportunity for coaching/ improvements through compliance orders.</i>	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? <i>Minimise regulation and rely on information and education.</i>	Discussion Document 5
82	How might we incentivise businesses to improve management of biosecurity risk? <i>Reduce other legislative requirements allowing businesses time to focus on biosecurity practises, eg reduce farm/ livestock RMP audits</i>	Discussion Document 5
83	To what extent might it be costly and difficult to develop a risk management plan for your business? <i>Very costly and time consuming. Adds additional and ongoing cost burdens, which do not add value in improving outcomes.</i>	Discussion Document 5
84	Do you agree with our preferred approach to progress proposals 44-51? Why, or why not? <i>n/a</i>	Discussion Document 6
85	Are there additional areas in long-term management that could be streamlined, removed, or changed? <i>n/a</i>	Discussion Document 6
86	How much of a difference might these proposals make to more efficient and effective long-term management? <i>n/a</i>	Discussion Document 6
87	What will be the impacts of enabling pest and pathway management plans to be combined? What risks do you anticipate? <i>n/a</i>	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? <i>n/a</i>	Discussion Document 6
89	Do you agree with our preferred approach to progress proposals 52, 53 and 54B? Why, or why not? <i>Proposal 53 - yes. Proposal 54B - yes.</i>	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? <i>Yes , provides consistent, implementation can be tailored to specific region, but gives alignment.</i>	Discussion Document 6
91	What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management? <i>Regulate and then monitor.</i>	Discussion Document 6
92	Do you agree with our preferred approach to progress proposals 55-60? Why, or why not? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	Discussion Document 6
95	What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	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? <i>No comment.</i>	Discussion Document 6

99	Do you have a view on changing the name “unwanted organism” to “controlled organism”? If so, let us know why. No comment.	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. No comment.	Discussion Document 6
101	Do you agree with our preferred approach to progress proposals 62A, B and D? Why, or why not? No comment.	Discussion Document 6
102	Would a definition for “New Zealand-born progeny” be useful for you? Why, or why not? No comment.	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? No comment.	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? No comment.	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? No comment.	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? No comment.	Discussion Document 7
107	Do you agree with our preferred approach to progress proposals 68 and 69? Why, or why not? No comment.	Discussion Document 7
108	What other changes could be made to ensure that the surveillance system is robust and delivers information quickly? No comment.	Discussion Document 7
109	What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection? No comment.	Discussion Document 7

110	What alternatives are there to the proposals above that could deliver the same, or better outcomes? <i>No comment.</i>	Discussion Document 7
111	How do we best get a balance between the needs of the biosecurity and biodiversity systems? <i>No comment.</i>	Discussion Document 7
112	Do you agree with our preferred approach to progress proposals 70 and 71? Why, or why not? <i>No comment.</i>	Discussion Document 7

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Q3. Are you a member, representative, or employee of any of the following?

Respondent ID	Other (please specify)
118763046396	Independent Assurance Service Provider
118761264360	This submission is made on behalf of the Institutional Biological Safety Committee
118762389822	Community group
118762223858	Affiliated with one of the above but these are my personal views
118757771364	President, Summit Road Society Inc. We are a grass roots charitable trust owning 530 ha of publicly accessible reserve land in three reserves on the Port Hills of Christchurch.
118759992011	Importer of Potato Germplasm
118753788249	Involved in community led volunteer bush restoration groups
118752214177	Wellington Zoo Trust
118711929236	Advocate for M.Bovis Claimant
118703284417	Crown Department (Department of Conservation)

Q4. Please tick to signify you've read and understood the above information.

Respondent ID	Please explain if there is information to withhold:
118763036949	None
118762389822	<p>Please include this disclaimer at the top of our response:</p> <p>This submission draws on our collective experience to present a perspective on behalf of TMBC. For some of the questions contradictory comments may be provided, reflecting the diversity of ideas and opinions of our collective.</p> <p>Many of our members - businesses, organisations, individuals - will make their own submissions to express their own views and these may differ from what is in this response. Our member's own submissions should be referred to for their perspectives.</p>
118695908150	<p>please make sure this disclaimer is included at the start of our response, we have included it in Question 6 so it's not missed.</p> <p>This submission is on behalf of Better Border Biosecurity (B3) and draws on our multi-partner collective experience to present a perspective on behalf of B3. Our partner organisations will make their own submissions reflecting their own views. We expect there to be comments and perspectives that differ, this reflects the diversity of ideas and opinions but also the collective nature of the B3 response.</p> <p>MPI, DOC and EPA have not contributed to this response.</p>
118762223858	Please withhold any PII (name, email, location, etc)

Q6. What impacts do you expect to see considered in the full cost-benefit analysis?

Respondent ID	Responses
118763046396	Economic - Direct costs from implementation and enforcement; Indirect costs from business practice changes, restrictions and potential productivity or production losses; Benefits from economic gain and avoided losses, prevention of loss, protection of industries, market access and trade relationship maintenance. Environmental - Biodiversity impacts; Ecosystem services impact. Social - effects on public health, control measures, cultural values, mmaori practices, rec and tourist activities. Long term - climate change and future proofing
118763001591	<p>A comprehensive cost-benefit analysis of a biosecurity system should encompass all critical impacts including, but not limited to, the direct financial costs of implementing and maintaining biosecurity measures, and evaluation of indirect economic, environmental, social and cultural impacts. The role of research and the cost-benefit savings it can deliver on if outputs are implemented is a critical aspect of this.</p> <p>Environmental impacts, such as changes in biodiversity and ecosystem health, should be assessed, alongside the impact of this economically, socially and culturally. For example, industries that are dependent on our native biodiversity (such as tourism) or the impact of environmental changes on the wellbeing of our communities.</p> <p>Social impacts must be considered. These include effects on community resilience, human health and wellbeing, and public awareness, as well as potential disruptions to local economies and livelihoods.</p> <p>Cultural impacts are an essential part and should be undertaken by those who are able to appropriately identify and analyse the impacts. This will require expertise from outside of the MPI.</p> <p>The analysis should incorporate long-term costs and benefits to provide a holistic view of the biosecurity system's value.</p> <p>We would like to see the MPI working with our biosecurity science community to help deliver on a cost-benefit analysis.</p>

118762389822	<p>This submission draws on our collective experience to present a perspective on behalf of TMBC. For some of the questions contradictory comments may be provided, reflecting the diversity of ideas and opinions of our collective.</p> <p>Many of our members - businesses, organisations, individuals - will make their own submissions to express their own views and these may differ from what is in this response. Our member's own submissions should be referred to for their perspectives.</p> <p>We expected to see all costs and benefits included, this includes economic, environmental, social and cultural for biosecurity threats to our native environment and ecosystems (marine and land), our primary industries (production through to import/export), and our urban areas. Measures of value need to be included and must go beyond monetary values. These should be considered for hapu/iwi, industry, government agencies, businesses and our communities. There also must be some form of comparison/weighing between values that have different measurements of value. Accrued long-term costs and benefits should also be included.</p>
118695908150	<p>This submission is on behalf of Better Border Biosecurity (B3) and draws on our multi-partner collective experience to present a perspective on behalf of B3. Our partner organisations will make their own submissions reflecting their own views. We expect there to be comments and perspectives that differ, this reflects the diversity of ideas and opinions but also the collective nature of the B3 response.</p> <p>MPI, DOC and EPA have not contributed to this response.</p> <p>A comprehensive cost-benefit analysis of a biosecurity system should encompass all critical impacts including, but not limited to, the direct financial costs of implementing and maintaining biosecurity measures, and evaluation of indirect economic, environmental, social and cultural impacts. The role of research and the cost-benefit savings it can deliver on if outputs are implemented is a critical aspect of this.</p> <p>Environmental impacts, such as changes in biodiversity and ecosystem health, should be assessed, alongside the impact of this economically, socially and culturally. For example, industries that are dependent on our native biodiversity (tourism) or the impact of environmental changes on the wellbeing of our communities.</p> <p>Social impacts, including effects on community resilience, health and wellbeing, and public awareness, as well as potential disruptions to local economies and livelihoods, must be considered.</p> <p>Cultural impacts are an essential part and should be undertaken by those who are able to appropriately identify and analyse the impacts. This will require expertise contribution outside of MPI.</p> <p>The analysis should incorporate long-term costs and benefits to provide a holistic view of the biosecurity system's value.</p> <p>We would welcome MPI working with our biosecurity science community to help deliver on a cost-benefit analysis.</p>
118762223858	<p>The discussion document focuses on economic outcomes and benefits to humans from biosecurity. I would like to see more emphasis on protection of the environment as the main focus in itself, not justified by how it can provide economic or other benefit to people. More emphasis on what we need to do first, and how to pay for it second. That may be more cost than benefit.</p>
118753788249	<p>Improved environmental benefits Reduced time commitments for volunteers Reduced cost and greater effectiveness for Councils and other agencies</p>
118752214177	<p>Environmental, health, risk to primary industries. In addition to these the impacts on Treaty Partners and their Taonga should be high priority considerations as well</p>
118711929236	<p>Outcomes that promote awareness and responsibility given the importance of BioSecurity to the New Zealand economy and ensures stakeholders are fairly compensated in the event of an incursion.</p>

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Q7. Do you agree with the objectives of the proposed amendments?

Respondent ID	Please explain in detail.
118763001591	<p>Yes, the proposed objectives align well with the overarching goals of a modernized biosecurity system. Some areas could benefit from further emphasis and are outlined here.</p> <p>Enhanced measures to prevent and manage biosecurity risks: AgResearch strongly supports this objective, which reflects the need for proactive biosecurity measures at all stages. Strengthening these measures requires investing in innovative research to develop rapid diagnostics, predictive tools, and early detection technologies that can effectively prevent and manage biosecurity incursions.</p> <p>Prioritizing research funding for early-stage biosecurity solutions is essential to creating a robust and adaptable system.</p> <p>Incentivising good biosecurity behaviours and improving personal responsibility: Encouraging responsible behaviour across all sectors is critical to the success of biosecurity efforts. However, achieving this requires a balanced mix of education, incentives, and penalties. AgResearch supports initiatives that incentivise compliance through awareness campaigns and education, particularly for industries and communities at the forefront of biosecurity risk. Enhanced education around biosecurity risks, combined with clear guidelines, will improve compliance and support a culture of shared responsibility.</p> <p>Effective legislation with reduced compliance costs: Legislation should prioritize efficient, science-backed protocols and limit red tape that can delay biosecurity responses. By reducing regulatory burdens where possible, resources can be redirected toward impactful research and readiness activities. An effective legislative framework would also support more rapid deployment of biosecurity measures.</p> <p>Appropriate sharing of decision making: Shared decision-making that incorporates scientific expertise, local knowledge, and stakeholder input is essential for a holistic biosecurity system. AgResearch advocates decision-making led by individuals with scientific credentials and contextual understanding, ensuring that biosecurity actions are both strategic and informed. Integrating mātauranga Māori with scientific perspectives enhances the cultural and environmental relevance of biosecurity decisions. Māori participation in all aspects of the biosecurity system is very applicable particularly when it comes to protecting taonga species. We note that it is appropriate to reference the Treaty partners first, with the GIA underneath. AgResearch along with many other organisations in the biosecurity space have implemented processes and systems that are inclusive of Māori as a key partner. We find the continued lack inclusion of Māori in the Biosecurity Act disappointing and request that it is addressed.</p> <p>Facilitation of trade opportunities: Facilitating trade while safeguarding biosecurity is a vital objective. AgResearch supports measures that protect New Zealand's export industries by implementing biosecurity protocols that meet international standards and avoid non-tariff barriers to trade. Efficient scientifically-based import health standards, streamlined risk assessments, and collaboration with trading partners can achieve this balance, fostering both economic growth and biosecurity resilience.</p> <p>Overall, AgResearch agrees with these objectives as a framework for strengthening NZ's biosecurity system, with the understanding that specific elements, such as research funding and science-based decision-making, should be emphasized to maximize long-term impacts.</p>
118762389822	<p>We agree with the objectives listed.</p> <p>The proposed amendments lack specific mention of inclusion of hapu/iwi. The current biosecurity system marginalises hapu/iwi involvement, specifically for threats that could impact our indigenous flora and fauna. We note the inclusion of Treaty roles in point 23, but note the absence of redress for Māori in the review. This is concerning as several of our members attended the recent Biosecurity Strategy workshops held by BNZ, including the Māori specific workshops. Participants raised numerous issues around the lack of inclusivity of Māori in biosecurity incursions. Many of these issues could have been resolved or improved through this Biosecurity Act review. It is critical that this Biosecurity Act review is extended to improve the inclusivity of hapu/iwi in incursion responses, ultimately allowing better biosecurity outcomes for Aotearoa New Zealand.</p>
118695908150	<p>In addition to the objectives listed, it is important that Māori participation in all aspects of the biosecurity system are included. During the consultation period this was frequently raised, specifically in regards to native taonga. "Appropriate sharing of decision making" should not include both Treaty partners and GIA – there should be a separate objective line for Treaty partners and a separate line for GIA.</p>
118762223858	<p>I strongly agree with the following:</p> <ul style="list-style-type: none"> - 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; <p>I mostly agree with the following:</p> <ul style="list-style-type: none"> - fit-for-purpose legislation with reduced compliance costs; - appropriate sharing of decision making; <p>I think this would be a good additional benefit but should not be the main driver:</p> <ul style="list-style-type: none"> - the facilitation of trade opportunities. <p>I agree with all of the proposals in section 6 except for the following - I think there needs to be control over this, either by landowner's permission or a legal process. I do not support regional councils having free access to private property if that is the intention.</p> <ul style="list-style-type: none"> - Clarify that regional councils can enter private land to control wild animals.

118753788249	Strongly agree with most aspects but would suggest that the item "The general public play a role in identifying pest and disease incursions, and the ongoing management of pests and diseases at a community level." should be preceded by an item such as: "Community led conservation groups play a vital role in identifying and controlling invasive weeds and other pests"
118752214177	We agree with the objectives. By providing clear legislation that supports users of the Act to comply with and promote good biosecurity will benefit not only the users but all of New Zealand

Q8. Do you agree with our preferred approach to progress proposal 2?

Respondent ID	Why or why not?
118763046396	This provides an overall consistency to the act and its purpose. It is clear to all on the purpose rather than it being within various clauses. Supports the maturing of the act to have increased weight and equivalence to other acts such as Food, H&S etc
118763001591	The preferred approach is sensible because it prioritizes a balanced decision-making framework that involves both scientific expertise and public accountability. This approach ensures that biosecurity measures are based on robust evidence while allowing flexibility for regional considerations. We also support the statement in proposal 1, which isn't addressed in Proposal 2: "Clarification that trade (both imports and exports) is facilitated"
118762389822	We agree with the amendments provided but note what is listed in proposal 2 does not include some of the areas listed in Proposal 1. We would like to have "Reference to environmental, economic, social, and cultural values so there is a legislative mandate to consider them in decision-making." part of Proposal 2.
118695908150	We also support the statement in proposal 1, which isn't addressed in Proposal 2: "Clarification that trade (both imports and exports) is facilitated"
118757771364	There are many different aspects to the Biosecurity Act. One overarching purpose clause may be limiting if there are many facets (as seem to be outlined) included in this overarching clause. New purpose clauses could be introduced if/when necessary and existing purpose clauses revised more readily.
118752214177	The inclusion of operational efficiency will help manage the risks involved with importing risk goods. Monitoring of organisms that are not only unwanted will help with early detection of disease outbreaks. Also the inclusion of local knowledge will enable the system to be more agile, rather than waiting for peer reviewed publications to occur once research is complete. This will also allow the inclusion of cultural knowledge that gets passed down. The example of the learned experiences of farmers in your review is one, but also the generational knowledge of Treaty Partners would be another.
118711203098	Operational efficiencies, as described in Discussion Documents, may reduce the effectiveness of the Biosecurity system. There are many ways to improve passenger flow and experience at the border, and these need to be considered along with how risk goods are intercepted. Passenger processing should be consistent nationally, however, local sites should be involved in determining how to operate efficiently.

Q10. Do you agree with the elements we have set out for proposal 1?

Respondent ID	What do you think the purpose of the biosecurity system should be? Is there something that should not be included?
118763046396	The purpose of this Act is to protect New Zealand's economic, environmental, social, and cultural values by: Preventing the entry of harmful organisms into New Zealand; Effectively managing and, where feasible, eradicating pests and unwanted organisms already present in the country; Enabling a comprehensive and coordinated biosecurity system that involves government, industry, and the public; Facilitating trade and travel while minimising biosecurity risks; Promoting readiness and rapid response capabilities for biosecurity threats; Supporting sustainable primary production and biodiversity conservation, and Fulfilling New Zealand's international biosecurity obligations.
118763001591	We fully support the statement that, "Science underpins decision-making within the biosecurity system," and, "This should remain the default position." We also agree that including, "Local knowledge as an additional source of evidence to support decision-making," is important. It is critical that our biosecurity system continues to be informed by science and that science remains the default position.
118762389822	We think everything listed should be included. We support these measures as we think this will improve the biosecurity system as a whole.
118695908150	We fully support the statement that "Science underpins decision-making within the biosecurity system." and "this should remain the default position". We also agree that including "local knowledge as an additional source of evidence to support decision-making" is important. It is critical that our biosecurity system continues to be informed by science and that science remains the default position.
118757771364	A clear overarching purpose clause signals to the public what the Biosecurity act is about. Include in an overarching clause: A statement about protection; A statement about giving effect to international agreements; Include reference to environmental, economic, social, and cultural values so there is a legislative mandate to consider them in decision-making and to ensure the Biosecurity Act also works for biodiversity and ecosystem pests; Clarification that the Biosecurity Act is about effective management of biosecurity risks. Exclude: Clarification that trade (both imports and exports) is facilitated; • Reference to the system being operationally efficient in delivering biosecurity outcomes. The latter two statements are operational and could be excluded.

118752214177	Having separate purpose clauses for any relevant sections will make the entire Biosecurity System more effective, as each section will have a relevant purpose. We support the elements that have been included
118711203098	The purpose is the effective management of risk to Aotearoa Biosecurity. Operational efficiency is not a priority.

Q11. Do you agree with our preferred approach to progress option 3A?

Respondent ID	Why or why not?
118763046396	The decision maker needs an understanding of the activities and functions and have a working insight into these. They need information to make an informed decision that will have an economic, commercial and trade impact potentially. The decision maker also needs to be able to make these decisions relatively quickly, without the need to take time to understand all the intricacies before making a decision.
118763001591	The establishment of, "The role of chief technical officers as distinct from the Minister and Director-General... to ensure that the use of powers is based on risk and science/technical evidence." The autonomy of our biosecurity system is critical, as is the maintenance of science-based decisions. Although our country is a democracy (as discussed), the general public are unable to vote on who holds ministerial roles. If this proposal were to go ahead, our preference is option 3A, the Minister of Biosecurity.
118762389822	Further clarification on this proposal is required. There is a risk that ministerial 'call-in' powers could be subject to political influence and this could occur at the expense of science/technical considerations. If the decision is left with the Chief Technical Officer then the decision will remain based on risk and science/technical evidence.
118695908150	The establishment of "the role of chief technical officers as distinct from the Minister and Director-General...to ensure that the use of powers is based on risk and science/technical evidence.". This autonomy of our biosecurity system is critical, as is the maintenance of science-based decisions. Although our country is a democracy (as discussed), we do not vote on who should hold ministerial roles. If this proposal were to go ahead, our preference is option 3A, the Minister of Biosecurity.
118757771364	Vest the Minister responsible for the Biosecurity Act with a 'call-in' power - this Minister should have the knowledge to be able to respond, and there is no confusion as to which minister is responsible.
118752214177	3A will enable a single minister, with full understanding of the Biosecurity System. As a minister they should also have a wider knowledge of the impacts of any decisions being made. This would be preferable to multiple ministers being able to make decisions without necessarily having that level of understanding of the Biosecurity impact of a decision
118711929236	The Minister needs to be in charge of any significant Biosecurity incursion event and be consulting with Cabinet

Q12. Do you agree with the threshold that we have set?

Respondent ID	Have we missed anything?
118763001591	It is unclear whether all or some of the criteria must be met. If not all, what happens if two criteria oppose each other, which criteria are considered to be more important? There is not enough information to be able to answer this question.
118762389822	No thresholds have been provided. What has been provided are the criteria but the threshold of each criteria have not been provided. Furthermore, of the criteria presented there was no indication whether all or some of the criteria presented would need to be met.
118695908150	It is unclear whether all or some of the criteria must be met. If not all, what happens if two criteria oppose each other, which criteria is considered more important? There is not enough information to be able to answer this question, noting no thresholds have been provided.
118752214177	The laid out criteria appear to be well thought out and we support those
118711929236	There needs to be transparency and trust in the decision making process

Q13. What factors suggest that a power is better exercised by an elected official?

Respondent ID	Responses
118763001591	Retaining a resolute focus on evidence-based decision making is critical to the robustness and credibility of those decisions. We recommend that the scientific credentials, contextual understanding and the strategic decision-making ability of an individual should determine whether they are the best person to hold power. We have seen elected officials making decisions aligned to the thinking of the government of the day. Unfortunately, this can mark a divergence from the scientific robustness and credibility of those decisions. The autonomy of our biosecurity system is critical, as is the maintenance of science-based decisions. Non-elected officials have been recruited in their roles because of their expertise. "Elected officials" may not have been elected if they were a party-list member, and if they were elected for an electorate, it is unlikely this was based on their ability to make science-based biosecurity decisions, which is a pillar of our biosecurity system.

118695908150	The autonomy of our biosecurity system is critical, as is the maintenance of science-based decisions. Non-elected officials have been recruited in their roles because of their expertise. Elected officials may not have been elected if they were a party-list member and, if they were elected for an electorate, it is unlikely this was based on their ability to make science-based biosecurity decisions, which is a pillar of our biosecurity system.
118757771364	Presumably a non-elected official will have the relevant scientific background supporting decision making. An elected official may not have the depth of knowledge required and may be swayed by opinion.
118752214177	An elected official needs to consider not only the Biosecurity system but the impacts on the population as well. They are directly answerable to their constituents, as well as the wider community. They are visible as the decision maker. A non-elected official will be considering the Biosecurity system first and foremost. As they would not be publicly visible they may be less concerned with making a less popular decision in the shorter term.
118711929236	Elected officials are more accountable than non-elected officials.
118711203098	The CTO decision is best exercised by an elected official. They must receive information from the MPI groups that are impacted by the outcome.

Q14. How could local knowledge make decision-making more effective?

Respondent ID	Responses
118763046396	This knowledge is likely to be up to date and will have an aspect that can support scientific theory or policy with insights into business as practiced rather than theoretical.
118763001591	<p>Local knowledge can make decision making more effective by ensuring contextual relevance. Active involvement of local stakeholders and partners to align goals and expectations, if done well, can make all the difference to ensuring that people who can influence an outcome are resourced and motivated to achieve it. Genuine partnership with iwi and hapū is a principle of te Tiriti and is grounded in co-design of solutions.</p> <p>Research has identified 7 themes central to good decision making in NZ's biosecurity system : involving the right people (involving mana whenua), involving people in the right way (e.g. those making decisions should be willing to meet face to face and to visit marae), right goals ("what is best for the whenua"), mana motuhake (empowerment – concerns about decisions being taken far away from where they are felt), informed (by range of sources, range of forms), long-term thinking (learning from history and looking some distance into the future), and judgement by outcome.</p> <p>The research has revealed contrasting values and methods positions which would need to be worked through in partnership. For example, there are concerns that the government is exclusively focussed on economic value, to the detriment of values important to mana whenua, such as protecting non-economic taonga species.</p> <p>A key part of embracing indigenous knowledge relies on building trusted relationships with indigenous partners over time. AgResearch considers the following principles to be key in a successful framework for the pastoral, agri-food and agri-technology industry to follow when drawing on mātauranga:</p> <ol style="list-style-type: none"> Rangatiratanga – Leadership, responsibility, and self-determination. Kotahitanga – Working together collaboratively towards a common purpose. Whakapono - Working with integrity, in an honest, open and transparent manner; and Manaakitanga – Compassion, support, and active protection. <p>Like any stakeholder or partner, where Māori have an interest then decision making can be enhanced by including Māori at all levels from on-ground monitoring and surveying to governance and decision making and everything in between. Government agencies – like research organisations – need to step up and further develop cultural competency (mana whenua) to work with Māori. This partnership includes direct employment of Māori.</p> <p>In summary, we recommend a continuing focus on evidence-based decision making. Depending on the context, this may be exclusively science driven or it may be appropriate to integrate mātauranga Māori and scientific methodologies.</p> <p>There are countless examples of where local knowledge could have or has made decision-making processes more effective. Similarly, numerous examples where local knowledge combined with scientific knowledge has resulted in more effective and efficient outcomes. There are no biosecurity responses we are aware of where local knowledge has not made a positive difference.</p>
118762389822	<p>Local knowledge is a critical aspect of effective decision-making in biosecurity responses. Tauranga Moana Biosecurity Capital (TMBC) was formed to enable this to occur more effectively. TMBC was founded on the premise that biosecurity affects everyone and everyone has a role to play in protecting what we have; this extends to our decision-making processes. It means those on the ground, at location who have specific knowledge of the area are able to contribute. It enables aspects that might be particular to that location/region to be identified early on in the response, and the response tailored to incorporate that information, leading to better outcomes.</p> <p>Local knowledge is extensive, for TMBC it includes hapu/iwi, community, businesses, growers, organisations - everyone. The establishment of TMBC means that we have already connected local people from diverse groups and relationships between these diverse groups have been established. Through response planning and training, we have a high degree of understanding of who and where local knowledge is held and how to connect it during responses.</p>
118695908150	There are countless examples of where local knowledge could have or has made decision-making processes more effective. Similarly, numerous examples where local knowledge combined with scientific knowledge has resulted in more effective and efficient outcomes. There are no biosecurity responses we are aware of where local knowledge has not made a positive difference.
118757771364	Citizen science and mana whenua can provide a wealth of local knowledge, particularly in the movement of unwanted organisms in, for example, privately owned reserves. However, this needs to be balanced by the need for speed depending on the nature of the incursion.

118752214177	The use of local knowledge should be vital for the efficiency of the Biosecurity system. It could incorporate knowledge as soon as it becomes available, as well as non peer reviewed published knowledge. This could include generational knowledge of Treaty Partners as an example
118711929236	All information should be used in a risk assessment and recovery management process
118711203098	The collated information will be more comprehensive.

Q15. How could we mitigate the potential delays in the decision-making process where there are differences between local and scientific knowledge?

Respondent ID	Responses
118763046396	Use of key stakeholders and experts who are referred to rather than seeking input from the general public
118763001591	<p>At present the MPI has processes to deal with potential delays in decision-making process where there are differences in scientific opinion and/or knowledge. Here clear guidelines and criteria may be required to ensure that incorporation of local knowledge that is not at the expense of science, which is a critical component of our biosecurity system.</p> <p>Rather than asking how to mitigate the differences, we suggest the MPI focuses on having processes and systems in place to more readily allow those who hold the local knowledge and the scientific knowledge to work together using a transdisciplinary approach. It is important that collaboration is framed around what matters to the community. More often than not, the value of scientific knowledge is improved by the inclusion of local knowledge. Conversely, when locals are given the opportunity to work with scientists or given access to scientific knowledge, they are more readily able to adapt it to their own region or environment, leading to better outcomes.</p> <p>It is also important that MPI and others continue to promote biosecurity awareness and science literacy in the public. An aware and literate public is better able to understand biosecurity issues, grant the social license needed to act, and enable prompt action when it is warranted to protect local and national interests.</p> <p>Over the past few years at AgResearch we have been developing a truly transdisciplinary research approach that integrates mātauranga Māori and scientific methodologies to meet the holistic needs and aspirations of Māori landowners. Key issues and opportunities we have identified lie around aligning decisions with Māori values and aspirations, establishing best practices for co-development, and supporting Māori-led ways of communicating and monitoring changes.</p>
118762389822	<p>TMBC is a highly successful example of how differences between local and scientific knowledge can be mitigated and not just mitigated, but used to beneficially improve biosecurity responses. For biosecurity responses to be successful it is critical that diverse groups across the region are able to work together. This has been the focus of TMBC, to work in partnership with mana whenua, connecting our communities to the importance of biosecurity, and building collaboration across iwi, hapū, community organisations, industry, business, science and mātauranga Māori experts, central government and local government to achieve biosecurity excellence.</p> <p>We do not believe that differences in local and scientific slows decision-making processes, rather we would argue the issue is a lack of connection before a response. Hence the need for groups like TMBC to be present in all regions.</p> <p>Local knowledge when applied with scientific knowledge (and vice versa) can allow targeted responses to be tailored to the region or area, ultimately leading to better outcomes. It can also create a space for new innovative solutions to be developed, beyond what either knowledge source alone could develop.</p>
118695908150	<p>At present MPI has processes to deal with potential delays in decision-making process where there are differences in scientific opinion and/or knowledge. Similar processes should be used, however clear guidelines/criteria may be required to ensure incorporation of local knowledge is not at the expense of science, which is a critical component of our biosecurity system.</p> <p>Rather than asking how to mitigate the differences, we suggest MPI focuses on processes/systems in place to more readily allow those who hold local knowledge and those with scientific knowledge to work together. More often than not, scientific knowledge is improved by the inclusion of local knowledge. Conversely, when locals are given the opportunity to work with scientists or given access to scientific knowledge, they are more readily able to adapt it to their own region/environment, leading to better outcomes.</p> <p>We do not think the major issue is around "differences" but more so the lack of opportunity provided for these interactions to occur. Tauranga Moana Biosecurity Capital (TMBC) is a positive example of how such interactions can occur and relationships can be developed prior to incursion responses, facilitating decision making. We recommend MPI looks to this organisation for how building relationships has worked.</p>
118757771364	<p>By being proactive: e.g. the information on the highly pathogenic bird flu has been well disseminated - all our volunteers are aware of the need to be alert.</p> <p>One would hope that local and scientific knowledge were complementary.</p>
118752214177	The CTO would need to consider both pieces of information and where one is more relevant be able to articulate why the decision was made using one over the other
118711929236	Create decision trees to validate rapid response decisions
118711203098	Mitigate by being clear that input will be considered and the final decision lies with the CTO. The final decision is not a discussion.

Q16. Do you agree with proposal 5?

Respondent ID	Why or why not?
118763046396	Integration and the use of systems to support processing of information will make the experience better for users, and should improve data analysis for improved information and identification of risks.
118763001591	Support clarity of the collection, use and storage of biometric information.

118762389822	We support clarity of the collection, use and storage of biometric information.
118695908150	Support clarity of the collection, use and storage of biometric information.
118711929236	People need to trust that the information collected is absolutely necessary and will be used specifically for the purpose stated. Collecting biometric information may create "trust" issues.
118711203098	More data is valuable for analysis and decision making.

Q17. Are there any additional legislative safeguards that should be included for MPI's use of biometric information?

Respondent ID	If yes, please explain:
118763001591	Safeguards ensuring that biometric data is used solely for biosecurity purposes, with stringent access controls and regular audits, would address privacy concerns and build public trust. Legislation should also mandate that biometric data collection is proportional to the biosecurity risk.
118762389822	The collection of biometric data needs to be weighted against the biosecurity outcomes it delivers. The data needs safeguards such as ensuring it is used solely for biosecurity purposes, controls around data storage and access and independent audits of these safeguards.
118695908150	Safeguards that ensure biometric data is used solely for biosecurity purposes would address privacy concerns and build public trust. Legislation should also mandate that biometric data collection is proportional to the biosecurity risk. Stringent access controls and regular audits would be recommended.
118711929236	See comments above. I am against collecting biometric personal data.
118711203098	Standard privacy regulations that data is only used for prescribed work purposes.

Q18. What legislative safeguards should the Biosecurity Act have regarding any future powers of arrest for biosecurity inspectors?

Respondent ID	Responses
118752214177	The limiting of the power of arrest and the specific circumstances that it can be used should be included as legislative safeguards. If there is any doubt then it should revert to the Police and their powers of arrest
118720156983	It will provide strong powers to Authorised Bio officers deal with the situation which could warrant a police instead.
118711929236	BioSecurity staff should not have powers of arrest. Penalties within the legislation should be enforced by the Police and/or Customs
118711203098	N/A

Q21. Do you agree with our preferred approach to progress proposal 8?

Respondent ID	Why or why not?
118763001591	Yes, we support proposal 8. This view complements our stance on the importance of early and effective intervention. We support the suggested criteria for inclusion in an amended National Policy Direction for Pest Management. We believe that clear guidance directing and aligning these changes through a national framework is critical to ensure that infringement notices are implemented consistently across regional councils. Expert support from mana whenua and scientists will be critical to informing decisions.
118762389822	We agree it would reduce regulatory burden on central and local government, promote better biosecurity and improve how effectively pest management plans work and can be enforced by regional councils.
118757771364	Local Councils must be given power to stop the incursion of pests.
118753788249	Control of invasive pest plants is time consuming and repetitive. Often successful community and volunteer work is undone because Councils do not have the resources or will to control "weed factories" a term some volunteers give to properties both urban and rural where the owners/occupants (often absentee landlords and landbankers) allow highly invasive pest plants to seed and fruit - meaning that the wind and birds re-distribute the pest weeds into the areas that volunteers, council contractors or property owners/occupants have cleared. A quick and efficient method to achieve compliance by the owners of "weed factories".
118752214177	This proposal makes sense and allows the Regional Councils to enforce against infringements of the Pest Management Plans
118711929236	Regional Councils have a poor record in New Zealand of enforcement and they are not the appropriate authority. BioSecurity New Zealand and Customs should be responsible for enforcement.
118711203098	Potential to better control domestic biosecurity risks.

Q22. Do you think councils should have the ability to designate infringements for pest and pathway management plans?

Respondent ID	Why or why not?
118763001591	Councils should be empowered to implement effective management of incipient invasive species. Proportionate deterrents need to be available to drive compliance. Specifically, we support proposal 8 where rules within a pest/pathway management plan are frequently broken, we believe that regional councils should be enabled to issue infringement offences for pest/pathway management plans.
118762389822	It is important for councils to have the ability to manage pest pathways and provide greater support at a regional level for our national response.

118757771364	Local councils are 'on the spot'. They have the local knowledge - but any additional responsibilities need to come with additional funding.
118753788249	Yes as above. And they should be enabled to define control on highly invasive pest weeds more widely over a greater number of species that impact on agriculture, horticulture, fresh and salt water bodies and on ecological areas.
118752214177	Yes. The councils are responsible for the development and implementation of the Regional Pest management Plans so should be able to designate infringements
118711929236	As per above comments. Regional Councils are ineffective and expensive in delivering cost effective outcomes.
118711203098	The infringement should be nationally consistent so would be best described in legislation.

Q23. Do you think the proposed infringement fee is set at the right level?

Respondent ID	Why or why not?
118757771364	Thinking of land-based issues: The infringement fee of \$300.00 seems trivial compared to the likely cost of removal of the pest. The option could be given - remove the pest or face a fee. At \$300.00 it may be cheaper for a landowner to leave the pest and pay the fee.
118753788249	The infringement fee of \$300 is too low in many cases as it would be cheaper for the landlord to pay it than to undertake compliance. The fee should be set as a rate for each day that the invasive weed remains with seeds, fruit etc. It should start applying as the weed begins to flower.
118752214177	Possibly. However if it is a large company is a \$300 infringement fee going to be a deterrent? It may cost them a lot more than \$300 to comply. So possibly consider separate infringement fees for individuals and companies.
118711929236	Infringement fees should be scaled according to the size/scale/cost of managing the outcome of any infringement plus repeat offenders should be penalised at a higher level. Fees should be based on full cost recovery.

Q24. Do you think the safeguard requiring MPI consultation is sufficient?

Respondent ID	Why or why not?
118753788249	Because invasive weeds spread across regional boundaries easily and relentlessly by birds, wind, machinery, etc, it is important that controls are consistent and effective. Coordinated and collaborative management between MPI, DOC, regional councils, iwi, community groups and other agencies is important.
118752214177	Yes. Having MPI, as the regulator, and as a safeguard will ensure that there are consistent approaches across the country
118711929236	Adding Regional Councils into a BioSecurity process is creating un-necessary complexity and more links in the chain. Minimise process and improve agility

Q25. Do you think the proposed criteria for regional councils to follow when setting an infringement are sufficient?

Respondent ID	Why or why not?
118753788249	To be effective, the rules need to be easily understood and implemented or they will never be achieved. Councils should be able to define a list of invasive agricultural and environmental weeds that are subject to control and published in the regional pest management plan that should be covered across the region for highly mobile species and within 500 metres of a susceptible farmland or ecological areas for species which spread vegetatively. To be cost effective, Councils should be able to simplify the reporting process to reduce costs. One possible approach to reduce costs would be to allow a report by neighbours, knowledgeable community group members and citizen scientists to generate a request to the landowner to respond when a listed weed is present on the their property. Council officers do not have time time and resources to address all cases of species such as woolly nightshade which is a serious agricultural and environmental weed. Providing an easy mechanism for volunteers and neighbours to request council to pass on a report to the landowner in the first instance would address privacy issues, to inform landowners they may have a problem and to report back to the person reporting that the problem has been passed to the landowner. A simple electronic system would allow the landowner to be put in contact with community groups/volunteers who may be willing to assist with weed control. If a weed report is not resolved by mutual agreement, the person reporting could then escalate an issue to a council officer for follow up. A system like this could be implemented nationally at relatively low cost providing an easy way for knowledgeable volunteers to alert owners to issues they may be unaware of and to allow owners to benefit from the good will of volunteers.
118752214177	The criteria will make for clear decision making processes
118711929236	As per above, regional Councils are not needed.
118711203098	The infringement should be nationally consistent so would be best described in legislation.

Q26. Do you agree with our preferred approach to progress proposal 9?

Respondent ID	Why or why not?
118763046396	A range of enforcement tools is required to encourage compliance and the sole option in place isn't enough. A range will will enable better enforcement and behaviour change.
118762389822	We support the scaled approach to offending in CANs.

118695908150	This allows for a range of responses based on relative severity of offending. A blanket approach comes across as unfair for small infringements and could disincentivize an inclusive approach to biosecurity. Conversely, if the fine for a blanket approach is not enough, it may not stop offending.
118753788249	Improvements are useful

Q30. What alternative tools could be used to incentivise compliance?

Respondent ID	Responses
118763046396	This is a much better approach. There is currently no opportunity to enforce compliance due to the impact suspension would have on a PoFA. There are currently too many dirty containers coming off ports for example. This should include tools such as increased inspection at port exit, use of third party verifiers who can undertake low level inspections for BNZ to act on etc. Potentially once the systems are in place the use of scanning technology can be used to support compliance. Suggest that Proposal 11 would provide for an increased ability to enforce compliance - proposal 10 is so large that it would invoke a lot of legal and political input. Aligning to DIRA 2001 makes sense, but are the penalties enough given DIRA is 23 years old. Could it go up to 300k - 400k and still have the same impact?
118763001591	Alternatives include implementing a reward program for individuals or organisations that demonstrate consistent compliance, providing educational resources to support better understanding, and offering reduced penalties for voluntary self-reporting of minor infractions.
118762389822	Education to create awareness and understanding, reward or incentives for compliance.
118695908150	Rewards or incentivization. A tiered approach where requirements increase in nature with repeat offending.
118711203098	Public education created by working with relevant parties to develop a meaningful message.

Q31. Do you agree with our preferred approach to progress proposal 12? Why, or why not?

Respondent ID	Why or why not?
118763046396	Makes it much clearer for all - allows police to act, another behavioural incentive to act correctly for the public or businesses
118752214177	It will make the Biosecurity Act consistent with other Acts that MPI administers
118711929236	Police/Customs with power of arrest is sufficient. Giving Biosecurity staff a power of arrest is a potential Health and Safety issue.

Q32. What advantages and disadvantages might there be in including sentencing guidelines in the Biosecurity Act?

Respondent ID	Responses
118763046396	Provides clarity and at present the Biosecurity Act requires more tools to ensure compliance. Good alignment with other associated acts such as Food and Fisheries.
118752214177	It will give guidance for sentencing even when there are no cases of legal precedence
118711929236	Sentencing guidelines are important for the Courts and signal the importance of Biosecurity to residents and visitors
118711203098	Consistency across similar offences.

Q33. What specific considerations relevant to the biosecurity system do you think should be given weight in sentencing decisions?

Respondent ID	Responses
118763046396	Intent, level of risk associated with the offending and repeat offending
118752214177	The risks to country, health, primary industries, as well as Treaty Partners and their Taonga should all be considerations
118711929236	Sentencing outcomes should reflect the seriousness of the Biosecurity event and on the type of incursion
118711203098	Awareness of biosecurity (travel or import history), intent to import, purpose of import, type of risk good, quantity.

Q34. Do you agree with our preferred approach to progress option 14B?

Respondent ID	Why or why not?
118763001591	We agree that embedding a cost-share framework in legislation would support a consistent approach for setting equitable and transparent cost-recovery mechanisms to both GIA signatories as well as non-signatory beneficiaries. This is important to support the system's sustainability.
118759992011	In principal the cost share agreement looks like a sound approach, but in the absence of the details (principles/methodology and about MPI's thinking/% cost sharing etc.) it's hard to say if this is good or bad.

Q35. 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?

Respondent ID	Describe the benefits here:
118763001591	A legislated cost-share framework ensures transparency and consistency across sectors. This framework would be better suited to regulations, allowing for flexibility in adjustments as needs evolve without requiring frequent legislative changes.

Q36. 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

Respondent ID	Responses
118759992011	GIA's currently have a cost share framework with MPI (first 20% MPI, then 50/50 on remaining costs). The only thing I can read into this proposal is that MPI is looking to decrease its share of the current costs

Q37. 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?

Respondent ID	Responses
118759992011	The current GIA model and funding is why many industries signed up. Increasing the cost share back to industry groups would be a breach of trust on original GIA members by MPI.

Q38. For industry readers, how would the options impact your business? For other readers, how would the options affect balance/fairness in cost recovery?

Respondent ID	Responses
118759992011	Current GIA model gives some comfort that a quick response to a Biosecurity threat will occur in consultation with the GIA partner. Slow responses while MPI/GIA partners focus on negotiating costs of the response rather than eliminating or controlling the biosecurity threat could seriously limit the ability of successful outcomes.
118752214177	Option 15A Levy non-signatory beneficiaries to build an upfront fund would be preferable from a budget & liability management perspective. Particularly if this was a small levy built up over a number of years. That would also depend on how confident we are that we can manage biosecurity threats, if we think our risk is low due to how tightly we can manage threats, then we would possibly be better off financially with the after the event levy, option 15B

Q39. 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?

Respondent ID	What benefits do you see with the options?
118759992011	Both options have flaws. The practicality of identifying every primary producer in every sector, quantifying their biosecurity risk, invoicing and getting payment would be a nightmare. Some sectors even with industry bodies still have producers that do not actively join or pay levies.

Q40. Do you agree with our preferred approach to progress proposals 16, 17, and 18? Why, or why not?

Respondent ID	Why or why not?
118759992011	Proposal 16 - In refining noncompliance and biosecurity law terms such as such as good and bad behaviours should be avoided as they are moral or value judgements rather than legal concepts. Proposal 17 - Given the unpredictability of biosecurity responses, and the diverse and complex nature of New Zealand's primary sector, this proposal is fraught with difficulty. The regulatory impact statement acknowledges this issue in clause 124 i.e. 'every response and circumstance are different, a one-size-fits-all approach carries risk', so proposing the introduction of a matrix of detailed compensation requirements is incongruous.
118752214177	Making the compensation systems clear and impacts of non-compliance in advance will help claimants understand their responsibilities and those of MPI in the case of the need for compensation

Q41. Do you agree with our proposed definition of biosecurity law?

Respondent ID	Is there anything we should include or should be taken out?
118763001591	The proposed definition of biosecurity law is comprehensive, capturing essential elements. However, it should clarify distinctions between pathogen, pest and weed management versus biosecurity to make it easier for people to understand and to offer closer alignment to international definitions. Pathogen, pest and weed management refers to the control of invasive species that deliriously affect land use and conservation. It refers to dealing with a wide range of native and non-native vertebrate and invertebrate species, spanning possums to grass grubs, through to a slew of invasive exotic species including diseases. The Biosecurity Act often wrongly refers to pest, pathogen and weed management as biosecurity. This leads to confusion in other places which follow the lead provided by the legislation.
118695908150	The proposed definition of biosecurity law is comprehensive, capturing essential elements. However, it should clarify distinctions between pathogen, pest and weed management versus biosecurity to make it easier for people to understand and to offer closer alignment to international definitions.
118759992011	I see this as an attempt by MPI to limit exposure
118752214177	There is nothing additional that we can think of

Q42. Do you think our proposed suite of changes (proposals 16-19) are adaptable enough to cater to different situations and scenarios?

Respondent ID	Can you think of any situation where the options in this suite may be inadequate?
118759992011	Too many options, when overlaid across all the sectors and even if only across GIA partners developing or working to this suite of options the complexity is enormous. Dependent on assumptions used by MPI or industry in developing these, there will be substantial debate and disagreement.
118752214177	No, these should work in a wide variety of scenarios

Q45. What impact would proposal 19 have on dispute resolution?

Respondent ID	Responses
118759992011	We agree with the intermediary steps proposed; however, there must be consensus on who conducts the independent review to ensure they are suitably experienced and impartial.
118752214177	It should help as there is a clear process for escalation in the event of any dispute that is not resolved

Q46. How do you currently protect against loss?

Respondent ID	Responses
118759992011	All our imported material goes through quarantine in SASA. There has never been a known biosecurity breach via this importation process. Previously we had insurance cover by way of "Seedsman Liability" for claims against seed failure to perform. We no longer have this as premiums and excesses were lifted to the point it was no longer viable.
118752214177	We have a Business Continuity Plan that covers against all foreseeable eventualities

Q47. If compensation was limited, what alternative would you use to protect yourself or your business?

Respondent ID	Responses
118759992011	Insurers are unlikely to offer any cover. We have implemented our own comprehensive seed certification program at considerable ongoing expense. Not sure what more we could do.
118752214177	As a facility that is a Council Controlled Organisation we have Wellington City Council as our partner funder

Q48. How do you think people's behaviour might change if less compensation was available?

Respondent ID	Responses
118763001591	<p>Reducing compensation may sound logical, to minimise moral hazard and to ensure people are incentivised to manage risk by facing the consequences of risks materialising. However, reduced compensation may lead to lower compliance with biosecurity regulations, because individuals may be less inclined to report incursions.</p> <p>Flipping it on its head, an alternative approach is to incentivise good biosecurity practices to enable access to higher value export markets. We know from research that people are more motivated to achieve a benefit, than they are to avoid a negative consequence.</p> <p>The MPI could seek to encourage businesses to adopt internationally-recognised schemes to add value to their exported goods. One example is offered by Global Good Agricultural Practices (Global G.A.P.) which is already widely used across 130 countries including New Zealand. They offer businesses certification for "safer and more sustainable" farming practices and a capacity building programme.</p> <p>Looking internationally, we recommend that the MPI explores the possibility of biosecurity insurance. Australia's Centre of Excellence for Biosecurity Risk Analysis (CEBRA) proposes this shift in approach to implement biosecurity policies that are described as fair, efficient, and creating effective incentives. Financial incentives are offered to parties to improve their biosecurity behaviours and in turn reduce risks, creating alignment with the public good element of biosecurity (which market economics is unable to address).</p> <p>A systems approach is important to ensure that the necessary knowledge, skills and infrastructure are in place to achieve the desired uplift in biosecurity practices. Supporting the transition pathway is critical to maximising effective change on a national scale. Recommendations from behaviour change research include: use people's preferred communication channel (split between websites versus in-person communication), tapping people's greater motivation to realise benefits from action now rather than avoid risks, and drawing on a range of underlying motivations to enable behaviour change. For example, some people are more motivated to maintain healthy plants and crops, and others maintaining access to the export market, rather than the environment per se.</p> <p>It is important to consider where there are barriers to business owners complying with biosecurity legislation. For example, some people will be cautious about reporting an unwanted organism fearing that a biosecurity response will impose a cost on the business both in monetary terms as well as heightened compliance. Some may be concerned they will lose their business. It is important to understand these scenarios and effectively address them by ensuring the incentives are appropriately aligned and people have access to good information about them. The likelihood and impact of unintended consequences need to be considered, for example over the longer term these sectors may become less financially attractive to start a business in.</p>
118762389822	If there were less compensation available it is likely people would be more likely not to report or to actively hide suspected (or known) unwanted organisms they find.
118695908150	Reduced compensation could lead to lower compliance with biosecurity regulations, because individuals may be less inclined to report incursions.

118759992011	We need an environment where people are not reluctant to come forward when there is a suspected biosecurity event. Having less compensation could increase risk of the spread of the problem if unreported or attempts are made to "hide it".
118752214177	They may be less likely to immediately report or comply with issues of Biosecurity concern

Q49. What role does compensation play in helping you recover from an incursion?

Respondent ID	Responses
118759992011	Major role, one year's loss of income can be fatal- look at impacts of Cyclone Gabrielle and follow on forced sale or exit for many growers. Compensation is vital for survival.
118752214177	Given the devastating impact to a business of an incursion compensation may be vital for a business to recover from the incursion

Q51. What impacts could it have on you if you were dealing with different compensation requirements for pest and pathway management plans? How will it affect your

Respondent ID	Responses
118757771364	Q50The numbering of questions is not aligning with the Survey Monkey - and then later stops altogether! Option 21A – 'Make excluding compensation optional in the event of non-compliance with a pest or pathway management plan: This would allow regional councils or management agencies to decide whether compensation should be payable even where there is non-compliance. Under this option, the decision of whether to pay compensation would rest with the management agency or regional council'. We agree with this. As a small charitable trust, the Summit Road Society works hard to eliminate plant and animal pests and predators. However, incursions (plant and animal) occur from neighbours and as such it would be unfortunate for us to be fined for non-compliance - the money better directed to eradication.
118759992011	Keep it simple- over complex and it will not work for both MPI and affected parties.
118752214177	We would make sure we understand the differing pathways, and the options for compensation involved. It wouldn't change how we operate in the biosecurity space

Q52. If each proposal was implemented, how would it impact you or your business?

Respondent ID	Responses
118763046396	These are all good proposals. The risk is that without stakeholder engagement (not necessarily public consultation) there is risk that changes will be made that will negatively impact the ability to run a business effectively and trade internationally. Checks need to be in place with stakeholders to ensure proposed changes are able to be implemented.
118763036949	Please see attached submission
118763001591	Enabling more efficient access to imported biological goods needed for research purposes would be beneficial to our organisation and our ability to provide timely outcomes for our stakeholders and partners. The proposals around Import Health Standards (IHS) appear to be reasonable with appropriate biosecurity safeguards. The implementation of the proposals would mean a more efficient process for reviewing, issuing, amending and consulting on IHS, reducing the significant time and financial costs associated with the current system.
118695908150	Enabling more efficient access to imported biological goods needed for research purposes would be beneficial to our organisations and our ability to provide timely outcomes for our stakeholders and partners. The proposals around Import Health Standards (IHS) appear to be reasonable with appropriate biosecurity safeguards. The implementation of the proposals would mean a more efficient process for reviewing, issuing, amending and consulting on IHS, reducing the significant time and financial costs associated with the current system.
118761264360	Proposal 22 – - Our view is that this seems to be happening already - updates to BIOLOGIC.ALL and MICROIC.ALL Import Health Standards occurred recently that were not notified or consulted on. - Currently consultation on IHS is not widely announced - the risk is that changes may occur and in order for individual researchers within our organisation to remain compliant, they would need to go on the MPI website and check what IHS is currently consulted on. - As such, if this proposal was approved, then any notification of changes would need to be prompt and clear. - We also wonder how changes could be challenged if we determined they were inappropriate. Does MPI foresee a formal process for this? Proposal 23 - - We view this as a sensible approach, reducing the number of CTO interventions on IHSs. - Nevertheless, we have concerns regarding the tension between transparency and potential commercial sensitivity. - How would it be ensured that an amendment to an IHS without consultation still aligns with the purpose of the Biosecurity Act? Proposal 24 - - The priority must be to maintain biosecurity. Allowing one-off imports approved through an undefined process, where risk items are not going into controlled environments with trained staff represents in our view unnecessary risk. - If this proposal were to go through, it would not be significant for us as all our current imports are covered by an IHS. We would like to stress that the risk items we import get received into controlled labs with highly trained staff. - Consequently, issuing of one-off permits would likely need to be importer specific and the MPI internal assessment processes would need to be thorough. Proposal 25 - - We do not see this proposal as particularly relevant to us - the IHSs we work under are generally not suspended without a replacement being in place. Proposal 26 - - We see that this could have a positive impact on our operations as it provides researchers an early opportunity to have input in their areas of expertise and could reduce the need for later changes.

118759992011	<p>Before we can make specific comment on Proposal 22 'Technical amendments' need to be defined, however in general terms any amendment that increases costs, and/or the level or duration of post entry quarantine (PEQ) should be consulted on. Proposal 22. Eliminating the requirement for consultation on changes to IHS's. •Understand the need for MPI to make some decisions e.g. chemical/heat treatment protocols •Don't understand how this should lead to blanket need to not consult on changes or only consult when MPI sees the need. Changes to the IHS can materially impact the importer with increased testing and clearance costs. Industry must retain the right to consultation around these.</p> <p>Proposal 23 makes little sense. Imports in the first year of trade under a new IHS may not have commenced or be part way through post entry quarantine (PEQ), so how could MPI assess whether risks are being appropriately managed? If amendments are required during the first year of trade, a targeted consultation with the parties that submitted during the original IHS consultation process is the minimum acceptable consultation.</p> <p>Proposal 24, further detail of what is being proposed is required. What imports are eligible for this pathway and what is the decision-making process for permitting imports via this pathway - is it limited to specific commodities or genera, what are the maximum volumes, will material be released into the environment etc The assumption that small one-off imports present less risk is totally erroneous - this has been proven by the likely source of the Pseudomonas syringae pv. actinidiae (PSA) outbreak, which is one of New Zealand's most serious and costly Biosecurity incursions. To ensure biosecurity risk can be safely managed, a risk assessment process and establishment of appropriate risk management measures will still be required. These are the same processes required for IHS review and development, undertaken by the same MPI staff, and already present the most significant delay to plant imports. Therefore, this new pathway will put more pressure on an existing bottleneck, and potentially assessing small, one-off imports could take just as much of MPIs resources as developing a pathway for a more frequently imported, commercially significant crops. We also have concerns that this pathway could allow political interference whereby influential parties are able to 'queue jump' or avoid the current IHS request and prioritisation process.</p> <p>Proposal 24. One-off or ad hoc permits •Explain how "It would not lessen or increase the existing protection to New Zealand from biosecurity risks." •In the example of a synagogue -would it contain the same insect screens that a level 3 import facility has??</p> <p>Submission on proposed amendments to the Biosecurity Act 13.12.2024 draft for comment 18 Proposal 25 appears to be a response to MPIs recent proposal to suspend 1,468 IHS, however it doesn't provide a sustainable solution. Apart from the incongruity of issuing a permit for a suspended standard, similarly to proposal 24 above a "one off" import permit for a suspended or out of date standard would still require risk assessment and identification of suitable measures, so once again the same process is required for a single permit or an update to and IHS. We also note MPI have commented that stricter risk management measures would be required when using this pathway. This is potentially in contravention of the SPS agreement.</p> <p>Proposal 26 – we have difficulty understanding what is being proposed.</p>
118753788249	<p>My pro bono work involves clearing highly invasive pest plants from public and private land with land owner consent.</p> <p>I see nothing in the proposal that will effectively reduce the import of plant species which are potentially weedy.</p> <p>Horticultural importers have made large profits in the past importing attractive plants for gardeners which in due course turn out to be ecological weeds.</p> <p>Provision should be made to put the onus of proof on the importer (whether commercial or private) that the seeds or plants being imported are not likely to develop weedy characteristics and that the importer will take responsibility for monitoring the plants progress over a reasonable period of time and ensuring that it is only cultivated by people who undertake to remove it if it proves to be weedy.</p>
118752920773	<p>With regards to the biofouling obligations, Oceanic act as port agents and representatives for a number of international shipping companies, particularly those handling perishable products (specialized refrigerated vessels). These ships run on tight schedules to ensure fruit is exported on time. Delays because of detention or instructions to proceed offshore will materially damage the exporting plans for several large fruit exporters</p>
118752214177	<p>Proposals 22 and 23 would help to ensure that an IHS is workable once used from an operational perspective.</p> <p>Proposal 24 would be immensely useful on a practical basis. A zoo example for where this could be very practical is if a rodent species, e.g. Naked Mole Rat, Heterocephalus glaber, were wanted to be imported it would require a new IHS for a single import. The species already has EPA approval but is included in the 4 specified species on the Zoo Rodent IHS</p>
118734103271	<p>The proposed changes would generally aid with the operations of our institution... research is currently hampered by niche cases where an item doesn't exactly match the existing wording in an import health standard which often causes delays or that the material is directed into one of our Transitional Facility laboratories. This material often constitutes very little biosecurity risk and is going into a research environment where the potential for it to be used outside of a laboratory is minimal, in these cases having a means to both rapidly update the IHS and request ad-hoc one off import permits would be enormously beneficial for international research collaborations.</p>
118711203098	<p>Proposal 26 has potential to improve the integrity of import standards, as the risk analysis can be the primary consideration.</p>
118701357916	<p>Some of the purposed changes could help streamline the activitiues we preform. Quicker amendments to IHSs could help our customers (importers) and third party verifiers at low risk facilities could potentially mean more audits and free up inspectors.</p>

Q53. Do you think these proposals would make importing easier?

Respondent ID	Why or why not?
118763046396	Will definitely help with importation overall. Just need to make sure changes to business practice are able to be implemented without undue burden on the businesses or on trade.
118763036949	Please see attached submission
118763001591	Adoption and implementation of these proposals would greatly reduce the time delays associated with the current system. This change would enable more efficient access to the imported biological goods our organisation requires for research purposes.
118695908150	Yes. Adoption and implementation of these proposals would greatly reduce the time delays associated with the current system. This change would enable more efficient access to the imported biological goods our organisation requires for research purposes.
118761264360	On balance, we see these proposals as making importing easier for us, but have concerns particularly around rapid amendment of IHS without consultation or a clear strategy for effective notification post-decision.
118759992011	We do not believe proposals 22- 25 have been well considered, nor will they make import easier or more affordable. The proposals themselves will create an additional administrative burden as processes will need to be developed for each proposed pathway, and ultimately there will be more pressure on an already gridlocked system, potentially for minor benefit. Where stricter measures are proposed, further cost is imposed on importers.
118752920773	The bulk of cargo imported to NZ is carried on ships that regularly trade to NZ - container liner services, car carriers, bulk vessels with import cargoes will usually have an export cargo obligations. Most ship owners trading NZ will be aware of and comply with the CRMS and bio foul best practices by cleaning their vessels at a foreign port. However if the rules become more stringent, then some ship owners may decide not to take their risk to send their ships to NZ, even regular traders, as the risk of delay can amount to hundreds of thousands of US dollars in lost ship time, extra fuel consumption and associated emissions, diving, costs, additional port costs. We are aware of several specialised reefer ship owners that will not send their ships to NZ, and therefore the pool of available tonnage is decreasing for NZ exporters (exposing them to higher freight rates due to lack of open competition between ship owners)
118752214177	Yes these proposals would make importing simpler. It would enable a recent IHS to be amended after first use to ensure it is workable and meets the Biosecurity requirements
118734103271	Yes, having a means to bring through material that doesn't exactly fit within the clauses of an import health standard would expand the possibility for researchers to undertake wider programs of research with international collaborators or bring in material for study within laboratory settings.
118711203098	The benefits of Proposal 22 and 23 are to streamline the establishment and amendment of IHS. These could improve processing imported goods at the border, which is of benefit to MPI border staff. Proposal 25 could make importing easier.

Q54. On what grounds (if any) do you think one-off permits to import goods should be issued?

Respondent ID	Responses
118763046396	Specific international events - one off low risk goods or manageable; emergencies; commercial trials that will have an economic benefit to NZ
118763036949	Please see attached submission
118763001591	One-off permits should be issued when no applicable IHS exists and the cost of developing an IHS is not viable due to infrequent demand for import of the product. A one-off permit should only be issued provided the biosecurity risks are addressed and mitigated.
118695908150	One-off permits should be issued when no applicable IHS exists and the cost of developing an IHS is not viable due to the infrequent demand for import of the product. A one-off permit should only be issued provided the biosecurity risks are addressed and mitigated.
118761264360	Our view is that this would be appropriate provided the risk is assessable and assessed, the items being received are contained in controlled environments by people who are suitably trained.
118762202644	Proposal 24 reasonably defines on what grounds, which is when biosecurity considerations are safely managed, even if there is no specific IHS associated with the material.
118759992011	If a parallel system is set up for "one-off" imports this should be restricted to well defined gamechangers to the export prosperity of the nation, or in an instance where a public good argument is substantiated with clear and obvious public benefits.
118753788249	as above
118752214177	If there is an IHS that covers similar items for release or release into containment and the same measures can be met or mitigated in the specific case

118734103271	I believe the issuing of one off permits should be as the discretion of the staff at MPI, but if conditions are imposed, I would like to see research in University Laboratory as an option
118711203098	Proposal 24 has potential to lessen the existing protection to Aotearoa from biosecurity risk goods. There is opportunity for this to be misused. If it is enacted, the process must be monitored and the enforcement outcome should be well described. The conditions on which a single use permit is issued should be developed in consultation with the up to date border risk profile, Intelligence, data of undeclared goods across all pathways.
118701357916	Could these be preformed via a fully audited container devan/unpack?

Q55. Are you aware of any additional barriers to importing contained in the Biosecurity Act?

Respondent ID	How might these be addressed?
118763036949	Please see attached submission
118763001591	We have experienced significant delays to research programmes where there are restrictions placed on the import and use of risk material produced in non-commercial international laboratories. Related to this, response times to queries have not been timely or queries have not been answered. Further, innovation opportunities can be limited when a research organisation has insufficient freedom to easily import or transfer risk material across multiple facilities within its organisation. Additional barriers can also occur when complex import standards are required. Such slow-downs could be alleviated by adopting a tiered risk assessment approach, streamlining compliance for lower-risk imports, and utilizing digital tools to speed up documentation and approval.
118695908150	We have experienced significant delays to research programmes where there are restrictions on the import and use of risk material produced in non-commercial international laboratories and response times to queries have not been timely or queries have not been answered. Further, innovation opportunities can be limited when a research organisation has insufficient freedom to easily import or transfer risk material across multiple Facilities within its organisation. We have also experienced issues where imported goods have been held-up at the border due to the target evaluators not being familiar with research commodities and terminology. The ability to contact an expert target evaluator would alleviate this issue and ensure goods are released in a timely manner.
118761264360	There are unnecessary additional barriers. Two examples are listed below. - One barrier we are currently facing with importation is regarding the use of products in animals in containment. Our view is that because our work is done in registered containment facilities, with staff that are trained according to audited facility standards, there is much less risk than currently recognised by the importation process (although we note this is an ongoing discussion we are having with the animal imports team at MPI). - Following the introduction of the new BIOLOGIC.ALL IHS, a lot of biological clearance is managed by third-party freight companies. This adds compliance and clearance costs to each transaction, which is a significant barrier to importation. We question why it is the suppliers who provide declaration of product, when these goods are imported by us, and arrive at our registered containment and transitional facilities and received by our trained staff.
118734103271	It might be useful to include the possibility that the ad hoc permits could be used to allow for the release of material currently held in a Transitional Facility post import (following a post import quarantine and inspection).

Q56. Do you agree with our preference for option 27D, followed by option 27B?

Respondent ID	Why or why not?
118763046396	Imposing a cost recovery aspect is a large disincentive that will stop good practice and recommendations coming through. It acts as a penalty for anyone raising a concern or issue. For the most part, businesses and people want to make the system work and this will act as a huge barrier to this. Looking at the timeframes of the example involved there is potential that internal efficiencies should be reviewed to increase speed and reduce time and costs.
118763036949	Please see attached submission
118763001591	AGREE WITH FIRST HALF OF QUESTION AND DISAGREE WITH SECOND HALF. Regarding section 24 independent review panels, we support option 27D. Specifically, that other processes and safeguards to challenge MPI's IHS development process are adequate. We do not support option 27B and question the utility of appointing a senior public official to oversee a section 24 review when the purpose is to deliver a science-based (and not politically-motivated) decision.
118695908150	Regarding section 24 independent review panels, we support option 27D. Specifically, that other processes and safeguards to challenge MPI's IHS development process are adequate. We do not support option 27B and question the utility of appointing a senior public official to oversee a section 24 review when the purpose is to deliver a science-based (and not politically-motivated) decision.
118762202644	Agree in principle. Challenges might arise due to limited expertise available within relatively small teams and close team members and consequent difficulty to identify an 'independent' senior public official to action a review while effectively managing possible unconscious biases.

118759992011	<p>We strongly oppose the proposed changes to Section 24 (S24), and object to the way this proposal has been characterised. a) The discussion document states that a S24 process can be triggered ... 'if a person that was consulted during the process feels that their concerns and scientific evidence did not receive sufficient consideration'.</p> <p>Submission on proposed amendments to the Biosecurity Act 13.12.2024 draft for comment 20 The actual wording of the Act is 'the question of whether scientific evidence about which the person raised a significant concern received sufficient regard in the development of the standard'. Therefore, the only basis for a S24 review is whether scientific evidence was properly considered, rather than any nonspecific concern.</p> <p>b) MPI contend that S24 reviews are disruptive and consume a substantial amount of staff time and resources. Given there have only been two independent reviews in the 17 years since the review provision was introduced; there is a limited period for notifying an intention to make a request for a S24 review and then make the request (20 days maximum in total); and that S24 requests are limited to those who were consulted during the IHS review, it is doubtful that S24 reviews are in fact a substantial imposition on MPI.</p> <p>c) MPI have stated that they place a high priority on resolving stakeholder concerns, however there are inequities in the process. MPI have significantly more resources than individuals or small companies, control the timelines and engagement process, and have the final say on the IHS. Regardless of how serious and genuine stakeholder concerns may be, they are reviewed by the same group of staff that draft the standard. Therefore, there is a lack of neutrality, and concerns are regularly dismissed as being unimportant or irrelevant. In the case study of pig meat and pig meat products the independent panel made 29 recommendations, which indicates that the IHS has serious flaws, and the concerns of the importers were well founded. There is an increasing lack of transparency in the IHS development process. For example, MPI no longer publish submissions made through the consultation process. This previously was an important gauge of the level of interest and concern with a particular IHS, whether issues raised in submission were consistent across stakeholders, and therefore whether matters of concern should be further pursued given a general industry consensus.</p> <p>Option 27A: while MPI will incur costs, industry will sustain similar costs. Therefore, the simplest and fairest option is costs should lie where they fall. Option 27B: it will be difficult to find a senior public official who understands the subject matter but is sufficiently independent. In any event the official should not be an MPI employee, or anyone associated with MPI, as there could be a perception of severe bias. Option 27C: this doesn't resolve the fundamental issue of MPI dismissing evidence that has been provided by stakeholders. Options 27D: given the cost to lodge and hear a Judicial Review in the High Court, the bar for challenging an IHS would be set very high and disadvantage the complainant which could be a small plant sector with limited resources. We submit that a substantive, timely and cost-effective independent review process, where decision makers provide those affected by MPIs decisions the opportunity to be heard, MUST be included in the Act.</p>
118752920773	No opinion on this question - not our area of expertise or involvement
118752214177	We support option 27D followed by 27B. These, in order of preference, would work to remove some of the delays involved in IHS development and could streamline the processes, without removing the ability for comment on the drafts
118711203098	This promotes trust in the consultation process and people who establish the documents.

Q57. What impacts would removing section 24 have on the efficiency of the imports system?

Respondent ID	Responses
118763046396	These are all high burden processes and act as a disincentive and barrier to feedback and change requests.
118763036949	Please see attached submission
118763001591	Removing section 24 could improve efficiency by eliminating redundant processes. However, care must be taken to ensure that biosecurity protections remain intact and that streamlined processes do not lead to overlooked risks.
118695908150	Removing section 24 would greatly reduce the significant time and financial cost associated with the current review process for IHS. The efficiency of the imports system would be improved without compromising a person's ability to challenge the development process through other avenues
118759992011	It would reduce MPIs accountability and obstruct stakeholders' access to a fair and impartial review process.
118752214177	It would improve the efficiency by removing some of the bureaucracy and time involved in the development of an IHS
118711203098	Potential to improve efficiency.
118701357916	This would stream line the ability for importers to adapt and move quickly on new products etc. It could also help MPI free up time to do other activities.

Q58. Are there other ways to provide checks and balances on MPI's decision-making that would promote an efficient import system?

Respondent ID	Please explain:
118763036949	Please see attached submission
118695908150	Having more than one senior official to conduct the review rather than one, this person could also be an independent official. This would allow for a greater degree of scrutiny.

118759992011	MPI needs to remember who it is working for- the primary industry of NZ. MPI needs to move to a partnership approach with primary producers, working alongside them to develop biosecurity systems and processes that all parties can buy into. Working as enforcers of the Biosecurity Act and seeing/treating primary producers as potential villains does not bring harmony.
118752920773	No opinion on this question - not our area of expertise or involvement
118752214177	Not that we can think of that would maintain an effective and efficient system
118711203098	Ombudsman NZ

Q59. Do you agree with our preferred approach to progress proposal 28?

Respondent ID	Why or why not?
118763046396	Makes practical sense to be able to check at different locations given risk goods could be brought into NZ at any of these places.
118763036949	Please see attached submission
118762389822	We support measures that help prevent the introduction of invasive species at our ports.
118695908150	Cruise ship and aircraft passengers should be subject to the same biosecurity controls, as the biosecurity risks associated with both types of passengers are similar.
118759992011	While presenting some risk this is likely to be uneducated biosecurity breaches compared to those looking to actively illegally import or breach biosecurity.
118752920773	Yes, revision makes sense as passenger may have forgotten to declare something on original call, and only tried to bring ashore (dirty shoes for example) at a subsequent port
118711203098	This promotes national consistency and aligns the rules for people arriving to Aotearoa in a port of first arrival. The biosecurity process should be consistent across pathways.

Q60. Do you agree with our preferred approach to progress proposal 29A?

Respondent ID	Why or why not?
118763036949	Please see attached submission
118762389822	This would help prevent the introduction of unwanted organisms into our marine environments, which threaten our native marine flora and fauna, and impacts cultural, commercial and recreational activities.
118759992011	not an area of my expertise
118752920773	Ships that are entering the EEZ with some biofouling concern (if they have provided MPI with the correct information in advance) should be allowed to proceed to port for further review. Restricting them from entering the EEZ without any scientific review or inspection could potentially be seen as a restriction to trade. At least the ship should be allowed to be in an area where a inspection can be made.
118711203098	Biofouling should remain under environmental management as a pollutant and issue that can impact biota.

Q61. Are there any reasons that our preferred approach would not be an efficient tool to manage biofouling removal in New Zealand?

Respondent ID	If yes, what are they?
118763036949	Please see attached submission
118759992011	no comment

Released under the Official Information Act 1982

118752920773	<p>If a ship has presented the correct information, it should be allowed to proceed to port. We have asked many times if MPI could review the reports we send them when the dive team takes photos in a foreign port, but MPI position has been that they will only make that decision once vessel arrives in NZ.</p> <p>If a decision is made that ship could not enter the EEZ, then many ship owners will refuse to take that risk to proceed to NZ - we are a long voyage away from most ports, and the ship owner has little possibility to inspect, or rectify once they are proceeding to NZ.</p> <ol style="list-style-type: none"> 1. MPI should consider authorizing offshore dive companies in strategic locations to be able to certify a ship as clean (as they do with AGM certification) 2. Interpretation of reports is very subjective (by human nature). One analyst may view photos of a ship's hull in a different way to another analyst. Artificial Intelligence (AI) solutions are available that could analyze a ship's hull using UAVs to determine biofouling coverage and will soon be able to tell type of biofouling. 3. If a cleaning is required by MPI, the vessel and the diving company has to be able to do this in a safe area. Outside the EEZ will provide significant delays and huge H&S risks 4. The biofouling debris released, even at 12 miles, is carried out in deep water. The debris will be so diluted that the risk of any foreign organism contaminating must be very very low. Has there been any scientific analysis of this risk? 5. NZ is the only part of the world that has such drastic biofouling regulation - making it more financially risky for ship owners to come here will either a. reduce the number of ships willing to come to NZ, and b. increase the cost that the shipping companies will charge - impacting NZ import and exports costs. Imports costs will increase inflation, export costs will reduce the competitiveness of NZ exporter. <p>97/98 percent of the cargo volume imported / exported to NZ is carried in foreign going ships.</p> <ol style="list-style-type: none"> 6. Has there been any significant increase in interceptions? From reports it seems no. And the ships that have been requested to clean have been in various ports around the country - it is not as if they are all sitting 12 miles of Hauraki Gulf to do cleaning. And has there been any scientific analysis to say that the risk of the cleaning has led to foreign organism getting a 'footholds' in NZ waters? 8. Most ship owners coming to NZ will have spent significant time and money in trying to comply with MPI regulations - they will have paid for a dive company and report, they will have waited at a foreign port while the work is carried out (ships time, fuel and emissions). And there is a long term impact of a ship's hull and performance due to the cleaning required - each time a ship is scrubbed, the antifouling is damaged, the efficacy deteriorates, leading to more cleaning. The deteriorated antifouling then increases the chance of more biofouling, increasing fuel consumption and emissions
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Q62. Should "operational efficiencies" justify the limitation of food in the air passenger pathway?

Respondent ID	Why or why not?
118763046396	This channel shouldn't be being used for commercial sized volumes.
118759992011	<ul style="list-style-type: none"> •I'm not sure having one set of rules for quieter times versus busier times gives me any comfort over addressing incoming passenger biosecurity risk? Using cultural or religious grounds as a way to circumvent normal biosecurity checks is just plain stupidity. All produce/food needs thorough examination and clearance.
118752920773	No opinion on this as outside our business
118711203098	<p>The discussion document considers only one method to improve operational efficiencies. Other options are possible. It is unlikely that the proposals new regulations will be communicated with many of the target group.</p> <p>Should passengers arrive with large quantities of food, it is unjust to mandate they dispose of compliant goods. It would be better for these travellers to be processed in a separate queue with reduced resourcing.</p> <p>Proposal 31 allows for different decisions to occur based on a time of day or airport location. That would mean that similar passengers are treated differently because of the time and location of their flight. This may also cause border workers to make the wrong decision if they are not advised of the particular limit. This is highly unfair.</p> <p>Despite the option for exemptions, every traveller believes they have a valid reason for bringing in food. There is likely to be a strong emotional reaction to the stress of having compliant goods removed, for the perceived benefit of operational efficiencies.</p> <p>The perceived improvement to processing time does not justify the disposal of compliant goods nor the money that a traveller will waste on food and travel costs.</p>

Q63. If this proposal proceeds, what sort of exemptions might be required and why?

Respondent ID	Responses
118763046396	Religious requirements, medical requirements, emergencies
118759992011	None

118711203098	<p>Should passengers arrive with large quantities of food, it is unjust to mandate they dispose of compliant goods. It is unfair that under Proposal 31, different decisions can be made. Public messaging and biosecurity education may improve compliance with this proposal, though is unlikely to reach a large amount of the target group. If the limit or regulation is not known, a traveller may have paid for excess luggage. This would create a large waste of their money that they were unable to control.</p> <p>The execution of this proposal is unclear. An Officer may spend the same time verifying that compliant goods are disposed of as they would inspecting and clearing the goods. Non-english speaking passengers may need assistance to comply.</p>
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Q64. Do you agree with our preferred approach to progress proposal 32?

Respondent ID	Why or why not?
118762216283	<p>Yes we agree</p> <p>The current situation having facility operators requiring approval and also carrying the liability was not appropriate for research facilities. In some Crown Research Institutes it became inappropriate for senior employees to do the operator role and this was transferred to the Board of Governors. We agree with this proposed approach as it will enable operators to be the actual scientists familiar with the facility, rather than a Board which is just acting on the advice of their employees.</p>
118763046396	<p>Removes an administrative burden and a cause of unintended non conformance by Transitional Facilities if their TFO is on leave, sick, suddenly leaves or dies. Allows for Deputies to take responsibility better than it does now.</p>
118763001591	<p>Strongly agree, we support your preferred approach to streamlining the legislative framework for transitional and containment Facilities. Removing the need for legislative approval for changes to Facility operators will supports efficient compliance without sacrificing safety, improving facility management and biosecurity outcomes.</p>
118695908150	<p>We support changes that allow our transitional and containment facilities to remain compliant and continue to operate if the operator is not there. We agree this reduces operational uncertainty for both MPI, and the facilities themselves.</p> <p>Our recommendation is the Deputy Operator/s are at a senior level and they have the ability to delegate various aspect of day to day management across the organisation.</p> <p>The current situation having facility operators requiring approval and also carrying the liability was not appropriate for all research facilities. In some Crown Research Institutes it became inappropriate for senior employees to do the operator role and this was transferred to the Board of Governors. We agree with this proposed approach as it will enable operators to be the actual scientists familiar with the facility, rather than a Board which is just acting on the advice of their employees.</p> <p>Removing the need for legislative approval for changes to Facility operators will make it easier to ensure continuity of operation whenever we experience staff turnover in any roles with relevant responsibilities.</p>
118761264360	<p>We do not agree with this proposal as the current system is working.</p>
118759992011	<p>Option looks sound</p>
118752214177	<p>Yes. We fully support this. As a CF and TF we have operators for both. This allows us to be proactively prepared for if an operator for one of the facilities were to leave at short notice. As a TFGeN facility we already have a trained deputy operator. Expanding this ability to all TFs and CFs would provide certainty for those facilities.</p>
118734103271	<p>This feels like a solution to a problem that doesn't exist. Many standards already have a requirement for approval of an operator written into them and allow for an entity to operate as the Operator. Where it is the case that an entity is the Operator, the appointment of a delegated operator becomes an internal organizational matter. The standards just need to specify that the organization needs to clearly document the appointments, including temporary changes for staff vacancies.</p>
118701357916	<p>Could allow facilities to have more contingency plans incase the opertaors are away</p>

Q65. Do you think this proposal would deliver a more enduring and efficient system for regulating and approving facilities?

Respondent ID	Why or why not?
118762216283	<p>Yes we agree</p> <p>The proposal will be more efficient as the operators can be the most appropriate staff member, and the role can change more quickly with staff changes, and thereby remove the current need for multiple layers of reporting up to the Board when the Board is the current approved operator.</p>
118763046396	<p>Allows for TFOs and deputies to be away without risk of non compliance by having back up in place. There has been a theoretical requirement for a deputy until now but there is an administrative barrier that has meant facilities have had to get permission for the deputy to step in at the time of the TFO being away, sick, etc. This is a more practical solution and will also be better able to ensure they are compliant.</p>
118763001591	<p>Yes, the proposal establishes a sustainable, efficient framework for facility regulation. By streamlining the approval process and emphasizing compliance, it supports long-term biosecurity objectives with greater efficiency.</p>
118695908150	<p>Yes, it will provide a more efficient way for our facilities to maintain compliance and continue operations when relevant responsibilities are shifting between staff members.</p>
118752214177	<p>Yes this would be an improved system as it would ensure that a facility could have the ability to have deputy operators in place, removing a risk</p>

118734103271	The change introduces the potential that the exact wording will vary between standards and that this could create confusion in the future as standards get revised.
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Q66. If you are a facility owner or operator, how do you anticipate this option would impact your business?

Respondent ID	Responses
118762216283	Scion owns a facility and this option would permit flexibility in who actually is assigned the internal role as operator role. However we need to understand whether the Operator would still be carrying Personal Liability for breaches of the standard. That was not made clear.
118763046396	More able to meet the requirement
118763001591	Our organisation already operates successfully within the current regulations. AgResearch is the Operator and each Facility across our campuses has a Delegated Facility Operator to manage the day-to-day operations. We would expect to see lower operational costs during the occasional time of staff turnover. Nevertheless, we expect this will be a significant improvement (based on previous experiences).
118695908150	Our organisations already operate successfully within the current regulations. We only would expect to see an improvement from this option during the occasional time of staff turnover. Nevertheless, this is expected to be a significant improvement based on previous experiences at our organisations. Clarity is sought over whether the Operator would still be carrying Personal Liability for breaches of the standard.
118761264360	Not applicable.
118759992011	Not a facility owner
118752214177	This will remove the risk of being a facility without an operator at short notice
118734103271	I don't believe this will have any impact.
118711203098	N/A
118701357916	More training for staff to become TFOs (deputies) and or take on more responsibilities

Q67. Do you agree with our preferred approach to progress proposal 33B?

Respondent ID	Why or why not?
118762216283	No we do not agree with this proposal. The current verification systems are very effective and robust at ensuring facilities maintain the highest standards to MPI's facility standards. We do not support this proposal as although it might provide better flexibility for MPI for rapid responses. In certain cases we see there is a risk that highly technical functions are not appropriately performed by mandated third-party operators. Currently our Facility Managers work with MPI Verification Services and develop an in-depth rapport and respect for our assigned TTS (travelling technical supervisor), and much knowledge would be lost if this were to change rapidly. Furthermore rapid responses to accidental breaches would become less efficient with third party contractors unfamiliar with staff and facilities assigned to such cases. At Scion MPI-approved transitional facilities for instance, we think the current processes are appropriately managing the risks, notably through a long-established and trusted relationship with competent MPI inspectors. We anticipate a risk if new third-parties mandates are too broad.
118763046396	The use of third parties to undertake specific roles and functions supports BNZ in their ability to increase their efficiencies, reduce costs and increase the quality of work. BNZ are able to utilise the skills of third parties to reduce duplication of effort e.g. MFT inspections of low risk goods by a third party with an MPI inspector standing right beside them. Will be able to increase the use of third parties so BNZ staff are able to focus on higher level risk and solutions. It future proofs BNZ to be able to utilise third parties for a range of risk profiles. This will help cost management in regions where it is hard to staff or travel costs are prohibitive but third parties have auditors / verifiers in place who could undertake this work.
118763001591	We support the proposal for recognition of third-parties to undertake specified roles and functions in the verification activities of transitional facilities, and across the wider biosecurity system if required. This would allow MPI to delegate authority for verification of lower-risk Facilities to third-party operators, leaving MPI staff to concentrate their time and resources on higher-risk or more complex Facilities where continuity is valuable in understanding the context in which a Facility is operating. It would also increase the expertise available to the MPI in their verification assessments.
118695908150	Whilst we support the proposal because it recognises third-parties to undertake specified roles and functions in the verification activities of transitional facilities, and across the wider biosecurity system if required. This would allow MPI to delegate authority for verification of lower-risk Facilities to third-party operators, leaving MPI staff to concentrate their time and resources on higher-risk or more complex Facilities where continuity is valuable in understanding the context in which the Facility is operating. This change would also increase the expertise available to MPI in their verification assessments. Conversely, we do not support this as although it might provide better flexibility for MPI for rapid responses, in certain cases we see there is a risk that highly technical functions are not appropriately performed by mandated third-party operators. Currently our Facility Managers work with MPI Verification Services and develop an in-depth rapport and respect for our assigned TTS (travelling technical supervisor), and much knowledge would be lost if this were to change rapidly. Furthermore rapid responses to accidental breaches would become less efficient with third party contractors unfamiliar with staff and facilities assigned to such cases. If it were to go ahead we recommend consistency in the standard of any services provided, including verification audits.

118761264360	This proposal would not apply to our facility, as we are a combined containment and transitional facility and the verification would therefore stay directly under MPI. We could see a benefit to having third parties having specified roles particularly in low-risk facilities.
118762202644	Functions that could benefit from this proposal are training and verification. For example, third party training is currently very limited, providing an opportunity for improvement if MPI is more clearly enabled through this proposal.
118752214177	We agree with 33B. An example of this from overseas (specifically the UK) would be that a zoo vet could sign and stamp export documents and complete the part undertaken by verification services in New Zealand. From a zoo perspective this could streamline the import and export of zoo animals. Assuming there would still be annual audit by VS there would still be the checks and balances in place to ensure that this is done thoroughly.
118734103271	Yes, I agree with proposal 33B. Being able to approve (and presumable revoke) approval for third parties to undertake specified tasks both has the potential for easing costs for the Ministry and for registered low risk facilities, but will also allow for some elegant solutions for importers for post import treatment of goods. With this approach it might be appropriate to build in a scheme where accredited inspectors can't inspect a facility more than twice in a row, to ensure that standards are being maintained and problems picked up. It might also be useful to continue to include the occasional verification audit by the MPI verification team.
118711203098	The third-party groups should be audited by MPI, this workload should be considered in the proposal.
118701357916	Would enable different opinions with audits at different facilities. Maybe the same training provider (AP/TFO courses) does the verification as well, this would show a start to finish flow of procedures.

Q68. What capabilities should third parties have to demonstrate before undertaking verification under the Biosecurity Act?

Respondent ID	Responses
118762216283	For a third party to demonstrate they can undertake verification services their staff would need to be able to show In depth knowledge of legislation, MPI standards, regulations, and have respectable post-graduate science qualifications. This is critical notably to maintain requirements for advanced tracking and reporting. Auditors at this high level require specific inter-personal and technical skills and attention to detail. They are on the coal face between the facility and its operation, and when any escapes occur they need the wisdom and experience to make instant recommendations and appropriate decisions during the period that they await answers from their own MPI managers. This wisdom and experience would be in danger of being lost if MPI Verification Services were shut down due to this change and it contracted out to third parties.
118763046396	Professional organisation, trained to appropriate level based on the risk, potentially auditor training if required, meet BNZ criteria, experienced, appropriate accreditations - BNZ can audit third parties like they do with the Biosecurity Training and other regulators do with their third parties.
118763001591	Third parties should have to provide evidence of maintaining up-to-date knowledge and understanding of Facility operations. The success of third-party verifiers will rely on attracting and retaining competent people and organisations to do this work.
118695908150	Third parties should have to provide evidence that they maintain up-to-date knowledge and understanding of Facility operations. The success of third-party verifiers will rely on attracting and retaining reputable and competent people and organisations to do this work.
118761264360	A high level of standards for accreditation. Consistency between or within a provider.
118762202644	When auditing skills are coupled with expertise in relevant field, time and resources spent on each verifications become actually reduce as basic understanding is already present consequently saving that time for all parties.
118759992011	Independent Verification Agencies (IVA) are the obvious candidates to undertake these tasks, given they already have delegated authority from MPI and capability in pest surveys, auditing and export certification.
118752214177	As with operators and APs for TFGeN a training course could be regularly required to ensure that the 3rd parties understand the requirements that they are verifying against.
118734103271	This would have to be conditional on what services the third party was being authorised to perform, but for someone undertaking inspections then the relevant staff member would need knowledge and experience of the Act (and subsequent regulations and standards), and auditing processes (and associated training). For independent verification audits I would expect that that the inspection reports should be provided to MPI to allow for identification of substandard inspections/reviews.
118711203098	Appropriate training for the role.
118701357916	They would need some form of auditing experince/qualification, at least be a TF operator, have a good understanding of a transitional facility and also the industry that the facility is in ie port industry...

Q69. Are there any areas of the Biosecurity Act where third-party verification should not take place?

Respondent ID	Why or why not?
118762216283	Yes, as highlighted above, there are some high-risk containment and transitional facilities that can have situations where we think high technical and science knowledge and skills is required and there is a risk of it not being maintained under third-party verification. There seems to me to be no compelling reason to reduce the effectiveness of our transitional facility operation just to reduce administrative burdens.
118763046396	with the right controls in place by BNZ the right third party verifiers should be able to undertake any of the work.

118763001591	Third-party verification should not be used where a Facility is assessed as being high-risk or complex. The Facilities within our organisation each operate under multiple standards (both containment and transitional) which necessitates the use of a specialist verifier with a broad scope of knowledge across all areas. If a third-party organisation is not able to verify activities across all standards in a single inspection, this would significantly increase the time and cost burden on our Facilities. Further, we value the direct contact we have with the MPI and are concerned that the introduction of a third parties could diminish this relationship. We are seeking the MPI's reassurance that the clear expectations we currently receive (from a verifier who is familiar with our complex Facilities) will continue.
118695908150	Third-party verification should not be used where a Facility is assessed as being high-risk or complex. Some of the Facilities within our organisations operate under multiple standards (both containment and transitional) which necessitates the use of a specialist verifier with a broad scope of knowledge across all areas. If a third-party organisation is not able to verify activities across all standards, resulting in multiple inspections being required, this would significantly increase the time and financial cost to the Facility. For high-risk containment and transitional facilities that require high technical and science knowledge and skills, there is a risk of the current level of biosecurity rigour not being maintained under third-party verification. We appreciate the strong relationship and continuity of expectations that come with a regular verifier who has familiarity and understanding of our complex Facilities. We also value the direct contact we have with MPI and are concerned that the introduction of a third-party will diminish this relationship. If third-party verification is introduced, we are seeking MPI's reassurance that this will exist alongside our direct, strong relationship with MPI.
118761264360	Should not be done with high risk organisms.
118762202644	If expertise is available and the Director General of MPI is satisfied of the effectiveness of the service there should be no issues of concern.
118752214177	Annual Audits of CFs and TFs should still continue to be undertaken by VS to ensure consistency is maintained across the Biosecurity System
118734103271	I can't think of any at this time
118711203098	Decision making related to Import Health Standard requirements and the clearance of biosecurity risk goods.
118701357916	At facilities where there have been non compliances, failed verifications, inexperienced TFOs/operators and after significant change at the facility.

Q70. Do you think the duty established under section 17AA and its associated regulations is effective or necessary?

Respondent ID	Why or why not?
118763046396	The question is - has there been an increase in compliance from the passengers coming in since the requirement was put in place?
118759992011	No comment
118711203098	Biosecurity messaging on the aircraft is almost certain to be seen, whereas airport signage has little impact. This messaging may improve voluntary compliance and biosecurity understanding for passengers. It is essential that MPI take all practical steps to advise travellers of the penalty for failing to declare goods, particularly if the infringement fee is increased.

Q71. 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?

Respondent ID	If so, how do you think this notification should be verified and communicated to the Director-General?
118763046396	They should have to provide the information but is there a need to notify. Is it more like requirements that require it to happen but not checked unless there is an issue. But again, has there been an improvement in compliance since this was implemented last year. If its working then keep it, if not then may need to find an alternate solution.
118759992011	no comment
118711203098	By way of a memorandum of understanding or annual agreement.

Q73. Do you think the current scope of the GIA is fit-for-purpose and working?

Respondent ID	Why or why not?
118762216283	From our perspective, the GIA has significantly enhanced collaboration between government and industry for biosecurity readiness and response, fostering cross-sectoral integration. The partnership model reflects a shared commitment to safeguarding the nation's productive sectors, economy, and broader environmental and cultural values. It contributes to New Zealand's reputation as a global leader in biosecurity, with multiple flow-on benefits, including, from a CRI perspective, investment in state-of-the-art biosecurity research, talent, and collaborative attractiveness. The GIA Deed primarily focuses on biosecurity readiness and response, emphasising the prevention and control of high-priority pests and diseases that could impact industries and the economy. However, it does not fully encompass pathway management, long-term pest spread management, or comprehensive sectoral biosecurity, limiting its holistic integration across the biosecurity continuum. The most significant benefits in biosecurity are arguably achieved through prevention, making enhanced pathway management a potential area for expanding the scope of the GIA. Additionally, post-border biosecurity areas that support the management of established pests, such as on-farm or other forms of placed-based biosecurity practices, could greatly benefit from strengthened collaboration between government and industry. These would deliver effective outcomes for all end-users and beyond, including research activities. Stronger collaboration with regional councils, other government bodies, and iwi is also necessary to ensure comprehensive coverage across the biosecurity system.

118763001591	<p>COMMENT ON 72: The actions of the GIA today will affect not only current but also future NZ industries, such as peanuts and bananas. The MPI needs to regularly review and develop the GIA to effectively involve or represent all relevant stakeholders or partners.</p> <p>The role of the MPI is critical to ensure consistent standards, and to provide support in negotiation and cost-sharing among GIA partners to promote a unified biosecurity approach. Research from Australia has identified weak connections between local industries and the broader innovation system. This has led to a recommendation for policy intervention to support intermediation enabling area-wide management .</p> <p>NZ would benefit from levers in the GIA to bring together industries to collaboratively improve coordination, pool resources and capitalise on synergies. Many pathogens, pests or weeds are threats to multiple sectors and would be more effectively and efficiently managed through a single multi-party arrangement. However, under the existing GIA arrangements, signatories (> 95% of NZ ag industries) tend to do pest risk analysis independently of each other using a pick-n-mix of methods. This results in risk mitigation work that is of variable quality and effectiveness, resulting in a fragmented and disjointed state of preparedness.</p> <p>COMMENT ON 73: The current scope of the GIA is generally effective, providing a structured framework for industry-government collaboration in biosecurity response. However, expanding its scope to include preparedness activities and funding for preventative research would strengthen the GIA's capacity to proactively address biosecurity threats.</p> <p>The opportunities for scientists and CRIs to contribute to GIA discussions are currently limited. However, we have the capability to make important contributions to GIA discussions and are also major investors in biosecurity research that both informs and responds to GIA activities. We believe the effectiveness of the GIA could be improved by routinely engaging science advisory groups with relevant expertise. This engagement should span the breadth of the biosecurity spectrum from analysing risks from offshore pathogens, pests or weeds to managing widely established pathogens, pests or weeds. For example, when transitioning from "failure to eradicate" to "long-term management" scientists can provide critical science input into regional council plans to ensure their effectiveness. Further, incorporating science commentary/technical expertise in all GIA meetings would guide evidence-based decision making and improve biosecurity outcomes. We have many NZ-based biosecurity/pathogen, pest and weed management experts (with national and international talent) who can meaningfully contribute.</p>
118759992011	<p>GIA covers only industry groups that sign up. There are many industries not covered by GIA.</p>

Q74. What role do you see industry organisations playing in New Zealand's biosecurity system?

Respondent ID	Responses
118762216283	<p>Industry organisations play a crucial role in New Zealand's biosecurity system by contributing resources for research, pest management, and crisis response, ensuring a coordinated approach to safeguard not only their sectors but also the wider economy, environment, and biodiversity. They act as frontline defenders, identifying and reporting emerging risks, promoting best practices, and advocating for policies in partnership with MPI and research institutions. Over the last 20 years, Scion has built strong relationships with industry partners, including the forestry sector (FGR/FOA) and other sectors like KVH, API, WineGrowers NZ, NZAvocado, Zespri, and DairyNZ. Collaborative research efforts, particularly through the Better Border Biosecurity (B3) programme, have proven beneficial in identifying cross-sector research priorities and improving pest risk assessments and surveillance—an area that remained long disconnected between sectors.</p>
118762389822	<p>Our industry organisations are an important and integral part of our biosecurity system. TMBC supports biosecurity initiatives that many of our industries have implemented and championed to enhance and improve biosecurity in Aotearoa New Zealand. We are particularly appreciative of the industries in Tauranga that are part of TMBC and acknowledge the role of their inclusion in developing relationships and working with the wider community to support biosecurity at a regional level.</p>
118763001591	<p>Industry organizations play a critical role in supporting biosecurity efforts through funding, knowledge sharing, and engagement in biosecurity planning and response. They are essential for disseminating biosecurity information to members, facilitating compliance, and partnering with government agencies to co-manage risks.</p> <p>We believe industry organisations would benefit from more independent science advice to build understanding and inform effective biosecurity responses. More work is needed to bolster biosecurity surveillance in NZ. The number and diversity of currently surveilled risks is small , and all industries could benefit (and could contribute) to improving that.</p> <p>We see an opportunity for greater collaborative investment by industry organisations in research to address shared biosecurity priorities. Our experience is that small grower organisations in NZ are less engaged with biosecurity research than large ones but are relatively vulnerable to biosecurity incursions because they do not have the resources to conduct or implement risk mitigations. This is an issue because growing the small industries of today into the large ones of the future will be impeded by biosecurity incursions. We recommend that mechanisms for better supporting biosecurity needs of small organisations be investigated.</p>
118759992011	<p>A very important role but must be related to the organisation's mandated activities – e.g. in the case of border and pre-border this would largely be importers as a group.</p>
118752214177	<p>As a non GIA sector we have a disproportionate role to our size within the biosecurity system. Many of our vets at our wildlife hospitals will be/are the first line in a biosecurity incursion. A prime example of this is HPAI detection in wildlife. We also have roles within TFGeN and live animal import and export. We are also uniquely placed in being able to assist in sharing biosecurity messages with our visitors and communities</p>

Q75. Which options do you think would be most useful to grow and develop the GIA?

Respondent ID	Space for comment:
118762216283	The option we see as most beneficial is to grow and develop the GIA (Option 2). Extending the Deed to cover other areas of biosecurity within New Zealand offers significant potential to create a more holistic and integrated biosecurity system. However, careful consideration is needed to assess the scope of incursion response and management processes, ensuring these align with cost recovery and decision-making mechanisms. Previous responses have shown that the nature of risks, response capabilities, and sector impacts can influence decisions and result in large variances in incurred costs. Future Deed extensions or agreements must strike a balance between a desire for a more holistic and integrated biosecurity system, with adaptability, and the need for tailored responses to specific biosecurity threats. While long-term management strategies under the GIA could help address some biosecurity issues, the uncertainty around the extent of impacts and the extended timelines usually involved may further challenge the GIA's ability to improve decision-making processes and ensure the most effective response. Thus, any expansion of the GIA should carefully consider the complex dynamics of biosecurity incursions and the resources needed to respond appropriately.
118763001591	Access to biosecurity research capability to support capacity-building within industry organisations could be reframed as a core benefit of participation in the GIA . Shifting mindset from reactive to deliberate and proactive will protect businesses and biodiversity in the long run.
118759992011	Possibly a multi deed approach but in the case of importers, a different basis of funding and responsibility would be required.

Q76. Do you anticipate any problems with establishing industry organisations?

Respondent ID	Please explain:
118762216283	We don't favour the idea of establishing new industry organisations responsible for elements of New Zealand's biosecurity, at least not in the near future. Unlike Australia, and despite New Zealand's more centralised institutions, we already have multiple actors involved in biosecurity and frequently face confusion over the roles and responsibilities of various entities. This is evident both within MPI and in interactions between MPI and other organisations involved in biosecurity research and operational activities, including multiple CRIs and private companies. In our view, the primary obstacle to improving readiness and response is not a lack of institutional frameworks, but rather the unclear or overlapping mandates among existing bodies. This leads to inefficiencies and fragmented efforts, and potentially the exclusion of key expertise (notably CRI and University scientists) in an otherwise well-intentioned effort to facilitate decision-making and biosecurity interventions. Furthermore, establishing new industry organisations would be further complicated by issues such as aligning diverse stakeholder interests, securing adequate resources, and designing effective governance structures. While cooperation is essential, navigating these complexities requires careful coordination and clarity to avoid duplication and ensure that all stakeholders are effectively engaged in the biosecurity system.
118763001591	We strongly recommend that proposal 37 is reconsidered in light of the existing landscape and a revised approach is developed to build on existing strengths. As stated earlier, B3 is a long-standing example of research-industry-government collaboration which integrates investment and biosecurity expertise across its partners. Using the experience, knowledge and relationships of the B3 collaboration as a starting platform for building primary sector skill and resilience will maximise benefits with minimum effort. It will also offer a much-reduced timeframe vs (unnecessarily) starting from scratch. A starting point could be to evaluate B3 versus the cross-industry functions identified in your proposal 37 and develop capability to fill any gaps.
118759992011	Yes. They may be seen as duplicating work already being done by industry bodies and other organisations; and larger industries could dominate the priorities of the organisation.
118752214177	Not from within our sector, but we are generally not for profits and as such have different priorities to other industries

Q79. Do you agree that the Minister for Biosecurity should be the decision maker for an emergency response under the Biosecurity Act?

Respondent ID	Disagree - who do you think would be the best decision maker?
118763001591	A timely response for an incursion should be favoured. Based on the information provided, we support the proposed change in decision maker from the Governor-General to the Minister for Biosecurity.
118759992011	The Minister should be the ultimate decision maker, and it is incumbent on MPI to fully brief the Minister in a timely way. A well-defined plan, including advice to the Minister, should already be in place for significant threats such as a Foot and Mouth so that a biosecurity emergency can be activated at short notice i.e. within 12 hours.

Q80. How might a general biosecurity duty improve biosecurity system outcomes?

Respondent ID	Responses
118763046396	<p>It could significantly improve biosecurity system outcomes by encouraging shared responsibility: It ensures that all individuals, businesses, and organisations actively identify and manage biosecurity risks under their control, fosters a culture of shared responsibility and vigilance</p> <p>Preventing and Minimising Risks: Requires people to take reasonable and practical steps to prevent, eliminate, or minimise biosecurity risks.</p> <p>Improves Coordination: A general duty aligns actions across industries, government, and the public, improves coordination and reduces gaps in biosecurity measures.</p> <p>Enhancing Awareness and Compliance: It raises awareness about biosecurity risks and obligations, encourages proactive behaviour to protect the environment, economy, and public health.</p> <p>Reduces Costs: Proactive management of risks under a general duty can lower long-term costs associated with pest eradication, containment, or productivity losses</p>
118763001591	A general biosecurity duty would instil a sense of responsibility across stakeholders, encouraging proactive behaviour. By establishing a duty of care, individuals and organizations would be more inclined to adopt practices that mitigate biosecurity risks, thereby strengthening the system's resilience.
118695908150	If a duty were included it would allow greater clarity of the expectations of individuals and/or companies who are dealing with risk goods or engaged in activities that may pose biosecurity risks. It would also help promote the message that everyone has a role in biosecurity and supports the objectives in Question 7.
118759992011	<p>Untenable, especially for importers who are already fully cost recovered and pay their fair share of investing in New Zealand's future prosperity.</p> <p>Apart from rogue industry operators, the biggest risk outside of deliberate smuggling is from freight, tourists and ecommerce where a general biosecurity duty is unlikely to have any effect and will be difficult to enforce.</p>
118752214177	It would encourage all users of the Biosecurity System to have good practices
118734103271	Clearly stating the duty of care in the Act may be useful as a tool for organizations running training programs and briefing staff. It wouldn't hurt to have it in the Act and I support its inclusion.

Q82. How might we incentivise businesses to improve management of biosecurity risk?

Respondent ID	Responses
118763046396	<p>There's a need for balance between positive encouragement and disincentives such as penalties. Checks and verifications can be one of the elements that provide both incentive and enforcement. Longer or lighter touch if meet all their requirements, or shorter timeframes between checks if not complying and leading to penalties. The companies doing it well understand the need for this and for checks to be in place. They enjoy a positive spotlight and could be on a published list..</p> <p>Some businesses not complying do not understand how to go about this - again where a third party can support their improvement and if this doesn't work then enforcement is required</p>
118763001591	<p>COMMENT ON 81: THESE OPTIONS ARE NOT MUTUALLY EXCLUSIVE. A systems approach is important to ensure that the necessary knowledge, skills and infrastructure are in place to achieve the desired uplift in biosecurity practices. We recommend that legislative and non-legislative approaches continue to be designed and implemented in a complementary way. Top-down legislation provides an important framework to mandate standards on a national scale but by itself falls short of providing system-wide mechanisms for people and organisations to effectively change. We recommend the MPI draws on the NZ science community to utilise social science insights to empower people and organisations to improve their biosecurity practices.</p> <p>RESPONSE TO 82: There are already incentives in place for good biosecurity practices through access to higher value export markets. As previously mentioned, there are internationally-recognised schemes that the MPI could seek to encourage business to adopt as added value to their exported goods. One example is offered by Global Good Agricultural Practices (Global G.A.P.) and is already widely used across 130 countries including New Zealand. They offer businesses certification for "safer and more sustainable" farming practices and a capacity building programme. Supporting the transition pathway is critical to maximising effective change on a national scale. Further, social science from the NZ science community could provide powerful insights for NZ businesses across the spectrum of biosecurity awareness and receptivity.</p> <p>Other incentives could include tax benefits, subsidies for implementing biosecurity measures, and recognition programs would encourage businesses to proactively manage biosecurity risks. Additionally, reduced compliance costs for businesses with strong biosecurity records could be considered.</p> <p>COMMENT on 83: Costs vary depending on business size and biosecurity risk level. Small businesses may find it challenging due to limited resources, while larger businesses may require complex plans to address diverse risks. In our experience, a high-quality biosecurity risk analysis for an industry (including recommendations on risk mitigations) can be out of the reach of NZ's smaller grower industries (e.g. onions, potatoes). If a smaller industry can find the funding, then the question becomes is it "better" to invest that money in biosecurity, or some other critically important issue (such as water quality, carbon emissions, or climate resilience).</p>
118695908150	Regardless of the approach, information and education plays a vital role for questions 81 and 82. We would recommend MPI reaches out to the science community to incorporate social science as a tool to better understand how to improve biosecurity practices will lead to better outcomes. Social science is a research area that could provide powerful insights to incentivization of different business types who are at different stages in their biosecurity awareness and receptivity.
118759992011	Please don't add another level of compliance. Primary producers cite ever increasing compliance as a major stress factor and deterrent to remaining in the primary industry. Making farmers have a Biosecurity Plan could be the last straw

118752214177	Reduce fees, frequency of audits and other compliance costs for those who have consistent track records of having good management practices for biosecurity risks
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Q84. Do you agree with our preferred approach to progress proposals 44-51?

Respondent ID	Why, or why not?
118762216283	Yes we agree. We foresee that more efficient systems for issuing permissions to undertake research on pests will assist researchers with being able to undertake timely research to assist with pest management and pest incursion responses. There have been far too many instances in the past when New Zealand's section 52 or 53 permissions to undertake urgent work have created unnecessary delays in obtaining live specimens into transitional facilities to begin the obtaining of highly relevant data. A more efficient system under the Biosecurity Act will be welcomed by industry and scientists alike.
118762389822	We can see this would improve biosecurity across the country both regionally and nationally.
118763001591	<p>DIFFERENT RESPONSE FOR DIFFERENT ELEMENTS: A key issue is that biosecurity readiness measures and response plans seldom consider the transition from response to long term pathogen, pest or weed management. Thus, once a new incursion is deemed ineradicable and/or not containable, then pest management in NZ usually begins from a standing start with minimal information. This was the case with the recent fall army worm incursion and with many, if not most, incursions that led to pest establishment before that. We recommend that for all high biosecurity risks, long term management planning happens concurrently with plans for readiness and response. It is important that this information is widely shared so that all stakeholders can have sight of and prepare for how they may contribute.</p> <p>Evidence-based decisions increase the likelihood of desired outcomes being achieved. To this point, we see an opportunity for science contributions and partnerships with regional councils and Māori in the planning and execution of pest/pathway management plans.</p> <p>The effectiveness of a response may in part be determined by biology and the specific means of arrival, but it is also largely determined by financial constraints and the determination of the response's managers. If an incursion response has fallen short of expectations (especially at the national level), decision-makers face a real dilemma. Judging the efficacy of regional pest/pathway management plans can be fraught with difficulties. The appropriate use of targeted research evidence can provide a robust basis for evaluating the response and informing what to do next.</p> <p>The decision to manage incursions, or pests, weeds or diseases with a limited distribution via a long-term management approach typically means the responsibility devolves to the regions. This may occur even though the threat is still restricted, and effective management accrues benefits nationally by preventing impacts in uninvaded areas. The cost sharing arrangements between rate payers, the Ministry and possibly industry via GIAs could be helped by enabling integrated national or regional pest/pathway management plans. The ability to collect levies under this scheme would also help in certain scenarios which would rely on government support to be successful.</p> <p>From our experience, we believe that enabling regional councils to create small-scale management plans is worthwhile. However, the threshold appears low given inflation. A figure closer to \$5 million would be more realistic.</p> <p>For Proposal 50, if the permissions process includes research permits to work on pathogens, pests or weeds in national and regional plans this could interact in unusual ways with unwanted organisms and confuse the process. There should be an ability to apply for permissions once to do research on organisms that may be in multiple regional plans. One solution is to give Crown Research Institutes special permission processes for working on species regulated under such plans.</p>
118757771364	<p>Proposal 44 – Simplify the process to create national or regional pest and pathway management plans. Agree, as the simplified pathway allows for a more rapid response.</p> <p>Proposal 47: We agree that small-scale management plans should be applied to any organism;</p> <ul style="list-style-type: none"> • Regional councils should have access to management powers under Part 6 of the Biosecurity Act to manage these organisms in small-scale management programmes; • Because many weed species that we wish to control have long lived seed banks, the proposal to increase small-scale management plan timeframes from three to five years is supported; <p>We support the increase for small-scale management plan funding caps from \$500,000 to \$1 million for the life of the plan.</p> <p>Proposal 51 – Enable regional councils to remove exemptions from a regional pest or pathway management plan rule before the end of the original timeframe:. We support this as it would enable regional councils to manage or address biosecurity risks caused by a breach of exemption conditions in a timely manner (e.g. escape of farmed goats on Banks Peninsula).</p>
118759992011	No comment

118753788249	<p>Support the recognition of the community group role. Government and councils alone can't control invasive weeds and other pests. Community education, engagement and support is essential. Government & council departments and agencies must develop better collaborative systems and databases that allow coordination of activities across the official, business and voluntary sectors. The EcoNet.NZ Charitable Trust has developed CAMS (Conservation Activity Management System) - its Weeds eToolkit won the MPI Biosecurity Award for Innovation in April 2024. It is based on the ArcGIS Premium Hub system combined with Dynamics CRM to deliver effective tools to encourage collaboration, consultation, ongoing management and follow up. The Premium Hub licence allows EcoNet to deliver a signed login for every volunteer in every landcare and community group in Aotearoa NZ for an affordable price across all regions. Control of invasive weeds cannot be managed without some form of database and control processes and communications. CAMS offers these tools in a way where information layers can be shared and aggregated with official and contractor layers without compromising privacy or commercially sensitive information.</p> <p>CAMS also is integrated with iNaturalist.NZ which means that weed species are synchronised from iNaturalist to CAMS to provide the mechanisms to improve coordination and collaboration.</p> <p>The use of iNaturalist as a front end is a vital tool in (a) identifying low incidence pest plants and sleeper weeds and (b) allowing AI and experts to validate amateur species ID.</p> <p>MPI should work with other agencies to proactively support the develop of a national system that delivers high value by identifying and funding a pathway to align Find-A-Pest and CAMS in the national interest.</p>
118752214177	<p>Allowing simplified methods for the creation and ongoing management of pest and pathway management plans will be a great improvement for Biosecurity. It will allow for rapid creation and any necessary changes to the management plans as things progress</p>
118734103271	<p>I agree with the changes in principle, however, if there is a proliferation in small regional management plans then there needs to be an effective way that people can easily find the information, such as providing summaries on the Ministries websites with links to each regional plan. This is a particular concern for research institutes and Universities who undertake activities in locations across the country and need to be aware of local management plans that are in place.</p> <p>There is a danger with allowing the local management agencies to provide exemptions whereby many exceptions are put in place undermining the original intent of the management plan. Requiring this decision to be made at a high level ensures that exceptions are limited and not sought lightly, and also will ensure that local management agencies take due diligence in considering where exceptions need to be made before putting a new management plan into effect.</p> <p>For the proposed shared management of national pest and pathway management plans, it may be appropriate to require that one organization is the lead with other parties parented under the lead organization.</p>

Q85. Are there additional areas in long-term management that could be streamlined, removed, or changed?

Respondent ID	Why or why not?
118762216283	Proposals 55-60 (under "Management of unwanted organisms and notifiable organisms") aim to support a well-functioning system for unwanted and notifiable organisms, including in assisting New Zealand's being able to declare freedom status from certain pests and diseases. It should be recognised that long-term management programmes can also support New Zealand's trade and market access in developing: (i) regional pest freedom status; and (ii) national or regional low-pest prevalence status (e.g. as part of a systems approach contributing to minimise risks when risk items are exported).
118759992011	No comment
118753788249	as above
118752214177	Not that we can think of. These measures will make these much easier to manage
118734103271	No comment

Q87. What will be the impacts of enabling pest and pathway management plans to be combined? What risks do you anticipate?

Respondent ID	Responses
118762216283	<p>These proposed changes may reduce the administrative burden currently on the office of the CTO, and therefore weeks or months of delay in starting research projects in long term pest management could potentially be avoided in the future.</p> <p>We anticipate some increase in efficiencies for research science, although the examples may not be widespread.</p>

118759992011	No comment
118752214177	We can't see any risks of combining them, but we do not work with them on a daily basis. However the impacts could be huge in streamlining their development and management.

Q88. Do you think the right checks and balances for decision-making are in place with respect to the changes we are proposing?

Respondent ID	Why or why not?
118762216283	Yes we believe Regional Councils will be able to manage the additional burdens on them to undertake local inspections/ follow up on pest management research being undertaken.
118759992011	No comment
118752214177	Yes there are good checks and balances in the proposals to ensure consistent decisions and management of the plans would be able to continue whilst developing as needed

Q89. Do you agree with our preferred approach to progress proposals 52, 53 and 54B?

Respondent ID	Why or why not?
118757771364	We agree that priority be accorded to managing native ecosystem weeds that are already present in New Zealand. The national coordination of plant species that pose a significant risk to New Zealand is clearly important.
118759992011	No comment
118752214177	Yes we agree with the preferred approach. It is laid out in a logical way that allows for progression from one to the next

Q90. Do you think nationally consistent baseline objectives, policies or rules for long-term management would be helpful?

Respondent ID	Why or why not?
118762389822	Consistent guidelines should lead to consistent approaches, which in turn should strengthen our biosecurity system.
118763001591	We agree there are examples where a national approach with regionally devolved responsibilities would be more efficient and effective in contributing to positive biosecurity outcomes. Research has a critical role in enabling regional councils to act on evidence, and a national approach with funding aligned at the national (and not regional) level may provide more equitable access to robust research insights. To help us to work more efficiently we have been working to achieve blanket, national-level approval to work with specified weeds. This is because we have experienced extra layers of bureaucracy when there is a need to obtain permissions by region. We believe that where national-level decision making is appropriate, a simplified decision-making process would not increase risks and would make a huge difference to us being able to work effectively across regions.
118757771364	Consistency across the country for long-term management of pests and diseases is not just helpful but essential. Inconsistency leads to confusion. e.g. It is quite clear that some plant species, while recognised as an organism of interest in some areas (e.g. spur valerian on the Port Hills for which the Summit Road Society receives funds to control), and a pest plant in others (e.g. Auckland), are not recognised as such by industry as seeds of this plant are readily available and can be sold around the country. Likewise, plants of Pinus mugo (a wilding pine sp.) can be shipped to Canterbury from a grower elsewhere in the country.
118759992011	No comment
118752214177	Consistency is always a good starting point. Individual management processes can develop from there as needed in each specific case

Q91. What is the best way to achieve national consistency of baseline objectives, policies or rules for long-term management?

Respondent ID	Responses
118757771364	Improve clarity and consistency across the country of significant plant pests - what is a pest in one place may, with climate change, become a pest elsewhere.
118759992011	No comment
118753788249	The proposals to allow collaboration between all sectors would help along with a shared data repository and data standards
118752214177	Set them out in regulations, as these could be more easily amended over time as new knowledge comes to light

Q92. Do you agree with our preferred approach to progress proposals 55-60?

Respondent ID	Why or why not?
118762216283	Yes we agree. This will be such a relief to improve the efficiency and make the status of organisms clearer. It should assist research to undertake more timely investigations when notifiable or new organisms are found.

118763001591	<p>DIFF RESPONSE FOR DIFF ELEMENTS: We are particularly interested in improving our ability to effectively and efficiently undertake research to improve preparation, response and management outcomes. Even after a pathogen, pest or weed has become established in NZ, it is difficult to undertake research with until it comes off the unwanted organism register. Proposals 56 and 57 would likely offer progress however they would do not go as far as giving Crown Research Institutes special permission processes. Further, these proposals involve changes that go beyond what we are requesting (i.e. applications for purposes other than research).</p> <p>We typically experience lead times ranging from several months to years to reach the point where our researchers are able to import and work with unwanted organisms. We welcome improvements to streamline and speed up this process without undermining the robustness of decisions made. The ability for our research to contribute to successful outcomes is improved with timeliness. There is often a time-sensitive element to this work which may be due to research funding expiring or related to the research itself. This may include research with live unwanted organism specimens to collect evidence in the NZ context to inform an effective surveillance and management plan, or the importation of various components of these organisms (e.g. naked nucleic acid, purified proteins) to our laboratories to develop diagnostic tests.</p> <p>We maintain physical containment level 3 (PC3) facilities that have been designed specifically for this purpose. Currently, these PC3 facilities are used for testing bovine tuberculosis (bTB) in cattle for disease management and in various other animals such as pigs, possums and so on to understand the epidemiology of bTB in NZ. During the Mycoplasma bovis outbreak, AgR conducted diagnostic testing in these facilities.</p> <p>For proposal 58, we agree that it is important for CTOs to have the ability to remove unwanted organisms from the register. It is important that this process aligns with national and regional pest/pathway management plans.</p>
118761264360	<p>Proposal 55 – This cannot be assessed without the proposed definition of communicate. Please consult on a definition.</p> <p>Proposal 56 – This seems reasonable.</p> <p>Proposal 57 – The exemptions in section 53(2) are wider. Although we agree the two sections should be aligned, we would like to see greater justification for narrowing them, or a specific proposed change.</p> <p>Proposal 58 – Our view is that removing an unwanted organism status should be approached very cautiously. This would especially apply if there have been ongoing extensive efforts made to keep an organism at bay. What would trigger the CTO to change an organism's status - a specific and fully justified request? Public consultation?</p> <p>Proposal 59 - We are opposed to this proposal. Our view is that specific organisms should be assessed if someone requests them to be removed from the unwanted organism list rather than a provision of the unwanted status expiring automatically. This would decrease the risk that an organism is unwittingly de-classified from being unwanted and then starts to spread in an uncontrolled manner. We do not see the length of the list as a relevant biosecurity issue.</p>
118759992011	No comment
118752214177	Yes, being able to manage the unwanted organism register is essential not that it has become so large and unwieldy
118734103271	I agree with the proposal. Improving the processes around unwanted organisms, providing exemptions for research, and allowing for more rapid response to emerging biosecurity threats are all highly desirable.

Q93. 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?

Respondent ID	Why?
118762216283	We never liked the term “communicate” as it was applied and understood in a variety of ways. We much prefer that if it is retained it has a much narrower meaning, such as focussed on disease or pest transmission. This will remove much potential for mis-understandings.
118762389822	Transmitting is the term used above to describe movement of a disease or pest from one organism to another, this seems fitting for its use. Communicate already has a broader meaning, although if used in a broader term, then clarifying the definition would be helpful.
118763001591	A narrower meaning focused on transmitting pests or diseases is preferable, because it aligns more closely with biosecurity objectives. This interpretation would prevent overly broad application, allowing resources to focus on genuine biosecurity risks.
118761264360	We understand the importance of definition here and agree this needs to be clearly defined, with differing meanings for different types of organisms e.g. a snake, or an animal virus (e.g. rabbit calicivirus).
118757771364	'Communicate' seems a strange word - do you mean 'spread' or 'distribute'??
118759992011	No comment
118752214177	The term needs to be clearly defined or replaced with another clearly defined word. As long as this is done if it is broad, or narrow, it will be able to be understood consistently
118734103271	I favour a broad interpretation, which allows for the possibility of prosecuting people for communicating organisms around the country through negligence or failure to follow procedures (e.g. failure to clean a boat when moving between waterways where invasive species are present).

Q94. 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?

Respondent ID	Responses
118762216283	We foresee that this change will increase efficiency in the office of the CTO. Any improvements in efficiency, including permissions to handle unwanted organisms for biosecurity research and management purposes, are welcomed by industry and research scientists.
118763001591	We hope that we will be able to more quickly and easily undertake critically important research under strict containment conditions to inform pathogen, pest and weed preparation, response and management. We do however remain cautious that broader exemptions beyond research purposes will open the door to other less-regulated activities which may pose challenges to effective management and containment. Another consideration relates to inter-connections with other legislation and regulations. We expect that where EPA approval is required for a new organism this will continue, as will the need to obtain time-limited import and/or release permits approved by MPI, and for our containment facilities to be verified. These other stages in the process will continue to offer multiple points for government agencies to effectively track and control activities.
118761264360	Should improve the process.
118757771364	Improvement in clarity and speed of response .
118759992011	No comment
118752214177	It should make the management of unwanted organisms simpler
118734103271	This is likely to have minimal impact on the activities of my organisation.

Q95. What impacts do you anticipate as a consequence of the proposed process for removing unwanted organism status?

Respondent ID	Responses
118762216283	The biggest impact we foresee in this proposed process change is that the industry sectors/ industry bodies will need to have a role in checking the new lists. This will add a burden onto them that they potentially were not expecting. But with plenty of warning and with getting the right advice they should be able to provide input into checking the new lists when they are released for consideration. We foresee the transitional provision with a one-off five-year transitional period to remove unwanted organisms is an appropriate mechanism, and this will be sufficient time to undergo the necessary due diligence. It will require a lot of personnel resources over that period however!
118763001591	Streamlining the removal process would improve administrative efficiency, reducing resource allocation to organisms that no longer pose significant risks. However, ensuring transparency and scientific justification in removal decisions is essential to maintain the trust of the public and other stakeholders and partners.
118695908150	Makes the current list of unwanted organisms more meaningful as those remaining on the list are truly regarded as unwanted organisms It will improve the rate and diversity of research can be undertaken to manage the unwanted organisms as this will be able to be done without requiring a possible CTO approval. It will also support industry messaging around biosecurity practices and notifications as well as potentially provide greater resources under Part 6 of the Biosecurity Act (due to resources not being diluted by non-unwanted organisms).
118761264360	This could increase the risk that an organism is unwittingly de-classified unwanted and then starts to spread uncontrolled.
118757771364	Proposal 59 states 'Include a new transitional provision for all unwanted organisms to expire after five years. Under this option, all current unwanted organisms would cease to be unwanted organisms from five years after the Royal Assent of the amendment'. This seems crazy - some of these organisms will continue to pose significant issues. Unless there is the option that the 'Organism continues to be an unwanted organism with no time limit'. For many plant species, it took some years before they 'jumped the fence' and became invasive weeds. The unwanted organism register should have more plants added to it - not removed from it!
118759992011	No comment
118752214177	It should remove unwanted organisms that are actually not a threat to New Zealand. However it does run the risk of organisms slipping through that are a threat.
118734103271	I expect that there will be a net positive outcome of this change, with trimming the unwanted organism list to a more manageable number it is likely to increase public awareness of the organisms that do remain on the list, through public debate and a shorter list to search.

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Q97. Do you think the right checks and balances are in place in the process for removing and monitoring unwanted organism status?

Respondent ID	Are there ways this process could be improved?
118762216283	The process for removing and redefining the unwanted organisms list will need to incorporate in-depth consultation with affected industry sectors/ end users. Otherwise this is like removing a safeguard from them without letting them know where the risk exists. For instance, the criteria that can be used to clarify the removal of unwanted organism status seem to be primarily based on evidence of harm caused by the organism. While it is a good idea to time-limit the unwanted status, it must be recognised that evidence of harm may not be available even after 5 years after the first record of an invasive organism. This is especially true for slow-spreading species or species that could act as vectors of pathogens yet to be introduced (e.g. insects vectors of plant, animal or human diseases). Conversely, for fast spreading species, additional criteria - such as recognition of occupied range and available management solutions - should be made available to guide early removal decisions of unwanted status.
118763001591	<p>COMMENT FOR 96: We support a one-off transitional period to remove unwanted organisms however it is important to consider what the register is intended for. There are tensions between international reporting needs (i.e., that the presence of an unwanted organism has not been reported, and there is legislation requiring this to occur), versus as a nation how we effectively identify and seek to eradicate or manage other non-native invasive species. We recommend that this tension is addressed to ensure that the international needs do not undermine our ability to meet NZ's needs.</p> <p>COMMENT FOR 97: It would be useful for our researchers to have an up-to-date understanding of any particular unwanted organisms relevant to their research. This will become even more important if organisms are removed from the register at an accelerated rate (via a transitional process or otherwise). A scalable solution could be for the MPI to introduce an "alert me" function to the register, where someone can request they are emailed when there is any activity related to a particular unwanted organism. For example, is an application being considered to remove an organism, any change in status of that application, and most importantly if/when it is removed from the register. This could be complemented by quarterly newsletter updates to keep the wider populated of interested users up to date.</p> <p>Given the frequently protracted timelines for any applications, our researchers can save a lot of time if they are able to directly access a well-informed person at the MPI prior to starting to compile an application. Notwithstanding this requirement (for S.52 & S.53 exemption) being removed, as you will be aware the application process is very time consuming and a short conversation with someone well-informed would improve our efficiency and effectiveness. This is another area where crown research institutes may be supported to work more closely with the MPI, to support shared public good goals.</p> <p>For example, fusium oxysporum was previously classed as an unwanted organism (despite already being widely present in the environment for decades). One of our scientists spent significant time over a 12-month period collecting evidence to apply for a S.52/S.53 exemption to work with this unwanted organism. Without an easy way to get in touch, he did this proactively and without ability to readily check with the MPI (or the EPA) that its status may be changing in the near future. However, when he went to submit his application he realised that it had been removed from the register.</p>
118695908150	<p>The process for removing and redefining the unwanted organisms list will need to incorporate consultation with affected end users. Otherwise this is like removing a safeguard from them without letting them know where the risk exists.</p> <p>The Official New Zealand Pest Register register will require frequent updating to ensure the information on it is current. Alerts within the system to allow endusers to receive up-to-date changes of any particular unwanted organisms relevant to their research is recommended, especially so if organisms are removed from the register at an accelerated rate (via a transitional process or otherwise).</p>
118761264360	We see the current system as better than automatic removal of organisms from an unwanted list. It is inevitable that the list will increase over time. Perhaps provision of categories of unwanted organisms could be a way to address risk in a more proportionate manner (along with periodic review every 5 years).
118757771364	Weeds are an enormous and costly problem in New Zealand - in farmed areas but also in native bush and regenerating bush areas. Biosecurity and biodiversity go hand in hand. If an organism has its status reduced from unwanted, monitoring must continue.
118759992011	No comment
118752214177	A review should occur during the 5 year transitional period to determine if any are definitely of risk or not to New Zealand. This could then ensure reduced risk of the incorrect organisms being removed from the register

Q98. Is the current definition of an unwanted organism fit-for-purpose?

Respondent ID	What improvements can be made to ensure that designating an organism as unwanted is proportionate to the potential harm it may cause?
118762216283	Yes the current definition is fine in our opinion. It would be an exhaustive process to assign potential harm to each organism. Research scientists in B3 have been working on how this can be achieved, through research and modelling, and it is fraught with difficulties.
118761264360	Again different categories of unwanted organisms may be appropriate as a way to achieve management proportionate to risk. For example, a category for unwanted organisms that are present in New Zealand or not, or have some kind of commercial value despite their risk.
118759992011	No comment

118752214177	The definition is acceptable. However there should be local knowledge incorporated into decision making on Unwanted Organisms. This would allow for unpublished and generational knowledge to be taken into account as well.
118734103271	If the Ministry is looking for a further way to distinguish between organisms based on potential harm to the environment or community, then it could be possible to categorize the organisms into risk group tiers in a similar way to how microorganisms are currently divided for use in physical containment laboratories.

Q99. Do you have a view on changing the name “unwanted organism” to “controlled organism”?

Respondent ID	If so, let us know why.
118762216283	Don't change the definition. This will only cause much more confusion. We have been using this term for three decades, the change is completely unnecessary and unwelcome
118763001591	We support the change to “controlled organism”. This new term is more intuitive.
118695908150	A change in name of unwanted organisms to controlled organisms would have beneficial impacts for researcher organisations as it make it clear which organisms were being controlled and any expectations for how research is to be conducted (e.g in containment or otherwise).
118761264360	We think the name 'controlled organism' would not convey the same meaning as 'unwanted organism', as farm animals are 'controlled' but do not fall under the the current definition of 'unwanted'.
118757771364	It is very clear that an 'unwanted organism' is not wanted in New Zealand. This relates to whether it has or has not yet arrived in New Zealand. A 'controlled organism' seems to imply it is already in New Zealand and is being controlled. Please do NOT change this terminology.
118759992011	No comment
118752214177	Would Unwanted be used for organism not in NZ, and then Controlled for ones that are in New Zealand?
118734103271	Controlled organism could be easily confused with the organisms controlled under the Hazardous Substances and New Organisms Act 1996 (New Organisms and Genetically Modified Organisms). I see no need to change the definition in the Act.

Q100. Are there any other term/s in the Biosecurity Act that are problematic?

Respondent ID	If so, tell us the term/s, what the issue is, and how a change might solve the issue.
118763001591	The Biosecurity Act should clarify distinctions between pathogen, pest and weed management versus biosecurity. This would make it easier for people to understand and to offer closer alignment to international definitions. Pathogen, pest and weed management refers to the control of invasive species that deliriously affect land use and conservation. It refers to dealing with a wide range of native and non-native vertebrate and invertebrate species, spanning possums to grass grubs, through to a slew of invasive exotic species including diseases. The Biosecurity Act often wrongly refers to pathogen, pest and weed management as biosecurity. This leads to confusion in other places which follow the lead provided by the legislation. We are interested to understand why unwanted organisms have been categorized under 'long-term management' when many of these organisms are not (yet) in NZ. Unwanted organisms are a consideration at all stages of biosecurity. Further, from a research perspective we would argue that how the Act sets parameters for their safe access at an earlier stage makes more of a difference to the overall severity of an unwanted organism's negative economic impact on NZ. The MPI's classification is important because it sets wider expectations across NZ, and we are concerned that it supports an overly passive approach.
118695908150	Yes, the term 'regulated' in reference to organisms is confusing as it appears in the Official New Zealand Pest Register. Regulated is not defined in the Biosecurity Act 1993, or the Hazardous Substances and New Organisms Act 1996 and the definition, is based on the decision of a Chief Technical Officer. The Biosecurity Act should clarify distinctions between pathogen, pest and weed management versus biosecurity. This would make it easier for people to understand and to offer closer alignment to international definitions. Clarification is sought to understand why unwanted organisms have been categorized under 'long-term management' when many of these organisms are not (yet) in NZ. Unwanted organisms are a consideration at all stages of biosecurity. MPI's classification is important because it sets wider expectations across NZ.
118759992011	No comment
118752214177	None that we are able to think of

Q101. Do you agree with our preferred approach to progress proposals 62A, B and D?

Respondent ID	Why, or why not?
118762389822	This will strengthen our biosecurity system
118763001591	Yes, the example provided highlights the gap in our Biosecurity Act. Cuttings from plants that are unauthorised goods could easily contain unwanted organisms, inherited from their parent plant, that could put our native environments or primary production at risk. We fully support this change.
118695908150	The example provided highlights the gap in our Biosecurity Act. Cuttings from plants that are unauthorised goods could easily contain unwanted organisms, inherited from their parent plant, that could put our native environments or primary production at risk. We fully support this change.
118759992011	No comment
118734103271	I think it would be more useful to indicate that a viable organism grown or propagated from imported seeds or risk goods (not otherwise imported under a permit or IHS) as being a New Organism for the purposes of the HSNO Act to allow for prosecution under that separate piece of legislation

Q102. Would a definition for "New Zealand-born progeny" be useful for you?

Respondent ID	Why or why not?
118762389822	Clarification on definitions is beneficial for greater understanding of the Biosecurity Act by all.
118763001591	A definition for "New Zealand-born progeny" would be helpful because we can see that some individuals may not consider propagation of plant material, especially cuttings, as being "born".
118695908150	A definition for "New Zealand-born progeny" would be helpful as we can see that some individuals may not consider propagation of plant material, especially cuttings, as being "born".
118759992011	No comment
118734103271	No, as all live organisms that we currently import are already subject to the HSNO controls.

Q103. 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?

Respondent ID	How should "New Zealand-born progeny" be defined?
118763001591	No, there should not be a 'cut-off' in terms of the number of generations of progeny. "New Zealand-born progeny" refers to offspring, descendants or clones that were born, germinated or propagated in NZ from parents or a parent that were present in NZ.
118695908150	"New Zealand-born progeny" refers to offspring, descendants or clones that were born, germinated or propagated in New Zealand from parents or a parent that were present in New Zealand.
118759992011	No comment

Q104. Do you currently deal with progeny goods? What impact would classifying progeny goods as either risk goods or unauthorised goods have on you?

Respondent ID	What impact would classifying progeny goods as either risk goods or unauthorised goods have on you?
118695908150	This change would have no impact on our business, we support this change.
118759992011	No comment
118734103271	We currently import live animals and microorganisms. The proposal will need to be carefully considered to avoid accidentally creating more legislative burdens for organisations that already import live animals, semen and ova into Containment Facilities or through Quarantine in a Transitional Facility.

Q105. Do you think it is appropriate for biosecurity outcomes to take priority over sports fishing benefits?

Respondent ID	When should one outweigh the other, and what might cause the priority to change?
118762389822	This is complex and depends on the biosecurity outcome and the sports benefit.
118759992011	No comment

Q106. 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?

Respondent ID	Responses
118759992011	No comment

Q107. Do you agree with our preferred approach to progress proposals 68 and 69?

Respondent ID	Why or why not?
118757771364	The Biosecurity Act should cover pests • notifiable organisms• unwanted organisms and • other organisms that may cause infections, diseases, or unwanted harm. This would provide a clear legislative mandate to undertake necessary surveillance activities, including for those organisms that are already present in the country but are not classified as unwanted. As an example, cats carry toxoplasmosis, and fecal contamination from run-off is thought to be affecting dolphins. Cats also destroy native wild life. Cats need to be considered within the Biosecurity Act so that indoor housing of domesticated cats and control of feral cats can be implemented.
118759992011	No comment
118752214177	Yes we agree with the preferred approach. It would follow the same practices as covered previously in this review

Q108. What other changes could be made to ensure that the surveillance system is robust and delivers information quickly?

Respondent ID	Responses
118759992011	No comment
118752214177	Do other Treaty Partners need to be referenced as well as Ngāi Tahu? This would allow for greater generational knowledge be included in the surveillance system thus making it more robust.

Q109. What safeguards are required to ensure that surveillance activities do not adversely affect considerations such as marine mammal protection?

Respondent ID	Responses
118762389822	Local hapu/iwi needed to be part of this decision-making process and their safeguards need to be part of this process.
118759992011	No comment
118752214177	These should be undertaken in conjunction with DOC and iwi to ensure affects are considered at the outset of planning

Q110. What alternatives are there to the proposals above that could deliver the same, or better outcomes?

Respondent ID	Responses
118759992011	No comment
118752214177	Include a greater variety of iwi and local knowledge where relevant

Q111. How do we best get a balance between the needs of the biosecurity and biodiversity systems?

Respondent ID	Responses
118762389822	This is complex and requires appropriate consultation and discussion. TMBC's structure includes a Māori Caucus, we would recommend working through aspects such as this with TMBC's Māori Caucus, as well as other Māori individuals and groups across Aotearoa whose kaupapa sits in the biosecurity/biodiversity space.
118759992011	No comment
118752214177	Biosecurity will protect the biodiversity systems and so those system have to be considered in Biosecurity.

Q112. Do you agree with our preferred approach to progress proposals 70 and 71?

Respondent ID	Why or why not?
118757771364	The Summit Road Society undertakes active management of pigs (eradicated) and deer (numbers were fewer than five) in the deer-fenced 150 ha Omahu reserve on the Port Hills. However, incursions occur from a neighboring private property where deer run wild. We fully support the clarification that regional councils can enter private land to control wild animals, and including feral cats.
118759992011	No comment
118752214177	These make complete sense to include in this review