



National Policy Direction for Pest Management 2015: Analysis of Submissions

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Executive Summary

The Ministry for Primary Industries (MPI) has developed the *National Policy Direction for Pest Management 2015* (the NPD). MPI publically consulted on the proposed NPD during May and June 2013 and received forty-three submissions. The majority of submissions generally agreed with the content that was set out in the discussion document *Proposed National Policy Direction for Pest Management Plans and Programmes* [ISBN No: 978-0-478-40592-7].

This document provides a summary of the submissions received on the proposed NPD. The introduction provides background on the reforms to pest management under the Biosecurity Act 1993 (the Biosecurity Act), the public consultation undertaken, and the next steps for implementing the NPD. The analysis of submissions provides an analysis of the submissions received and MPI's response to submitters' comments.

Eleven submitters requested that non-statutory guidance material be developed to assist regional councils and national pest management agencies in implementing the NPD. MPI has established an advisory group with representatives from regional councils, the Department of Conservation, and Land Information New Zealand to advise and develop the non-statutory guidance material that will accompany the NPD.

Thirty-two submitters commented on the NPD's directions for analysing the benefits and costs for a proposed pest management plan and commented that the NPD should provide an adequate level of prescription and that all costs, benefits, and impacts should be considered as part of the analysis. The non-statutory guidance material states that non-monetary costs, impacts, and benefits including animal welfare, environmental, cultural, human health, and recreational, social, and Māori values need to be considered as part of the analysis.

Ten submitters commented on the NPD's directions on setting objectives for a pest or pathway management plan or small-scale management programme, specifically the timeframes for intermediate outcomes. The NPD has been amended so timeframes for an intermediate outcome is expected to be achieved will not need to be specified.

One submitter requested flexibility in stating a geographic area where the intermediate outcome is "protecting values in places." The NPD has been amended so that the intermediate geographic area does not need to be specified if it is not practicable, and instead a description of the place to which the outcome applies or criteria for defining the place to which the outcome applies, can be specified.

Seven submitters commented on the application and implementation of good neighbour rules in regional pest management plans. The Crown is subject to any costs and obligations in national pest management plans and programmes, but only good neighbour rules in regional pest management plans can bind the Crown. Parliament has considered the reforms to pest management and agreed that the Crown would be bound only to good neighbour rules.

Contents	Page
Executive Summary	ii
Introduction	1
Background	1
Public consultation	4
Next steps	4
Analysis of Submissions	5
Provision of non-statutory guidance material	5
Directions on programme descriptions and setting objectives	6
Directions on analysing benefits and costs	8
Directions on proposed funding of costs for pest and pathway management plans	10
Directions on good neighbour rules	11
General comments	13
Appendix: List of Submitters	15

Introduction

BACKGROUND

Under the Biosecurity Act 1993 (the Biosecurity Act), the Ministry for Primary Industries (MPI) is the government agency responsible for the oversight and national coordination of New Zealand's pest management system. Although MPI leads nationally significant pest management programmes, other government agencies (such as the Department of Conservation and Land Information New Zealand), regional councils, industry organisations, and Māori have a critical role in pest management.

Reforms to Part 5 (Pest Management) of the Biosecurity Act

In 2012, significant amendments were made to Part 5 (Pest Management) of the Biosecurity Act, including providing for the development of a national policy direction for pest management which sets process and content requirements for developing regional and national pest and pathway management plans and small-scale management programmes. The amendments were based on *the National Pest Management Plan of Action 2010 - 2035* strategy (the Plan of Action) which involved MPI, regional councils, the Department of Conservation, the Department of Internal Affairs, industry organisations, and Māori. The purpose of the Plan of Action was to make it easier for all parties involved in pest management to act collectively in New Zealand's best interests. A recommendation from the Plan of Action was to provide a national policy direction to guide pest management activities carried out under the Biosecurity Act.

The purpose of a national policy direction for pest and pathway management plans and small-scale management programmes (as specified in the Biosecurity Act) is to ensure that:

- a. national and regional pest and pathway management plans and small-scale management programmes are aligned and consistent with one another in order to contribute to the eradication or effective management of pests; and
- b. pest management activities that occur under the Biosecurity Act provide for the best use of available resources.

Development of the proposed National Policy Direction for Pest Management 2015

MPI has developed the National Policy Direction for Pest Management 2015 (the NPD) with pest management stakeholders, including regional councils, the Department of Conservation, Land Information New Zealand, Federated Farmers, and Māori.

Those who will be directly affected by the NPD are those who prepare national or regional pest and pathway management plans and small-scale management programmes under the Biosecurity Act. Currently, this includes all regional councils who have regional pest management plans and national pest management agencies, including Kiwifruit Vine Health, the National Beekeepers' Association, and OSPRI New Zealand who have national pest management plans in place for specific diseases. There are indirect effects on those who are subject to plans, including private land occupiers.

A key provision in the NPD are the directions on setting of good neighbour rules. Good neighbour rules are rules that require land owners and occupiers to manage the spread of a

pest that would cause unreasonable costs to occupiers of adjacent land. Previously, the Crown has not been legally bound to comply with rules in regional pest management plans. The Crown will be legally bound to comply with good neighbour rules in regional pest management plans once the plans have been reviewed and align with the NPD. Good neighbour rules will affect government agencies that administer Crown land, including the Department of Conservation, Kiwirail, Land Information New Zealand, the Ministry of Education, MPI (Crown Forestry), the New Zealand Defence Force, and the New Zealand Transport Agency.

Table 1 on the following page provides a summary of the content of the proposed NPD that was publically consulted on.

Table 1: Proposed National Policy Direction for Pest Management 2015

Clause of the NPD	Requirements
Directions on setting objectives	<p>Sets out the requirements of what the objectives in a plan must contain. For each subject in a plan, the objectives of the plan must :</p> <ul style="list-style-type: none"> state the adverse effects the plan addresses in relation to clause 54(a) of the Biosecurity Act (being the pests effect on economic wellbeing, the environment, human health, enjoyment of the natural environment and the relationship between Māori, their culture and their traditions and their ancestral lands, waters, sites, wāhi tapu and taonga); state the intermediate outcomes the plan seeks to achieve, being one or more of the following: exclusion, eradication, progressive containment, sustained control and/or protecting values in places; for the intermediate outcome protecting values in places state the geographic area to which the outcome applies (if practicable), or a description of a place to which the outcome applies or the criteria for defining the place to which the outcome applies; and if the period within which the pest management intermediate outcome is expected to be achieved is more than 10 years, state what is intended to be achieved in the first 10 years of the plan.
Directions on programme description	<p>Defines the terminology for programme descriptions that must be used to describe a programme within a pest or pathway management plan. For each subject in a plan, the plan must contain one or more of the following programme descriptions:</p> <ul style="list-style-type: none"> exclusion programme; eradication programme; progressive containment programme; sustained control programme; protecting values in places; and/or pathway programme.
Directions on analysing benefits and costs	<p>Sets out the requirements for analysing the benefits and costs for each subject in a plan, including:</p> <ul style="list-style-type: none"> identifying the requirements for an analysis of benefits and costs, including documenting the assumptions the analysis is based on, identifying and quantifying the risks of a plan being successful, and comparison of options; and consideration of the significance of decisions, the urgency of situations, and the relative cost involved.
Directions on proposed allocation of costs	<p>Requires that methodologies and biosecurity funding principles be considered in order to ensure efficiency, equity and practicality when determining the allocation of costs for a proposed plan.</p>
Directions on good neighbour rules	<p>Provides directions on developing good neighbour rules for regional pest management plans. States that good neighbour rules can only be used where:</p> <ul style="list-style-type: none"> a pest is likely to spread and cause unreasonable costs to neighbouring land occupiers; the neighbouring land is clear of, or being managed in relation to, that pest; and the rule will not set a requirement on an occupier that is greater than that required to manage the spread of the pest.
Directions on timing of inconsistency determination	<p>Requires the Minister for Primary Industries or the regional council to determine whether a plan is inconsistent with the NPD within 18 months of the NPD coming into force.</p>

PUBLIC CONSULTATION

Public consultation on the proposed NPD occurred from 6 May through to 14 June 2013. A public discussion document, *Proposed National Policy Direction for Pest Management Plans and Programmes* and a media release notifying of the consultation were published on MPI's website. Key pest management stakeholders were notified of the consultation via email. In addition, MPI held two meetings with affected stakeholders to receive feedback on the proposed NPD.

In total, MPI received forty-three submissions from organisations and individuals on the proposed NPD (a list of submitters is provided at the Appendix). The majority of submitters generally supported the content of the proposed NPD.

The submissions received on the proposed NPD are analysed in this document by each clause of the NPD, then the submissions that did not directly correspond with the clauses of the NPD are contained in the general comments section.

NEXT STEPS

Developing non-statutory guidance material

Following public consultation, MPI established the NPD Guidance Advisory Group. The Group comprises representatives from the Department of Conservation, Land Information New Zealand, regional councils, and MPI. The purpose of the Group was to advise MPI on the development of the non-statutory guidance material that will assist national pest management agencies and regional councils and in complying with the NPD. The Group also provided recommendations on changes to the content of the NPD.

In order to finalise the NPD, the Minister for Primary Industries considered the submissions from the public consultation and the NPD Guidance Advisory Group's recommendations. It is anticipated that the NPD and the first version of non-statutory guidance material will be issued and released in 2015. Subsequent editions of non-statutory guidance material for the NPD will be released as refinements and additions to the guidance are made.

Implementation

MPI is responsible for developing an implementation plan and assisting regional councils and national pest management agencies in implementing the NPD. The implementation will include MPI providing appropriate support to regional councils and national pest management agencies to enable them to review and revise their existing pest management plans so that they are consistent with the NPD.¹ MPI will publish the NPD and supporting information on MPI's website. Additionally, MPI may hold workshops with regional councils and national pest management agencies and identify any changes to existing pest management plans that are required in order to comply with the NPD.

¹ Clauses 100V and 100W of the Biosecurity Act relate to small-scale management programmes. Under the Act there is no requirement to review existing small-scale management programmes to ensure they comply with the NPD, only new small-scale management programmes will need to comply.

Analysis of Submissions

The analysis of the submissions on the proposed NPD has been structured into the corresponding sections as follows:

- Provisions of non-statutory guidance material
- Directions on programme descriptions and setting objectives
- Directions on analysing benefits and costs
- Directions on proposed allocation of costs
- Directions of good neighbour rules
- General comments

Each section provides an analysis of submitters' comments, MPI's comments, and any amendments to the NPD.

PROVISION OF NON-STATUTORY GUIDANCE MATERIAL

Eleven submitters (20, 22, 29, 31, 34, 37, 38, 39, 40, 41, and 42) requested that MPI develop non-statutory guidance material to accompany the NPD. Submitters commented that the guidance would enable national pest management agencies and regional councils to better understand the requirements of the NPD when developing or amending existing pest management plans and when developing new small-scale management programmes.

The submitters requested that guidance be provided for the NPD's directions on programme descriptions, setting objectives, analysing benefits and costs, proposed allocation of costs, developing good neighbour rules, and determining inconsistencies with the NPD. One submitter (41) considered that MPI should provide non-statutory guidance only for the directions on analysing benefits and costs and proposed allocation of costs rather than providing mandatory directions in the NPD. Another submitter (38) thought the NPD should not apply to national pest management plans and that MPI should provide non-statutory guidance only for national pest management plans.

MPI Comment

MPI has developed non-statutory guidance material to accompany the NPD. As described previously, MPI established the NPD Guidance Advisory Group which advised MPI on the development of the non-statutory guidance material for the NPD. The guidance material will clarify how to apply and implement the NPD when developing pest, pathway, and small scale management plans.

The purpose of the NPD is to ensure alignment and consistency with regional and national pest and pathway management plans, and small-scale management programmes across New Zealand. Proposing non-statutory guidance would only go so far to address the problem initially identified in the Plan of Action, which is that at present there are significant variations and inconsistencies between pest management plans and programmes across New Zealand.

Table 2 on the following page includes other comments from submitters on the development of non-statutory guidance material for the NPD:

Table 2: Submissions on the provision of non-statutory guidance material

Submitter	Issue	Analysis	Recommendation
41	Suggests that MPI establish a Good Neighbour Rules Expert Panel that is jointly nominated by regional councils and the Crown to make good neighbour rules for nationally significant pests.	MPI agrees that a Good Neighbour Rules Expert Panel is more efficient in determining good neighbour rules for nationally significant pests.	MPI established a Good Neighbour Rules Expert Panel to develop good neighbour rules for a suite of nationally significant pests.
31	Provide further guidance to those who draft pest management plans and programmes through national 'best practice' workshops.	MPI will consider conducting national workshops to assist implementation of the NPD. This will be detailed in the implementation plan for the NPD. 'Best practice' examples will be included in the non-statutory guidance material over time.	Detail on possible national workshops will be included in the implementation plan for the NPD.

DIRECTIONS ON PROGRAMME DESCRIPTIONS AND SETTING OBJECTIVES

The submissions on the NPD's directions on programme descriptions and setting objectives have been analysed together as the two clauses are closely related.

Ten submitters (20, 22, 29, 31, 32, 34, 35, 38, 39, and 41) commented on the NPD's directions on setting objectives for pest, pathway, or small-scale management plans or programmes. The NPD states that the objectives must include the adverse effects that the plan addresses, the intermediate outcomes the plan seeks to achieve, the geographic area to which the intermediate outcome applies, and what is intended to be achieved within the first ten years if the intermediate outcome is expected to take more than ten years to achieve.

Three themes emerged from submitters' comments: Timeframes for intermediate outcomes, the definition of sustained control, and flexibility in stating a geographic area for the intermediate outcome "protecting values in places."

Timeframes for intermediate outcomes

Four submitters (20, 22, 34, and 39) commented on specifying the timeframe for an intermediate outcome. There were varying views on whether or not the timeframes should be specified and how specific they should be. One submitter said that the intermediate outcome should state the timeframe within which it is expected to be achieved (34). Another submitter thought that it may not always be applicable to specify a timeframe for an intermediate outcome, for example for sustained control programme the timeframe for the programme is ongoing (39). Two submitters questioned the requirement to state a timeframe for the intermediate outcome "eradication" and commented that not all eradication could be achieved in a short to medium timeframe (20 and 22).

Definition of sustained control

Six submitters (22, 29, 32, 35, 40, and 41) commented on the definition of sustained control which reads "to provide for the sustained control of the subject in an area to a level where the costs imposed on persons are manageable" in the NPD. Submissions generally indicated that the definition was not sufficiently clear and they considered that the definition should not

include concepts such as “manageable costs” as these were open to interpretation (29 and 35). In addition, submitters thought that the definition should not refer to “costs” (32, 35 and 40) as it was not clear whether this meant compliance costs or the broader definition of costs as defined in the Biosecurity Act.² Additionally, they said that the costs will be considered as part of the analysis of benefits and costs for a plan or programme. Two submitters suggested the definition refer to the adverse effects of a pest rather than “costs” of a pest (22 and 41).

Flexibility in stating a geographic area for the intermediate outcome “protecting values in places”

One submitter (41) requested that the requirement to state the geographic area for the intermediate outcome “protecting values in places” be removed from the NPD. The reasoning given was that it is not always practicable for regional councils to specify the geographic area for individual sites. Additionally, it is difficult to foresee what sites may be subject to “protecting values in places” over the lifespan of a plan or programme. The submitter suggested that descriptions and/or criteria be used to determine the areas to which the intermediate outcome “protecting values in places” applies.

MPI Comment

MPI agrees that specifying the period within which the outcome is expected to be achieved may not always be appropriate. The NPD has been amended to reflect this. Timeframes for an intermediate outcome will not need to be specified to allow for flexibility, as the biology of pests varies and therefore a realistic timeframe to achieve an intermediate outcome needs to be tailored for each pest.

The NPD Guidance Advisory Group considered the definition of “sustained control” and the proposal to have flexibility in stating the geographic area for when the intermediate outcome is “protecting values in places.” The NPD Guidance Advisory Group has recommended that the definition of “sustained control” be amended in the NPD to read:

“To provide for ongoing control of the subject to reduce its impacts on values and its spread to other properties.”

The NPD Guidance Advisory Group also recommended that flexibility be given so that for the intermediate outcome “protecting values in places” the geographic area, or a description of a place to which the outcome applies, or criteria for defining the place to which the outcome applies, can be stated. However, the description or criteria of places to which rules for a site-led programme apply needs to give land owners and occupiers sufficient certainty regarding whether or not the rules apply to them.

The NPD Guidance Advisory Group recommended that these clauses in the NPD were amended to in the NPD to read:

For the outcome in subclause 4(1)(b)(i) to (iv), specify either:
the geographic areas to which the outcome applies, (if practicable); or
a description of a place to which the outcome applies; or
criteria for defining the place to which the outcome applies.

For the outcome in subclause 4(2)(c)(i) to (iv), specify either:
the geographic areas to which the outcome applies, (if practicable); or

² Costs and benefits includes costs and benefits of any kind, whether monetary or non-monetary.

a description of a place to which the outcome applies; or
criteria for defining the place to which the outcome applies.

Table 3 sets out other submitters' comments on the NPD's directions on programme descriptions and setting objectives:

Table 3: Submissions on programme descriptions and setting objectives			
Submitter	Issue	Analysis	Recommendation
22 and 31	Requested that additional intermediate outcomes be included in the NPD, including "research" and "surveillance" intermediate outcomes.	The NPD Guidance Advisory Group agreed that any programme requiring statutory powers would fit within the existing intermediate outcomes in the NPD and therefore no additional intermediate outcomes are required.	No change.
38	Variations in the intermediate outcomes should be allowed for national pest management plans.	The NPD provides mandatory guidelines to ensure that regional and national pest management plans and programmes are consistent and are in alignment. Allowing variations in the intermediate outcomes in the NPD would defeat the purpose of having mandatory guidelines.	No change.
34	The NPD should require that all rules in a plan should be consistent with the intermediate outcomes.	Clauses 62(i) and 71(h) of the Biosecurity Act requires that the decision-maker be satisfied that rules in a plan would assist in achieving the plan's objectives.	No change.
35	Small-scale pest management programmes should include "protecting values in places" as an intermediate outcome.	Clause 100V of the Biosecurity Act only allows small-scale management programmes to be established for the purpose of eradicating or controlling an unwanted organism.	No change.

DIRECTIONS ON ANALYSING BENEFITS AND COSTS

Thirty-two submitters commented on the NPD's directions on analysing benefits and costs of a proposed pest or pathway management plan. Under the Biosecurity Act, a proposed plan must include an analysis of the benefits and costs of each pest in a proposed plan. The NPD sets out requirements for what an analysis of the benefits and costs for each pest must consider, including determining the appropriate level of analysis and identifying and quantifying the risks of success of a plan or programme.

Two themes emerged from the submissions: Ensuring that all costs, benefits, and impacts are considered as part of the analysis and the level of prescription that the NPD should provide analysing the benefits and costs of a plan.

Ensuring that all costs, benefits, and impacts are considered

A number of submitters were concerned that the proposed NPD would not capture all monetary and non-monetary costs, benefits, and impacts of the pest and all the options of

managing a pest. Three submitters (29, 35, and 4) commented the NPD did not reflect the Biosecurity Act's definition of costs and should include guidance material on how to adequately analyse non-monetary costs such as the impact on or costs to environmental, cultural, human health, recreational, social, and Māori values. Twenty-three submitters (3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 26, 30, and 43) requested that animal welfare be considered, for example the pain that pests (rabbits, rats, and possums) would be subject to under pest management activities, and incorporated as part of the analysis. Another submitter thought that the risk of underestimating the benefits of a plan or programme should be included in the analysis (35).

Level of prescription provided by the NPD

Three submitters (29, 34, and 29) commented on the level of prescription required by the NPD for the analysis of benefits and costs. Submitters requested more prescription and that the NPD state the methodology that is to be applied for the analysis (34) and that the costs be identified and valued separately from the benefits (rather than stating a net present value of the programme) so that it is clear what costs and benefits are being considered (40). Another submitter (29) stated that measures to manage or mitigate any risks to success should be identified as part of the analysis. In contrast, two submitters (38 and 40) considered that the directions for analysing benefits and costs should not be mandatory, as the Biosecurity Act sets out sufficient requirements already.

MPI Comment

The NPD Guidance Advisory Group recommended a number of changes to the directions on analysing benefits and costs in addition to the submitters' suggestions to clarify specific aspects of this section of the NPD. An analysis of the benefits and costs should include all costs, impacts, and benefits of a proposed plan or programme. The non-statutory guidance material for the NPD states that non-monetary costs, impacts, and benefits including animal welfare, environmental, cultural, human health, recreational, social, and Māori values will need to be considered as part of the analysis. Animal welfare considerations would be included under non-quantifiable costs. The Animal Welfare Act 1999 and Wild Animal Control Act 1977 needs to be considered when analysing costs of proposed plans.

MPI's view is that the NPD contains an adequate level of prescription for the directions on analysing benefits and costs. Additional information on the specific processes that should be used in different situations will be included in the non-statutory guidance material for the NPD.

Other comments relating to the directions on analysing benefits and costs are detailed in Table 4:

Table 4: Submissions on analysing benefits and costs			
Submitter	Issue	Analysis	Recommendation
20	Sustained funding should be considered as a prerequisite for sustained control and eradication programmes.	Clauses 65(d), 74(d), 85(d), and 94(d) of the Biosecurity Act requires the decision maker be satisfied that for each pest in a proposed plan there is likely to be funding for the implementation of the plan for five years.	No change.
34	Amend the term "management approach" in section of the NPD to	The relevant clause of the NPD has been amended to read	Amend relevant clause in the NPD to refer to "proposed

	read "programme" to be consistent with the rest of the NPD.	"proposed programme" so it is consistent with the NPD and the use of different terms does not confuse the reader.	programme" and delete "management approach."
41	The requirement for placing the analysis of benefits and costs in a proposed plan or programme should be removed as the Biosecurity Act only requires that a summary of analysis be provided.	The Biosecurity Act requires the analysis of benefits and costs to be placed within a proposed pest management plan.	No change.
29	Amend clause 7(2) of the NPD so it refers to the significance of a decision rather than "the potential for controversy."	The NPD Guidance Advisory Group considered the suggested re-wording for clause 7(2) of the NPD and agreed it should not refer to "the potential for controversy."	Amend relevant clause in the NPD so it refers to "the risk that public or political concerns will adversely affect implementation of the option."
31	Provide risk assessment and spread models in the non-statutory guidance for the NPD to assist in the analysis process and to ensure consistency on a national level.	The NPD Guidance Advisory Group considered various models for the analysis of benefits and costs and these will be referenced in the non-statutory guidance material for the NPD.	No change.
35	The NPD should require the option of 'not taking any action' to be considered as part of the analysis.	The Biosecurity Act requires that the option of 'not taking any action' is considered as part of the analysis for a proposed plan or programme.	No change.
33	Obligations to fence all streams could create areas that facilitate the spread of pests.	Unintended consequences, such as fenced riparian strips, would be analysed as part of the impacts of a proposed option.	No change.

DIRECTIONS ON PROPOSED FUNDING OF COSTS FOR PEST AND PATHWAY MANAGEMENT PLANS

Four submissions commented on the NPD's directions on proposed funding of costs for pest and pathway management plans (34, 38, 41 and 42). The purpose of these directions is to standardise the process for determining how the costs of pests and pest management activities should be allocated, ensuring decision-makers consider how best to achieve an equitable and efficient distribution of costs.

Three submitters (34, 38 and 42) considered that the cost allocation analysis is important for consultation with those affected by a plan, with one submitter (34) suggesting that there be a requirement that cost-allocation assessments are made available alongside the plan itself (as well as the proposal).

Two submitters (38 and 41) considered that the directions' requirements were too onerous and would not be suitable for determining how costs are allocated for all pests. In terms of the latter, one view was that funding models are best developed through consultation with those bearing the costs (38), and the other was that it was not appropriate for widespread pests with impacts on public interest values (41).

Two submitters (38 and 41) considered that direction was not required in this area, and instead non-statutory guidance should be provided. It was thought that the NPD merely repeats the requirements in the Biosecurity Act, and does not appropriately acknowledge regional councils' rating powers and process for funding activities under the Local Government Act.

1.1.1 MPI Comment

Submitters' comments demonstrated that this section of the NPD, as worded, was not sufficiently clear. In particular, the purpose, scope and detail of analysis required were unclear.

The NPD Guidance Advisory Group worked through submitters' comments to determine the final content of the NPD and supporting guidance material for determining how the costs of a programme should be allocated. This includes consideration of whether the analysis requirements fit best in NPD or non-statutory guidance, and how to reference the Local Government Act analysis requirements for rates.

Other comments relating to directions on how cost allocation analysis are contained in Table 5 below.

Table 5: Submissions on proposed funding of costs			
Submitter	Issue	Analysis	Recommendation
34	Proposer should be required to demonstrate that parties are exacerbators and beneficiaries, not just identify that they are.	Cost-allocation decisions should be based on strong analysis. If they are not, the obligations they create could be subject to legal challenges on the basis of reasonableness.	No change.
42	The NPD should state what the repercussions are if the analysis is not undertaken.	The Biosecurity Act provides for applications to the Environment Court for regional plans to be made where the plan is inconsistent with the national policy direction.	No change.
42	Concerned about implementation, including that the Local Government Act does not provide sufficient certainty to pest management funding, as rates can be changed annually by the regional council.	The Biosecurity Act requires that the regional council is satisfied that there will be adequate funding for the Plan for five years. If funding for the Plan is cut, this would trigger a review of the Plan.	No change.

DIRECTIONS ON GOOD NEIGHBOUR RULES

Seven submitters (20, 25, 29, 31, 34, 38, and 41) commented on the proposed NPD's directions on setting good neighbour rules. A good neighbour rule is defined in the Biosecurity Act as a rule to which the following apply:

- it applies to an occupier of land and to a pest or pest agent that is present on the land;
- it seeks to manage the spread of a pest that would cause costs to occupiers of land that is adjacent or nearby;
- it is identified in a regional pest management plan as a good neighbour rule; and

- it complies with the directions in the national policy direction relating to the setting of good neighbour rules.

The two themes from the submissions were regarding the application and implementation of good neighbour rules. Good neighbour rules will only be used in regional pest management plans.

The application of good neighbour rules

For the application of good neighbour rules, two submitters (20 and 25) commented that the Crown should be bound to all rules in regional plans or programmes, not just good neighbour rules. Another submitter (38) requested that good neighbour rules are able to be used in national pest, pathway, small-scale management plans and not be limited to regional plans and programmes.

The implementation of good neighbour rules

Five submitters (25, 29, 34, 38, and 41) commented on the implementation of good neighbour rules at an individual property level. Generally the submitters thought that the focus on individual properties was unrealistic and would make it is more costly to undertake an analysis of the benefits and costs for a proposed plan or programme. Another submitter (29) considered that pest management should always occur and mutual inaction should be discouraged, even when the costs outweigh the benefits.

MPI Comment

The Biosecurity Act provides that only good neighbour rules in regional pest management plans can impose any costs and obligations on the Crown. The Crown must also meet obligations and costs resulting from rules in regional pathway management plans (89(5)), and imposed by national pest management plans and national pathway management plans (60(2), 80(2)). The NPD must be consistent with the Biosecurity Act's provisions; therefore it cannot state that the Crown must meet all rules in regional pest, pathway, or small-scale management plans or programmes.

It is not necessary for good neighbour rules to be available for national pest or, pathway management plans, as any of the rules contained in these can be applied to the Crown.

Under the Biosecurity Act, pest management should only occur when the benefits of pest control outweigh the costs. If mutual inaction is more cost-beneficial than mutual action, then mutual inaction is the desired state.

Table 6 sets out other comments from submitters on good neighbour rules:

Table 6: Submissions on good neighbour rules			
Submitter	Issue	Analysis	Recommendation
34	The 'tests' for good neighbour rules should be used for all rules in a plan.	The Biosecurity Act sets out the requirements for rules in pest management plans (including good neighbour rules), therefore there is no need for further requirements to be included in the NPD. The 'tests' are specific to good neighbour rules and would not make sense applied to	No change.

		other rules in a plan.	
31	Good neighbour rules are not appropriate for the management of aquatic pests.	Good neighbour rules are generally not intended to be used in marine environments and are for land based pests. There may be specific situations where it is appropriate for freshwater pests.	The non-statutory guidance for the NPD will clarify that good neighbour rules generally aren't appropriate for managing marine pests but may be used for freshwater pests.
41	Suggests a pragmatic approach to implementation of good neighbour rules. A strict interpretation would not always be ideal, for example where pest control would be difficult because of remoteness of Crown properties.	The application and practical elements of the implementation of good neighbour rules will be considered by the NPD Guidance Advisory Group and the Good Neighbour Rules Expert Panel.	NPD Guidance Advisory Group and Good Neighbour Rules Expert Panel to consider the practicalities of implementing good neighbour rules.
34	Clarify that good neighbour rules apply not only to the Crown, but to all land owners and occupiers.	The non-statutory guidance for the NPD will state that good neighbour rules apply to all land owners and occupiers.	Include statement in the non-statutory guidance that good neighbour rules apply to all land owners.

GENERAL COMMENTS

Thirteen submitters (1, 22, 25, 28, 29, 31, 32, 35, 37, 34, 39, 40, and 42) generally supported the intent and proposed content of the NPD.

General comments on the NPD or the wider pest management system which did not fall within the previous sections are detailed in Table 7 below.

Table 7: General comments from submitters			
Submitter	Issue	Analysis	Recommendation
20, 28, 29, 32, 35 and 40	Commented on the definitions and terminology used throughout the NPD (20, 29, 32, 35, and 40). Terms such as "unwanted organism", "harmful organism," and "subject" being used interchangeably. "Land occupiers" should be amended to clarify that it includes occupiers of land or freshwater (28).	The NPD will be checked to ensure that consistent terminology is used throughout. The definition of "land occupier" in 7(1)(a) and 10(1)(a) will be amended to clarify that it applies to an occupier of a "place" which is defined under the Biosecurity Act as any building, conveyance, craft, land, or structure, and the bed and waters of the sea and any canal, lake, pond, river, or stream.	Amend NPD so it uses consistent terminology. Amend reference of occupier of a "place."
39, 40 and 41	Support the development of an implementation plan for the NPD and requested that stakeholders be provided with the plan for comment (39, 40, and 41).	An implementation plan for the NPD will be developed and provided to interested parties for comment.	No change.
20	Issues not suitable for the inclusion in the NPD should be identified.	The issues considered to be outside the scope of the NPD included consistency with other enactments, transitioning responsibility for a pest, information that must be made available, situations when it is appropriate to use instruments under the Biosecurity Act, circumstances where it is appropriate to review a	No change.

		plan, principles for consultation, issuing exemptions to rules and information that must be reported on.	
2, 33 and 36	Comments not directly related to the NPD. Comments were on the competence of government agencies and regional councils to recognise and evaluate environmental and socio-economic effects of pest management plans (2) and comments on funding for bovine tuberculosis (36). Another submitter suggested the establishment of a panel to make recommendations for pest management (33).	The issues raised were outside the scope of the NPD and have been passed on to OSPRI New Zealand and relevant areas within MPI.	No change.
2 and 29	Iwi were generally absent from the group of contributors (29). The NPD doesn't address the issue of public consultation on poison operations (2).	Under the Biosecurity Act, draft pest management plans are required be consulted on, including tangata whenua when their interests are affected. A Tangata Whenua Roopu Group was involved in the Plan of Action, which included a high level proposal for the NPD.	No change.
22	Consideration should be given to having a priority list of plans to be made consistent and 36 months for all to be consistent with the NPD (22).	It was agreed that 18 months was given for regional councils and national pest management agencies to become familiar with the NPD and establish a review for a plan if necessary. Imposing a mandatory timeframe may require a significant review and would potentially impose undue burdens or costs.	No change.
2	The NPD should include a mechanism to prevent, cancel, reverse, or review a current pest management plan, operation, or policy.	The Biosecurity Act contains provisions for review of plans which can result in amendment or revocation.	No change.

Appendix: List of Submitters

1. David Willetts
2. New Zealand Wildlands Biodiversity Management Society
3. James Ruffell
4. Johannes van Oldenborgh
5. Nick van Oldenborgh
6. Rachael Randal
7. Dr Alice Henry
8. Karl van Oldenborgh
9. Kylie Hickey
10. Astrid Russell-Smith
11. Sarah McCallum
12. Jake Morrison
13. Gabrielle Bisschops
14. Aimee Crook
15. Holly Rice
16. Katie Field
17. Jessica Clark
18. Kanako Konishi
19. Marion Sorley
20. Landcare Research
21. Save Animals from Exploitation (SAFE)
22. The New Zealand Plant Protection Society
23. Nicola Robinson
24. Jonathan Ruffell
25. Bay of Plenty Regional Council
26. Georgia Roberts
27. The Ministry of Health
28. Meridian
29. Te Runanga o Ngāi Tahu (Ngāi Tahu)
30. Brigitte Kreigenhofer
31. The National Institute of Water and Atmospheric Research (NIWA)
32. New Zealand Conservation Authority
33. Ian Noble
34. Kiwirail
35. Forest and Bird
36. Farmers Against 1080
37. Aquaculture New Zealand
38. OSPRI New Zealand (formerly the Animal Health Board and TBFree New Zealand)
39. Kiwifruit Vine Health
40. The Department of Conservation
41. Regional councils and unitary authorities
42. Federated Farmers
43. Luke Stanford