

Report 11.91
Date 2 March 2011
File WB/01/21/01

Committee Environmental Wellbeing
Author Davor Bejakovich, Manager, Biosecurity

Biosecurity Act - update report

1. Purpose

To inform the Environmental Wellbeing Committee of the proposed changes to the Biosecurity Act 1993 through the Biosecurity Law Reform Bill, and the potential impact on Greater Wellington. This document also provides an update on the progress of the Pest Management National Plan of Action.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Changes to the Biosecurity Act:

In 2008, the combined regional councils prepared a 'think-piece' describing New Zealand's present arrangements and processes for determining pest management activities. Key matters raised in the think-piece were the need for better co-ordination, more collaborative partnerships, and clarity of purpose and roles. Statutory change to the Biosecurity Act was identified as necessary for a number of these to occur.

Two years of consultation and policy development resulted in the Biosecurity Law Reform Bill going before the Primary Production Committee, detailing a number of proposed amendments to the Biosecurity Act.

Greater Wellington (GW) supports the majority of these proposed amendments, and commented on the process through a submission in February 2011.

The key points of the GW submission were as follows:

Greater Wellington:

- Supports the review of the Biosecurity Act
- Supports the Bill requiring the Crown to meet “good neighbour” rules within regional pest management plans – this will increase fairness and improve the effectiveness of pest management strategies;
- Is concerned that the pest management roles and responsibilities of the Director-General and regional councils have not been more closely aligned in the Bill, which means continued uncertainty and lack of clarity and the potential to derogate from principles that underpin local government governance;
- Questions the requirement for regional pest and pathway management plans to be reviewed under the Act following the making, revoking and replacement of the national policy direction;
- Supports the responsible Minister assigning responsibilities for pest management decisions;
- Is concerned that any person, not just submitters, may refer a proposed regional pest management or pathway plan to the Environment Court, which could add significantly to delays and costs associated with preparing and reviewing plans;
- Supports provisions that will allow national and regional pest management plans to be developed more efficiently;
- Supports provisions that allow the development of plans at national and regional levels to address the movement of harmful organisms along pathways;
- Is concerned that amendments relating to directions and compliance orders will undermine effective, efficient and timely enforcement of pest management plans;
- Supports amendments so that wallabies, possums and pest birds can be managed solely under the Biosecurity Act without having to comply with additional requirements under the Wild Animal Control Act 1977 and Wildlife Act 1953.

Pest Management National Plan of Action:

The Future of Pest Management (FOPM) project was instigated in 2009 by MAFBNZ with the objective to achieve the best possible allocation of pest management effort and reduce the damage caused by pests and diseases already present in New Zealand. The project comprised of seven streams of work set up to solve the key issues identified in the ‘think-piece’, package these into an action plan, and implement that plan.

GW staff were involved in the development of two of the work streams, and participated in the workshop phase of the project. The proposed changes to the Biosecurity Act under the Law Reform Bill were a major product of the FOPM process.

The Pest Management National Plan of Action will be officially launched on March 3, 2011, marking the end of the FOPM project and the beginning of the implementation process.

There are four portfolios under the Pest Management National Plan of Action:

- Toolbox
- Policy
- Measurement and Review
- Engagement.

The project teams for these portfolios are currently under development. GW will be involved with the consultation and development of these portfolios where appropriate.

4. Comment

The proposed changes to the Biosecurity Act will have various implications for GW. The following proposals are of particular note:

- Obliging the Crown to meet good neighbour obligations under regional pest management plans.

Greater Wellington has requested that Crown agencies responsible for managing Crown land have sufficient funding allocated to ensure they are able to fulfil their 'good neighbour' responsibilities. In 2012, GW may need to undertake a partial review of our Regional Pest Management Strategy to ensure national consistency on this matter.

- Clarification of the leadership role of Ministry of Agriculture and Forestry (MAF) and regional councils.

This may change the role or bring additional responsibilities to regional councils in the pest management field. This clarification will be developed further under the Pest Management National Plan of Action.

- The ability of any person, not just submitters, to refer proposed regional pest management or pathway plans to the Environment Court.

GW has recommended that where regional councils have undertaken full consultation on a pest management strategy, that any application to the Environment Court should be confined to submitters only. If this is not adopted there may be considerable consultative and legal implications for GW.

5. Communication

There are no public communication requirements for this document.

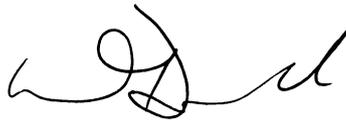
6. Recommendations

That the Committee:

1. *Receives the report.*
2. *Notes the content of the report.*

Report prepared by:

Report approved by:



Davor Bejakovich
Manager Biosecurity

Wayne O'Donnell
General Manager, Catchment
Management Group