

Appendix 1

**NATIONAL
PEST
PET
BIOSECURITY
ACCORD**

January 2015

1. DEFINITIONS

- 1.1. The terms in this document have the same meaning as in the Biosecurity Act 1993 unless an express definition is provided or the context indicates otherwise, and:

'Accord' means this document (the National Pest Pet Biosecurity Accord).

'Accord list' means the list of species that are unwanted organisms for the time being contained in the first schedule to the Accord. The Accord list is a subset of the wider unwanted organisms register.

'Biosecurity department' means a department of state recognised by the responsible Minister as having responsibilities for natural and physical resources or human health for the purposes of the Biosecurity Act 1993.

'Compliance' means the act of ensuring legislation is followed up to the stage of enforcement including: encouraging voluntary compliance, education, inspections, management of non-compliance.

'Council' means a regional council as defined in the Biosecurity Act 1993.

'Pest' means an animal detrimental to humans or human concerns (as agriculture or livestock production) and/or organisms that cause nuisance and epidemic disease associated with high mortality.

'Pet' means a domesticated or tamed animal kept for companionship or pleasure.

'Species' is considered to include all sub-species and forms of that species, unless specifically excluded.

'The Act' means the Biosecurity Act 1993.

'Unwanted organisms register' is the list of all unwanted organisms, including those not contained in the Accord list, as maintained by the Ministry for Primary Industries (MPI).

2. PURPOSE AND SCOPE

- 2.1. The purpose of the Accord is to:
- contribute to the prevention of the establishment of wild populations of pet species
 - reduce the frequency of risky public behaviour, such as pet releases into the wild.
 - promote the responsible management of risk species by the pet industry.
- 2.2. This Accord provides a mechanism for regulating the breeding, distribution and sale of pest pet species listed in the Accord List that are already present in New Zealand and deemed to present an unacceptable biosecurity risk to the environment,

economy, human health or social/cultural values. It also provides a mechanism for promoting good biosecurity risk reduction practices by the public.

- 2.3. The Accord covers the following activities:
 - a. pest pet risk assessment;
 - b. regulation;
 - c. surveillance;
 - d. enforcement; and
 - e. engagement and communication.
- 2.4. This Accord clarifies the roles and obligations agreed to by all parties in relation to the species included in the Accord list. It also establishes governance arrangements to ensure its effective implementation over time (see section 7, Appendix I).
- 2.5. The Accord List does not cover the following groups:
 - a. aquatic plants (these are covered by the National Plant Pest Accord);
 - b. animals native to New Zealand;
 - c. cats and dogs;
 - d. domestic livestock (e.g. sheep, cattle, goats, deer, horses);
 - e. introduced animals managed under the Wild Animal Control Act 1977; and
 - f. animals considered as not present in New Zealand, including those held in containment as defined by the Hazardous Substances and New Organisms Act 1996 (e.g. the majority of zoo animals), which are technically deemed to be 'not present' in New Zealand.
- 2.6. The Accord does not cover the following activities aimed at managing the biosecurity risks of pets in New Zealand:
 - a. surveillance for pet species in the wild;
 - b. management responses (e.g. eradication, progressive containment) to pest pet species found in the wild; and
 - c. consideration of pet species to be included in regional pest management plans.
- 2.7. The species on the Accord List are a subset of those on the unwanted organisms register and do not differ in legal status from any other unwanted organism. Offences or prohibitions that arise in respect of unwanted organisms apply equally to all unwanted organisms, regardless of whether they are included in the Accord list or not, notwithstanding the application of chief technical officer (CTO) permissions made under Sections 52 and 53 of the Biosecurity Act 1993.
- 2.8. The Accord will not limit any powers of discretion conferred upon a chief technical officer under the Act. The Accord will not detract from a council or biosecurity department's authority to otherwise manage listed or non-listed species under the Act or by any other lawful means.
- 2.9. This Accord has the same effect as a memorandum of understanding and is not a legally binding contract.

3. PARTIES

- 3.1. The parties to the Accord are the Pet Industry Association of New Zealand, the New Zealand Companion Animal Council and those councils and biosecurity departments that have ratified the Accord.

4. COSTS

- 4.1. The Accord has been developed in partnership where all parties have joint benefits. Therefore, unless otherwise indicated or with the consent of all parties, any costs associated with the operation of the Accord are covered by the party that incurred them. The exception being:
 - a. Risk analysis costs will be split equally between the Department of Conservation (DOC) and MPI, providing both parties agree that the risk analysis is appropriate and relevant. Where advice is sought within DOC or MPI, any associated costs are covered by the party that incurred them.

5. ROLES

- 5.1. The following outlines the key roles to be fulfilled by the respective parties to the Accord.

Councils

- 5.2. As far as possible, councils' roles may be aligned with their current work under the National Pest Plant Accord.
- 5.3. With support from MPI, councils may carry out compliance activities within their regions to prevent the sale and distribution of pest pet species contained in the Accord list. Particular activities may include:
 - a. Routine surveillance and inspections of pet shops and other outlets where listed pest pet species may be found. The inspection regime may be at the discretion of each council.
 - b. Providing advice and information to members of the public and commercial interests in relation to the species listed in the Accord list and associated surveillance and inspection activities.
 - c. Undertaking compliance activities to achieve the purpose of the Accord, including actively enforcing sections 52 and 53 of the Act in relation to the species contained in the Accord list.
 - d. Providing sufficient Authorised Persons to carry out the surveillance and inspection programmes. Councils may, as necessary, submit recommendations for the appointment of Authorised Persons for the purposes of the Accord to MPI. Such applications must confirm that the applicant meets the criteria

specified in the relevant competency standard and be signed by that council's Biosecurity Manager, or other manager responsible for biosecurity functions.

- e. Keeping accurate records of inspections in the National Pest Pet Biosecurity Accord Inspection Database so the effectiveness of the Accord can be measured (effectiveness indicators to be agreed). Inspection data for the financial year (01 July to 30 June) is to be entered by 31 July.
- f. Appointing regional council representatives to the National Pest Pet Biosecurity Accord steering group and actively participating via their representatives as a member of the National Pet Biosecurity Accord steering group and as a party to the Accord when specifically consulted or asked to contribute to other Accord processes, including:
 - i. Contributing to the development of identification and information packages in support of the Accord.
 - ii. Considering the Technical Advisory Group's (TAG's) recommendations that particular species be included in the Accord list.

Biosecurity Departments

- 5.4. Biosecurity departments may elect to undertake a surveillance role where necessary to ensure an adequate level of national coverage. Particular functions to be undertaken by biosecurity departments include:
 - a. Providing, at their discretion, surveillance, advisory and information service to support councils in relation to their surveillance and inspection activities.
 - b. Actively participating via their representative as a member of the National Pest Pet Biosecurity Accord steering group and as a party to the Accord when specifically consulted or asked to contribute to other Accord processes, including:
 - i. Considering the TAG's recommendations that particular species be included in the Accord list.
 - ii. Contributing to the development of identification and information packages in support of the Accord.
- 5.5. In addition to the roles it undertakes by virtue of being part of a biosecurity department, MPI as the Accord coordinator will:
 - a. Provide leadership and coordination for the Accord, including authorised person training, particularly with regard to the identification of pest pet species.
 - b. Be responsible for monitoring the pest pet trade on the internet and advising regional councils accordingly.
 - c. Provide administrative and advisory support in establishing and operating the steering group and the TAG, including:
 - i. assisting with arranging and coordinating wider consultation; and

- ii. Appointing advisory group members in a transparent manner and in consultation with Accord parties.
 - d. Maintain the Accord list (in conjunction with the wider unwanted organisms register) and distribute amendments to all parties to the Accord and organisations and individuals in the consultative list.
 - e. Coordinate the development of an identification booklet relating to the Accord list, and information on the use of relevant provisions of the Act.
 - f. Manage the National Pest Pet Biosecurity Accord inspection database and provide regular feedback to Accord parties.
- 5.6. The MPI CTO will exercise powers for the purposes of implementing the Accord. Particular functions of the CTO include:
- a. Considering determination of certain organisms as unwanted, granting exemption permissions and revoking unwanted organism determinations.
 - b. Managing the appointments of Authorised Persons for the purposes of the Accord.
 - c. Appointing Authorised Persons under the Act, as necessary, for the purposes of the Accord (refer clause 6.2(d)). Appointments are made at the chief technical officer's discretion.

Pet Industry Association of New Zealand

- 5.7. The Pet Industry Association of New Zealand (PIA) is the collective voice for New Zealand's pet retailing and wholesaling industries. Although not all pet traders in the industry are part of the Association, it does represent a large proportion of the industry.
- 5.8. The PIA will:
- a. Provide advice and dissemination of information to its members and facilitate the uptake of the Accord.
 - b. Actively participate as a member of the Accord steering group, and as a party to the Accord when specifically consulted or asked to contribute to other Accord processes, including:
 - c. Contribute to the development of identification and information packages in support of the Accord.
 - d. Consider the TAG's recommendations that particular pest pet species be included in the Accord list. The process for amending the Accord list is outlined in Appendix II.
 - e. Provide advice on implementation issues and regulatory impacts of the Accord on its members.

New Zealand Companion Animal Council

- 5.9. The New Zealand Companion Animal Council (NZCAC) is a forum that facilitates the achievement of a harmonious relationship between companion animals, people and the environment.
- 5.10. The NZCAC will:
- f. Provide advice and dissemination of information to its members and facilitate the uptake of the Accord.
 - g. Actively participate as a member of the Accord steering group, and as a party to the Accord when specifically consulted or asked to contribute to other Accord processes, including:
 - h. Contribute to the development of identification and information packages in support of the Accord.
 - i. Consider the TAG's recommendations that particular pet species be included in the Accord list. The process for amending the Accord list is outlined in Appendix II.
 - j. Provide advice on implementation issues and regulatory impacts of the Accord on its members

6. GOVERNANCE ARRANGEMENTS

- 6.1. Governance arrangements for the Accord are illustrated in Appendix I.

Steering Group

- 6.2. The steering group is responsible for supporting and ensuring the effective implementation of the Accord; the role of the steering group is defined in its terms of reference¹.
- 6.3. Parties to the Accord will be responsible for appointing their representative(s) on the Steering Group. In the case of councils, one or two members will represent all councils who are party to the Accord.

¹ *National Pest Pet Biosecurity Accord Steering Group Terms of Reference* – contact the NPPBA coordinator for a copy.

Technical Advisory Group

The TAG will be responsible for making recommendations to the steering group on amending and updating the Accord list and responding to specific requests made to it by the steering group. The role of the TAG is defined in its terms of reference².

- 6.4. Ongoing membership of the TAG will be determined by MPI in a transparent manner and in consultation with the Accord parties.

Behaviour Change Advisory Group (BCAG)

6.5. This advisory group will be responsible for making recommendations to the steering group on amending and updating the Accord engagement plan. The group will also be responsible for overseeing the development of communication collateral (posters, leaflets, factsheets etc.). The role of the BCAG is defined in its terms of reference³.

- 6.6. Ongoing membership of the BCAG will be determined by MPI in a transparent manner and in consultation with the Accord parties.

Consultative List

6.7. MPI has established and will maintain a consultative list. Membership to the consultative list is open and any individual or organisation with an interest in the Accord can be added to it. Members will be updated on progress relating to the Accord and be invited to comment on proposals or issues when requested by the steering group.

² *National Pet Biosecurity Accord Technical Advisory Group Terms of Reference* – contact the NPPBA coordinator for a copy.

³ *National Pet Biosecurity Accord Technical Advisory Group Terms of Reference* – contact the NPPBA coordinator for a copy.

7. REVIEW AND AMENDMENT OF THE ACCORD

- 7.1. A council or biosecurity department that was not a party to the Accord at its inception (refer clauses 2.1 and 2.2), may, at any time during the life of the Accord, seek to become a party by sending a request in writing to MPI.
- 7.2. Acceptance of new parties is subject to such conditions (if any) as agreed by the steering group at the time that the new party indicates its intention to ratify the Accord and subject to the party accepting their responsibilities under this accord.
- 7.3. A review of this Accord will be coordinated by MPI and completed before the expiry date in clause 11.1.
- 7.4. If, on the basis of such a review conducted in good faith, MPI considers that the Accord is unsustainable in light of its objectives, MPI may terminate the Accord at its discretion. In exercising this discretion, MPI must consult with all parties to the Accord.
- 7.5. Subject to the exceptions in clauses 7.1, 7.2 and 10.1(a), the content of this Accord may be amended only with the written consent of all parties.

8. THE ACCORD LIST

- 8.1. The Accord list is to be held by MPI and will be made available online.
- 8.2. The initial list will be developed following the process outlined in Appendix II and III. All species that have been assessed as high risk in the National Pest Pet Biosecurity Project will automatically be put forward for consideration, as will known pest pet species that are currently unwanted organisms.
- 8.3. Reviews of species on the Accord list will be made periodically and this may result in species being removed from the list. The act of removing a species from the Accord list does not change the unwanted organism status. It simply means that the species will not be the focus of the activities of the Accord.
- 8.4. The species on the Accord list are not required to be included in a council's pest management plan to enable enforcement of sections 52 and 53 of the Act. If councils wish to include any species on the Accord list in their regional pest management plan, the criteria in sections 72 and 77 of the Act must be met.
- 8.5. Proposals for species to be added to or removed from the Accord list can be submitted to MPI through the Accord coordinator (nppba@mpi.govt.nz) at any time. The proposals will be considered at each meeting of the steering group, which will decide when a formal review of the Accord list is to be initiated.
- 8.6. The TAG will complete a risk assessment for each proposed species, based on specified technical evaluation criteria and recommend whether the species should be included in the Accord list or not.
- 8.7. Based on the TAG's risk assessment and recommendation, the steering group will make an initial decision as to whether the proposed species should proceed to the consultation phase.
- 8.8. If deemed appropriate by the steering group the preliminary decision regarding the proposed species will be distributed for consultation to all Accord parties.
- 8.9. Members of the public and stakeholders have the opportunity to view and comment on the TAG's assessments and advice, and provide any additional information on potential impacts.
- 8.10. The TAG will consider a summary of the submissions received and comment on any technical matters raised in the submissions. The TAG will then make a final recommendation to the steering group on whether it believes the species should be included in the Accord list or not, based on technical criteria only.
- 8.11. The steering group will then consider the full assessment (TAG recommendations and content of submissions) and decide on any changes to the Accord list (see Appendix III). If the steering group decides there is not enough information on which to base a decision, it can delay the decision until more information is available.

- 8.12. The species must be declared an 'unwanted organism' under the Act to be included on the Accord list. Any species to be added that is not currently declared as an 'unwanted organism' will be submitted to the chief technical officer who must decide whether to declare it as an unwanted organism (see Appendix IV).

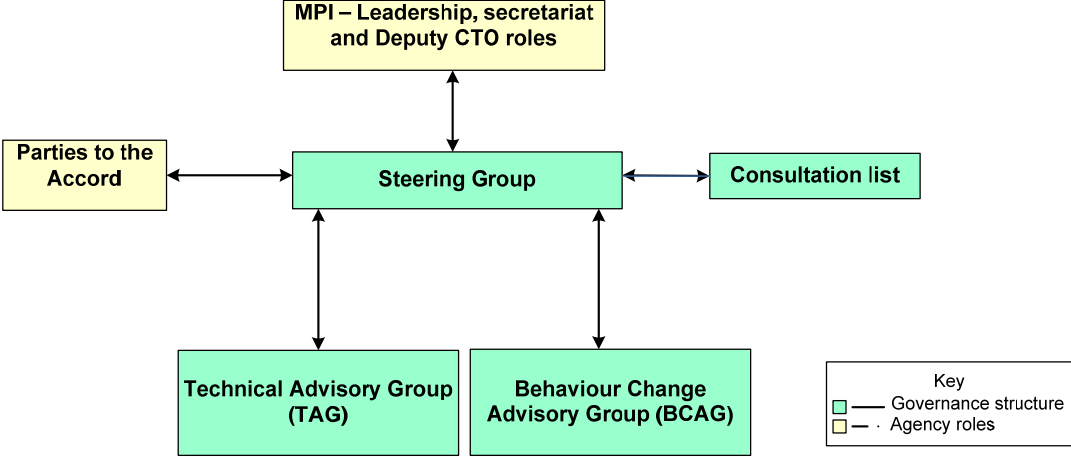
9. MEDIA

- 9.1. Parties to the Accord will consult with MPI before releasing any information to the media that relates to or potentially impacts on the Accord. Central and regional government agencies will refer any Accord specific media enquiries through to MPI.

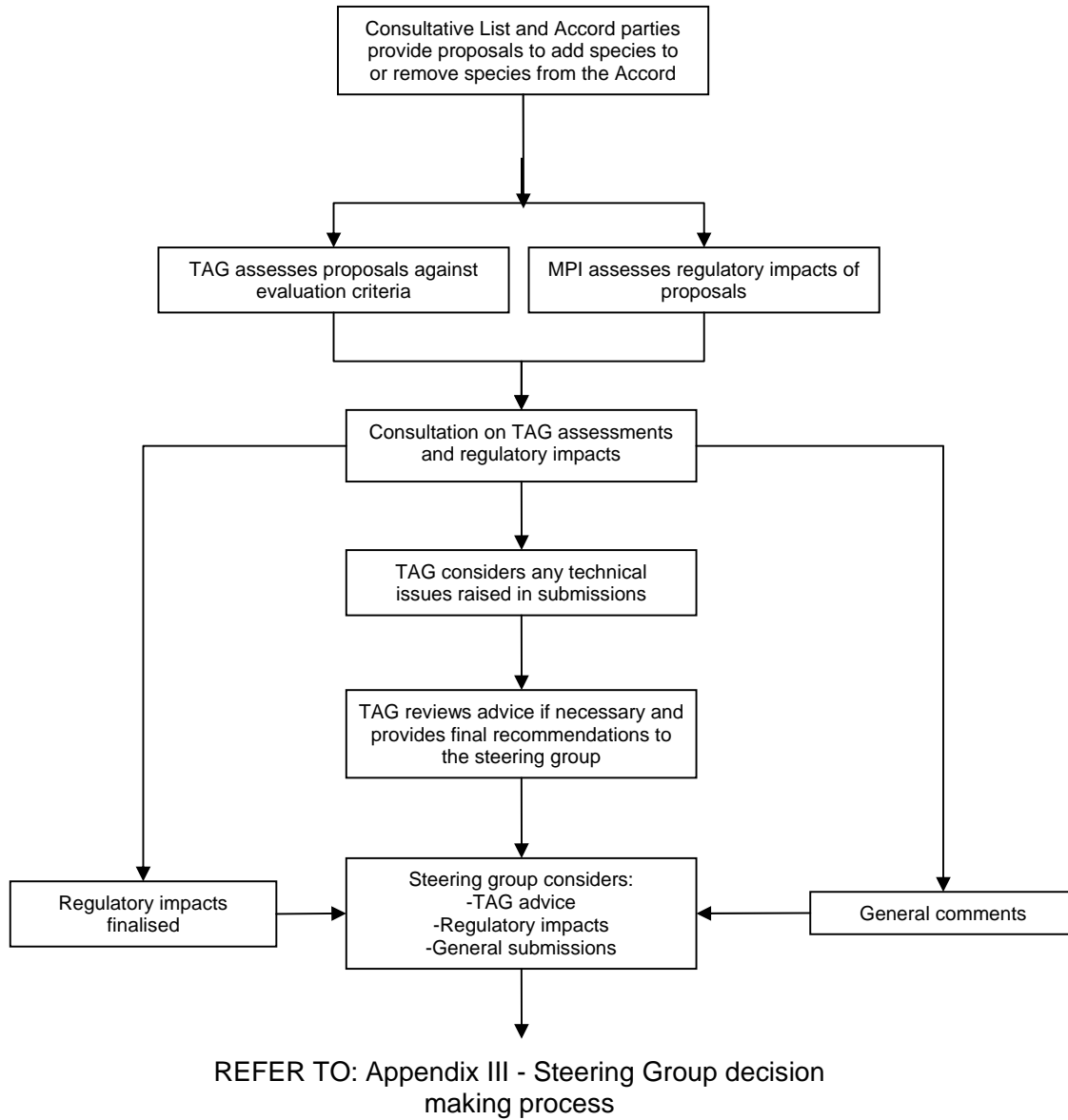
10. COMMENCEMENT AND TERMINATION

- 10.1. This Accord will take effect from on some date in 2015 and will continue unless:
- a. Sufficient parties to maintain the Accord agree in writing to extend the term of the Accord for any specified period; or
 - b. All parties agree in writing that the Accord should be terminated, such termination being effective from the time that written notification of all respective parties' intent to terminate is received by MPI.
- 10.2. Any extension of the life of the Accord under clause 10.1(a) will only apply in respect of those parties that agree to the extension.

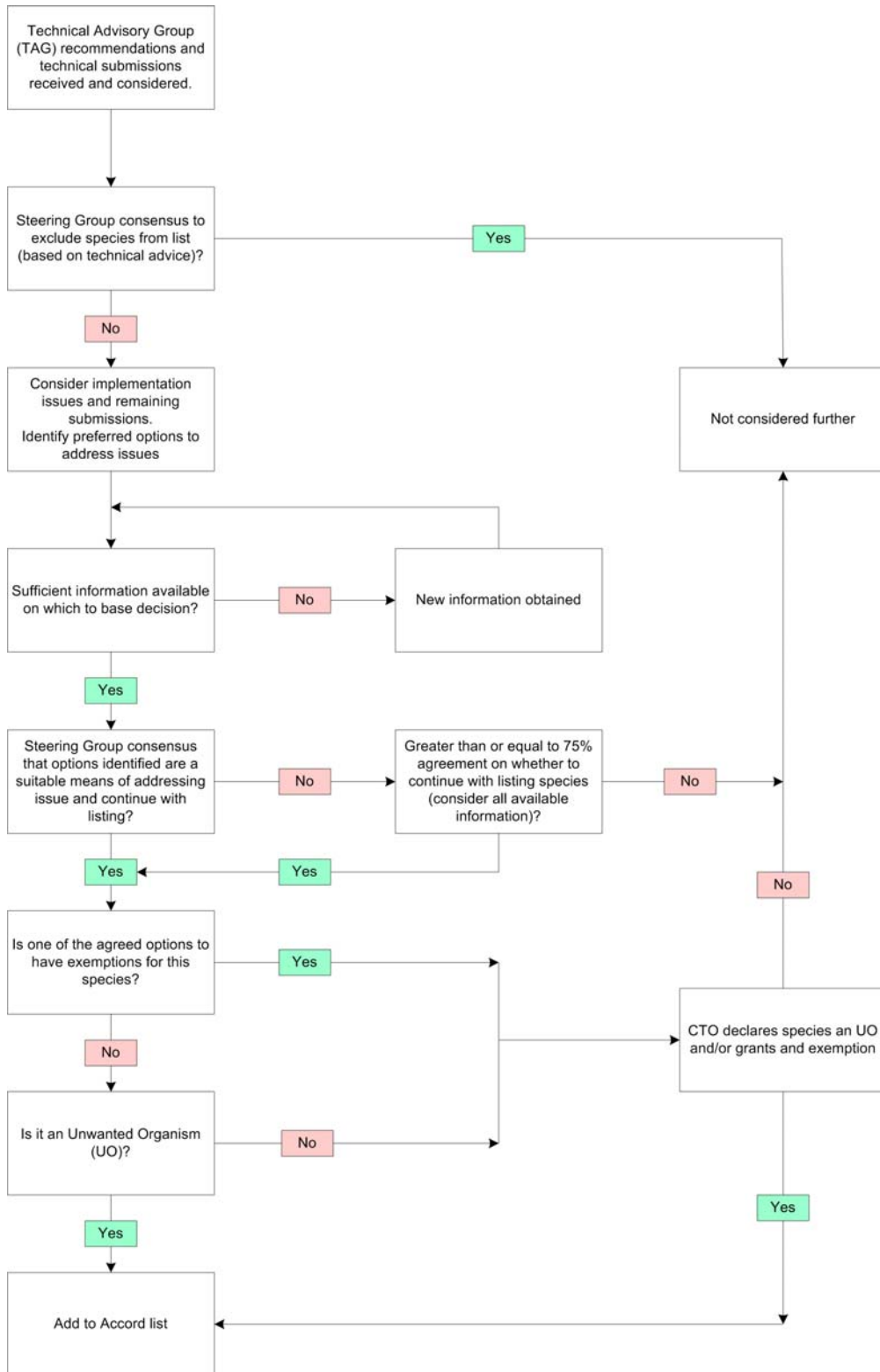
APPENDIX I: GOVERNANCE ARRANGEMENTS FOR THE ACCORD



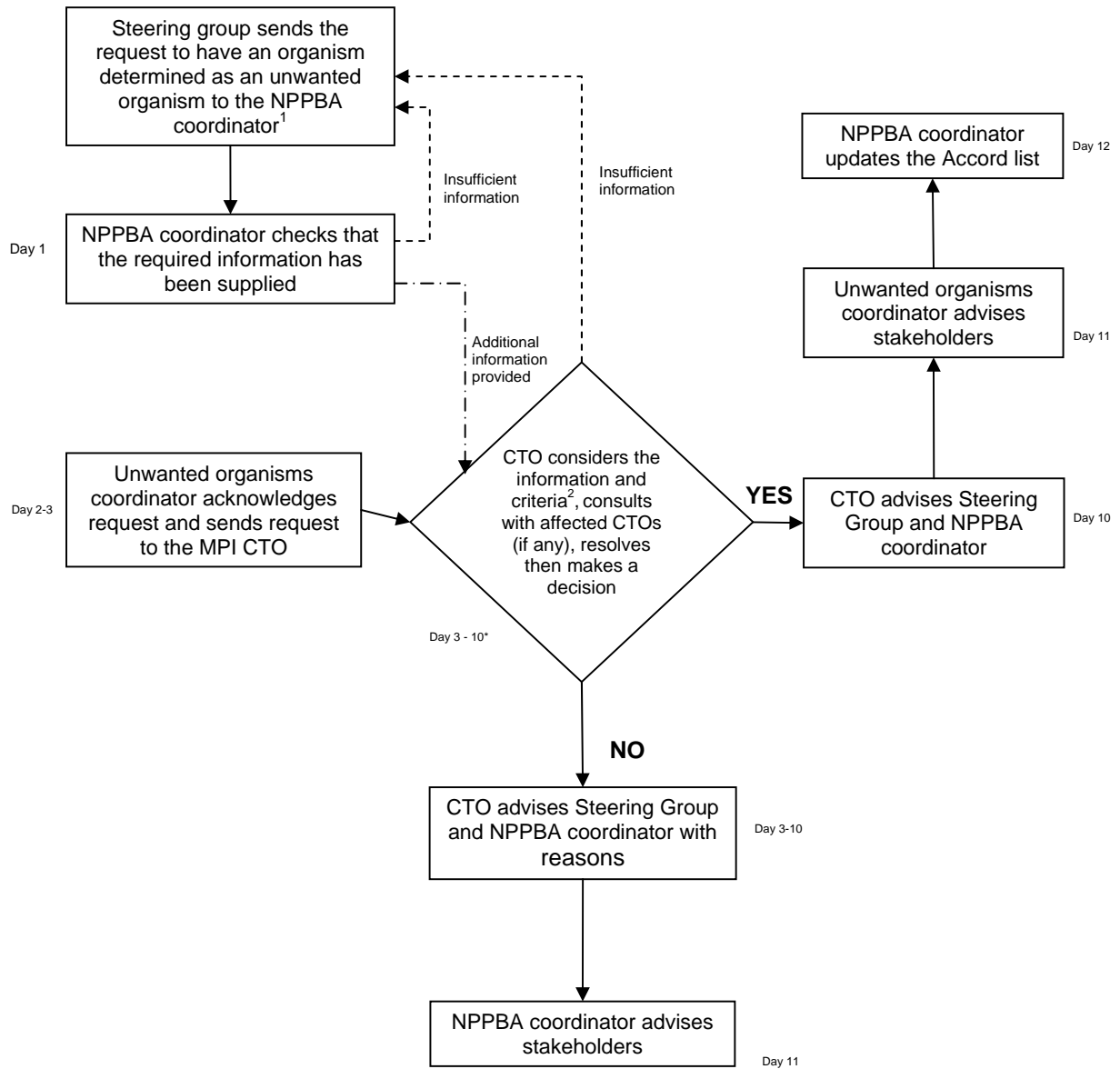
APPENDIX II: PROCESS FOR AMENDING THE ACCORD LIST



APPENDIX III: STEERING GROUP DECISION MAKING PROCESS



APPENDIX IV: UNWANTED ORGANISM PROCESS



Footnotes for the Unwanted Organisms Process (Appendix VI)

1. National Pest Pet Biosecurity Accord Coordinator
Ministry for Primary Industries
PO Box 2526
Wellington 6140
Email: nppba@mpi.govt.nz

Further contact details are available on the MPI biosecurity website:
<http://www.biosecurity.govt.nz>

2. A CTO must consider the following before declaring an organism 'Unwanted':
 - a. The Biosecurity Council Policy Statement on Unwanted Organisms for the Purposes of the Biosecurity Act 1993.
 - b. The department's policy on unwanted organisms.
 - c. Whether the organism causes harm throughout New Zealand
 - d. The effect of restrictions under sections 52 and 53 of the Biosecurity Act if the organism is determined to be unwanted. Restrictions on the sale, distribution, release, multiplication, propagation and breeding occur throughout New Zealand when the organism is determined unwanted. A CTO needs to consider whether these restrictions apply to the organism itself, or also to host organisms.
 - e. Will any permissions be required under sections 52 or 53 of the Biosecurity Act to allow activities that would otherwise be prohibited (e.g., research)?
 - f. Will determining the organism unwanted have an effect on other control programmes?
 - g. Is it necessary to declare the organism unwanted given other statutory control options available may be more appropriate (e.g. Wild Animal Control Act 1977, Hazardous Substances and New Organisms Act 1996)?
 - h. Are there any authorisations needed under other statutes to enable the organism to be controlled (e.g. Wildlife Act 1953)?
 - Day = working day
 - Timeframe is indicative
 - Time count does not stop when CTO's are being consulted

The NPPBA coordinator will indicate the timeframe for providing comment and in which the request is to be considered.