

**Submission to the Primary Production Committee on the  
Biosecurity Law Reform Bill 256 –1**

10 February 2011

S11.03

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 51 nationally organised societies and national members. NCWNZ has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local national and international levels through research, study, discussion and action.

This submission is prepared by the Environmental Standing Committee, incorporating the opinion of nationally organised societies, branches and individuals together with a review by the Parliamentary Watch Committee and the NCWNZ Board.

**Introduction.**

1. The Biosecurity Reform Bill is premised on the fact that biosecurity is essential to this country's prosperity and well-being. A more complex biosecurity risk is now faced with increased trade and travel. It is regarded by its authors "enabling rather than prescriptive". (p. 4) of particular concern to NCWNZ are, firstly, the removal of a stringent regulation built into the 1993 Bill and, secondly, an area of oversight in the realm of pest control.

**Clause 24**

**In this clause, the 1993 Section 27 has been replaced by Section 27 and 27A substituted.**

- 2 The 1993 section determines that an inspector 'shall not give a biosecurity clearance ... unless satisfied that the goods are not risk goods.'

The four points in Section 27 substituted, provide for goods to be given clearance if the inspector 'is not aware of circumstances ... that makes it unwise for them to be given a clearance.' Technical officers will be able to issue guidelines on measures to manage risks.

Section 27 Point (4) in substituted is as follows:

'An inspector may give clearance for goods' that are 'risk goods', when he or she

- (a) Is satisfied that –
  - (i) the goods **are risk goods**; and
  - (ii) the goods **do not comply with the pre-clearance requirements in an applicable import health standard**; and
  - (iii) a chief technical officer has issued guide-lines, or given directions, on measures **different from those in the import health standard, to take to manage effectively risks of the kind arising from the non-compliance**; and
  - (iv) the measures have been properly applied; and
- (b) is not aware of circumstances ... that makes it unwise for them to be given a clearance.'

3. NCWNZ believes that Section 27 from the 1993 Biosecurity Act should be restored, rather than be substituted by a section in which the sanitary measures comprising an 'import health standard' can be set aside and the risks 'managed'.
4. Leaving decisions to technical officers to issue guidelines for risk management opens the way to procedures that may not always be consistent or successful. An inspector could, for instance, be unaware of substantial research into the dangers of importing bee products from Australia. He or she might legitimately allow products in, through being "not aware of circumstances" that make it "unwise". New Zealand's vigilance to date, allowing the importation of poultry products under strict conditions is an example of the success of past provisions in keeping this country free of infections like Newcastle's Disease and Infectious Bursal Disease.

### **Clause 37**

5. In Clause 37, sections 60-94, the Bill details policies and responsibilities required for Pest Management Plans. In Clause 37, sections 95-100, it provides rules governing implementation and levies. However, the Bill's careful provisions fail to address directly one of New Zealand's most pressing Pest Management problems: TB infected possums are multiplying in West Coast forests managed by the Department of Conservation. Some of the infested forest areas are adjacent to farms with dairy herds and other susceptible animals.
6. The Bill provides rules governing levies and pest control plans devised by Regional Councils. These, however, cannot claim levies on Crown-owned land managed by DOC. DOC and the Animal Health Board have lacked sufficient resources to eradicate or even contain the possum problem on the West Coast, though they have liaised successfully to reduce possum numbers in the southern Tararua area. Initiatives of this kind need consistent and increased government support. Regional Council support to the Animal Health Board fluctuates.

### **Clause 37**

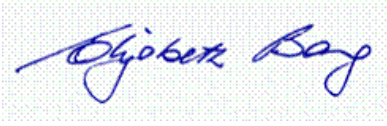
**Section 68, Part 1, (5) states that** "A good neighbour rule may impose obligations and costs on the Crown... ."

7. NCWNZ would like to suggest
  - (a) that government give greater financial support to both the Animal Health Board and to DOC for possum eradication, and
  - (b) that priority be given to fast-tracking the research into possum control that is already under way, so that a significant advance in management can be put into effect.

### **Conclusion**

8. NCWNZ believes that the strict regime required by the 1993 version of the Biosecurity Act, Section 27, needs to be returned to the Biosecurity Law Reform Bill. A change allowing import health standards to be bypassed, could speed up the import procedures that have hitherto kept risk goods out.
9. The matter of possum control seems to lie outside the provenance of the Biosecurity Law Reform Bill, which fails to address out-of-control possum infestation in some areas. The 'good neighbour rule', though, would seem to place Government under obligation to protect farmers in areas adjacent to possum infested Crown Land.

10 Further research into better means of possum control also lies outside the scope of the Bill.  
It is clear, though, that there is a need for Government to give such research higher priority.

A handwritten signature in blue ink that reads "Elizabeth Bang". The signature is written in a cursive style and is set against a light blue, dotted background.

Elizabeth Bang  
**National President**

Dell Panny  
**Convener,  
Environment Committee**