



*Local Government New Zealand*  
te pūtakehi matakokiri

Submission to MAF Biosecurity New Zealand  
In the matter of the Pest Management  
Proposed National Plan of Action 2010 -2035

From *Local Government New Zealand*

19 July 2010

## Table of Contents

Introduction:.....	3
Part 2: Proposed National Plan of Action for Pest Management in New Zealand.....	3
Outcomes, Principles, and Key Characteristics of Pest Management System .....	3
<b>1. Clear Roles and Accountabilities .....</b>	<b>4</b>
1.1 Purpose .....	4
1.2 The Crown as a Good Neighbour .....	4
1.3 Providing MAF and Regional Councils with Clear Pest Management Functions .....	5
1.4 Roles in the Marine Environment.....	5
1.5 Assigning Lead Accountability for Complex Issues Where Roles are Unclear .....	6
1.6 Maori Advisory Committee .....	6
1.7 Review of Pest Management Legislation.....	6
<b>2. Improved and Simplified Processes .....</b>	<b>7</b>
2.1 Simplified Processes for Strategies and Rules .....	7
2.2 Creating Appropriate Consistency .....	8
<b>3. Better and More Accessible Tools.....</b>	<b>9</b>
3.1 Developing Integrated Toolbox Management .....	9
<b>4. Acting Collectively.....</b>	<b>9</b>

## Introduction:

1. *Local Government New Zealand* thanks the Ministry of Agriculture and Forestry (MAF) for the opportunity to make this submission to the Pest Management Proposed National Plan of Action 2010-2035 discussion paper.
2. *Local Government New Zealand* makes this submission on behalf of the National Council, representing the interests of all local authorities in New Zealand. It is the only organisation that can speak on behalf of local government in New Zealand. This submission was prepared following consultation with regional councils and unitary authorities.
3. The final submission was endorsed under delegated authority by:
  - Lawrence Yule, President, National Council
  - Stephens Cairns, Environment Portfolio, National Council.
4. *Local Government New Zealand* would be pleased to meet with MAF for further discussion on any points raised in this submission.

## Part 2: Proposed National Plan of Action for Pest Management in New Zealand

5. Regional councils and unitary authorities (Councils) acknowledge the efforts of MAF and the considerable effort and resource that has been assigned to the Future of Pest Management (FOPM) programme. It is heartening to see a number of key issues, such as obliging the Crown as a good neighbour and clarifying roles and responsibilities being progressed.
6. It is disappointing however that the Proposed National Plan of Action (Plan of Action) often fails to demonstrate an understanding of the role of Councils and the relationship they have with their community. We reiterate for you a number of key principles of local governance as outlined in our submissions to the Biosecurity Act Review (December, 2009 and March, 2010):
  - ***Local autonomy and decision-making:*** communities should be free to make the decisions that directly affect them and councils should have the autonomy to respond to community needs
  - ***Accountability to local communities:*** councils are accountable to communities, and not to Government, for the decisions they make on the behalf of communities
  - ***Local difference = local solutions:*** avoid one-size-fits-all solutions, which are over-engineered to meet all circumstances and create unnecessary costs for many Councils.
7. These high level principles have been endorsed by the National Council of *Local Government New Zealand*.
8. Democracy, community and public participation are core principles of local government. A number of the proposals outlined in the Plan of Action are counter to these principles.

## Outcomes, Principles, and Key Characteristics of Pest Management System

Question 1 a) The outcomes and principles will be used to guide decisions in pest management. Do you consider that these are appropriate outcomes and principles? If not why not, and how should they be amended?

9. Councils support the pest management system outcomes listed in Table 1 and the principles listed in Table 2. They are highly desirable statements with which it is difficult to disagree.
10. In Table 2, several of the principles involve value judgements by decision makers. Councils note that the principles are to be “adopted as formal policy across pest management systems.” However, Councils recommend that the principles underpin all pest management policy.

Question 1 b) The key characteristics will help identify whether the proposed changes to the pest management system are successful and guide future system improvements. Are there additional characteristics that could help identify whether the changes are successful?

11. In Table 3, the key characteristic of “cost effectiveness” is emphasised. Councils note, however the cost effectiveness of the pest management system needs to be balanced against strong partnerships, including the need to reflect community local priorities and interests. Methods that are socially acceptable and that incorporate tangata whenua perspectives may not always be the most cost effective. This is partially acknowledged in numbers 11 and 19 in Table 3 but need to be expanded. For example method 19 could be expanded upon to reference local community as well as tangata whenua networks, perspectives, principles, solutions and participation. Communities, through their elected representatives, should be free to consider responses that might be less cost effective but more desirable in other ways.

## ***1. Clear Roles and Accountabilities***

### **1.1 Purpose**

12. Councils recommend amending the Plan of Action so that the purpose of the Act should not include matters relating to funding pest management. This is detail that is better dealt with through existing mechanisms including the Biosecurity Act 1993 (BSA) and Local Government Act 2002 (LGA).

### **1.2 The Crown as a Good Neighbour**

13. Councils wish to acknowledge and applaud Government commitment to requiring the Crown to meet their landowner obligations in regional pest management strategies. The inability to bind the Crown to pest management strategies has been a source of tension between the Crown, regional councils and landowners for many years. It is heartening to see proposals that not only address inequities in pest management but which will also encourage Crown departments to become regional community members.
14. Councils note that “this (Crown meeting landowner obligations) will occur once regional pest management strategies have been aligned with the national policy direction described in section 2.2”. Section 2.2 states “that the Government has decided to create binding national policy direction that will set out processes to improve the rigour and consistency of pest management strategies and establish national priorities for pest management”.
15. While setting binding national policy direction for pest management processes might assist Crown engagement in the development of regional pest management planning, Councils are opposed to binding national policy on matters such as mandatory tests of value for potential pest programmes and determining reasonable requirements, including how to set good neighbour obligations (as proposed in Section 2.2) and encourage MAF to maintain open dialogue on pragmatic solutions to continued improvement in pest management planning. Communities should be free to make decisions that directly affect them.

16. Councils are mindful of Crown concerns about the cost of being bound to regional pest management strategies and are acutely aware of the constraints of the New Zealand's financial environment. Councils are enthusiastic about opportunities to work more closely with Crown representatives in the development pest management planning. There is considerable scope to foster a more effective pest management system through collaborative engagement within the principles outlined in Table 2 (page 12). Fostering ongoing collaboration through the development of national guidance is a pragmatic solution to support continued improvement in decision making which does not contradict the right of communities to determine their own path.
17. The companion document "Analysis completed to make a plan of action for better pest management in New Zealand" says Ministers have decided that "Any rule in a strategy that is not aligned with the national policy direction should have no effect." We assume that means no effect on the Crown, as opposed to no effect at all.

### 1.3 Providing MAF and Regional Councils with Clear Pest Management Functions

Question 2 a) Are there additional high level pest management functions that MAF and/or regional councils should be required to undertake?

18. Councils support amendments to the BSA to clearly articulate MAF and council pest management functions under an amended Act. The potential benefits from specifying MAF and council functions include providing certainty, transparency and accountability to participants. It is acknowledged that MAF and regional councils are 'best placed' to provide leadership and promote effective and efficient pest management at a national or regional level.
19. Previous work undertaken and agreed to by the Biosecurity Central Regional forum (and section 5 of the supporting analysis) grouped functions around a leadership and oversight role, making decisions to intervene for the public good, and delivery of intervention programmes. This was simple and clear. The functions presented in the Plan of Action have expanded upon these previous functions resulting in wording that is open to interpretation.
20. In the absence of documented justification for differing national and regional functions, it is suggested that council functions remain consistent with those specified for MAF (except that they apply at a regional level and would not include a system oversight role).
21. It is recommended that functions be kept high level. The proposed functions seem to be a confused mixture of duties, methods and functions, e.g. ensuring that regional pest management strategies are aligned with national policy direction is not a "high level" function but is rather a duty which should apply to all parties using the BSA (not just regional councils). Councils recommend deleting this function and inserting a more generalised duty elsewhere in the Act.
22. It is also recommended that the "function" relating to facilitating communication and cooperation be deleted as this is but one method of implementing the leadership and oversight role.

### 1.4 Roles in the Marine Environment

Question 2 b) Do the default roles in marine environments make sense? If not, what needs to change?

23. Councils note that the default roles in the marine environment represent a starting point for defining future pest management responsibilities in this area. It is important to note however, that these responsibilities will not necessarily be undertaken under the BSA and that intervention via other statutes may be required. With regards to proposed responsibilities for regional councils to undertake pathway/vector management, the Resource Management Act (RMA) may be more relevant. The commentary in section 1.4 should be expanded to clarify this.
24. Councils note that Table 4 is an interim step. However, the commentary is silent on what will occur in terms of decision making responsibilities for pests in the marine environment. It is recommended that this section of the Plan of Action be expanded upon to note that the marine default roles are a work in progress and that MAF has an important ongoing national leadership role to ensure progress in this area.
25. It should be noted that where regional councils are significantly engaged in marine environments, the primary rationale for this is not pest management in itself, but rather the value that aquaculture brings to the local economies and is mandated by community priorities under the LGA.

### **1.5 Assigning Lead Accountability for Complex Issues Where Roles are Unclear**

Question 2 c) What are your views on the proposed role for the Minister for Biosecurity to assign lead accountability for pest management issues where this is unclear?

26. Councils support the proposal to have a small group, representing pest management participants, advising the Minister for Biosecurity on who should be accountable for a pest issue where no party has assumed responsibility or where biosecurity outcomes are at risk due to parties not being able to agree.
27. Councils note the proviso that this mechanism will be used rarely although it is suggested there may be occasion when this group may be required to assign lead responsibility on a more frequent basis. However, Councils trust this mechanism will avoid “non-decisions” and pests falling through the gaps.

### **1.6 Maori Advisory Committee**

Question 2 d) What is your view on the establishment of a Maori advisory committee? What should primary role of this committee be?

28. Councils are supportive of the proposal for a Maori advisory committee as part of MAF’s pest management and oversight and leadership role outlined in the discussion paper.

### **1.7 Review of Pest Management Legislation**

Question 2 e) What other Acts that affect pest management should be considered in this comprehensive review?

29. Councils strongly support a review of overlapping pest management related provisions in the BSA, Wild Animal Control Act 1977, Wildlife Act 1953, Conservation Act 1987 and RMA. The FOPM process should resist efforts to universally label certain species as “game” animals or “pest” animals. How a species should be managed depends upon what it is doing where. We note that the New Zealand Game Animal Council proposal would amend the Conservation Act and the Wildlife Act to label deer, tahr, chamois and wild pigs as “game animals.” There is potential to contradict an outcome based approach to animal management.
30. When a species has been declared a “pest,” we concur that the BSA should provide the overall leadership and legislative direction for pest management. We note, for example, that Schedule 1 of the Wildlife Act of 1953 lists species declared to be “game.” These species are administered by Fish and Game for the benefit of hunters. Canada geese are listed on Schedule 1 but are nevertheless considered a pest in many parts of the country. This dichotomy makes it difficult to manage them so that the needs of all sectors of the community are taken into account.
31. Councils agree it is feasible and desirable to complete this comprehensive review and change the necessary legislation in five years.
32. In the shorter term, we welcome the intention to remove possums and wallabies from the Wild Animal Control Act, so they can be readily managed through regional pest management strategies under the BSA. The current need to comply with two sets of legislative requirements undermines the efficiency and effectiveness of pest management for these species.

## ***2. Improved and Simplified Processes***

### **2.1 Simplified Processes for Strategies and Rules**

Question 3 a) What are your views on the proposed changes to make pest management strategies more flexible? Are there any additional ways to improve and simplify the processes?

33. Councils support the proposals to make pest management strategies more flexible while noting however the potential for the national policy direction proposals to add unnecessary complexity.

Question 3 b) What are your views on allowing MAF or other parties to regulate the movement of risk goods and craft to prevent the spread of harmful organisms?

34. Councils agree with the proposal to provide for the development of pest management strategies that address pathway management subject. We assume these strategies will remain subject to existing cost benefit, beneficiary/exacerbator analysis.

Question 3 c) What are your views on the proposed changes to the Wild Animal Control Wildlife Acts?

35. Councils also support the proposal to remove the provisions that apply to injurious birds from the Wildlife Act. This would leave the BSA as the mechanism for collective action, and make the control of the birds easier.

## 2.2 Creating Appropriate Consistency

Question 3 d) What are your views on the things the national policy direction should cover to enable greatest improvements to pest management strategies and the outcomes these collectively deliver? Do think changes should be made to the above list?

36. Councils have significant concern with proposals relating to the development of national policy direction to create consistency between pest management strategies. The Plan of Action infers that there are significant issues with the “rigour” and consistency of pest management strategies” hence the need for binding national policy. However, both the Plan and supporting analysis fail to recognise the differences in scale (e.g. national versus regional), nor do they quantify the problems of concern and differentiate between real and perceived issues.
37. Councils support, in principle, alignment and consistency across the pest management system. There is an opportunity for national policy direction to reinforce existing provisions in the BSA and address what checks and balances are required as part of the Crown being a good neighbour. National policy direction can also promote consistency in pest terminology.
38. However, national policy direction must add value. They should not:
- over complicate pest management
  - impose unnecessary costs and barriers to the development of pest management strategies
  - derogate from local community decision making.
39. The Plan of Action is silent on existing checks and balances contained in the BSA and the LGA. Consequently, there is considerable risk that national policy direction will simply duplicate existing statutory checks (and requirements for transparency and accountability) and impose additional costs and barriers to the development of pest management strategies.
40. The BSA promotes consistency between pest management strategies and delivers “rigour” of process through provisions addressing the consultative process, cost benefit analysis (Section 72), content requirements, strategy hearings and the Environment Court. The LGA also requires Councils to justify pest management funding and delivers a degree of “rigour” and robustness to pest management planning (above and beyond anything applied to Crown agencies when determining priorities and funding rationale). Councils are further accountable to their local communities through their elected representatives.
41. National policy directions therefore need to recognize that diversity within pest strategies is often appropriate and reflect different community perspectives, issues, priorities and solutions. Proposals in section 2.2 should not preclude opportunity for local autonomy in decision making.
42. Councils seek acknowledgement in the Plan of Action that, in some cases, it may be more appropriate to promote consistency and improvement in pest management strategies through the development of guidance material.
43. Councils seek further work by MAF to quantify the “value” and the “appropriateness” of national policy directions. Only then will central and regional governments be in a position

to differentiate between real and perceived problems and discuss the merits of national policy direction to address particular issues (including whether some matters are better addressed via guidance material).

44. Further work is required on the scope and detail of national policy direction. For example, while the principle of effectiveness should inform community decision making when determining “what is reasonable”, weighting of “national priorities” and the “value” of pest programmes, it should not override local choices.
45. In terms of recording and reporting on the performance of pest programmes, national policy directions need to recognise that there will likely be national requirements that differ from the needs of local authorities. In cases where Councils are required to provide for national reporting requirements, an appropriate funding contribution should come from central government.
46. Finally, Councils note that the proposed implementation timetable (Table 5) does not provide for the ongoing review of national policy direction (or provide for new directives). Councils agree that the bulk of known issues can be dealt with in the next two years; however new issues are likely to arise and directives may need to be amended to reflect lessons learned.
47. Councils support the proposal to amend the Ombudsmen Act so that management agencies under the BSA that are bodies corporate are subject to the Ombudsmen Act and the Official Information Act. This will ensure improved transparency and accountability within the pest management system.

### ***3. Better and More Accessible Tools***

#### **3.1 Developing Integrated Toolbox Management**

Question 4 a) What are your views on establishing integrated management of the toolbox for pest management? Is the proposed scope of the toolbox management functions right?

48. Councils support the need to improve and integrate management of pest management tools. We acknowledge the value of sharing best practice through the development of guidelines, and the provision of information to support pest management activities and to inform research.
49. Councils ask that MAF continue to engage with Councils in the developing the scope of the toolbox and its management.

Question 4 b) Do you think the management of the toolbox should reside within MAF? If not where should it reside?

50. Councils support MAF managing the toolbox as it is complementary to their proposed oversight and leadership role.

### ***4. Acting Collectively***

Question 5) What are your views on the proposals to improve collective action? Are there other changes that could improve collective action? Please provide details?

51. Councils agree in principle with the discussion on improving collective action. However, Councils do not see this as a major issue. It is important to ensure there is no prescriptive approach on how collective action is delivered. It is noted that partnerships are already occurring in regions and between regions. Partnerships are also occurring between central and regional governments and it remains important not to over complicate things.

Existing examples of collective action include:

- The Canterbury wilding conifer control programme which is a partnership approach aligning work programmes between the Department of Conservation, regional councils and high country federated farmers
- Assist in control of rabbits in rabbit prone land in Canterbury with a purpose of promoting a co-ordinated approach between adjoining landowners.
- Kauri die back programme
- Taranaki self help control programme - partnership between council, Department of Conservation and landowners to ensure ongoing control of possums after Council control activities.
- The didymo regional groups
- Plant pest biological control co-operative - regional councils, Department of Conservation and Landcare Research
- Regional and Animal Health Committees - Animal Health Board, regional councils, Federated farmers and other stakeholders liaise on bovine tuberculosis matters at the regional level
- Pest liaison committees.