

**Memorandum of Understanding on biosecurity activities**

**between**

**Ministry of Agriculture and Forestry**

**and**

**Department of Conservation,  
Ministry of Fisheries, and  
Ministry of Health**

**31 October 2006**

## Contents

<b>CONTENTS</b> .....	<b>2</b>
<b>1. PURPOSE</b> .....	<b>4</b>
<b>2. PRINCIPLES</b> .....	<b>4</b>
<b>3. SCOPE OF THE BIOSECURITY SYSTEM</b> .....	<b>5</b>
<b>4. GOVERNANCE MECHANISMS FOR BIOSECURITY</b> .....	<b>6</b>
4.1 BIOSECURITY CHIEF EXECUTIVES FORUM (CES FORUM) .....	7
4.2 BIOSECURITY MINISTERIAL ADVISORY COMMITTEE (BMAC).....	7
4.3 BIOSECURITY CENTRAL/REGIONAL GOVERNMENT FORUM (BCR FORUM).....	7
<b>5. ROLES AND RESPONSIBILITIES</b> .....	<b>7</b>
5.1 SYSTEM OVERSIGHT.....	8
5.2 DELIVERY OF SERVICES .....	8
5.3 PEER REVIEW, SECTORAL POLICY ADVICE AND SUPPORT .....	11
<b>6. INTEGRATED RISK MANAGEMENT FRAMEWORK (IRMF)</b> .....	<b>12</b>
<b>7. POINTS OF INTERVENTION</b> .....	<b>12</b>
<b>8. CHIEF TECHNICAL OFFICERS (CTOS)</b> .....	<b>14</b>
<b>9. LEGAL ADVICE, ENFORCEMENT AND PROSECUTIONS</b> .....	<b>15</b>
<b>10. COMMUNICATION BETWEEN THE AGENCIES</b> .....	<b>15</b>
<b>11. EXTERNAL COMMUNICATION</b> .....	<b>16</b>
<b>12. VOTE BIOSECURITY BUDGET PROCESS</b> .....	<b>17</b>
<b>13. FURTHER WORK AND FUTURE REVIEWS</b> .....	<b>17</b>
<b>14. ADMINISTRATION OF THIS AGREEMENT</b> .....	<b>18</b>
<b>15. CONFLICTS AND DISPUTES</b> .....	<b>18</b>
<b>16. SIGNATORIES</b> .....	<b>19</b>
16.1 MINISTRY OF AGRICULTURE AND FORESTRY .....	19
16.2 DEPARTMENT OF CONSERVATION.....	19
16.3 MINISTRY OF FISHERIES .....	19
16.4 MINISTRY OF HEALTH .....	19
<b>APPENDIX 1 BIOSECURITY OUTCOMES FRAMEWORK (31 OCTOBER 2006)</b> .....	<b>20</b>
<b>APPENDIX 2 DEPARTMENTAL CONTACTS</b> .....	<b>22</b>
EXOTIC DISEASE AND PEST EMERGENCY HOTLINE.....	22
MINISTRY OF AGRICULTURE AND FORESTRY .....	22
DEPARTMENT OF CONSERVATION .....	22
MINISTRY OF HEALTH.....	22
MINISTRY OF FISHERIES .....	23
<b>APPENDIX 3 RELEVANT INTERNATIONAL AGREEMENTS</b> .....	<b>22</b>
<b>APPENDIX 4. BIOSECURITY CHIEF EXECUTIVES FORUM</b> .....	<b>25</b>
PURPOSE .....	25
RESPONSIBILITIES .....	25
ACCOUNTABILITIES.....	25

SECRETARIAT ..... 25

**APPENDIX 5. BIOSECURITY MINISTERIAL ADVISORY COMMITTEE ..... 26**

TERMS OF REFERENCE ..... 26

EXPECTATIONS ..... 26

FREQUENCY OF MEETINGS ..... 27

**APPENDIX 6. BIOSECURITY CENTRAL/REGIONAL GOVERNMENT FORUM..... 28**

PURPOSE OF THE CENTRAL/REGIONAL BIOSECURITY FORUM..... 28

RESPONSIBILITIES ..... 28

ACCOUNTABILITIES..... 29

MEMBERSHIP ..... 29

FREQUENCY AND REPORTING ..... 29

SECRETARIAT ..... 29

**APPENDIX 7. OPERATIONAL MATTERS BETWEEN MOH AND MAF ..... 30**

## 1. Purpose

1. This document provides an overarching framework for these agencies to work together on biosecurity matters:
  - the Ministry of Agriculture and Forestry (MAF)
  - the Department of Conservation (DOC)
  - the Ministry of Fisheries (MFish)
  - the Ministry of Health (MOH)
2. Cabinet agreed in August 2003 that accountability arrangement for biosecurity be reorganised by giving the chief executive of MAF accountability for end-to-end management of the biosecurity system. The purpose of this document is to ensure that the agencies collaborate and communicate to effectively carry out the government's biosecurity objectives, which are described in Appendix 1. This document clarifies accountabilities and responsibilities among the four agencies. Since biosecurity decisions made by one agency can have implications for other agencies' accountabilities and operations, this document also sets out expectations for involving agencies in those decisions and also in developing the operational policies that guide decision-making.
3. This document does not constitute a legal relationship between the agencies, nor does it make any party liable for the actions of another.
4. This document comes into effect from 31 October 2006 and replaces the Memorandum of Understanding on biosecurity activities between the agencies dated 1 July 2005, and 14 October 2004, and the earlier Memorandum of Understanding numbered BA100/01.

## 2. Principles

5. The overall expectation in the Biosecurity Strategy<sup>1</sup> is that the biosecurity system is fully integrated, and operating efficiently and transparently in an environment of continuous improvement (measure, review, refine).
6. The following principles form the basis for the working relationship between agencies:
  - acting collectively in New Zealand's best interests
  - acting according to their mandates under New Zealand laws and implementing international obligations
  - a single, holistic and integrated biosecurity system
  - fairness, effectiveness and efficiency
  - decisions will be made according to an agreed risk management framework
  - decisions informed by science, evidence and the best knowledge available, using appropriate precaution
  - acting with integrity and aiming for continuous improvement
7. The overriding principle for this document is that agencies should **act collectively in New Zealand's best interests**. The government expects agencies to work together professionally and effectively. The biosecurity system meets multiple economic, environmental and human outcomes so biosecurity decisions made by one agency may have implications for other agencies' accountabilities and operations. Agencies should try to avoid adversely or potentially adversely affecting other agencies' accountabilities and try to optimise benefits to other work areas. Where there are conflicts or potential

<sup>1</sup> Tiakina Aotearoa Protect New Zealand (2003), Biosecurity Council, [www.maf.govt.nz/biosecurity/bio-strategy/biostrategy.htm](http://www.maf.govt.nz/biosecurity/bio-strategy/biostrategy.htm)

synergies between functions, the affected agencies will have a legitimate interest in being involved in or consulted on biosecurity activities. In these cases, there needs to be dialogue and a close working relationship to ensure an appropriate whole of government response.

8. At all times, agencies and their staff will **act according to their mandates under New Zealand laws**. Lists of legislation administered by departments can be found in their statements of intent. It is also important that agencies **implement international obligations** that the government has adopted under various international agreements. A list of relevant international agreements is attached in Appendix 3.
9. Many of the recommendations in the Biosecurity Strategy aim to create a **single, holistic and integrated biosecurity system**. The biosecurity system includes some activities of agencies that are not party to this agreement. All agencies will work towards effective coordination, collaboration and good communication to achieve the best performance from the biosecurity system as a whole.
10. It is important that the biosecurity system operates **fairly, effectively and efficiently**. Biosecurity interventions should be fair, effective, and affordable. Agencies will ensure their activities and programmes have clear objectives, and that performance is measured and reviewed. Agencies will protect the government's financial position and will ensure that activities and programmes deliver value for money. This includes using knowledge and expertise that resides in other agencies where appropriate. When requested, agencies should provide timely comments, feedback and information. Agencies should take account of each others' planning cycles and milestones.
11. **Decisions will be informed by science, evidence and the best knowledge available, using appropriate precaution**. The biosecurity system is based on assessing, prioritising and managing risks. This approach recognises that it is not generally possible to manage all risks, to avoid all risks, or to achieve zero risk. Nevertheless in some situations it may be desirable and practicable to do so. International agreements use the concepts of "appropriate level of protection" and "precaution".
12. Agencies expect their staff to **act with integrity** at all times – being honest, impartial, fair, consistent, and transparent. Agencies will **aim for continuous improvement**, learning, and innovation.

### 3. Scope of the biosecurity system

13. The Biosecurity Strategy defines biosecurity as the exclusion, eradication or effective management of risks posed by pests and diseases to the economy, environment and human health.
14. "Pests" and "diseases" are lay terms that also have specific technical and legal definitions (which are often different from each other). It is important to be very clear about the way that these terms are used. **In the Biosecurity Strategy definition and throughout this document they are used as lay terms**. This section provides some further explanations as a guide to what is part of the biosecurity system and what is not. It is meant to be helpful rather than authoritative, so there will be situations where judgement and common sense are required, particularly around the boundaries.
15. All agencies should remember that there are different technical and non-technical meanings of biosecurity words that can easily lead to misunderstanding. There are

important technical definitions in legislation, international agreements, and in common use within agencies – sometimes with different definitions of the same word. Staff should make the effort to be aware of different terminology, particularly when working with other agencies, and should develop a clear and common understanding of the terms that are being used. Further work to harmonise, clarify, and document definitions is suggested in section 13.

16. As a general guide, the outcomes framework in Appendix 1 provides a description of the values that the biosecurity system protects. It also provides a description of the sorts of activities that make up the biosecurity system.
17. To avoid doubt, the biosecurity system includes (this is not an exhaustive list):
  - harmful and potentially harmful non-human organisms where harm refers to adverse impacts on the outcomes to which biosecurity contributes
  - diseases that affect animals, fish and plants
  - new organisms as defined in the *Hazardous Substances and New Organisms Act 1996*
  - marine, freshwater and terrestrial environments
  - controls over both imports and exports for the purpose of managing harmful and potentially harmful organisms, and market access negotiations on biosecurity issues
  - all pest management, including
    - the Department of Conservation’s control of animal pests and weeds in programmes funded through Vote Conservation for conservation
    - the Ministry of Health’s control of rats and mosquitoes around ports, which are obligations under International Health Regulations, and controls on nuisance pests under the *Health Act 1956*
    - regional council activities under regional pest management strategies and small-scale programmes under s100 of the *Biosecurity Act 1993*
    - landowner and community pest management activities
    - industry initiated and funded surveillance and pest management programmes
  - research purchased to support the biosecurity system

and, while there may be important synergies, the biosecurity system excludes:

- “infectious diseases” and “communicable diseases” as defined in the Health Act to the extent that these organisms are subject to control under that act – if there is any doubt or overlap then agencies will collectively agree how to manage the situation.
  - Customs activities
  - food safety issues, both import and export certification
  - activities relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora
  - certifying exports against sustainability criteria (eg Forest Stewardship Council, tooth fish catch documentation)
18. Agencies should not use lack of clarity around boundaries as an excuse for not taking action or responsibility – when in doubt, agencies should consult with each other to collectively decide the appropriate actions.

#### **4. Governance mechanisms for biosecurity**

19. The Minister for Biosecurity and the Associate Minister for Biosecurity have overall accountability for the government’s biosecurity activities and decisions. However, there

are overlaps and synergies between biosecurity and other ministers' accountabilities. Governance for the biosecurity system will be provided through the following four mechanisms.

20. The Biosecurity Strategic Unit is the secretariat for these three governance bodies.

#### **4.1 BIOSECURITY CHIEF EXECUTIVES FORUM (CES FORUM)**

21. The Biosecurity Chief Executives Forum (CEs Forum) comprises the chief executives of MAF, DOC, MFish and MOH. Until a process that supports the continuous improvement in the biosecurity relationship with Māori is implemented (a 'Māori responsiveness strategy'), the chief executive of Te Puni Kōkiri will sit on the forum. Chief executives from other agencies may also be asked to contribute.

22. The terms of reference for the CEs Forum are attached in Appendix 4.

#### **4.2 BIOSECURITY MINISTERIAL ADVISORY COMMITTEE (BMAC)**

23. The purpose of the Biosecurity Ministerial Advisory Committee (BMAC) is to provide independent advice to the Minister for Biosecurity on the performance of the overall biosecurity system.

24. The terms of reference for the BMAC are attached in Appendix 5.

#### **4.3 BIOSECURITY CENTRAL/REGIONAL GOVERNMENT FORUM (BCR FORUM)**

25. The purpose of the Biosecurity Central/Regional Government (BCR) Forum is two-fold:

- Improve coordination and collaboration across central and regional government biosecurity agencies; and
- Provide support to the Director General of MAF that enables effective end-to-end management of the biosecurity system.

26. The terms of reference for the BCR Forum are attached in Appendix 6.

## **5. Roles and responsibilities**

27. Cabinet agreed in August 2003 (CAB Min (03) 28/8) that the chief executive of MAF be given accountability for end-to-end management of the biosecurity system. Cabinet noted that this would mean once the new arrangements were fully implemented the chief executive of MAF would be accountable to the Minister for Biosecurity for strategic, regulatory and service delivery functions, from pre-border through to pest management, that contribute to health, environment, economic and social/cultural outcomes. Cabinet also noted that MAF's new role in relation to pest management would not mean it taking on the existing pest management responsibilities of agencies such as DOC, but that rather it will involve such things as ensuring roles are clear, that pests are being managed at the appropriate (national or regional) level, and that legislative tools are appropriate.

28. This section describes these accountabilities in more detail, including where other agencies are accountable for regulatory and service delivery functions.

29. There are two components of accountability in the biosecurity system:
- system oversight

- delivery of services

## 5.1 SYSTEM OVERSIGHT

30. Accountability for system oversight resides exclusively with the chief executive MAF and encompasses all parts of the biosecurity system, both those that MAF controls and those over which MAF has no direct control (refer to the paper titled *System Delivery Boundaries*, 6 May 2004). The elements of system oversight include:
- facilitating a shared sense of strategic direction;
  - providing commentary and advice to the Minister for Biosecurity;
  - facilitating cooperation and coordination;
  - national leadership and coordination, including for pest management; and
  - gathering information and reporting.
31. The chief executives of DOC, MOH, and MFish will support the chief executive of MAF to fulfil this accountability by contributing to the formulation of strategic goals for the biosecurity system, monitoring performance of the system against the outcomes specified, and providing advice on biosecurity risks to their interests (see section 5.3).
32. The chief executive of MAF will not directly control the biosecurity activities for which other agencies are accountable but will actively seek opportunities for collaboration and achieving joint outcomes.
33. For example, with respect to regional-scale (pest-led, vector and pathway management) and site-led pest management activities carried out by DOC, LINZ, regional councils, or private organisations, the system oversight role will aim to improve coordination where there are opportunities to facilitate more efficient and effective interventions, such as during the early stages of a pest's invasion cycle. This may involve identifying synergies between national- and regional-scale pest management, commenting on the balance between national-scale and regional-scale, and ensuring that pest management facilitates the protection of site values. This role will focus on situations where more than one agency is involved, there are lands of different tenure, or where the coordination and support of adjacent landowners is required. Part of the oversight role also involves discussions about national biosecurity priorities and their relation to regional, conservation or other priorities, both to inform their development and to communicate them when they have been agreed.
34. The chief executive of MAF will continue to gather information from the agencies to build a picture of the biosecurity system. Similarly, the other chief executives will need to gather information so they can contribute to system-performance measurement, fulfil their own accountabilities, report to international agencies, and report to other ministers. Further work is needed to identify the types of information required and how they can be efficiently gathered by building on existing reporting arrangements. The aim will be to create sensible and efficient processes that reduce duplication, build on existing mechanisms where possible, and improve the overall quality, usefulness, interoperability, and accessibility of information available about biosecurity.

## 5.2 DELIVERY OF SERVICES

35. The agencies are accountable for delivering the services listed in this section.
36. The chief executive of MAF may also purchase certain biosecurity services from another agency in cases where the following apply:
- the services can be specified in advance;

- the synergies with the provider's other functions are stronger than the synergies with MAF's other functions
- the provider has, and can sustain, the required capability;
- it will not compromise either agency's ability to meet their accountabilities;
- the provider can exercise any necessary powers under the legislation;
- the transfer of the function will not create credibility problems for key stakeholders or international obligations;
- both agencies agree.

### 5.2.1 Ministry of Agriculture and Forestry

37. The chief executive of MAF will be accountable for:

- ensuring that its biosecurity decisions take account of the full range of biosecurity outcomes, including economic, environmental and human health values;
- enabling New Zealand's exports by giving assurances to other countries about the pest and disease status of New Zealand and our exported goods, or notifying trading partners and relevant statutory bodies about any change in our pest or disease status;
- providing information about the potential invasiveness of exported species to importing countries;
- managing risks associated with imported goods;
- managing biosecurity risks at New Zealand's borders (except for surveillance for and exclusion of rats and mosquitoes that pose health risks);
- managing national-scale programmes for post-border surveillance, investigation, initial and ongoing responses;
- marine biosecurity functions not otherwise carried out by other agencies, including pre-border, border incursion response and public awareness activities;
- national leadership and coordination of pest management, including for the national pest plant accord;
- national programmes and activities to improve public awareness, community participation and public support for biosecurity; and
- enforcing conditional release and containment of new organisms.

38. MAF took up full accountability for national pest management on 1 July 2005, including for national leadership and coordination for pest management, and for national pest management programmes. MAF in consultation with DOC, other appropriate agencies, and regional government, will develop a clear definition of national-scale pest management, and a process and criteria for deciding whether a pest or pathway should be handled through a national- or regional-scale programme, and test this using agreed case studies. This work is ongoing through the Decisions Project and the Incursion Response System Review Project.

39. MAF became accountable for taking account of biosecurity risks to human health from 1 November 2004. Recognising that this capability still needs to be developed, MOH will continue to help to provide this capability. When developing risk analyses or standards, MAF will invite MOH early in the process to determine whether direct input is required. MOH will also support MAF with peer reviews of risk analyses as appropriate. MAF and MOH will review this arrangement periodically.

40. MAF has adopted the operational plan for marine biosecurity that was developed by MFish. Any changes to this plan will be made within usual strategic planning processes, but MAF recognises that MFish and DOC have responsibilities for the marine environment and will involve both agencies in operational planning relevant to those responsibilities.
41. Amendments made in 2003 to the *Hazardous Substances and New Organisms Act 1996* (HSNO Act) gave MAF, as the enforcement agency, accountability for ensuring that the provisions of the act with respect to new organisms are enforced. MAF is accountable for enforcing any controls placed on new organisms approved through the ERMA New Zealand process defined in the HSNO Act. To fulfil this accountability, MAF will develop operational agreements with the other agencies where they have responsibilities for new organisms.

### 5.2.2 Ministry of Health

42. MOH is responsible for providing advice to government on all matters relating to human health. MOH is also responsible for administering and implementing a variety of health-related legislation. MOH has an interest in organisms that may harm human health because of its responsibility to provide advice on all matters relating to public health and because any ongoing health effects from harmful organisms that become established will become a drain on the health system and require reprioritising resources away from other areas.
43. The primary role of MOH at the border relates to people coming into New Zealand as possible sources of infection, but human health port sanitation activities also include surveillance for and exclusion of rats and mosquitoes, which pose high human health risks. MOH is New Zealand's 'health administration' for the purposes of the International Health Regulations, which carries a high level responsibility for the protection of human health at the border.
44. The chief executive of MOH is accountable for:
- port sanitation; surveillance for, and exclusion of rats and mosquitoes that pose health risks to meet international health obligations (to be reviewed as part of the review of public health legislation); and
  - managing nuisance pests under the Health Act.
45. Management of the southern saltmarsh mosquito eradication programme and accountability for investigation and response for new incursions of mosquitoes that pose health risks shifted to MAF with effect from 1 July 2006.

### 5.2.3 Department of Conservation

46. DOC has an interest in any pests or diseases that are harmful or potentially harmful to indigenous flora and fauna or natural ecosystems (land, freshwater, marine) because such organisms may impact on the conservation values (lands, species, resources) for which DOC is responsible.
47. The chief executive of DOC will continue to be accountable for:
- managing pests to protect significant sites and resources for which DOC is responsible;
  - controlling wild animals under the *Wild Animal Control Act 1977*;
  - DOC's freshwater pest fish programmes under the *Conservation Act 1987*; and

- authorising the control of wildlife causing damage, under the *Wildlife Act 1953*.
48. DOC currently has accountability for freshwater pest fish programmes under the Conservation Act. MFish and Fish and Game New Zealand also have some accountability for freshwater aquatic life. Cabinet has previously agreed that freshwater jurisdictions under the Conservation Act will be reviewed through a different process, which may result in specific biosecurity elements being transferred to MAF.
49. DOC is currently accountable for wild animal control under the Wild Animal Control Act but agencies have agreed that the relationship between that act and the Biosecurity Act should be reviewed at some point in the future.
50. Responsibility for DOC's five national programmes (pyp grass, hydrilla, hornwort, white bryony and rainbow lorikeet) and one surveillance programme (first night campsites) transferred to MAF from 1 July 2005. DOC will continue to deliver some of the five national programmes during 2006/07, and possibly beyond, subject to a separate operational agreement between MAF and DOC.

#### 5.2.4 Ministry of Fisheries

51. The chief executive of MFish is no longer accountable for delivering biosecurity services but will remain a member of the CEs Forum. MFish is focussed on achieving an overall fishery outcome: *The value New Zealanders obtain from the sustainable use of fisheries resources and the protection of the aquatic environment is maximised*. MFish will have an interest in any organism that can harm the sustainable use of fisheries, and in any process, system, policy or strategy that minimises the risks to New Zealand's aquatic environment from biosecurity threats.
52. Marine biosecurity accountabilities and functions previously undertaken by MFish (policy, regulatory, and science) transferred to MAF on 1 November 2004. MAF and MFish have agreed arrangements for contracts management and access to relevant fisheries data.

### 5.3 PEER REVIEW, SECTORAL POLICY ADVICE AND SUPPORT

53. Cabinet agreed that MFish, DOC and MOH should retain sufficient capability to:
- contribute to the formulation of strategic goals for the biosecurity system,
  - monitor the performance of the system against the outcomes specified, and
  - provide advice on biosecurity risks to their interests (described above).
54. These agencies will:
- Maintain sufficient capability to deliver on these roles.
  - Provide advice to their own ministers and MAF about the health, conservation or fisheries implications of the biosecurity system, including: briefings, cabinet papers, ministerial correspondence, requests for official information, parliamentary questions, and responses to Select Committees;
  - Contribute to and peer review cabinet papers, requests for official information, and ministerial correspondence;
  - Continue to contribute to developing an integrated risk management framework for biosecurity and provide technical and policy advice on its implementation;

- Contribute to developing and maintaining the regulatory framework for biosecurity;
- Provide expert technical/scientific advice to MAF when they hold relevant expertise (see paragraph 62);
- Consult other agencies early when developing policies or making decisions that potentially affect another agency’s accountabilities or interests;
- Peer review specific standards and decisions of interest to their agency, with a view to ensuring the effectiveness of biosecurity activities and processes, and addressing any potential implications for other agency accountabilities;
- Respond in a timely manner to requests for peer review, feedback, comments, and information, or telling the requesting agency early if a deadline cannot be met;
- Facilitate rapid responses being led by other agencies as appropriate, for example by providing staff to participate in responses, quickly processing requests for actions on Crown-owned land, or providing other assistance as agreed at the time.

## 6. Integrated risk management framework (IRMF)

55. The biosecurity integrated risk management framework will be used to guide decision-making for all activities where MAF is accountable for service delivery. MAF is reviewing the integrated risk management framework as part of building a principles-based decision-making framework for biosecurity risk management decisions.
56. Other agencies are free to use the integrated risk management framework as an input into their decision-making where they are accountable for service delivery.
57. The CEs Forum has noted the intention to use the integrated risk management framework to inform decision-making on resource allocation in managing biosecurity risks across the biosecurity system, to support the system oversight role.

## 7. Points of intervention

58. The Biosecurity Act enables a wide variety of regulatory powers to be used but does not prescribe when they should be used or how such decisions should be made. Instead, a number of operational policies around the points of intervention outline the decision-making criteria and processes. The points of intervention are based on the biosecurity system outcomes and sub-outcomes (see Appendix 1):

point of intervention policy	current status
official assurance programme (exports)	Exists – new plants export system implemented in 2006
import health standard (IHS) policy	exists - new HIS and Risk Analysis procedures in place
determining, rescinding, and exempting unwanted organisms, and declaring and rescinding notifiable organisms	<p>policy on determining unwanted organisms exists but scope of CTO functions needs to be clarified and treatment of historical declarations sorted out for transition period</p> <p>DOC is developing a policy on declaring notifiable organisms and has produced guidelines for</p>

	exemptions for organisms declared unwanted by the CTO-Conservation
surveillance policy	yet to be completed, but work proceeding on implementing surveillance review
response	MAF is developing a generic response system as part of the Incursion Response System Review Project. MAF is also the enforcement agency for new organisms under the Hazardous Substances and New Organisms Act.
public awareness and participation	MAF has reviewed its communication programmes and is developing a Biosecurity Communication Strategy.
enforcement and prosecution	Operational Agreement in place. MAF has also reviewed its compliance strategy, particularly regarding the compliance and enforcement policy framework.
pest management	MAF has gained new roles in pest management, including national leadership and coordination. Multi-agency work on roles and responsibilities, when MAF will lead or coordinate programmes and looking at the transition from incursion response to pest management is currently underway.

59. Since biosecurity decisions made by one agency can have implications for other agencies' accountabilities and operations, it is vital that all agencies participate in developing these point of intervention policies and that the policies spell out appropriate consultation steps. DOC, MFish, and MOH's interests (see section 5) span the range of interventions: pre-border, border, exclusion, inspection, treatment, surveillance, management, response, public awareness, and information collection. MAF will consult the other agencies to determine the extent and timing of their involvement before initiating, developing or reviewing these policies. MAF will provide relevant documents, will invite respective agencies onto either steering groups or project teams as mutually agreed, and will involve the other agencies in the project planning. Points of intervention policies will be considered by the CEs Forum before being finalised, though the final accountability for them rests with the chief executive of MAF.
60. DOC, MFish and MOH will be consulted as appropriate on specific interventions respectively for environmental pests and diseases, marine pests and diseases, and to manage the risks posed by organisms that may harm human health. The specific interventions include:
- pre-border – import health standards and risk assessments
  - incursion response – decisions around incursion response
  - transition decisions – decisions on changes of pest status, e.g. whether or not to change a pest status from the incursion phase to a management phase
  - national pest management – whether or not to undertake a national-scale programme
  - internal borders – development and implementation of internal border policies and standards
  - decisions on declaring, revoking, or granting exemptions for unwanted organisms.

61. Some specific details about how MAF and MOH will notify each other about suspicious organisms are in Appendix 7.
62. There may be occasions where one agency holds expert technical and/or scientific advice that another agency needs to assess risks or develop risk management options. Requests for such input will be directed to the departmental contacts in Appendix 2 and agencies will try to meet reasonable requests whenever possible.

## 8. Chief Technical Officers (CTOs)

63. CTOs and deputy CTOs will be appointed within MAF, DOC and MOH to support agencies' accountabilities and biosecurity functions. CTOs are legally able to exercise all powers available to them under the Biosecurity Act, including for activities that are not funded through Vote Biosecurity, and these powers cannot be constrained. However, the CTOs are to limit their role to their agency's accountabilities, although CTOs are able to request that another agency's CTO take the lead in a decision. CTO activities should endeavour to reflect the agreed policies in this MOU.
64. CTOs are responsible for exercising CTO decisions and powers, including declaring, exempting and revoking unwanted organisms, as follows:
- MAF CTOs are responsible for decisions and powers in relation to:
    - the border and incursions;
    - the national-scale management of established pests and diseases;
 Within these categories, MAF's decisions and powers include, among others, revoking and exempting the unwanted organism status of organisms for which MAF is now responsible but which were previously declared by another agency;
  - MOH is responsible for decisions and powers in relation to:
    - mosquitoes of public health significance that may arrive at the border;
    - surveillance of saltmarsh habitat for exotic mosquitoes of public health significance;
    - managing nuisance pests under the Health Act;
  - DOC is responsible for decisions and powers in relation to:
    - its activities in regional-scale or site-led pest management;
    - animals managed under the Wild Animal Control Act, and freshwater fish;
  - MAF is responsible for responding to regional authority requests for declaring, exempting and revoking unwanted organisms where these relate to the border, incursions, national-scale management and regional-scale management (e.g., for the purpose of including pest plants on the National Pest Plant Accord, and to enable small scale management of unwanted organisms under section 100 of the Biosecurity Act).
65. Agencies will consult other agencies before making any decisions on unwanted organisms:
- DOC and MOH CTOs will consult MAF about the trade implications and enforcement requirements before declaring any organism to be unwanted;
  - MAF will consult MOH or DOC CTOs before revoking or granting exemptions for an organism previously declared unwanted by them;
  - MAF, MOH and DOC CTOs will consult with each other:
    - before making decisions that might affect another agency's accountabilities;
    - before declaring, revoking or exempting any organism that is of interest to the other agency.

66. CTOs will jointly review and develop processes and criteria for declaring, revoking or exempting unwanted organism status that are consistent where appropriate. New policies will be signed off by the CEs Forum.
67. MAF will continue to be responsible for maintaining an up-to-date register of all unwanted and notifiable organisms, and of the exemptions granted by all agencies.

## **9. Legal advice, enforcement and prosecutions**

68. MAF is responsible for administering the Biosecurity Act and therefore has primary responsibility for interpreting it. The Biosecurity Strategic Unit will keep a register of legal and legislative issues.
69. Subject to other work priorities, MAF will respond to reasonable requests from the other agencies for legal advice, peer review and support for their legal advisers. These requests will be treated in the same way as requests from within MAF in terms of determining the work plan and priorities for MAF Legal.
70. Agencies will share legal opinions and advice when it is sensible and prudent. Where disputes arise between the agencies, the cabinet directions for the Conduct of Crown Legal Business provide a resolution mechanism.
71. The agencies will work together and with regional councils to clarify the respective roles and responsibilities for investigations, legal proceedings, prosecutions and costs relating to breaches of the Biosecurity Act [reference operational agreement for enforcement].

## **10. Communication between the agencies**

72. The agencies commit to improving communication among themselves and to developing a working relationship based on early, effective, timely, and constructive consultation. A list of contacts is attached in Appendix 2 and agencies will regularly update and circulate appropriate contact details. Agencies will, as far as is practical, share information that is relevant to the performance, functions and duties of the other agencies, particularly when preparing papers for ministers or parliament, and identifying or communicating emerging issues.
73. The aim of consultation is to enhance the quality of decisions, improve relationships and to fulfil obligations. Consultation is not simply a compliance exercise. MAF will follow the *MAF Biosecurity Authority Policy Statement on Consultation*.
74. The Biosecurity Strategy highlighted the importance of science to biosecurity. Agencies will work together to develop a research strategy for biosecurity and ensure that the government's investment in biosecurity research is delivering best value for money. All requests for comments from MAF on research projects, including the Cross-Departmental Research Pool, will be directed to the Strategic Science unit.
75. Where agencies require access to taxonomy or diagnostic services to perform functions for which MAF is accountable, or to determine which agency should be accountable for an organism, they will have access to MAF services in the same way as MAF staff. Requests for diagnoses should be made to through MAF's Exotic Disease and Pest Emergency Hotline (contact details are in Appendix 2). Depending on the initial assessment, samples should be forwarded to either the MAF National Centre for

Disease Investigation or the MAF National Plant Pest Reference Laboratory. Any sample/specimen of a mosquito is to be forwarded to the Southern Monitoring Services' laboratory (refer to Appendix 7 for further details).

76. Information that agencies will need from each other to fulfil reporting obligations is covered in paragraph 34. Consultation for developing the points of intervention policies is covered in section 7. The policies will also include consultation processes for specific interventions. Situations where an agency needs to access expert technical and/or scientific advice from another agency are covered in paragraph 61. Consultation about CTO functions and powers is covered in section 8. Consultation about public and external communications is covered in section 11.

## 11. External communication

77. The agencies aim to cooperate where possible when dealing with external stakeholders, the public, industry, non-government organisations, and Māori, while recognising that each agency will maintain their own independent relations. Agencies will help each other improve their external communications by sharing lessons learned and by looking for opportunities to reduce duplication and the consultation burden on external parties. The main communication contacts for each agency are listed in Appendix 2.
78. Agencies will not comment publicly on another agency's roles or performance without discussing with that agency. Agencies should not respond to requests from outside the government on behalf of another agency without prior consent, and should refer the requests to the appropriate agency as soon as possible. Agencies will cooperate on requests for information under Privacy Act or Official Information Act. Agencies will only disclose another agency's information with prior consent. To prevent mistakes, agencies will clearly label any sensitive or confidential information that is being shared.
79. Joint press releases must be agreed by all affected agencies and circulated to all four agencies through the contacts in Appendix 2.
80. The agencies recognise that taonga such as indigenous flora; fauna and resources are highly prized treasures by Māori. Māori have diverse interests in the management of taonga as both kaitiaki (guardian) and developer. There is an expectation that their cultural, spiritual, environmental and economic values are explicitly reflected by the biosecurity agencies in biosecurity decision making processes.
81. All agencies have international reporting obligations and the other agencies will cooperate with them to provide timely information, peer review, and input when it is necessary and feasible. Given that international representation places high demands on New Zealand officials, agencies will look for opportunities to work smarter and more efficiently with international organisations.
- MAF will be responsible for reporting to the World Trade Organisation's SPS Committee and TBT Committee, as well as meeting the notification requirements under the Codex Alimentarius, the World Animal Health Organisation (OIE), and the International Plant Protection Convention.
  - MAF will be responsible for reporting and notifying the International Maritime Organisation (noting that the Ministry of Transport and the Maritime Safety Authority also have responsibilities in this regard).
  - DOC will be responsible for reporting and notifying under the United Nations' Convention on Biological Diversity.

- MOH will be responsible for reporting and notifying under the World Health Organisation's International Health Regulations.

82. MAF will:

- facilitate, collate, and document an annual cross-agency biosecurity awareness plan;
- develop, maintain and publicise a cross-agency biosecurity information/resource database;
- facilitate opportunities for cross-agency biosecurity awareness initiatives, including by publicising existing initiatives;
- provide, within available resources, marketing, design, production, public relations and communication advice to support biosecurity awareness initiatives undertaken by other agencies;
- implement biosecurity awareness initiatives prioritised by MAF; and
- coordinate cross-agency research into awareness and behaviour including the development of funding bids if required.

83. The other agencies agree to:

- supply timely information to MAF about upcoming awareness activities;
- participate in the annual cross-agency biosecurity awareness planning process;
- participate in cross-agency initiatives where appropriate and where capacity allows;
- reinforce agreed key messages in biosecurity awareness initiatives where appropriate;
- implement the biosecurity awareness framework guiding principles when implementing biosecurity awareness initiatives;
- use appropriate logos that are developed as part of the biosecurity awareness programme, informing MAF when they do; and
- share information on biosecurity awareness budget and resource allocations.

## **12. Vote Biosecurity Budget Process**

84. The CEs Forum will agree the process for developing and prioritising new initiative bids for Vote Biosecurity at the start of the Budget cycle each year.
85. All new initiative bids for Vote Biosecurity will be prioritised using the integrated risk management framework.

## **13. Further work and future reviews**

86. During the process of developing and revising this agreement, the agencies have identified a number of projects and areas where further work is required. These are listed below and will need to be considered in agencies' workplans. Some of these projects are underway, but others remain outstanding (as at 31 October 2006):
- Governance and principles for determining the Crown's contributions to regional pest management strategies (part of the pest management coordination project).
  - Provide further details about the types of information that will be required for reporting and measuring performance (paragraph 34).

- MAF, in consultation with DOC and all appropriate agencies, including regional governments, will (paragraph 38) develop a clear definition of national-scale pest management, and a process and criteria for deciding whether a pest or pathway should be handled through a national- or regional-scale programme, and test this using agreed case studies.
- MAF will involve DOC and MFish when amending or revising the operational plan for marine biosecurity (paragraph 40)
- Developing the points of intervention policies, including the processes for making decisions and consulting agencies, particularly in areas where there are currently gaps such as surveillance, pest management, and the interface between different types of responses (section 7).
- Participate in the review of freshwater jurisdictions under the Conservation Act to determine whether any freshwater biosecurity functions should transfer to the Biosecurity Act (paragraph 48).
- Review and rationalise the legislative tools for national containment of pests under the Wild Animal Control Act and the Biosecurity Act.
- Review and rationalise the legislative tools for managing imports of animal hair or bristle under the Anthrax Prevention Regulations.
- Given the changed accountabilities for biosecurity, review the process for coordinating and funding biosecurity-related operational research.
- Review accountability and legislative arrangements for port sanitation, surveillance and exclusion, as part of the review of public health legislation. This will expire with the completion of the Health (Drinking Water Amendment) Bill and Public Health Bill.
- MAF and MOH will work together to incorporate the requirements for compliance with the international health regulations into first port of call standards.
- Harmonise, clarify and document terms and definitions (paragraph 15).
- Review the Biosecurity Act (paragraph 68).

## **14. Administration of this agreement**

87. Changes to this document must be agreed by the CEs Forum. The Biosecurity Strategic Unit will maintain this document and coordinate comments or changes. The original signed version will be held by MAF Legal.
88. When there are changes to government policy which affect the purpose and functions of this document, agencies will inform each other of those changes as soon as is practicable and meet to renegotiate, if necessary.
89. This agreement expires on 31 October 2008. Any agency wanting to withdraw from this agreement before then will inform the other agencies in writing.

## **15. Conflicts and disputes**

90. Any differences between the agencies that cannot be resolved by the officials working on a particular issue, or which relate specifically to issues in this document, then it should be referred to the departmental contacts in Appendix 2 in the first instance and the CEs Forum if it remains unresolved. If the CEs Forum cannot reach agreement then the matter will be referred to the Minister for Biosecurity to resolve in consultation with other relevant minister(s). Ministers can refer issues to Cabinet in line with section 4.14 of the Cabinet Manual.

## 16. Signatories

We agree that this memorandum of understanding and its attachments describe how our agencies intend to collaborate on biosecurity matters.

### 16.1 MINISTRY OF AGRICULTURE AND FORESTRY

---

Murray Sherwin  
Director-General

### 16.3 MINISTRY OF FISHERIES

---

John Glaister  
Chief Executive

### 16.2 DEPARTMENT OF CONSERVATION

---

Al Morrison  
Director-General

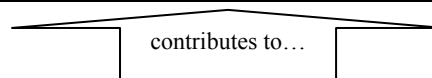
### 16.4 MINISTRY OF HEALTH

---

Stephen McKernan  
Director-General

## Appendix 1 Biosecurity Outcomes Framework (31 October 2006)

<b>Government priorities</b>	<b>Economic Transformation</b>	<b>Families – young and old</b>	<b>National identity</b>	
<b>outcomes</b>	<b>Sector Development –</b> New Zealand’s economic growth and prosperity are enhanced through a high-performing and innovative sector	<b>Trade – Safe and freer rules-based trade</b>	<b>People – Healthy New Zealanders</b>	<b>Natural Resources – Sustainable management of natural resources to meet the sustainable economic, environmental and cultural values, aspirations and obligations of New Zealanders</b>
<b>intermediate outcomes</b>	<ul style="list-style-type: none"> <li>• Policies and interventions to foster innovation and growth in the sector</li> <li>• Effective and efficient regulatory regimes for the sector</li> <li>• Enhanced prosperity for Māori engaged with, or participating in, the sector</li> <li>• Enhanced business environment for rural communities</li> </ul>	<ul style="list-style-type: none"> <li>• Maintained and enhanced market access for agricultural, food and forestry products and reduced market distortions resulting from trade rules and market interventions</li> <li>• Credible and trusted animal and plant product assurance</li> <li>• Balanced export and import regime covering the safety and suitability aspects of trade in animal and plant products.</li> <li>• Protection of land-based and aquatic environments, primary production systems, trade, and human health and wellness from biosecurity pests</li> </ul>	<ul style="list-style-type: none"> <li>• Safe and suitable food for New Zealanders</li> <li>• Reduced impacts on human health and wellness from biosecurity pests and pest management activities</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainability of agricultural, food and forestry-related land, biological and water resource use</li> <li>• Protection from biosecurity pests of the economic, environmental, recreational and cultural values and benefits associated with land, biological and water environments</li> <li>• Protection of Māori biologically-based economic resources</li> <li>• Protection of Māori biologically-based cultural resources</li> </ul>



biosecurity  
system  
outcomes  
(end-to-end  
biosecurity)

<p><b>Harmful and potentially harmful organisms do not cross New Zealand’s borders and cause unwanted damage</b></p> <ul style="list-style-type: none"> <li>• <b>exports</b> – importing countries accept assurances about the pest status of New Zealand products and can access relevant information about the potential invasiveness of exported species</li> <li>• <b>access</b> – goods, genetic resources and beneficial new organisms can be used and accessed in ways that minimise unwanted damage</li> <li>• <b>border &amp; investigation</b> – harmful and potentially harmful organisms are prevented from arriving or are intercepted before they can establish or cause unwanted damage in New Zealand</li> </ul>	<p><b>The unwanted damage caused by harmful organisms that have established in New Zealand is reduced</b></p> <ul style="list-style-type: none"> <li>• <b>pests</b> – the unwanted damage caused by priority harmful organisms is reduced</li> <li>• <b>pathways &amp; vectors</b> – the spread of unwanted harmful organisms is reduced on priority internal pathways and vectors</li> <li>• <b>sites</b> – the unwanted damage caused by harmful organisms at priority sites is reduced</li> </ul>
<p><b>The public are active, informed and supportive participants in the biosecurity system</b></p> <ul style="list-style-type: none"> <li>• <b>awareness &amp; behaviour</b> – New Zealanders and travellers better understand biosecurity risks and change their behaviours to reduce those risks</li> <li>• <b>participation</b> – increased participation by Māori, regional councils, industry, and the public in biosecurity activities</li> <li>• <b>support</b> – support and tolerance for biosecurity programmes increases</li> </ul>	

## Appendix 2 Departmental Contacts

In the first instance, issues about this agreement and unresolved disagreements between agencies should be referred to the departmental contacts named below. Issues that are still unable to be resolved can be escalated to the CEs Forum. This list was last updated on 31 October 2006.

### EXOTIC DISEASE AND PEST EMERGENCY HOTLINE

The MAF Exotic Disease and Pest Emergency Hotline phone number is **0800 809 966** and its email address is [neworganisms@maf.govt.nz](mailto:neworganisms@maf.govt.nz)

### MINISTRY OF AGRICULTURE AND FORESTRY

Barry O'Neil	Douglas Birnie	Brett Sangster
Assistant Director General Biosecurity New Zealand	Director Policy Biosecurity New Zealand	Director Corporate Communications
<a href="mailto:barry.oneil@maf.govt.nz">barry.oneil@maf.govt.nz</a>	<a href="mailto:douglas.birnie@maf.govt.nz">douglas.birnie@maf.govt.nz</a>	<a href="mailto:brett.sangster@maf.govt.nz">brett.sangster@maf.govt.nz</a>
(04) 894 0357	(04)894 0355	(04) 894 0165
(021) 470 582	(029) 894 0355	(027) 247 8777
(04) 474-4100 (MAF switchboard)		
David Wansbrough	Clare van Bysterveldt	Jose Derraik
Manager Biosecurity Strategic Unit	Analyst Biosecurity Strategic Unit	Technical Advisor Human Health Pre-Clearance
<a href="mailto:David.Wansbrough@maf.govt.nz">David.Wansbrough@maf.govt.nz</a>	<a href="mailto:clare.vanbysterveldt@maf.govt.nz">clare.vanbysterveldt@maf.govt.nz</a>	<a href="mailto:jose.derraik@maf.govt.nz">jose.derraik@maf.govt.nz</a>
(04) 894 0571	(04) 894 0569	(04) 894 0485
(021) 888 095		

### DEPARTMENT OF CONSERVATION

Geoff Hicks	Carol West	Nicola Vallance
Chief Technical Officer Conservation Manager Science & Research	Manager Plant and Animal Pests Research, Development and Improvement Division	Strategic Media Advisor External Relations Group
<a href="mailto:ghicks@doc.govt.nz">ghicks@doc.govt.nz</a>	<a href="mailto:cwest@doc.govt.nz">cwest@doc.govt.nz</a>	<a href="mailto:nvallance@doc.govt.nz">nvallance@doc.govt.nz</a>
(04) 471 3063	(04) 471 3258	(04) 471 3158
(04) 471 0726 (DOC switchboard)		

### MINISTRY OF HEALTH

Sally Gilbert	Doug Lush	Peter Abernethy
Chief Technical Officer Health Team Leader	Senior Advisor Social Environment	Manager Communications

Environmental Health		
<a href="mailto:sally_gilbert@moh.govt.nz">sally_gilbert@moh.govt.nz</a>	<a href="mailto:douglas_lush@moh.govt.nz">douglas_lush@moh.govt.nz</a>	<a href="mailto:peter_abernethy@moh.govt.nz">peter_abernethy@moh.govt.nz</a>
(04) 495 4345	(04) 460 4797	(04) 496 2008
(021) 369 764	(027) 276 9587	(021) 366 111

### **MINISTRY OF FISHERIES**

Tom Chatterton		Alan Meek
Manager Standards		Communications Manager
<a href="mailto:Tom.Chatterton@fish.govt.nz">Tom.Chatterton@fish.govt.nz</a>		<a href="mailto:alan.meek@fish.govt.nz">alan.meek@fish.govt.nz</a>
(04) 470 2615		(04) 494 2369
(021) 499 878		(021) 822 588
(04) 470 2600 (MFish switchboard)		fax: (04) 494 2360

### **Appendix 3 Relevant international agreements**

- Convention on Biological Diversity 1993:
  - Cartagena Protocol on Biosafety 2000
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973
- International Health Regulations 2005 (World Health Organization 1983) (expected to enter into force mid-2007)
- International Maritime Organisation Guidelines for the control and management of ships' ballast water to minimise the transfer of harmful aquatic organisms and pathogens (Resolution A868(20))
- International Maritime Organisation convention on harmful effects of the use of anti-fouling paints for ships
- International Plant Protection Convention 1951 (amended 1979 and 1997)
- International Standards for Phytosanitary Measures (ISPM):  
No. 1-27 see  
<https://www.ippc.int/servlet/CDSServlet?status+ND0xM5OSY2PWVuJjPSomMzc9a29z>
- International Agreement for the creation of an Office International des Epizooties in Paris
- World Animal Health Organisation (OIE) – Terrestrial Animal Health Code
- World Animal Health Organisation (OIE) – Manual of Standards for Diagnostic Tests and Vaccines for Terrestrial Animals
- World Animal Health Organisation (OIE) – Aquatic Animal Health Code
- World Animal Health Organisation (OIE) – Manual of Diagnostic Tests for Aquatic Animal Diseases
- 
- Plant Protection Agreement for the Asia and Pacific Region 1956 (amended 1969, 1983 (not all amendments in force) and 1999 (not in force))
- Pacific Plant Protection Organisation (established in 1994 by Resolution of the 34<sup>th</sup> South Pacific Conference as an auxiliary body of the Commission. Note the SPC now stands for the Secretariat of the Pacific Community)
- United Nations Law of the Sea 1982
- United Nations Fish Stock Agreement 2001
- World Trade Organization Agreement (WTO): Agreement on the Application of Sanitary and Phytosanitary Measures 1994 (SPS agreement)
- World Trade Organization Agreement (WTO): Agreement on Technical Barriers to Trade 1994 (TBT agreement)
- World Trade Organization Agreement (WTO): General Agreement on Tariffs and Trade 1994 (GATT 1994)

## **Appendix 4. Biosecurity Chief Executives Forum**

### **PURPOSE**

1. The purpose of the Biosecurity Chief Executives Forum (CEs Forum) is to provide advice and support to the chief executive of MAF, who will be accountable for the end-to-end management of the biosecurity system. The forum will:
  - develop the strategic direction for biosecurity so as to ensure that biosecurity contributes optimally to all desired outcomes;
  - monitor the performance of the biosecurity system;
  - ensure clarity of roles, accountabilities and responsibilities; and
  - improve the performance of the overall biosecurity system.

### **RESPONSIBILITIES**

2. The forum will advise on such things as:
  - the strategic direction for biosecurity in New Zealand, including identifying significant and emerging issues, specifying outcomes, establishing priorities, identifying research needs, and advising on resource requirements;
  - roles, responsibilities and accountabilities, including on any purchased functions;
  - evaluation and monitoring performance against the outcomes specified;
  - the capability of the biosecurity system;
  - prioritisation of biosecurity budget bids;
  - the Biosecurity Act and its relationship with other legislation;
  - high-level risk management frameworks;
  - significant and controversial issues, including major incursions;
  - international biosecurity-related obligations; and
  - stakeholder liaison.

### **ACCOUNTABILITIES**

3. The chief executives of MAF, MFish, DOC, and MOH will be accountable to the Minister for Biosecurity for working together to achieve the purpose of the forum. As the chief executive accountable for end-to-end biosecurity, the chief executive of MAF will:
  - ensure the effective operation of the forum;
  - provide advice on behalf of the forum to relevant Ministers (this will not restrict any other chief executive from providing independent advice);
  - ensure information is provided and exchanged openly; and
  - ensure delivery of the biosecurity programme in line with agreed strategy.
4. The chief executives of MFish, DOC, and MOH will support the chief executive of MAF by contributing to the formulation of strategic goals for the biosecurity system, and monitoring performance of the system against the outcomes specified.
5. The chief executive of MAF may also purchase certain biosecurity services from the other agencies.

### **SECRETARIAT**

6. The secretariat for the CEs Forum will be provided by the Biosecurity Strategic Unit. Papers will be circulated three working days before meetings and all agencies will have an opportunity to comment on substantive papers before they are circulated. Papers and minutes will usually be circulated to the State Services Commission.

## **Appendix 5. Biosecurity Ministerial Advisory Committee**

### **TERMS OF REFERENCE**

1. The Biosecurity Ministerial Advisory Committee (BMAC) will provide the Minister for Biosecurity with high quality independent advice on the performance of the overall biosecurity system, including:
  - assisting the Minister and MAF to ensure that New Zealand's biosecurity system incorporates the range of environmental, economic, human health and social/cultural outcomes sought by the government and the interests of a wide range of stakeholder groups;
  - monitoring and providing advice on the efficiency, effectiveness and capability of the biosecurity system;
  - advising the Minister and MAF on strategies and policies covering the end-to-end biosecurity system, including:
    - the identification of adverse impacts to the environment, economy, human health or social/cultural interests that are not being adequately protected by the biosecurity system;
    - the identification of gaps or enhancements to protect New Zealand from the introduction of risks whether in terms of pathways, vectors or organisms; the identification of opportunities to enhance biosecurity surveillance and incursion response capabilities;
    - the identification of opportunities to enhance the management of pests, weeds and diseases whether nationally or regionally;
  - supporting increased public awareness, support of and participation in the achievement of the objectives of the biosecurity system; and
  - providing a forum for stakeholders to participate in, or initiate debate on, government policies relating to biosecurity.

### **EXPECTATIONS**

2. The Committee in providing its advice will adopt an evidence-based approach.
3. Members of the Committee are expected to:
  - Base their advice on an excellent understanding of the broader biosecurity issues
  - Bring to the Committee special expertise, experience and networks in a particular part of the biosecurity sector that will contribute to the Committee's work
  - Ensure that feedback from meetings and decisions taken is provided through networks to the sector groups represented
  - Provide input into the development of committee policies and procedures
  - Adhere to policies adopted by the committee
  - Ensure that biosecurity matters of significance are brought to the attention of the Minister for Biosecurity
  - Ensure that you are familiar with any background material sent prior to meetings and teleconferences
  - Participate in meetings and teleconferences as required
  - Undertake any additional activities agreed at the meeting (such as drafting reports, commenting on reports drafted by other members, providing material etc)
  - Assume collective responsibility for decisions
  - Declare any conflict of interest, or potential conflicts of interest, that may arise either directly to the Minister or at the beginning of each meeting.

## **FREQUENCY OF MEETINGS**

4. The Committee will meet four times each year or more frequently if the need arises and will be by agreement between the Minister, the Chair and members.

## **Appendix 6. Biosecurity Central/Regional Government Forum**

### **PURPOSE OF THE CENTRAL/REGIONAL BIOSECURITY FORUM**

1. The purpose of the Biosecurity Central/Regional Government (BCR) Forum is two-fold:
  - Improve coordination and collaboration across central and regional government biosecurity agencies; and
  - Provide support to the Director General of Ministry of Agriculture and Forestry (MAF) that enables effective end-to-end management of the biosecurity system.

The forum will have a clear focus on matters at the boundaries of central and regional government responsibility.

2. The Director General of MAF has no direct control over the biosecurity activities of regional councils. Collegial relationships and cooperation across central and regional government agencies are fundamental to effective end-to-end management of the biosecurity system.
3. The ability of government as a whole to achieve its desired biosecurity outcomes can be strengthened through quality and common direction-setting, clear arrangements (accountabilities, roles, responsibilities and funding), better information flow and positive collaboration across central and regional government agencies.
4. The BCR forum will principally operate on a top down basis. It will set a work programme that addresses matters of key interest to its membership. That work programme will be coordinated/ managed by a technical working group.

### **RESPONSIBILITIES**

5. The BCR forum will focus on strategic issues including:
  - contributing to development of strategic direction for biosecurity, including identifying significant and emerging issues, specifying outcomes, establishing priorities, identifying research needs, and advising on resource requirements;
  - contributing to monitoring and improving biosecurity system performance, with particular focus on components that directly impact on regional government accountabilities;
  - monitoring the performance of key central/regional government initiatives (such as the National Pest Plant Accord);
  - identifying other key opportunities to improve coordination and alignment of work programmes across central and regional government;
  - identifying opportunities to improve or jointly develop capability, including opportunities to leverage off existing agency capabilities;
  - ensuring there are clear accountabilities, roles, responsibilities and funding arrangements across central and regional government, including any purchase of biosecurity services from regional councils;
  - identifying issues and improvements to the regulatory framework for biosecurity, where these facilitate the pest management activities of regional councils (e.g., provisions under the Biosecurity Act) or the Crown's biosecurity activities (e.g., meeting provisions in the Resource Management Act to facilitate incursion response);

- ensuring the biosecurity system appears seamless to the public and delivers clear and consistent messages; and

## **ACCOUNTABILITIES**

6. The Director General of MAF will provide the leadership and coordination necessary to ensure effective biosecurity outcomes in the regions (i.e. ensure the legislative framework facilitates regional scale management, ensure accountabilities, roles, responsibilities and funding arrangements are clear etc.) As the chief executive is accountable for end-to-end biosecurity, the Director General of MAF will:
  - ensure the effective operation of the forum;
  - provide advice on behalf of the forum to relevant Ministers (this will not restrict any other chief executive from providing independent advice to their Minister or Mayor);
  - ensure information is provided and exchanged openly; and
  - ensure delivery of the biosecurity programme in line with agreed strategy.
7. The chief executives of the Ministry of Fisheries (MFish), the Ministry of Health (MoH), Land Information New Zealand (LINZ), the Department of Conservation (DOC) and regional councils will support the Director General of MAF. They will do this by contributing to the formulation of strategic goals for the biosecurity system, monitoring of systems performance against the outcomes specified, and work together to achieve the purpose of the forum.
8. The Director General of MAF may also purchase certain biosecurity services from the other central and regional government agencies.

## **MEMBERSHIP**

9. The BCR forum will comprise the chief executives of MAF, MoH, MFish, LINZ, DOC and all regional council chief executives by way of general invitation. Chief executives may delegate a nominee to attend the forum in their absence.

## **FREQUENCY AND REPORTING**

10. The BCR forum will meet at least twice every year in the context of the Chief Executives Environment Forum, and will report back to all chief executives during the Chief Executives Environment Forum.

## **SECRETARIAT**

11. The secretariat for the BCR forum will be provided by the Biosecurity Strategic Unit.
12. All papers will be circulated at least one week prior to meetings. All agencies will have an opportunity to comment on substantive papers before they are circulated.

## **Appendix 7. Operational matters between MOH and MAF**

1. The Ministry of Health (MOH) and MAF will notify all detections of suspected exotic organisms (excluding mosquitoes and pathogens of public health significance) to the **MAF Exotic Disease and Pest Emergency Hotline (Telephone number: 0800 809 966 / Email: [neworganisms@maf.govt.nz](mailto:neworganisms@maf.govt.nz))**
2. Calls from the general public to the MAF Exotic Disease and Pest Emergency Hotline relating to mosquitoes will be put through to **021 2414 727**, and the caller will be told that they are being put through to a cell phone that is attended 24/7 by a Health Protection Officer. Calls or reports received by the MAF laboratories, which are determined to relate to exotic mosquitoes will be transferred to 021 2414 727, or the details will be forwarded to the same number.
3. MAF will maintain a capability, either in-house or by way of contract or other arrangement, for identifying suspect exotic organisms in the terrestrial environment and will provide diagnostic services for identifying suspect exotic pests and diseases affecting New Zealand's animal (including honey bees), plant or forest species. MAF's reference laboratory diagnostic services cover exotic pests and diseases affecting New Zealand's indigenous flora and fauna and human health (excepting "infectious diseases" and "communicable diseases" as defined in the Health Act to the extent that these organisms are subject to control under that Act) up to the point of definitive diagnosis. It is important to note that the Investigation and Diagnostic Centre (IDC) (formally the National Centre for Disease Investigation) can carry out the diagnosis of diseases of aquatic animals regardless of the salinity of the water, but does not currently have the capability to identify exotic species in the marine or freshwater environments.
4. MOH and BNZ will work together to maintain a capacity, by way of contract, for identifying mosquitoes of public health significance. Any sample/specimen of mosquito found or received by MAF or MOH will be forwarded as soon as possible to the Southern Monitoring Services' laboratory for identification, or an arrangement made for a designated officer of the relevant public health service to collect the sample/specimen and forward it to the laboratory.
5. Where MAF becomes aware of a post-border detection or incursion of a suspected or confirmed exotic organism of high human health significance, MAF will inform MOH and the relevant public health service within one hour. MAF will inform MOH and the relevant public health service of all other post-border detections of organisms of human health significance within one working day. MAF will notify the relevant Medical Officer of Health as well as the MOH of any notifiable zoonotic or arboviral diseases that require public health action.
6. MAF will disinsect all aircraft arriving in New Zealand in accordance with the Schedule of Aircraft Disinsection Procedures, agreed between the MAF Quarantine Service and Australian Quarantine and Inspection Service, 4 May 2004. Disinsection will be undertaken for the Ministry of Health and according to World Health Organisation recommendations. The purpose of disinsection is the prevention of the introduction and establishment of pests or diseases that could affect human, animal and plant health in New Zealand.

