



New border system workshops

7 September 2010 in Auckland

Wellington on 8 September 2010

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Introduction

1. This report covers two workshops where MAF Biosecurity New Zealand officials met with border system stakeholders. The first was held on 7 September 2010 in Auckland and the second on 8 September in Wellington.
2. This round of workshops was the fourth in a series to hear stakeholders suggestions for a new border system that is fit for purpose in a biosecurity sense and also meets the needs of stakeholders who are affected by it.
3. This round of workshops looked at implementation of the new border system, what is happening and what needs to happen to bring the new border system into effect. Previous workshops had focused on the design of the new system.
4. The morning session looked at macro elements; the amendment to the Biosecurity Act, an overview of the border system and the interplay of the border system and the Government and Industry Agreement for post border activities.
5. The afternoon had sessions on how targeting and resource deployment works, import health standards and related documents in the new system and developments in the clearance of passengers.
6. All the comments from the workshops are treated as submissions and have been passed on to the relevant MAF Biosecurity New Zealand work streams for consideration.
7. The summary take-home messages for MAF Biosecurity New Zealand were tested with the participants at the close of the workshops.
8. The body of the report is the comments made by stakeholders from both workshops, sorted into topic areas. The comments may have come for discussion in groups or from discussion in the workshop as a whole.

Take-home messages for MAF

Auckland

9. There is good accord on the changes in general but there are still some concerns about import commodities where less information is available.
10. A major concern is uncertainty about how much importers will have to pay as operating costs for the new Joint Border Management System. The Government is paying for the build phase.
11. The format of these workshops, bringing together representatives from all sectors, is a good way to for MAF to engage when there is strategic level change. However this particular series of workshops has now run its course and it is now time to focus more closely of specific issues.

Wellington

12. There is general support for the new border system but concern remains about some of the specifics. Engagement should become more focussed after this workshop, possibly along import risk lines.
13. MAF needs to spend more time thinking about how to implement the compliance tool kit that the amendment to the Biosecurity Act will deliver.
14. MAF needs to reconsider our communication processes outwards (which is different from engagement such as this workshop). We need to communicate what is going on in the biosecurity system and we should use more than the one or two tools we tend to focus on.
15. MAF needs to do more work on how import health standards and official assurance programmes will interact and work in practice. MAF then needs to communicate with importers so they understand what they have to do and with stakeholders so they can be confident of the outcomes sought.
16. MAF is an organisation that engages with its stakeholders two-way and that needs to continue. Some opportunities for improvement are:
 - Plan engagement further in advance and coordinate more widely, across the whole of MAF, across sectors and with other border agencies. Instead of two or three times a year for each strand of work, think once a year coordinated across all work.
 - Have different formats. Workshops such as this are good for when MAF has something to put on the table that will affect the system as a whole and it is important for people to look at it from that perspective. Otherwise use more targeted meetings.
 - Circulate agenda items and papers (or an abstract) in advance so stakeholders can arrange to send the best person and prepare their material to contribute.

Comments from workshop participants

	Topic / Comment	Workshop
	<i>Amalgamation of MAF and NZFSA</i>	
1.	The amalgamation of Food and Biosecurity is well supported	Auck
2.	Biosecurity must not be lost in new name. Biosecurity has public understanding so it is crucial not to lose the word or the identity.	Auck
3.	When appointments are made and changes happen in the new organisation, send communications to both stakeholders and frontline staff about who will be doing what.	Wgtn
4.	MAF internal alignment - getting better	Wgtn
5.	Concern: potential loss of skills and / or momentum during amalgamation	Wgtn
6.	Barry Hellberg, NZ Retailers Association: I would like to register the grocery and supermarket industries concern to retain the senior managers we have been working with on issues for many years. It would be foolhardy for the new organisation to lose their expertise.	Wgtn
	<i>Biosecurity Act amendment and the Food Bill</i>	
7.	Like: Biosecurity Act amendment. Move to strict liability important.	Auck
8.	Like Biosecurity Act amendment: Importer liability	Auck
9.	<p>Will the Biosecurity Act be running both criminal and civil liability? Will inspectors get to decide civil liability? How often do you expect to use the civil liability provision?</p> <p>MAF response: The Biosecurity Act will have both criminal and civil liability provisions. Specialist enforcement people will make decisions about civil liability. Will have to get back to you about expected frequency.</p>	Wgtn
10.	<p>What will be the definition of importer in the Biosecurity Act amendment? It will be great to have clarity about the responsibility but the definition needs care. The Food Bill's new regime will also put a lot of responsibility on the importer. The definition there is very wide; if they benefit, which captures airlines.</p> <p>MAF response: The Biosecurity Act amendment intends to be similar to the Customs Act, without the tariffs. This is important for the operating in the JBMS environment. Generally speaking, an importer for Customs will be an importer under the Biosecurity Act.</p>	Auck
11.	Like: Biosecurity Act amendment: Incentives for importers to bring consignment in a compliant way.	Auck
12.	<p>Is non-compliance defined in the Biosecurity Act? For outcome based standards who decides?</p> <p>MAF response: Non-compliance isn't defined in the proposed amendment but if a standard requires something and it doesn't happen, that is a non-compliance. All outcome statements must also have a way to determine if the outcome has been met.</p>	Wgtn
13.	What is your expectation of reaction to the Biosecurity Amendment Bill	Wgtn

	Topic / Comment	Workshop
	<p>when it reaches Parliament?</p> <p>MAF response: We have been talking with groups like this so there shouldn't be any surprises. We hope the Bill and the logic behind it will be supported. If there are things in the Bill that you like, write in to the Select Committee with your support. Usually it is only the opposing views that are aired to the Select Committee and the danger is that we lose what was thought to be a done deal.</p>	
14.	<p>What is the timeline now for the Biosecurity Act amendment? When will we have an opportunity to see it?</p> <p>MAF response: The timing will largely depend on when we receive the draft bill from the Parliamentary Counsel Office, who draft legislation, and how much more work is needed before it can be introduced to Parliament. Our objective is to have it tabled in the House by December, when you can next see the Bill, and referred to Select Committee for hearings early next year. After that it is up to the House. However, we are really keen to see the Bill passed before the next election as carried over legislation seems to lose momentum after an election.</p>	Wgtn
15.	<p>A draft of the Food Bill was made available to key stakeholders confidentially to test the implications of the drafting. Will biosecurity be doing something similar?</p> <p>MAF response: The timing we are working to means that a draft is unlikely to be available in time. Maybe MAF could host another workshop for stakeholders after the Bill has been tabled in the House. However, MAF couldn't cut across the Select Committee process. We will pass this suggestion on to the project team.</p>	Wgtn
16.	<p>What degree of consistency of approach will there be between the Food Bill and the Biosecurity Act amendment? The Food Act has more prescription from government and a staggered transitional arrangement for which industry is affected when.</p> <p>MAF response: Can't respond specifically but the amalgamation is intended to bring out the best of both worlds and improve consistency. It could become a horses for courses thing. The animals world works to a slightly different framework from plants and their issues are different. We aren't expecting to lose the outcomes statement approach.</p>	Wgtn
17.	<p>Biosecurity Act amendment: good to see offences relating to non-compliance with an IHS</p>	Auck
18.	<p>Biosecurity Act amendment: Support stronger enforcement action by MAF for non-compliance</p>	Auck
19.	<p>Like incentives / disincentives</p>	Wgtn
	<p><i>Sea containers</i></p>	
20.	<p>Why inspect empty containers?</p> <p>MAF response: For containers, the risks are incidental and therefore hard to target, It depends on where the container has been and when. We can't predict from biology what will be on the container. An empty container can be sitting on a Pacific island carrying all sorts of stuff from anywhere; either pests, soil or rubbish it has picked up locally or from</p>	Wgtn

	Topic / Comment	Workshop
	everywhere else it has been. Compare that to pears where the container is more likely to be clean and the major risks as associated with the contents.	
21.	<p>Why is there an obligation to provide information on empty containers?</p> <p>MAF response: At the moment the challenge is getting information to develop a risk profile. There is a study starting next week where we will be looking at 5% of containers so we have information to develop a risk profile. The new standard is based on the provision of information in advance, some of which is hard to get. A working group of MAF and industry is meeting to work out how to manage until JBMS. Some information requirements will suspended until then. The working group will help MAF learn what is do-able.</p>	Auck
22.	<p>Are the Pacific islands targeted more than e.g. Australia, and if so, why?</p> <p>MAF response: Yes, some ports are targeted more than others. For example ports with the potential for Asian gypsy moth are high risk. Other ports have opportunities such as ants getting onto or into the containers.</p>	Wgtn
23.	Concern: Risk profile of sea containers from ?AUL?	Auck
	Costs	
24.	Like: Risk and intelligence based resourcing	Wgtn
25.	<p>Will the new system involve cost increases?</p> <p>MAF response: Overall, we are expecting the new system to be better, faster and cheaper. For non-compliant goods we are definitely expecting more costs. However, for compliant goods we anticipate that there will be savings in time if not actual costs over the whole of the supply chain. Also, MAF will have more confidence that imports are compliant. We think that will be worth it for both sides. Government has put up over \$70 million to develop the first phase of JBMS but the cost of operations will have to be recovered from users.</p>	Auck
26.	Concern: Will the cost of the new border system to New Zealand and stakeholders be containable?	Wgtn
27.	Concern: Uncertainty about costs and where they will lie.	Wgtn
28.	Concern: Costs related to regional airports and the airlines that use them, with their fickle drivers and relationships.	Wgtn
	Craft	
29.	<p>With the extension of biosecurity to the Exclusive Economic Zone, will the craft standards apply to both fixed and floating craft?</p> <p>MAF response: We haven't reached that level of detail yet. The key thing is for biosecurity to happen out there. Oil rigs are a good example of bringing stuff close to New Zealand but not into port. Also, they can pick up our pests while they are here. There are limits to what we can do.</p>	Auck
30.	<p>The draft craft standard presented at our initial meeting was rubbish and will have to completely reworked.</p> <p>Mike Butcher's response: There has to be a straw man put up so you</p>	Wgtn

	Topic / Comment	Workshop
	can find the weaknesses in the existing processes. The straw man's function is to be attacked so you get a better end product. But it is also important how the straw man is presented.	
31.	<p>What is the likely time lag before having craft risk management standards?</p> <p>MAF response: Craft standards can't be finalised until after the Biosecurity Act has been amended. They will go through the same development process as import health standards. There will be a lead time for implementation and opportunities to have a say before the standard is finalised.</p>	Auck
	Standards	
32.	Like: outcome based systems	Wgtn
33.	Like: standards that will actually work	Wgtn
34.	Like: outcome approach	Wgtn
35.	<p>How do you expect to respond to pushback against have outcome based statements in standards?</p> <p>MAF response: We recognise that an outcome based statement wont be sufficient. There will be guidance material alongside the standard for those who want to be told what to do.</p>	Wgtn
36.	Like standards and the new suite of documents	Wgtn
37.	Like the ability to add new countries easily to an existing standard.	Wgtn
38.	Challenge of plain English in risk management plans, semen cf beans	Wgtn
39.	Suggest specific communications where technical language must be used	Wgtn
40.	Plain English / short sharp messages	Wgtn
41.	<p>How plain can can plain language actually be?</p> <p>MAF response: The goal is plain. However there are differences about what is appropriate for plain language. For example, some words about the antibody test for bluetongue have to be technical. The outcome focussed statement in the import health standard should definitely be in plain language. We expect that guidance documents and import health standards for inanimates (e.g. vehicles) and animals products will have more opportunities for plain English. There are some legal requirements for the import health standard but the other documents have more leeway for plain English.</p>	Auck
42.	Concern that new import health standard currently takes years.	Auck
43.	Great that import health standard development is under review	Auck
44.	Like: standardisation of import health standard process	Wgtn
45.	Like new process for developing import health standards	Auck
46.	Who pays for the development of an import health standard?	Auck
47.	<p>How long is transfer to new format expected to take? A massive programme especially for Animals.</p> <p>MAF response: Goal is to have all transferred in 5 years. Will go more quickly once new information system in place. Target is to have 15% transferred by July next year. Starting with the easy ones, e.g. dogs and</p>	Auck

	Topic / Comment	Workshop
	cats will go from 26 standards to 1 standard and 4 certificates. The new format germplasm standard will replace 8 old ones. Some of the animals products will also need risk analysis to support the measures.	
48.	<p>What about the backlog of import health standard production?</p> <p>MAF response: The production of import health standards will be speeded up by this. Behind this, internally, we will allocate resources based on risks and the information available. We understand that some issues are highly contentious and there isn't much information so they will require a significant investment. For other commodities, such as where there is existing trade, a lot is known already and should be relatively simple. To stop ourselves overanalysing, we have put tight timeframes on ourselves.</p>	Wgtn
49.	<p>Will imports be stopped until standards are transferred to the new format?</p> <p>MAF response: We expect the existing import health standards to stay until the new arrangement is in place unless there is a fundamental problem with the existing requirements.</p>	Wgtn
50.	How will MAF deal with import / export challenge?	Wgtn
	<i>Official assurance programmes</i>	
51.	Government endorsed official assurance programmes are good. Will work because government to government.	Wgtn
52.	Like official assurance programmes.	Auck
53.	Like the strategy of improving multi-lateral standards to take pressure off importers.	Auck
54.	<p>What is the content of an official assurance programme?</p> <p>MAF response: Some official assurance programmes are simple and some are complex. We are finding that most of the information currently in an import health standard is going into the official assurance programme and is agreed.</p>	Wgtn
55.	<p>What have been the overseas governments' reactions to having official assurance programmes?</p> <p>MAF's response: New Zealand has exports under official assurance programmes so they aren't unusual. For example we have had a Bilateral Quarantine Agreement with Australia for 20 years. Putting the focus there gives both sides greater confidence and assurance about their imports.</p>	Wgtn
56.	<p>How long to negotiate an official assurance programme and what has to happen before imports can occur?</p> <p>MAF response: Using the example of pears from China, there has to be an official assurance programme plus an import health standard issued before the pears can get here. We can also have another level with official assurance programme for all countries for that commodity or group of commodities. Standards will be grouped, for example pears, but there will only be official assurance programmes for some countries as necessary.</p>	Wgtn

	Topic / Comment	Workshop
57.	Concern: official assurance programmes: negotiation process costly, we don't dictate terms	Auck
58.	Concern about the confidentiality involved in bi-lateral agreements	Wgtn
59.	Concern about how to build up trust in off-shore partners; systems, unannounced audits, verification of imports, cultural baggage.	Wgtn
60.	Concern: Will MAF really stop imports if there is a problem but there is also an exports trade?	Wgtn
61.	<p>How good is audit effectiveness if a supply chain goes wrong?</p> <p>MAF response: There are several layers of response if a supply chain has non-compliances. The core questions is, is the system operating correctly? Audits will be done regularly across the system. Also, if something happens that shouldn't have, e.g. if pests are found, there is a set of sanctions such as trade being stopped or a particular pack house being knocked out. The new border system will have additional information. For example if a pack house has changed owner and we don't have any history of compliance, we will have another look at goods from that pack house until we have confidence in their systems.</p>	Auck
62.	Concern: official assurance programmes: importing country audits.	Auck
63.	In Food Safety, NZ can guide visiting auditors. But it is accepted that the rules of the [importing] jurisdiction apply.	Wgtn
64.	<p>The United States of America and the European Union audit New Zealand's systems.</p> <p>MAF response: New Zealand accepts that audits of our export systems are necessary. If the importing country loses confidence in our systems they can stop trade. But not based on rumour. We are driven by wanting to export and we understand things aren't always balanced. The new border system will increase our overseas audit capability by working closely with our Quadrilateral partner countries (Australia, Canada and United States of America) to share information. Also, the Joint Border Management System (JBMS) will give us capability to collect snippets of information and analyse them to drive decision-making.</p>	Wgtn
65.	<p>Will official assurance programmes take some of the pressure off the importer / exporter relationship to ensure goods are compliant with biosecurity? The direct link used to be a contract where the importer sends New Zealand's requirements and if there are any bugs, the contract is void. Such arrangements didn't always work well.</p> <p>MAF response: Official assurance programmes will help importers to meet their obligations rather than absolve them. MAF recognises that it is hard for an importer to prove to MAF that a grower in China is meeting our requirements. We see it as helping to have an accredited supply chain so importers can have more confidence. As a system, if there are high levels of compliance the whole chain will move faster. But that doesn't let importers off the hook.</p>	Auck
66.	Want more information: Timeline for govt to govt agreements	Auck
67.	Will you be applying the official assurance programme approach retrospectively to existing import health standards?	Wgtn

	Topic / Comment	Workshop
	MAF response: No, we will be looking at each standard as it comes up.	
68.	MAF question: What is the best way to get stakeholders feedback into import requirements? MAF wants it to be early on. The new approach has gone from formal consultation at the end of a process to a working engagement from early on but there are other models such as the Government and Industry Agreement, advisory committees and the specific working groups that animals convene. An important fish hook is that stakeholders will have to invest a higher level of resource.	Wgtn
69.	Mike Butcher's response: I'm not saying our industry is totally comfortable with the results but we see benefits from going this way and my confidence in the process is growing. Horticulture New Zealand was involved with the development of the official assurance programme for pears from China. The process was different but worked well. We saw it as inevitable that pears were going to come in and having an official assurance programme would give us better control, whether or not there is corruption. The process worked and was very encouraging. Yes, it does take a lot of time input to the process by the stakeholder. However, if you value consultation, you will accept the cost of the input because you are doing something for your industry because you accept the commodity is coming.	
70.	Is there a free trade agreement or official assurance programme in place with India? MAF response: No, New Zealand doesn't have a free trade agreement or official assurance programme with India. The concept of official assurance programmes isn't brand new. We have had one with Australia for over ten years. The new ones, such as with China, are part of the free trade agreement. The agreements bind the exporting government to deliver pre-export and pro-active response if something goes wrong. There are huge advantages and New Zealand wants to have more in the future.	Auck
71.	Concern: we want reciprocal trade but some products are not suitable i.e. a flower treated with too much glyphosphate to devitalize will ruin it for re-sale.	Auck
	Facilities	
72.	How will the new approach with outcome statements apply to standards for transitional and containment facilities? MAF response: There is a fundamental difference between facility operational standards and how to manage risks on a commodity. The more recent facility standards have been written with core requirements and guidance material. Writing outcome statements has been challenging e.g. describing the level of cleanliness required or the cleanliness tolerances.	Auck
73.	Will the obligation to comply with standards apply to the operation of transitional and containment facilities? MAF response: Some additional teeth will be put in the Biosecurity Act and they will have offences associated with them. We will be able to	Auck

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	suspend a facility until it does comply. That would mean the operator wouldn't have to go through the whole process of approval from scratch before starting to receiving imports again.	
	<i>Export certificate reliability</i>	
74.	Concern: we have to find something that works better than the current system for phyto certificates.	Wgtn
75.	How will you identify the person who issues the phytosanitary certificate? How will personal responsibility work? MAF response: All phytos have recognised signators. For example, currently all phytos leaving New Zealand have one of our managers signatures on them. In the near future we will have electronic phytos with verification by electronic transfer directly Government to Government. China already has an e-phyto system and New Zealand is developing one. There will be secure government to government sharing of information so there is no opportunity to fraudulently develop certificates.	Auck
76.	Concern about ability to verify authenticity of overseas docs. We need phyto-certs on paper that are tamper proof and moving to electronic transfer of phyto cert.	Wgtn
77.	The new system puts a lot of emphasis on reliable certificates but some countries don't have any transparency and certificates can be bought and sold. MAF response: We agree that certificates from some jurisdictions are not reliable. Another piece of work that MAF has going behind the scenes is electronic export certification (e-cert) government to government. However, I can assure you that the Chinese government, for example, is taking the reliability of their certificates to New Zealand very seriously. But we want to make sure that we can have confidence in their systems as well. The new border system will have two stages. Goods will still be verified that they are as they should be when they arrive at the border. This work will be done by the new Verification Branch. But equally, systems in the exporting country will have to be auditable so we can trace back. Yes, people can do a spray diary fraudulently but how far back should they go? I have to say that New Zealand operates one of the least government involved assurance programmes in the world. We argue constantly that people can have confidence in our system, with its small government involvement and 3rd party verification. We expect other governments to believe us.	Wgtn
78.	China wants a credible relationship with New Zealand that it can demonstrate to the rest of the world. Third parties and governments are also interested in how it goes. That is a powerful incentive.	Wgtn
79.	Current certification systems, particularly paper based ones, have opportunities for fraud. MAF response: China has agreed to a new electronic certification system which is a major step up from unilateral requirements posted on our website. The Chinese Government is taking their certification very seriously so we have a lot of confidence in it.	Wgtn

	Topic / Comment	Workshop
80.	<p>Malcolm Yorston: If the Government of China says they are throwing resources at biosecurity, they will be. From our experience with the motor vehicle industry, we can take confidence that when the Government commits that exports will meet a standard, for example the EU standards for motor vehicles, those standards will be met. Their new factories are state of the art and we expect China to become world leaders shortly. We expect that they will do the same for the rest of their exports.</p> <p>MAF response: Our experience to date is that no system is fool proof. New Zealand's certified exports are occasionally non-compliant but we try to minimise the occurrence. Under the new MAF structure, the Verification Branch will verify that goods are compliant. If the goods aren't, they (the goods) will move outside the system and experience sanctions. The aim is for compliant goods to flow better and more cheaply.</p>	Auck
81.	<p>The obligations on importers are good to see but what can be done to stop bogus certificates being issued? Importers are working on information provided to them. We have examples where the government in the country of origin sent out directives to stop issuing bogus certificates. The importer receives certificates that look OK but the problem is further back.</p> <p>MAF response: The importer's obligation is to take all reasonable steps. We wouldn't prosecute if the importer used apparently good information. But we would like importers to tell us when the information on a certificate is unreliable, as they currently do. We want to create an environment where we have conversations with you. The information will be fed into the border management system and profiles adjusted to reflect the confidence we have in other governments' systems or regions or industries in that country.</p>	Auck
82.	<p>What incentives will there be to tell MAF about bogus certificates? Would a penalty be imposed if the importer relied on information provided?</p> <p>MAF response: If goods are subsequently found to be non-compliant one impact could be stopping trade. However, if the importer relied on recurring false information, then they would be in breach of their obligation. Profiles will be able to target particular importers, pathways or suppliers. Compliance orders might also be issued in New Zealand. If we find out that the jurisdiction issuing the certificate/s should have known or has been wilfully blind, that would be a trigger for us to look more closely at their exports. Wilfully blind can be assessed by looking at documentation found in an investigation, for example correspondence between the importer and supplier that they didn't receive what was expected. We aren't saying it is easy but there is generally something in black and white if you look hard enough. The new border system and powers in the Act will allow us to develop our intelligence areas to be able to investigate further.</p>	Auck

	Topic / Comment	Workshop
	<i>Government and Industry Agreement</i>	
83.	<p>What will be the definitions of primary industry and growers for liability purposes in the Government and Industry Agreement? Will importers be affected? How will liability be decided?</p> <p>MAF response: The project team hasn't worked through all that detail yet. In general, however, for an importer to be held liable for an incursion, we would have to be able to show they hadn't complied with the import requirements. For example, if we could show that documents or information on which a biosecurity clearance had been given were falsified, the importer may be liable. We haven't worked through how a decision about liability would be made. Where liable persons are identified, we want to sheet home responsibility where we can although it is difficult to build the links in practice in many cases. We are still working through issues such as insurance opportunities, legal questions and ability to pay.</p>	Wgtn
84.	<p>How many have signed up to the Government and Industry Agreement so far?</p> <p>MAF response: There will be one overarching agreement but we don't have it yet. The meeting on Monday fleshed out the principles for what the deed might look like and we will work through in increasing details over the next few months. We hope to get Cabinet approval for the deed next year and the industries will sign on after that.</p>	Wgtn
85.	<p>More information please to understand better how the border system and the Government and Industry Agreement connect.</p>	Wgtn
	<i>Incentives and disincentives</i>	
86.	Concern: Will MAF really stop trade when problems found?	Wgtn
87.	Concern: Will MAF enforce rules?	Wgtn
88.	Concern: Cost	Wgtn
89.	Like: Incentive and disincentive approach	Wgtn
90.	Like: Risk Management Facilitation	Wgtn
	<i>Intelligence and targeting</i>	
91.	Like: Principle of targeting high risks	Wgtn
92.	Like: Targeting resource to greatest risk	Wgtn
93.	Like: Creators of risk targeted.	Wgtn
94.	Like: Blanket approach going, if can identify low risks, then let them go	Wgtn
95.	Like: Pre-screening based on information, compared to decisions about screening made face to face	Wgtn
96.	Like: Cargo: if operating within the system good, if not, spend more time with MAF	Wgtn
97.	Like: Cargo - faster processing times	Wgtn
98.	Like: Pilot programmes are a good initiative	Auck
99.	<p>When will industry hear about the other 10 commodities you are planning to trial?</p> <p>MAF response: we will talk to the stakeholders affected but it is very early days. We are still gathering information. The selection will be</p>	Auck

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	based on compliance when they arrive in New Zealand, not on the supply chain. Examples of candidates we are thinking about are bulk fertiliser and ice block sticks.	
100.	Will passengers be targeted or not targeted in the same way as green beans and containers? MAF response: Passengers will be targeted similarly but the environment is different. Many passengers are new to biosecurity. We are still gathering supply chain knowledge. There are benefits to the importers and those interested in improving biosecurity from shifting resources to higher value activities.	Auck
101.	Like: 100% screening of passengers for 10 years - now information to be able to target low / higher risk	Wgtn
102.	More information about the management of intelligence	Wgtn
103.	More information on intelligence and what it will look like.	Wgtn
104.	More information about drilling into information coming from targeting	Wgtn
105.	More and better information: targeted information to drill in and understand. Use stakeholders information, e.g. suppliers and ports, to increase understanding.	Wgtn
106.	More information about using information held by stakeholders to improve targeting	Wgtn
107.	Concern: Managing resources in face of changing profiles and intelligence. How will this be done and will there be enough resource?	Wgtn
108.	Will resources be shifted back if an import has gone down to 50% inspections and then fails and goes back up to 100%? MAF response: Juggling resources will be a matter of judgement based on the risks at the time. There will be factors other than the supply chain that change, for example new or emerging pests or the distribution of a pest throughout the world will also be factors in intelligence. We are trying to move from a purely reactive model to a more pro-active one.	Auck
109.	Concern: Different risk profiles between flights and airports	Wgtn
110.	Concern: Risks e.g. climate and surroundings change port to port	Wgtn
	<i>Joint Border Management System</i>	
111.	Like: Joint border systems (moving towards single border agency)	Wgtn
112.	All airlines view JBMS as good move	Auck
113.	Like: JBMS - good to amalgamate	Auck
114.	Like: JBMS - reduce compliance costs.	Auck
115.	Automated submission systems of information would make a positive difference	Auck
116.	JBMS: Cost \$70m stage 1, \$140m full system - Users to pay? - Who will pay 1) capital cost, 2) maintenance and operational costs - Don't know so can't plan.	Auck
117.	When will industry hear costs to industry of JBMS? MAF response: Still working on it but Government has contributed \$70m to initial development. Will see more joined up approach between	Auck

	Topic / Comment	Workshop
	Customs and Biosecurity. Strong messages from Ministers.	
118.	Shipping lines need information about JBMS for forward planning at least 1 year - 18 months out.	Auck
119.	Want information system where put in commodity and country and it will give you what you need to do? MAF response - hoping to get to similar to Australian decision-tree model.	Auck
120.	Interaction between JBMS and NZ Transport Authority for vehicles? Would be an issue if JBMS doesn't include NZTA process / clearance. MAF response: All vehicles will be entered into JBMS and information transferred to NZTA. Customs Bill will set up protocols for sharing info between Customs and other agencies wisely and efficiently.	Auck
<i>Offshore risk management</i>		
121.	Official assurance programmes address responsibility at government level but what about at pack house level? Cultural gap.	Auck
122.	How will MAF cover on-line purchasing?	
123.	Need to get engagement from fast moving consumer goods sector	Wgtn
<i>Onshore risk management</i>		
124.	Why not decrease inspection even more? MAF response: The trial is testing the assumptions behind it. We need to make sure that we are not lowering the protection levels. We also need to bring people on board, such as the affected industry, with what is happening, to maintain compliance levels. We want to make sure that goods are not just compliant when they arrive but the systems behind them are working as expected. To go to the next step, we need to have confidence that the imports will continue to be compliant. An example is the motor industry where the manufacturer issues a certificate of compliance with the standards. Ewan Philpott: If motor vehicles are not compliant, they go straight back to 100% for the next 5 consignments. Then provided no further non-compliance and supportive intelligence, they may go back to 50% inspection.	Auck
125.	Previously for green beans 100% of consignments were inspected but not all the beans in a consignment? MAF response: That's correct. For most imports we are talking about a sample of the consignment.	Auck
126.	Request greater detail on the processes for verification / audit, co-management and equivalence	Auck
127.	Concern: A rigorous system on paper does not necessarily make for a rigorous system in practice. Need spot checks	Auck
128.	Will you be doing slices of life as time passes? MAF response: Yes, slices of life are part of the verification regime. If	Auck

	Topic / Comment	Workshop
	there is a non-compliance the importer will go back to a higher inspection rate until there is another history of compliance. There will also be some inspection after clearance, using a different process to build up history. Remember that even though doing a sample, e.g. of every second consignment, the chances of something getting through as still very very small, 0.0000something.	
129.	Does biosecurity have a similar function to that of food safety which accepts an educational role, for example to get word out into new ethnic groups or migrant entrepreneurs, so they comply with New Zealand requirements? This is a major challenge for groceries and supermarkets. MAF response: Biosecurity isn't as pro-active as food safety but we are certainly aware of the need. The key is to make our information clear and accessible. The amendment to the Act will give us new tools that will help.	Wgtn
130.	Need to get information out to smaller businesses on what they need to do (educational resources)	Wgtn
131.	Concern: will MAF actually enforce the rules. The tool kit will be there but will MAF actually use it?	Wgtn
132.	Need to be clear about what we are going to do. What is non-compliant and how it will be sheeted back.	Wgtn
133.	Need to be clear how non-compliance is defined, measured (outcome vs. prescription) and decisions are made.	Wgtn
134.	Non-compliance penalties? MAF response: We have to work with the Ministry of Justice to ensure that the biosecurity penalties sit comfortably with other penalties across all legislation. We expect them to be tougher. The new provisions such as giving misleading information or not complying with a compliance order will have penalties associated with them,.	Auck
135.	How many passenger repeat infringers do we get? MAF response: Very few according to the penalty process the Enforcement Unit runs. The beauty of Cusmod is that we will easily be able to recall the history of a passenger and therefore be able to deal with them differently.	Auck
136.	Need immediate test for devitalisation. MAF response: A risk analysis is being done about this. Also work is being done under the Better Border Biosecurity science funding arrangement.	Auck
137.	Concern about unintended consequences: need to monitor and reduce.	Wgtn
	Passengers	
138.	Like: Air travellers - minimum inconvenience	Wgtn
139.	Like: Trans-Tasman express check.	Auck
140.	Passenger management is moving in the right direction.	Wgtn
141.	Like: Smartgate	Wgtn
142.	Smartgate clearance is faster if you don't have any baggage in the hold	Wgtn

	Topic / Comment	Workshop
143.	Smartgate 50% uptake by those eligible	Wgtn
144.	Smartgate departures rolling out soon (pre-clearance before leave)	Wgtn
145.	Smartgate - next generation technology coming	Wgtn
146.	Smartgate - extend / tie in with other countries	Wgtn
147.	Smartgate - need process chain management to achieve gains, one weak link and the process falls apart e.g. a breakdown in baggage handling. Airports need to work through who to fix what. Need to set up incentives to continue good service after passengers are off the plane?	Wgtn
148.	Smartgate - ?reduce departure pre-arrival checks	Wgtn
149.	Like: Smartgate development / departure tax transparency	Wgtn
150.	Concern about MAF resourcing for regional international airports. New charging regime coming up for international airports coming on and off. Airlines fickle. Seeking to establish when they are in for the long haul.	Wgtn
151.	Drivers for regional airports e.g. local pride and regional development	Wgtn
152.	Australian regional airports - more of them are currently domestic only.	Wgtn
153.	Rugby World Cup will change demographics e.g. business travel stops. Different risks to manage.	Wgtn
154.	What is planned to speed up passengers transiting between airport and cruise ship? MAF response: MAF struggles with these transiting passengers because there isn't always a direct departure. Therefore their goods are considered to be imported. We intend to look at it later, especially departures that are moving directly from the port to the airport.	Auck
155.	There was a study that found that detector dogs make the most difference to biosecurity and the in-flight video and check-in information aren't as effective. MAF response: We are aiming to have many layers of biosecurity and focus the different tools where they are most effective. We have put our effort into identifying relatively low risk Australia / New Zealand travellers. Many passengers from other origins are first time visitors and it is their goods we need to look at.	Auck
156.	What puts a passenger on the alert system? MAF response: The intelligence would have to be very specific. For example repeat offending, person of interest in a biosecurity investigation, having said something publicly about bringing in an unwanted organism, participating in international conferences of biosecurity interest.	Auck
	<i>Participation in the biosecurity system</i>	
157.	Like: the transparency and engagement processes	Wgtn
158.	Like: increased participation	Wgtn
159.	Like: continued engagement	Wgtn
160.	Like communicating changes to MAF staff and stakeholders	Wgtn
161.	Like: greater involvement by stakeholders in managing risk (link to incentives and disincentives)	Wgtn
162.	Like: sharing best practice amongst stakeholder groups - engagement	Wgtn

	Topic / Comment	Workshop
163.	Like: engagement early	Wgtn
164.	Sharing with stakeholder groups is working well.	Wgtn
165.	Like: increasing participation and information, involving stakeholders more. It does involve time commitment but important.	Wgtn
166.	Like: involving stakeholders	Wgtn
167.	Like: the Biosecurity Act amendment message to declare accurately	Auck
168.	The border still has some way to go developing network governance such as animal welfare uses to develop their codes.	Wgtn
169.	Plain English as much as possible. Use short sharp messages such as for didymo. If people can do it, they tend to.	
170.	Concern that MAF as a whole not connected to the new way of operating.	Wgtn
171.	Use communication channels with industry / sectors	Wgtn
172.	MAF needs to get better about publicising your successes. Use industry channels to help communicate; forums and publications.	Wgtn
173.	Publicise enforcement information	Wgtn
174.	Provide more information on organisms identified from goods that have been fumigated, so we understand the background challenge.	Auck
175.	We notify MAF about pathways that are not working but we don't get any reports or feedback from MAF.	Wgtn
176.	When MAF delays in replying it raises the question: what is MAF hiding.	Wgtn
177.	Provide updates on the progress of new test development, e.g. under Better Border Biosecurity.	Auck
178.	Tells us what you are doing and why to build trust and so our concerns are met, e.g. trials, dimethoate reduction	Wgtn
179.	Concern about consultation fatigue	Wgtn
180.	A lot is going on in the MAF space and also other parts of the regulatory system. The whole of MAF needs to communicate its stakeholder engagement plans at least 12 months ahead so that stakeholders can in turn plan.	Wgtn
181.	Relationships and communications operate at several different levels. You attend a meeting then don't hear anything further for ages then receive another invitation. It looks random.	Wgtn
182.	MAF should keep its stakeholder lists up to date with the right people and contact details.	Wgtn
183.	Choose when to engage	Wgtn
184.	Notify way in advance so engagees can plan for engagement such as arranging representation and the budget to fund. Make it clear when and what skill sets looking for around the table. Engagement also needs to be clear about who is responsibility for communications back to constituency.	Wgtn
185.	Translator / nominated rep from industry will also need preparation time and the authority to speak on behalf.	Wgtn
186.	Stakeholders need to resource engagement too. Need quid pro quo or benefit for engaging.	Wgtn
187.	Bring industry along with you e.g. the green beans trial. Were they aware that you were moving to 50% verification?	

	Topic / Comment	Workshop
188.	Need more responsive approach to sign off / approve those imports that are difficult to clear (give a biosecurity clearance to) from the import health standard.	Auck
	Future forums	
189.	<p>MAF: What is your preference for the future for this forum? It was originally intended for the design to implementation phase of the new border system so we can interact over issues.</p> <p>Stewart Milne: I think this series has its course and has overcome the issue of MAF not consulting. You have done your bit. Those what wanted to know do so. Have something similar when strategic level change in future.</p> <p>Malcom Yorston: The MAF Industry Cargo Consultative Committee (MICCC) and its working parties is a good forum. We keep a good all over overview and can work closely with staff on issues.</p> <p>Bill Dyck: The workshop form has done its dash but keep the mailing list alive. Move to engagement of issues. Possibly reconvene if new stuff comes along or to provide an update.</p> <p>MAF response: Thanks for being involved. Having all our border stakeholders together is refreshing for us. Also the opportunity to share amongst yourselves.</p>	Auck
190.	These forums are useful but more specifically targeted would be even better.	Wgtn
191.	Would like greater engagement with specific groups in specific pathways / areas	Wgtn
192.	What style of forum? PMAC, NZFSA Domestic and exporter forums	Wgtn
193.	<p>The New Zealand Food Safety Authority holds a forum three times a year for the food industry. May be a format for biosecurity to consider.</p> <p>MAF response: Carole Barnao and I are talking about that. Standards is just getting into specific stakeholder forums. There are already fora for passengers and cargo. Rule making and systems design has been a gap that we are now starting to address but we will also use existing fora. We expect that the border and Government and Industry Agreements will be part of this years Biosecurity Summit.</p> <p>Mike Butcher: The Biosecurity Summit is a good platform to start advising the wider community of the new processes.</p> <p><i>n.b.</i> Since these workshops the Biosecurity Summit for 2010 has been cancelled.</p>	Wgtn
	Concerns about project risks	
194.	Length of implementation period creates an opportunity for programme to disconnect	Wgtn
195.	Loss of momentum from transformation programme	Wgtn
196.	Cost of delivering plans (over runs and increased costs)	Wgtn

	Topic / Comment	Workshop
197.	MAF not connected to new system / approach	Wgtn
198.	Unintended consequences	Wgtn
	<i>Whole of system</i>	
199.	The Biosecurity brand has sold well and we would like to keep the gains. Links to Clean Green New Zealand.	Wgtn
200.	Domestic industry wants existing level of protection maintained	Wgtn
201.	How does MAF balance imports and exports?	Wgtn
202.	More information about how will MAF ensure consistency with our vision and how our people implement	Auck

Follow-up actions for MAF

		Workshop
a	Provide more information to stakeholders about organisms identified at the border as part of the ongoing monitoring of the background challenge.	Auck
	MAF response: MAF Communications is looking at how best to do this; what statistics we use, how often and what sort of context we need to put them in to make them meaningful to a range of audiences.	
b	Provide more information to stakeholders about work being done under Better Border Biosecurity, particularly progress reports on the development of new tests for border related issues.	Auck
	MAF response: MAF anticipates that more communications about the biosecurity science programme, including the Better Border Biosecurity (B3) science programme, will take place over the next year.	
c	Provide more information about what stakeholders will be expected to pay for JBMS.	Auck
d	Involve the New Zealand Forest Owners Association in the sea container programme and related working groups.	Auck
e	Work with Kamal Kumar of FedEx about Customs not recognising the company when shipments are held for treatment.	Auck
f	Provide more information about how MAF will ensure consistency with our vision and how our people will implement it.	Auck
g	Provide more information about the timelines for government to government agreements	Auck
h	How frequently does MAF expect the civil liability provision in the Biosecurity Act amendment to be used?	Wgtn
i	Convene a workshop on the Biosecurity Act Amendment Bill so external stakeholders can work through its implications together before making submissions.	Wgtn
j	Provide more information on what MAF's imports intelligence will look like.	Wgtn
k	Provide information at the time changes are made about who will be doing what in the amalgamated MAF, to external stakeholders and frontline staff.	Wgtn
l	Connect with the Fast Moving Consumer Goods group of grocery importers (per Barry Hellberg, NZ Retailers Assn).	Wgtn
m	Send out presentations used for workshops 7 and 8 September 2010.	Wgtn
n	Provide more information about the management of intelligence	Wgtn
o	Provide more detail about the processes for audit, verification, co-management and equivalences.	Auck
p	Provide more information about using information held by stakeholders to improve targeting.	Wgtn
q	Provide feedback when stakeholders have advised MAF about problems with import pathways.	Wgtn
r	Keep stakeholder lists up to date with the right people and contact details.	Wgtn
s	Plan and coordinate engagement more that a year in advance so stakeholders can arrange their side of engagement. Make it clear when and what skill sets MAF is looking for around the table. Also make clear who is responsible for communicating back to the constituency.	Wgtn
t	Provide more information so stakeholders can understand how the border system and the Government and Industry Agreement connect.	Wgtn

Participants

Auckland

Who	Organisation
Stewart Milne	Board of Airline Representatives
Kamal Kumar	FedEx New Zealand & Pacific Islands
Niel Arnesen	Hamburg Sud New Zealand Limited
Malcolm Yorston	Imported Motor Vehicle Industry Assn
Douglas Colaco	ISS-McKay; NZ Manager / Cruise Services
Euan Philpott	Jevic
Joanne Jameson	MISC Agencies (New Zealand) Ltd
Andrew Grierson	NZ Equine Health Association
Chris Smellie	NZ Flower Growers Assn
Jacco uit de Bosch	NZ Flower Growers Assn
Joanne Hurley	NZ Flower Growers Assn
Bill Dyck	NZ Forest Owners Assn
Perry d'Souza	Ports of Auckland
Greg Northcott	Racing Board (New Zealand Bloodstock Airfreight)
Wendy McGowan	Rural Women of New Zealand
Garth Wylie	Tomorrow's Cargo Logistics Grp
Colin Holden	MAF Biosecurity New Zealand
Elizabeth Stoddart	MAF Biosecurity New Zealand
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Stephen Butcher	MAF Biosecurity New Zealand
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Theresa Morrissey	MAF Biosecurity New Zealand

Wellington

Who	Organisation
Andrea Murray	AsureQuality Limited
David Hagen	Centreport
Fiona Hutchinson	Dairy NZ
Dr Val Orchard	ESR
Mark Ross	Federated Farmers
Richard Grimmett	Greater Wellington
Morris Van Voornveld	ISS McKay NZ
Nikki Johnson	Market Access Solutionz Ltd
Frances Scott	NZ Customs Service
Trish Pearce	NZ Equine Health Association
Kevin Nalder	NZ Fresh Produce Importers Assn
Ian Cardno	NZ Fresh Produce Importers Assn?
Barry Hellberg	NZ Retailers Assn
Mike Morris	OMV New Zealand Ltd
Kerry Mulqueen	PIANZ et al
Mike Butcher	Pipfruit New Zealand
Barrie Saunders	Port Companies of NZ
John Fuller	Wellington International Airport Ltd
Colin Holden	MAF Biosecurity New Zealand
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Theresa Morrissey	MAF Biosecurity New Zealand
Tim Knox	MAF Biosecurity New Zealand

Apologies

Who	Organisation
John Ward	Air NZ Cargo
Jack Crow	Auckland Regional Council
Peter Trent	CMA CGM & ANL (NZ) Lte
Rosemarie Dawson	Customs Brokers and Freight Forwarders
Trevor Duxfield	Customs Brokers and Freight Forwarders
Philip Bell	Dept of Conservation
Jill Lane	Emirates Airline
Dave Slaney	ESR
Don Bandaranayake	ESR
Lucia Trandafir	Fonterra
Peter Turley	Hapag Lloyd Shipping
Peter Silcock	Horticulture NZ
Malcolm Scott	JSC Timber
Terry Riches	Kiwi Car Carriers / Hoegh
Charlotte Davies	MAF Biosecurity New Zealand
Christopher Houston	Meat and Wool
Barbara Glowinski	MISC Agencies (New Zealand) Ltd
Bruce Chapman	New Zealand Seafood Industry Council (SeaFIC)
Lucia Martinez	NYK Line (New Zealand) Limited
Simon Williamson	NZ Customs Service
Ann Harper	NZ Grain & Seed Trade Assn
Philip Manson	NZ Wine
John Pfahlert	Petroleum Exploration and Production Association
Sam Mclvor	Pork Industry Board
Martyn McColgan	Port of Tauranga
Lance Straker	Premium Flowers NZ Ltd
Sue Saunders	Rural Women of New Zealand
Eckehard Brockerhoff	Scion
Lindsay Bulman	Scion
Bruce Heather	Shipping New Zealand
Marie Dawkins	Summerfruit NZ
Cheri van Schravendijk	Waikato-Tainui Claims and Environment Unit
Simon Eyre	Wellington Zoo