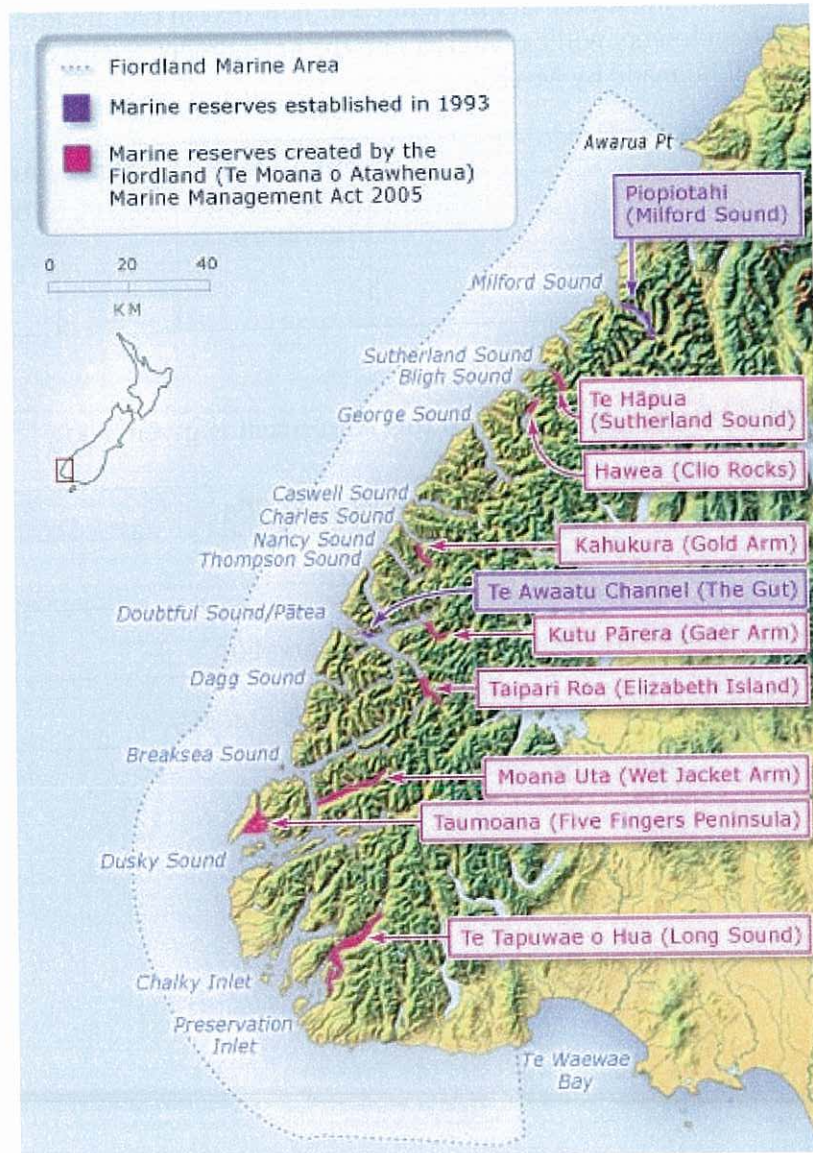


Joint - agency Marine Biosecurity Response Agreement for the Fiordland Marine Area



Department of Conservation
Te Papa Atawhai



environment
SOUTHLAND
Te Taiaroa Pūngā



Amendment Record

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| 1 | | | |

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1. Introduction

1.1. Purpose

The purpose of this document is to provide a framework for a joint-agency response to an incursion of a marine risk organism into the Fiordland Marine Area (Te Moana o Atawhenua) (FMA).

The knowledge and capability, and collaborative approach of the Agencies are central to the success of any response.

1.2. Background

The Fiordland (Te Moana o Atawhenua) Marine Management Act (the Act) was enacted in 2005. The Act formally established the Fiordland Marine Guardians (the Guardians), and appointed the Ministries of Agriculture and Forestry, Fisheries and the Environment, the Department of Conservation and the Southland Regional Council as the management agencies responsible for assisting the Guardians to achieve the purpose of the Act.

The Protocol between the Guardians and the management agencies, signed in 2006, nominates the Ministry of Agriculture & Forestry (MAF) as responsible for leading the implementation of the Fiordland (Te Moana o Atawhenua) Marine Area Biosecurity Plan. The Biosecurity Plan consists of a Strategic Plan which is to be implemented by an Operational Plan. The Operational Plan is being developed in two phases, prevention and response activities. This Agreement is primarily to address the response components.

In addition, in 2006 the Minister of Biosecurity asked MAF to engage with DOC and Environment Southland to attempt to develop a joint response preparedness plan/agreement that covers all “new to Fiordland” pests. Such a plan would include:

- response measures that could be applied for a range of scenarios from a small localised incursion where action would lead to eradication, through to a large, widely spread incursion where eradication would not be practical and no action is likely to occur;
- decision making and cost sharing arrangements; and
- operational roles and responsibilities.

This signalled that the Government may take on a joint response role with regional councils and industry for Fiordland, covering all “new to Fiordland marine pests”. This would not mean that there will be a response in the event a marine pest is discovered for the first time in Fiordland. Rather it would mean that any such discovery is investigated, and a decision on whether to respond, or not, is made on a case by case basis (e.g. considering things like feasibility, resources, barriers to success and strategic importance).

1.3. Outcome

The outcome of the Agreement is to achieve the vision of the Fiordland Marine Guardians:

“That the quality of Fiordland’s marine environment and fisheries, including the wider fishery experience, be maintained or improved for future generations to use and enjoy”.

1.4. Objectives

To achieve the desired outcome the objectives under this Agreement are:

- maintain the FMA free from marine risk organisms for as long as possible;
- maintain effective partnerships between agencies and with Maori and key stakeholders to address issues;
- agencies work collaboratively when responding to new to Fiordland marine risk organism incursions; and
- respond when this is the most cost-effective way to manage the biosecurity risk.

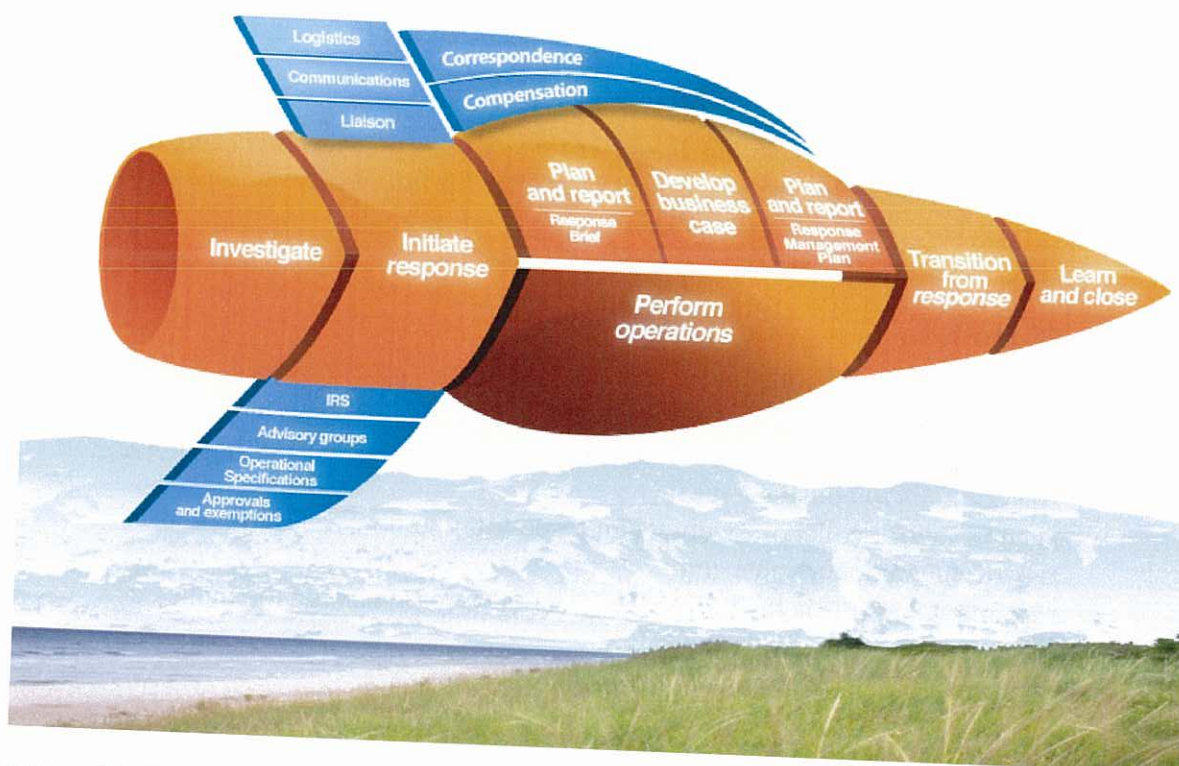
1.5. Biosecurity Response System

MAF has developed a biosecurity response system for use by any biosecurity organisation. It has a focus on effective and efficient decision-making processes, and ensuring sufficient capacity and skills. The structure of this system is similar to the Coordinated Incident Management Response System (CIMS) approach. The System is intended to cover a response in any situation and can be scaled up or down as appropriate.

Key principles of the system include:

- Risk-based decision making – considers the risks to the values of New Zealand (economic, environmental, socio-cultural, human health) at each stage of the response.
- Whole-of-government approach – works with the CIMS approach.
- Scalable and consistent – response phases and core management approach are the same for a large response as for a small response.
- Project management – underpins the approach with a focus on planning the work and working to the plan.
- A response organisation structure dictated by the work – organisation charts are based on response activities, not on role-holders, which allows responses to be easily scaled up or down.
- Activities – defined by the work that is required to be completed, not by the responsibilities of role-holders.

The diagram below illustrates the process of a response.



1.6. Definitions and interpretations

For purposes of this agreement the combined group of marine unwanted organisms/pests will be called collectively marine ‘risk organisms’.

| Term | Definition |
|-----------------|--|
| Best Capability | The best capability for the response based on criteria including cost, value for money, skills, opportunities to develop capability, suitability for purpose, location and use of resources across the Capability Network, regardless of ownership |
| Established | A marine risk organism already known to be present within New Zealand |
| Leading | Taking the lead role in collaboration with the other Parties to the Agreement and stakeholders (where applicable) |
| New | A marine risk organism that is new to New Zealand. Note: where there is uncertainty as to whether the marine risk organism is new to New Zealand or not, it will be assumed as new. |
| Risk organism | Organisms affecting plants or animals, in marine, freshwater or terrestrial environments, and includes: <ul style="list-style-type: none"> a) new or existing/established pests and diseases that could pose a threat to the values we wish to protect, their related vectors/ pest agents, and particles such as prions, (including organisms that have been purposefully established but later prove to be a threat to the values); b) zoonotic diseases that may impact on animals and humans; c) syndromes (including where the causative agent(s) is not known) or where there could be more than one risk organism present contributing to the threat; d) new organisms (defined under the Hazardous Substances and New Organisms Act 1996) that do not have approval under that Act, or that have breached containment or other controls, including both GMOs and non-GMOs; e) organisms associated with imported risk goods that have received biosecurity clearance but are subsequently found to require further biosecurity risk management. |

2. Partnership Agreement

2.1. Parties

The Parties to this Agreement are:

- the Ministry of Agriculture & Forestry (MAF);
- the Department of Conservation (DOC); and
- Environment Southland (ES).

Any other party involved in protecting the FMA can become party to this Agreement. The partnership allows interested parties to become involved as and when their capacity allows. Other parties may be identified (or identify themselves) and become involved as the partnership develops.

2.2. Statement of principles

The following principles form the basis for the working relationship between agencies:

- Act constructively and promptly in the face of uncertainty;
- Take a risk-based approach to decision making ensuring decisions are timely, transparent and communicated to those affected;
- Take action by those with the best capability to act with the resources that are available;
- Apportion costs equitably taking into consideration legal obligations, roles and responsibilities, contribution to risk, and benefit received;
- Participants know who is responsible and understand the process used to make decisions; and
- Encourage community involvement, participation and responsibility.

2.3. Scope of the Agreement

The Agreement *includes*:

- Goal 5 and 6 of the Fiordland Marine Biosecurity Strategic Plan 2009/10-2013/14; (respond effectively and efficiently to marine risk organisms detected in Fiordland; and manage established pests effectively and efficiently in the FMA), respectively; and
- All 'new to Fiordland' marine risk organisms.

The Agreement *excludes* risk management activities as these are addressed in a separate document.

2.4. Relevant frameworks, policies and strategies

Relevant frameworks, policies and strategies that influence the response area and this Agreement include the following:

- Fiordland Marine Conservation Strategy 2003;
- Fiordland Marine Management Act 2005;

- Fiordland Marine Biosecurity Strategic Plan 2009/10-2013/14;
- MAF Policy for Responding to Risk Organisms;
- MAF Biosecurity Response System;
- MAF Policy for High Impact Organisms (in draft stage);
- MAF Decisions Framework;
- MAF Pest Management Reporting and Investigations Project;
- Environment Southland 's Regional Pest Management Strategy;
- Environment Southland's Regional Coastal Plan;
- Environment Southland's Emergency Operations Centre Standard Operating Procedures;
- Marine Reserves Act 1971;
- Fiordland National Park Management Plan June 2007; and
- Conservation Management Strategy: Mainland Southland/West Otago 1998-2008.

3. Roles and responsibilities

3.1. Reporting

It is imperative that MAF, DOC and ES get early warning of emerging pest issues, meaning an increased chance of eradication and/or containment therefore a reduction in risk to the Fiordland Marine Area.

Savings are made on pest management control costs due to early intervention.

Confidence of key stakeholders is enhanced as they see that agencies have delivered on expectations in the Strategic Plan and filled a key strategic gap around management of marine risk organism incursions.

The MAF Reporting and Investigations project will identify options for reporting suspected incursions of established marine risk organisms. In addition, it is essential that Guidelines are developed for reports of marine risk organisms from within the Fiordland Marine Area.

All reporting of suspected marine risk organisms within the FMA will be via the MAF toll free number **0800 80 99 66**. Refer to Appendix Two for further information on the reporting process.

Following reporting of a genuine marine risk organism in the FMA, MAF or the notified Agency will notify all parties to the Fiordland Marine Biosecurity Programme within 24 hours of receiving notification.

Following confirmation of a marine risk organism in the FMA, MAF or the notified Agency must notify all parties to the Fiordland Marine Biosecurity Programme within 24 hours of receiving confirmation. Only parties to the Agreement will consider options for investigating or responding after this notification.

3.2. Capability

DOC and ES have staff and equipment available to carry out operational/field work in the FMA and the logistical capability to reach and work in remote sites at short notice.

DOC will provide a vessel for an investigation such as the Southern Winds. If this vessel is unavailable DOC will attempt to facilitate a cost-effective replacement vessel.

ES will provide staff and support as required for an emergency operations centre and biosecurity staff for any operational deployments.

Any capability network/inventory developed could be used as part of this Agreement.

3.3. Investigating

All investigations will follow the Biosecurity Response System (<http://brkb.biosecurity.govt.nz/>). The System is scalable and can therefore be used for all response scenarios.

MAF will be responsible for leading the investigation of suspected *new* marine risk organisms. DOC will be responsible for leading the investigation of suspected *established* marine risk organisms suspected within a marine reserve. Environment Southland will be responsible for leading the investigation of suspected *established* marine risk organisms outside of a marine reserve.

For information on some new and established marine risk organisms refer to <http://www.biosecurity.govt.nz/pests/search>

3.4. Responding

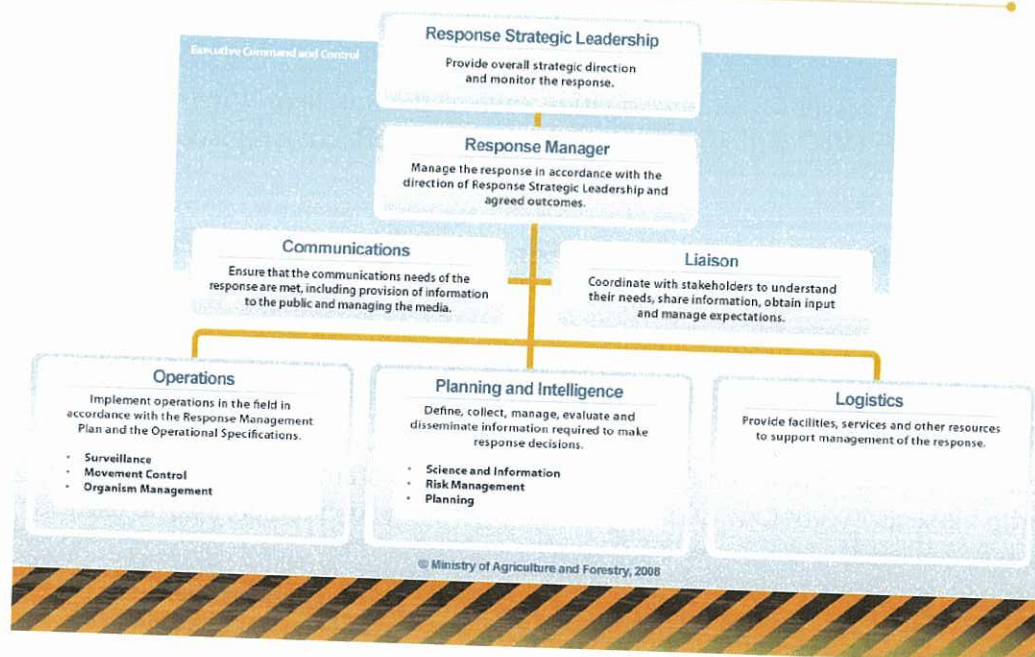
MAF will be responsible for leading a response to *new* marine risk organisms. DOC will be responsible for leading a response to *established* marine risk organisms detected *within* a marine reserve. ES will be responsible for leading a response to *established* risk organisms *outside* of a marine reserve.

Note: where an established marine risk organism is found both within *and* outside a marine reserve DOC and ES will decide between them who is best placed to lead the response.

All responses will follow the Biosecurity Response System (<http://brkb.biosecurity.govt.nz/>). The System is scalable and can therefore be used for all response scenarios.

The structure of response work streams would be as per the diagram below:

Biosecurity Response Project Structure



For further information on the Response Structure refer to the Biosecurity Response System and Appendix Three.

3.5. Preparedness planning

Parties agree to investigate options for developing preparedness plans taking into consideration other preparedness work being considered e.g. MAF Response Foundations (developing response capability, and delivery of field response operations programme).

3.6. Funding principles

The Agreement has been developed around the principle of partnership where the parties derive joint benefits. Accordingly, partners will be required to seek funding to support any costs associated with the operation of their aspects of the Agreement, unless otherwise indicated.

Funding principles for the Agreement:

A given biosecurity service is most appropriately funded by the group(s) best placed to do at least one of the following:

- (i) change its behaviour to reduce the costs of the service or risks that give rise to the need for the service;
- (ii) assess whether the benefits of the service at its current level of provision outweigh the costs and consequently influence the level of service provided; and/or
- (iii) determine whether the service at its current level of provision is being delivered most cost-effectively.

Principle (ii) would be the key principle to guide funding allocation for any response in the FMA.

There will be limited opportunity to transfer costs to specific beneficiaries or exacerbators within any investigation and/or response.

Principle (iii) would be a review point if a response is initiated.

Table 1: Cost allocation and decision-making for the Agreement

| Stage as per Response System | Organism type | Funding |
|------------------------------|----------------------------|---|
| Investigation | New to New Zealand | MAF will fund direct investigation costs. Where DOC and/or Environment Southland (or any other agencies) provide their staff in-kind, any costs will be met in kind by each agency (including travel and accommodation). Time contributed by industry or individuals will be met in kind by the industry or individual. |
| | Established in New Zealand | DOC or ES will be responsible for funding direct costs (excluding taxonomic identification which will be covered by MAF via taxonomic/diagnostic services). Where an agency provides their staff in-kind, any costs will be met in kind by each agency (including travel and accommodation). Time contributed by industry or individuals will be met in kind by the industry or individual. |
| Response | New to New Zealand | MAF will fund direct response costs. Where DOC and ES (or any other agency) provides their staff in-kind, any costs will be met in kind by each agency (including travel and accommodation). Time contributed by industry or individuals contributing their will be met in kind by the industry or individual. |
| | Established in New Zealand | Costs will be shared equitably between MAF, DOC, and ES in accordance with the biosecurity funding principles. Time contributed by industry or individuals will be met in kind by the industry or individual. |

3.7. Cost sharing

Costs associated with the Southern Winds or its substitute will be divided evenly amongst the Parties to this Agreement.

Operational costs may be recovered where these can be transferred to specific exacerbators and beneficiaries.

Costs to be allocated are limited to those incurred from the date that the joint agency response is formed. Any costs that have occurred prior to the joint agency response being formed must be acknowledged and the Response Strategic Leadership team (RSL) will compare these with any funding principles and discuss/agree any expectations.

Cost sharing during responses may apply to:

- compensation;
- salaries or fees for additional persons and contractors engaged to assist directly with response;

- costs for the hiring of premises or facilities, or the hire/leasing of equipment specifically used for the response (or the depreciation cost on existing equipment used);
- costs of laboratory services required for the response, above the contracted level of service already in place;
- fees paid to experts employed to assist in the response;
- meal and accommodation allowances for staff/consultants engaged directly in the response;
- overtime incurred as a direct result of the response;
- costs of scientific/technical research into organism management;
- direct costs of obtaining any consents and/or approval required under any legislation; and
- costs of compliance with requirements to consult or give public notice as required by statute, court order, or the terms of an Approval issued by government agencies, including the costs of newspaper classified placements.

Cost sharing during responses may not apply to:

- direct costs of the marine risk organism itself;
- costs that would be incurred irrespective of the response;
- salaries or consultancy fees that would be incurred irrespective of the response;
- capital expenditure on vehicles, office space that is not operational expenditure etc;
- costs of delivering baseline commitments; and
- recovery costs.

3.8. Fiscal caps

A fiscal cap is a contribution limit per signatory that applies to any response that is initiated under the Agreement. The fiscal cap may only be exceeded with the permission of the signatory to whom the cap applies. The purpose of fiscal caps is to ensure that signatories do not invest more than they wish to or can afford.

All signatories may set fiscal caps in place. Signatories may set a different cap for responses when a cost share has not yet been set. This is because there is more uncertainty around the total financial liability than for a response where the cost share is known.

If a fiscal cap is reached, then the signatory must decide whether to withdraw from joint decision-making and cost sharing, or to exceed the cap.

3.9. Joint decision-making

Signatories must make persons available to represent them in the decision-making who have authority to make decisions.

Joint decisions will be timely, well-informed, and will be made by consensus. Consensus means that the decision-makers must agree on a collective decision. Some parties may not prefer the decision, but after discussion and debate within the time constraints, all parties will stand behind the decision. Where a consensus cannot be

reached, escalation to either RSL or Chief Executives (or their equivalent) may be undertaken.

Affected signatories will make significant decisions jointly including agreeing on contingency and operational response plans (including agreement on a response option, its objectives, goals, strategy for implementation and, for operational plans, a budget).

4. Time Period

This Agreement takes effect from the date of signing and follows the same time period as the Fiordland Marine Biosecurity Strategic Plan 2009/10-2013/14.

5. Implementation

It is recommended that all Parties to this Agreement use learning's from any joint-agency marine response that takes place in the FMA to inform the response system or this agreement. Any changes or improvements to this agreement as a result of a response will be incorporated into the document in accordance with the review provisions of section 6 below.

6. Review and Amendment

This Agreement will be reviewed after 5 years or as required when mutually agreed between all parties. This is a living document and can be reviewed/amended, as appropriate.

7. Termination of the Agreement

Conditions of the Agreement may be terminated when at least one party is not in Agreement with a decision. Any costs incurred up to that point will be met equally by all parties.

8. Signatories

We, the parties, hereby record our agreement to the terms of this Agreement.

SIGNED by Peter Thomson, Deputy Director General, on behalf of the Ministry of Agriculture and Forestry



Ministry of Agriculture & Forestry

Date: 12 August 2011

SIGNED by Ciaran Keogh, Chief Executive Officer on behalf of Environment Southland



Environment Southland

Date: 20 APRIL 2011

SIGNED by Barry Hanson, Southland Conservator on behalf of the Department of Conservation



Department of Conservation

Date: 18 July 2011

Appendix One: Key Contacts

Below is a list of key contacts for this Agreement. These will be kept up to date.

| Name | Organisation | Position | Contact details |
|------------------|------------------------------------|---|--|
| Andrew Harrison | Ministry of Agriculture & Forestry | Manager, Pest Management | Phone: 04 894 0524; 029 894 0524 Email: Andrew.harrison@maf.govt.nz |
| John Randall | Ministry of Agriculture & Forestry | Manager, Pest Management | Phone: 04 894 0530; 029 894 0530 Email: John.randall@maf.govt.nz |
| Jennie Brunton | Ministry of Agriculture & Forestry | Adviser, Pest Management | Phone: 04 894 0847; 029 894 0847 Email: Jennie.brunton@maf.govt.nz |
| Andy Cox | Department of Conservation | Technical Support Manager, Southland Conservancy | Phone: 03 214 4589 Southland Conservancy: 03 211 2400 Email: acox@doc.govt.nz |
| Reg Kemper | Department of Conservation | Manager, Te Anau Area Office | Phone: 027 248 5860, Te Anau Area office 03 249 0200 Email: rkemper@doc.govt.nz |
| Kath Blakemore | Department of Conservation | Marine Ranger, Te Anau Area Office | Phone: 03 249 0221; 021 343736 Email: kblakemore@doc.govt.nz |
| Lindsay Wilson | Department of Conservation | Biodiversity Programme Manager, Te Anau Area Office | Phone: 03 249 0200; DDI: 03 249 0234 Email: lpwilson@doc.govt.nz |
| Richard Bowman | Environment Southland | Biosecurity Manager | Phone: 03 211 5115; 021 784 975 Email: Richard.bowman@es.govt.nz |
| Warren Tuckey | Environment Southland | Director Environmental Management | Phone: 03 211 5115; Email: warren.tuckey@es.govt.nz |
| Tim Riding | Environment Southland | Biosecurity Officer | Phone: 03 2115115; 021 784 954 Email: tim.riding@es.govt.nz |
| Kevin O'Sullivan | Environment Southland | Maritime Manager/Harbour Master | Phone: 03 211 5115; 021 784 968 Email: kevin.osullivan@es.govt.nz |
| Neil Cruickshank | Environment Southland | Southland Civil Defence Emergency Management Office Manager | Phone: 03 211 5115; 021 762 259 Email: neil.cruickshank@es.govt.nz |
| Dallas Bradley | Environment Southland | Senior planner (Hazard Mitigation) | Phone: 03 211 5115; 021 784 962 Email: dallas.bradley@es.govt.nz |

Appendix Two: Reporting Processes for suspected marine risk organisms

All reports must be logged with the MAF hotline 0800 80 99 66 irrespective of the association of the reporter. Guidance will be provided to the call centre for reports of established marine pests detected in the Fiordland Marine Area.

- If a representative from a party in this Agreement suspects to have found a 'marine risk organism' within the FMA, they must, contact MAF immediately toll free on **0800 80 99 66 AND** wherever possible:
 - collect a sample;
 - record the location accurately; and
 - informally investigate the immediate area (if possible).
- If the general public report a 'marine risk organism' to a representative from a party in this Agreement, the representative must contact MAF immediately toll free on **0800 80 99 66**, and give instructions to:
 - to collect a sample and record the location (if the submitter is still in the area and able to do so); or
 - gather information on the location as accurate as possible (if the submitter is no longer in the area).
- **Sample** collection - for anything other than seaweed, place a sample in a plastic bag and freeze, and for weed samples, liberally sprinkle with salt, leave overnight, then drain off liquid and place in a plastic bag.

Appendix Three: Response Structure

In accordance with Table 1 above, it is anticipated that the Response Strategic Leadership (RSL) group would consist of representatives from all Parties to the Agreement, such as:

- Manager, Pest Management, or Manager, Response (MAF);
- Technical Support Manager, Southland Conservancy; or Area Manager, Te Anau Area Office (DOC); and
- Biosecurity Manager; or Chief Executive, or Director Environmental Management (ES).

The **Response Manager (RM)** would be a representative from:

- MAF for responding to a new marine risk organism; for example Senior Adviser/Adviser, Environment and Marine Response, Senior Adviser/Adviser, Pest Management; or
- DOC for responding to an established marine risk organism detected in a marine reserve; for example Marine Ranger, Te Anau Area Office; or
- ES for responding to an established marine risk organism detected outside of a marine reserve; for example Biosecurity Officer, Southland Civil Defence Emergency Management Office Manager or Senior Planner (Hazard Mitigation).

The sub-groups (**Communications, Liaison, Operations, Planning and Intelligence and Logistics**) will be allocated by the RSL and RM on a case by case basis as for small localised incursion all sub groups may not be necessary. As well as members to this Agreement, these sub-groups may consist of other stakeholders such as the Fiordland Marine Guardians, Ministry of Fisheries, tourist operators etc.

Key local stakeholders identified and contact lists

As outlined above, all communications and liaison work will be lead by a representative from ES, DOC or MAF. However, equitable sharing of information with partner organisations is essential. Key local stakeholders should be identified in the communications plan.

