



The Accord and pest management strategies – what is the difference?

There has been some confusion about:

- (i) whether the National Pest Plant Accord (the Accord) is a pest management strategy or not; and
- (ii) between the processes followed to establish or review the Accord as opposed to those established to review pest management strategies.

The Accord is not a pest management strategy. It is a non-statutory agreement between member parties. The process followed to establish and review the Accord is very different and completely separate from processes to establish and review pest management strategies.

The explanation for this is summarised below and set out in more detail within Table 1 (including reference to relevant Parts or Sections of the Biosecurity Act 1993 that apply).

The Accord

The Accord is a non-statutory agreement between organisations that have common interest in managing risks associated with the sale, distribution and propagation of specific, harmful pest plants. Under the Accord these specific pest plants are determined as 'unwanted organisms' under the Biosecurity Act, thereby preventing their sale, propagation and distribution.

An exemption from a Chief Technical Officer is then required in order to sell, distribute or propagate any plant on the Accord list.

The process for establishing and reviewing the Accord is not prescribed in statute (see separate Fact Sheet titled *Process for Amending the Accord List*). Rather, it is set up by agreement between the member parties to the Accord. The governing and decision making body for the Accord is a Steering Group, which comprises representatives from Biosecurity New Zealand, the Nursery and Garden Industry Association, regional councils and the Department of Conservation. One of the key functions of this group is to decide on any changes to the Accord list. However, a pre-requisite for inclusion on the Accord list is that a Chief Technical Officer must first declare the pest plant to be an 'unwanted organism' under the Biosecurity Act.

Pest Management Strategies

There are two types of pest management strategy provided for in the Biosecurity Act, national and regional pest management strategies. The legal basis for establishing these is under Part 5 of the Biosecurity Act.

The process for establishing and reviewing a pest management strategy is prescribed in statute (Part 5 of the Biosecurity Act). The decision to make a National Pest Management Strategy is made by Order in Council by the Governor-General, on the recommendation of a Minister. The decision to make a regional pest management strategy is made by a regional council, once it has made any amendments as directed by the Environment Court.

Table 1. Differences between the NPPA and pest management strategies

	National Pest Plant Accord	National Pest Management Strategies	Regional Pest Management Strategies
Objective	To prevent sale, distribution, or propagation of specified plants (determined to be unwanted organisms) on a national basis.	To eradicate a pest from New Zealand or manage it nationally	To manage or eradicate pests within a region. Specific objectives vary according to pest and region.
Ownership	A voluntary body with a Steering Group (comprising Biosecurity New Zealand, the Nursery and Garden Industry Association, regional councils and the Department of Conservation). Coordinated by Biosecurity New Zealand	Management agency – a government department, regional council, territorial authority or a body corporate.	Regional Council (management agency)
Coverage	National	National	Regional
Legal foundation	Agreement	Biosecurity Act 1993 (the BA)	Biosecurity Act 1993 (the BA)
Legal basis for managing pest plants	Section 164C (registration of unwanted organisms) and Sections 52 & 53 of the BA	Part 5 of the Biosecurity Act, and the Strategy as made by Order in Council inclusive of Strategy rules made under Section 69B of the BA	Part 5 of the Biosecurity Act and the Strategy made under section 79F and Strategy rules made under Section 80B of the BA
Designation of species	'Unwanted organisms' as defined by the Biosecurity Act, determined by the Chief Technical Officer, Biosecurity New Zealand	'Pests' as defined by the Act, designated by way of inclusion in the NPMS	'Pests' as defined by the Act, designated by way of inclusion in the RPMS
Funding	Parties to the Accord, costs lie where they fall	Levies	Wholly or partially funded by rates, can be funded by levies
Enforcement	Carried out primarily by regional councils – authorised persons are appointed by a Chief Technical Officer solely for the purposes of enforcing the Accord	Carried out by the Management Agency – authorised persons are appointed by a Chief Technical Officer for the purposes of enforcing the specific Strategy	Regional Councils – authorised persons appointed by the Principal Officer of the council for the purposes of enforcing the specific Strategy
Offences & Penalties	Offences and Penalties relate to the designation of specific pest plants as 'Unwanted Organisms' (refer above). - o Breach of Sections 52 & 53 – offence under Section 154(m) of the BA. - o Penalty – 5 years imprisonment and/or \$100K fine for an individual or \$200K for a corporation	Offences and Penalties relate to the designation of specific pest plants as 'Pests' (refer above). - o Breach of Sections 52 & 53 – offence under Section 154(m) of the BA; - o Breach of strategy rule – offence under Section 154(q). - o Penalty - \$5K for an individual, \$15K for a corporation	Offences and Penalties relate to the designation of specific pest plants as 'Pests' (refer above). - o Breach of Sections 52 & 53 – offence under Section 154(m) of the BA; - o Breach of strategy rule – offence under Section 154(r). Penalty - \$5K for an individual, \$15K for a corporation

	National Pest Plant Accord	National Pest Management Strategies	Regional Pest Management Strategies
Exemptions	Granted on a case-by case basis, under Sections 52 & 53 of the BA: - o by the Chief Technical Officer either generally or specifically - o as provided for in an emergency regulation made under Section 150, or - o by the Minister where this is for a scientific purpose only	Granted for strategy rules on a case by case basis, under Section 69D, by the Minister for Biosecurity	Granted on a case by case basis, under Section 80D of the BA, by the regional council
Compensation	No compensation is payable for section 52 and 53 restrictions.	An NPMS can provide for compensation for someone deriving an income from domesticated species under section 86(2) of the BA	An RPMS can provide for compensation for someone deriving an income from domesticated species under section 86(2) of the BA
Assessment of species	Carried out by an independent technical advisory group, using agreed evaluation criteria	Carried out by the strategy proposer, in accordance with Section 60 of the BA	Carried out by the regional council, in accordance with Section 76 of the BA
Consultation	Primarily via a Consultative list. Refer to the paper on process for amending Accord list for details	Strategy proposal must be publicly notified (section 58) and submissions must be requested (section 62(2)b)	Section 73 defines who a regional council must consult with
Decisions	Steering Group decides on the Accord list. However, to be included on the Accord list a Chief Technical Officer must declare the pest plant to be an 'unwanted organism' under the BA	By Governor-General (by Order in Council), on the recommendation of a Minister, under Section 68 of the BA	Regional Council (once it has made any amendments as directed by the Environment Court), under Section 79F of the BA
Final resolution of disputes	Steering Group	Board of Inquiry, which must report on a NPMS proposal after having regard to all submissions, under Section 63 of the BA	Environment Court, under Section 79E of the BA
Duration	The Accord itself is reviewed every 5 years. The list of pest plants on the Accord list can be reviewed at greater frequency, as agreed by the steering group	Depends on the strategy, but up to 5 years before the strategy must be reviewed	Depends on council, but up to 5 years before the strategy must be reviewed