

SUBMISSION ON

Biosecurity (Information for Incoming Passengers) Regulations

5 April 2023

To: The Ministry for Primary Industries

Name of Submitter: Horticulture New Zealand

Contact for Service:

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OVERVIEW

Submission structure

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Our submission

Horticulture New Zealand (HortNZ) thanks the Ministry for Primary Industries (MPI) for the opportunity to submit on the Biosecurity (Information for Incoming Passengers) Regulations and welcomes any opportunity to continue to work with MPI and to discuss our submission.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

HortNZ's submission is supported by the following organisations:

- Katikati Fruitgrowers Association
- Kiwifruit Vine Health
- New Zealand Apples and Pears Inc
- New Zealand Asparagus Council
- Te Awanui Huka Pak
- Tomatoes New Zealand

HortNZ's Role

Background to HortNZ

HortNZ represents the interests of approximately 5,500 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruit and vegetables. The horticultural sector provides over 40,000 jobs.

There is approximately, 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



Submission

1. A strong biosecurity system protects horticulture

New Zealand growers supply the majority of fresh and processed fruit and vegetables to domestic consumers, as well as exporting crops to discerning consumers overseas. Biosecurity is essential to support production, secure market access, and provide confidence for investment - all necessary to ensure the horticulture industry continues to prosper.

We acknowledge that the New Zealand biosecurity system is made up of many layers (pre-border through to post-border) and note that strong border biosecurity is a critical part of the system.

HortNZ supports efforts to increase arriving passengers' knowledge about New Zealand's biosecurity requirements. Providing clear and easy to understand biosecurity information on incoming craft should help to minimise undeclared biosecurity risks on the passenger pathway. This biosecurity awareness has the potential to save our sector from significant economic losses if it prevents the arrival of an unwanted pest, pathogen or weed.

2. The Biosecurity (Information for Incoming Passengers) Bill and Regulations

HortNZ submitted in support of the Biosecurity (Information for Incoming Passengers) Amendment Bill in August 2021. HortNZ are pleased to see that this Bill was adopted and provision of biosecurity messaging to incoming passengers will become compulsory rather than relying on voluntary action from carriers.

Section 17AA (3) of the Biosecurity (Information for Incoming Passengers) Amendment Act 2022 states that the "*Regulations may do any of the following:*

(a) *require the information to include specified content or details:*

(b) *require the information to be provided in a specified—*

(i) *form or manner (for example, with translations); or*

(ii) *medium (for example, written, audiovisual, or electronic):*

(c) *specify criteria that a record of the information in any particular medium (for example, an audiovisual recording) must satisfy:*

(d) *authorise the Director-General to provide a record of the information in any particular medium for use by any person under subsection (2)(a):*

(e) *authorise the Director-General to approve a person's record of the information in any particular medium for use by the person under subsection (2)(a), or to revoke an approval:*

(f) *specify how long before a craft's arrival in New Zealand the information must be provided:*

(g) *require notice to be given under subsection (2)(b), and specify its content, the form or manner in which it must be given, and when it must be given."*

HortNZ agree with the MPI Biosecurity (Information for Incoming Passengers) Regulations Discussion Document (2023) that it is important that the regulations are flexible enough to allow new technology and processes to be adopted. However, it is also important that enough detail is specified in the regulations to achieve the desired biosecurity outcomes.

HortNZ is supportive of developing guidance to assist carriers with implementation of the new regulations. We note that the proposed regulations do not specify any requirements for accessibility (e.g. translations, catering to those with impaired hearing or vision etc), how long before a craft's arrival in New Zealand the information must be provided or what types of biosecurity risks must be highlighted. It is critical that guidance on these topics is developed, consulted on and disseminated in a timely manner.

3. HortNZ comments on the proposed regulations

3.1. Proposals

Proposal 1

Persons in charge of a commercial craft with 20 or more passengers (excluding crew) (defined in the Amendment Act as "a large commercial craft") can either use information provided by Biosecurity New Zealand or develop their own pre-approved information.

AGREE

HortNZ is supportive of persons in charge of commercial craft having two options for sourcing the information - either using information provided by Biosecurity New Zealand or developing their own pre-approved information.

HortNZ believes that the requirement for Director-General to approve the information is a critical part of the process. The need for pre-approval will ensure consistency of messaging across craft arriving into New Zealand. Without this requirement there is the possibility that important biosecurity information could be lacking from the material developed by carriers themselves, or the information could be incorrect.

HortNZ also supports the regulations specifying that the information must be provided actively (i.e. passive provision through in-flight entertainment would not be accepted). This requirement will ensure that all passengers are exposed to the biosecurity information.

Proposal 2

Notice to the Director-General of MPI that the information has been provided to passengers would be through minor amendments to existing documents.

AGREE

HortNZ does not have a strong view on proposal 2. We do have one operational question for clarification - for marine vessels, will the Biosecurity

New Zealand inspector be able to verify this has taken place *before* passengers begin to depart the vessel?

Proposal 3

If carriers choose to provide their own biosecurity information, it must include six key elements (outlined in Table 1).

AGREE

HortNZ supports a requirement to include the following key elements in the biosecurity information that is provided:

1. What items are a biosecurity risk.
2. How these items can damage New Zealand's environment and industries.
3. How a person can dispose of the items safely.
4. How to make a biosecurity declaration.
5. Penalties if a person fails to dispose or declare an item.
6. Any additional information the Director-General deems necessary for management of biosecurity risk.

The first five elements cover the most important biosecurity messages, without overloading passengers with non-essential information.

Proposal 4

If persons in charge of a large commercial craft do not comply with the Amendment Act or regulations, they could be subject to a compliance order or an infringement fee of \$400 (individual) or \$800 (corporate).

PARTLY AGREE

HortNZ is supportive of the use of a combination of infringement notices and compliance orders to allow graduated responses depending on the level of offending. HortNZ notes that there are a range of tools at MPI's disposal to maximise compliance, ranging from criminal offences to compliance orders and infringement offences.

However, HortNZ considers that failure to provide information to passengers on large commercial craft or failure to provide information in the manner specified in the approval are more significant issues than failure to provide the Director-General notice that the information has been provided to passengers. If the information is not provided to passengers, or is the wrong information, the intent of the Biosecurity (Information for Incoming Passengers) Amendment Act is not met. We suggest that the infringement fees should be raised for the more serious breaches to signal their importance.