

An assessment of the proposal for the Chatham Islands Regional Pest Management Plan against the requirements of Sections 70 and 71 of the Biosecurity Act 1993

December 2020

Background and purpose

Chatham Islands Council has prepared a Proposal for the Chatham Islands Regional Pest Management Plan (the Proposal) under the Biosecurity Act 1993 (the Act). Section 70 of the Act outlines matters that must be set out in the Proposal. Section 71 outlines matters the Council must consider and be satisfied with when approving the Proposal. Both sections refer to requirements of the National Policy Direction (NPD).

The purpose of this report is to provide an assessment of the Proposal against the requirements of sections 70 and 71 of the Act. This includes assessment of its consistency with the NPD.

Analysis undertaken

An analysis of the Proposal was undertaken against the relevant parts of the Act and NPD to identify how requirements were met and, where necessary, documented within the Proposal or supporting analysis.

An important component of compliance with the Act is an economic analysis of the Proposal, including cost benefit analysis and consideration of various funding matters (in a similar manner to a section 32 report on a plan under the Resource Management Act). This economic analysis was undertaken by Carina Limited and is outlined in the report *Cost Benefit Analysis to support the Proposed Chatham Islands Regional Pest Management Plan, October 2020*. This report is referred to below as the “CBA Report”.

The information contained in the CBA Report is critical to meeting the requirements of the Act and the NPD. The NPD requires that this analysis be made publicly available with the Proposal (see NPD clause 6(5)).

Results of the analysis against the requirements of sections 70 and 71 of the Act are shown in table format below. Each table shows the relevant clauses of sections 70, 71 and the NPD, respectively. For each clause, a description is provided of how the requirements of the Act have been met including a reference to the relevant section of the Proposal or CBA Report. Where necessary, further commentary is given, including whether the Council can be satisfied with matters listed in the Act.

It is noted that there is considerable overlap and repetition within the requirements of sections 70, 71 and the NPD. Consequently, there is repetition in the resulting references and comments within the tables.

Conclusion

The Proposal prepared for formal consultation, together with the supporting economic analysis, complies with sections 70 and 71 of the Act and the NPD.

Table 1 - Section 70: First Step: plan initiated by the proposal

Section 70(c) of the Biosecurity Act 1993 provides that the Proposal must set out the following matters:

Section of Act	Requirement	How it is met in the Proposal? <i>[Relevant section of the Proposal with comment, where needed].</i>
70(2)(a)	The name of the person making the proposal	Section 1.1 states it is proposed by Chatham Islands Council
70(2)(b)	The subject of the proposal, which means - (i) the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or (ii) the class or description of organism proposed to be specified as a pest under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan:	Section 4.1 (list of organisms classified as pests in the Proposal), Section 6 (Pest objectives, programmes and rules).
70(2)(c)	For each subject -	
	(i) a description of its adverse effects:	Appendix 2 provides pest descriptions and adverse effects for each pest. A summary of the adverse effects is also included in Section 6.
	(ii) the reasons for proposing a plan: <i>[specific to the pest subject]</i>	The overall reasons for the Proposal are given in section 1.2. These apply to all pests within the Proposal. Appendix 2 gives a description of adverse effects for each pest which, along with the objective, methods, alternatives considered and the supporting cost benefit analysis, provides the reasons for including the pest in the plan. A summary of the reasons is also included in Sections 6.1 to 6.4.
	(iii) the objectives that the plan would have: <i>Clause 4 of the NPD provides directions on setting objectives. An assessment against these directions has been undertaken in</i>	Section 6 outlines the objectives that would be in the plan. (Also see more detailed requirements regarding objectives in NPD analysis in Table 3 of this report).

	<i>accordance with section 71 of the Act as set out in the NPD analysis table below.</i>	
	(iv) the principal measures that would be in the plan to achieve the objectives:	The principal measures to be used in the plan are outlined in section 5.3 of the Proposal and measures to be used for each pest are outlined in Section 6. The principal measures described are broad as the choice of specific tools depends upon specific circumstances such as site characteristics and willingness of land occupiers to take action.
	(v) other measures that it would be reasonable to take to achieve the objectives, if there are any such measures, and the reasons why the proposed measures are preferable as a means of achieving the objectives:	Section 6. For each objective there is an analysis of alternatives considered, including the proposed measures.
	(vi) the reasons why the plan is more appropriate than relying on voluntary actions:	Section 6 provides explanations of the alternatives considered. This includes the reasons why the Proposal and subsequent plan, is more appropriate than relying on voluntary action.
	(vii) an analysis of the benefits and costs of the plan: <i>Clause 6 of the NPD provides directions on analysing benefits and costs. An assessment against these directions has been undertaken in accordance with section 71 of the Act as set out in the table below.</i>	Section 9.2 provides a summary of the costs and benefits, with the CBA Report providing further detailed analysis of the costs and benefits.
	(viii) the extent to which any persons, or persons of a class or description, are likely to benefit from the plan:	Section 9.4 of the Proposal identifies beneficiaries and exacerbators. The extent to which they would benefit from the plan or exacerbate the problems addressed by the plan is addressed in the various places, particularly in Appendix 2 (which describes the adverse effects of each pest) and Section 9.2 (which outlines net benefits of the plan). Also see the CBA Report for more detailed analysis of costs and benefits.

	(ix) the extent to which any persons, or persons of a class or description, contribute to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan:	As for (viii) (above).
	(x) the rationale for the proposed allocation of costs: <i>Clause 7 of the NPD provides directions on proposed allocation of costs for pest management plans. An assessment against these directions has been undertaken in accordance with section 71 of the Act as set out in the table below.</i>	Section 9.5 of the Proposal outlines the cost allocation and funding rationale with further detail provided in the CBA Report.
	(xi) if it is proposed that the plan be funded by a levy under section 100L, how the proposed levy satisfies section 100L(5)(d) and what matters will be specified under section 100N(1):	Not applicable. Funding via a section 100L levy is not proposed.
	(xii) whether any unusual administrative problems or costs are expected in recovering the costs allocated to any of the persons whom the plan would require to pay the costs:	Section 9.7 explains that no unusual problems or costs are expected.
70(2)(d)	Any other organism intended to be controlled:	Section 4.2 references Unwanted Organisms that do not currently exist in the Chatham Islands.
70(2)(e)	The effects that, in the opinion of the person making the proposal, implementation of the plan would have on –	
	(i) economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga ¹ :	Section 9.3 describes these effects.

¹ Note that in the Chatham Islands context, this means the relationship of Moriori and Māori with their cultures, their traditions and their ancestral lands, waters, sites, waahi tchap'/wāhi tapu and miheke/taonga.

	(ii) the marketing overseas of New Zealand products:	Section 9.3 describes these effects.
70(2)(f)	If the plan would affect another pest management plan or a pathway management plan, how it is proposed to co-ordinate the implementation of the plans:	Section 2.2 discusses this. Coordination with other pest management plans, and pest control operations will be achieved through a process based on consultation, collaboration, and communication between the Chatham Islands Council and the relevant agency. Alternative pest management arrangements or memoranda of understanding will be developed as required.
70(2)(g)	The powers in Part 6 that it is proposed to use to implement the plan:	Section 8.1 outlines the powers to be used to implement the plan.
70(2)(h)	Each proposed rule and an explanation of its purpose:	Section 6. All rules are contained and explained in this section.
70(2)(i)	The rules, if any, that are intended to be Good Neighbour Rules: <i>Clause 8 of the NPD provides directions on Good Neighbour Rules. An assessment against these directions has been undertaken in accordance with section 71 of the Act as set out in the table below.</i>	Section 6. The rule that is intended to be a Good Neighbour Rule is clearly identified.
70(2)(j)	The rules whose contravention is proposed to be an offence under this Act:	Section 6. Each rule contains a statement that contravention of the rule creates an offence under the Act.
70(2)(k)	The management agency:	Section 3.1 of the Proposal states Chatham Islands Council will be the management agency.
70(2)(l)	The means by which it is proposed to monitor or measure the achievement of the plan's objectives:	Section 7.1 provides details on the proposed monitoring of the objectives and outcomes for each pest.
70(2)(m)	The actions that it is proposed local authorities, local authorities of a specified class or description, or specified local authorities may take to implement the plan, including contributing towards the costs of implementation:	Section 3.1 states that Chatham Islands Council, as the management agency, will use the measures described in the Proposal, in conjunction with its operational procedures, to implement the Plan. This includes the monitoring and funding pest management actions.

		No other local authorities have a requirement to act or are affected by the plan.
70(2)(n)	The basis, if any, on which the management agency is to pay compensation for losses incurred as a direct result of the implementation of the plan:	Section 3.2 states that the plan will not provide for compensation to be paid to any persons meeting their obligations through its implementation.
70(2)(o)	Information on the disposal of the proceeds of any receipts arising in the course of implementing the plan:	Section 3.2 states that should net proceeds arise, a disbursement will be paid in accordance with the s100I of the Act.
70(2)(p)	Whether the plan includes portions of road adjoining land it covers, as authorised by section 6, and, if so, the portions of road proposed to be included:	Section 3.3 outlines responsibilities in road reserves and the portions of road to which the plan applies.
70(2)(q)	The anticipated costs of implementing the plan:	Section 9, particularly 9.6, describes the anticipated costs of implementing the Plan.
70(2)(r)	How it is proposed that the costs be funded:	Section 9, particularly 9.5, outlines how the Plan will be funded.
70(2)(s)	The period for which it is proposed the plan be in force:	Section 1.4 states that the plan duration is 20 years from the date of commencement but can be revoked on an earlier date by public notice.
70(2)(t)	The consultation, if any, that has occurred on the proposal and the outcome of it:	Section 2.5 outlines consultation to date in preparing the Proposal.
70(2)(u)	Any matter that the national policy direction requires to be specified in a plan:	Refer to Table 3 of this report, regarding compliance with the NPD.
70(2)(v)	The steps that have been taken to comply with the process requirements in the NPD, if there were any.	Refer to Table 3 of this report, regarding compliance with NPD.

Table 2 – Section 71: Second step: satisfaction on requirements

Section 71 of the Biosecurity Act 1993 provides that if the Council is satisfied that section 70 has been complied with, the council may take the second step in the making of a plan, which is to consider whether the council is satisfied of the following matters:

Section of Act	Requirement	Can the Council be satisfied?
71(a)	That the Proposal is not inconsistent with -	
	(i) the national policy direction; or <i>The NPD contains the following relevant directions:</i> <i>Clause 4 – Directions on setting objectives</i> <i>Clause 5 – Directions on programme description</i> <i>Clause 6 – Directions on analysing benefits and costs</i> <i>Clause 7 – Directions on proposed allocation of costs for pest management plans</i> <i>Clause 8 – Directions on Good Neighbour Rules</i>	Yes. Section 2.3 addresses this, along with the analysis of compliance with the NPD outlined in Table 3 of this report.
	(ii) any other pest management plan on the same organism; or	Yes, see Section 2.2 of the Proposal and commentary on s70(2)(f) in Table 1 of this report.
	(iii) any pathway management plan; or	Not applicable. There are no applicable pathway management plans.
	(iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or	Yes, Section 2.2 of the Proposal discusses the relationship with RMA plans and policy statements. There are no inconsistencies.
	(v) any regulations; and	Yes. Section 2.2 of the Proposal discusses this. There are no known inconsistencies with any regulations.

71(b)	That, during the development of the proposal, the process requirements for a plan in the national policy direction, if there were any, were complied with; and	Yes, refer to NPD analysis of compliance outlined in Table 3 of this report.
71(c)	That the proposal has merit as a means of eradicating or effectively managing the subject of the proposal, which means - (i) the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or (ii) the class or description of organism proposed to be specified as a pests under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan; and	Yes, the proposal has merit as a means of eradicating or effectively managing the pests in the proposal. Preparation of the Proposal included input and review from pest management experts within and outside the Council. This included discussions with stakeholder and Crown agencies. Many of the pests within the Proposal are already managed and reported on within the Chatham Islands Pest Management Strategy 2008-2018.
71(d)	That each subject is capable of causing at some time an adverse effect on 1 or more of the following in the region: (i) economic wellbeing: (ii) the viability of threatened species of organisms: (iii) the survival and distribution of indigenous plants or animals: (iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity: (v) soil resources: (vi) water quality: (vii) human health: (viii) social and cultural wellbeing:	Yes, the adverse effects of each subject pest are outlined in the Proposal Appendix 2 and the CBA Report.

	<p>(ix) the enjoyment of recreational value of the natural environment:</p> <p>(x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga²:</p> <p>(xi) animal welfare; and</p>	
71(e)	That, for each subject, the benefits of the plan would outweigh the costs, after taking account of the likely consequences of inaction or other courses of action; and	Yes, the costs and benefits are summarised in Section 9 of the Proposal, along with alternative actions and inaction. A detailed assessment of these matters is contained with the CBA Report.
71(f)	That, for each subject, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan - <p>(i) would accrue, as a group, benefits outweighing the cost; or</p> <p>(ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and</p>	Yes. The beneficiaries and exacerbators are documented within Section 9 of the Proposal and the CBA Report, together with the overall costs and benefits of implementing the plan.
71(g)	That, for each subject, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years; and	Yes. A funding analysis is set out in section 9 of the Proposal. The anticipated costs of implementing the Proposal are outlined in section 9.6 along with proposed funding sources in section 9.5. The Council, as the management agency, would have the authority to rate and amend rates to implement the plan.
71(h)	That each proposed rule -	
	(i) would assist in achieving the plan's objectives; and	Yes. The rules provide an essential regulatory backup to ensure actions taken by landowners, the Council or other parties are effective

² Note that in the Chatham Islands context, this means the relationship of Moriori and Māori with their cultures, their traditions and their ancestral lands, waters, sites, waahi tchap'/wāhi tapu and miheke/taonga.

		and efficient. The specific reasons for each rule are provided in the explanations accompanying the rules in Section 6.
	(ii) would not trespass unduly on the rights of individuals; and	Yes. The rules are the same or similar to rules already in place in the Chatham Islands and many other areas of New Zealand. The Proposal has also undergone a legal review prior to being presented to Council. There has also been targeted consultation with key parties during development of the Proposal.
71(i)	That the proposal is not frivolous or vexatious; and	Yes.
71(j)	That the proposal is clear enough to be readily understood;	Yes, the Proposal has been carefully drafted and reviewed. It is clear and readily understood.
71(k)	That, if the council rejected a similar proposal within the last 3 years, new and material information answers the council's objection to the previous proposal.	Not applicable. Council has not considered any similar proposal in the last three years.

Table 3 – National Policy Direction (NPD) for Pest Management 2015

Section 70 of the Biosecurity Act 1993 requires the proposal to set out (among other things):

(u) any matter that the national policy direction requires to be specified in a plan;

(v) the steps that have been taken to comply with the process requirements in the national policy direction, if there were any.

Section 71 of the Biosecurity Act 1993 requires the Council to consider whether it is satisfied that the proposal is not inconsistent with the national policy direction.

Section of the NPD	Requirement	How does this meet the S70 and 71 requirements / how this is addressed in the Proposal?
4. DIRECTIONS ON SETTING OBJECTIVES - Pest Management Plan		
4(1)	For each subject in a proposal for a pest management plan, or in a pest management plan, the objectives in the plan must:	
4(1) (a)	state the particular adverse effect or effects of the subject on the matters listed in section 54(a) of the Act that the plan addresses; and	The adverse effects of each pest are described in the Proposal Appendix 2 and the relevant objectives set out in Section 6.
4(1)(b)	state the pest management intermediate outcomes that the plan is seeking to achieve, being one or more of the following intermediate outcomes: (i) "exclusion" which means to prevent the establishment of the subject that is present in New Zealand but not yet established in an area; (ii) "eradication" which means to reduce the infestation level of the subject to zero levels in an area in the short to medium term;	All pests are to be managed under programmes that seek to achieve either exclusion, eradication, progressive containment or sustained control. These outcomes are reflected in the objectives of the Proposal in Section 6.

	<p>(iii) "progressive containment" which means to contain or reduce the geographic distribution of the subject to an area over time;</p> <p>(iv) "sustained control" which means to provide for ongoing control of the subject to reduce its impacts and its spread to other properties;</p> <p>(v) "protecting values in places" which means that the subject that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place;</p>	
4(1)(c)	<p>for each applicable outcome in sub clause (1)(b)(i) to (iv), specify -</p> <p>(i) the geographic area to which the outcome applies; and</p> <p>(ii) the extent to which the outcome will be achieved (if applicable); and</p> <p>(iii) the period within which the outcome is expected to be achieved; and</p>	<p>(i) The geographic area to which the outcome applies is described in each objective, being either the Chatham Islands region, Pitt Island only, or a specified area shown on the maps contained in the Proposal Appendix 3.</p> <p>(ii) The extent to which the outcomes will be achieved under the Proposal are specified within each objective.</p> <p>(iii) The period within which outcomes are expected to be achieved are specified within each objective. Where necessary, the objectives state the outcome to be achieved in the first 10 years as required by 4(1)(f) below.</p>
4(1)(d)	<p>for the outcome in sub clause (1)(b)(v) [<i>“protecting values in places ”</i>] (if applicable), specify-</p> <p>(i) one of the following:</p> <p>(A) the geographic area to which the outcome applies (if practicable); or</p> <p>(B) a description of a place to which the outcome applies; or</p>	<p>No programmes under sub clause (1)(b)(v) are included in the Proposal.</p>

	<p>(C) the criteria for defining the place to which the outcome applies; and</p> <p>(ii) the extent to which the outcome will be achieved (if applicable); and</p> <p>(iii) the period within which the outcome is expected to be achieved; and</p>	
4(1)(e)	In relation to sub clause (1)(d)(i)(B) and (C), if a description or criteria is used to describe places to which an outcome applies, the description or criteria must give sufficient certainty, in the view of the relevant regional council (in the case of regional pest or pathway management plans) or the Minister responsible for the plan (in the case of national pest or pathway management plans), to land owners and occupiers so that they are aware that the outcome applies to them; and	Maps, rather than a description or criteria, are used to describe places.
4(1)(f)	if the period within which the pest management intermediate outcome is expected to be achieved is more than 10 years, state what is intended to be achieved in the first 10 years of the plan, or during the current term of the plan prior to next review (as applicable).	Where necessary, 5-year outcomes are provided. In many instances the outcome is on-going and applies year on year (such as preventing the spread of a containment pest).
5. DIRECTIONS ON PROGRAMME DESCRIPTION		
5(1)	<p>For each subject in a pest management plan or pathway management plan, the plan must contain one or more of the following programmes, and may not contain any other types of programmes:</p> <p>(a) "Exclusion Programme" (if applicable) in which the intermediate outcome for the programme is to prevent the establishment of the</p>	All pests are included within one of these programmes. There are no other programmes proposed.

	<p>subject, or an organism being spread by the subject, that is present in New Zealand but not yet established in an area:</p> <p>(b) "Eradication Programme" (if applicable) in which the intermediate outcome for the programme is to reduce the infestation level of the subject, or an organism being spread by the subject, to zero levels in an area in the short to medium term:</p> <p>(c) "Progressive Containment Programme" (if applicable) in which the intermediate outcome for the programme is to contain or reduce the geographic distribution of the subject, or an organism being spread by the subject, to an area over time:</p> <p>(d) "Sustained Control Programme" (if applicable) in which the intermediate outcome for the programme is to provide for ongoing control of the subject, or an organism being spread by the subject, to reduce its impacts on values and spread to other properties:</p> <p>(e) "Site-led Pest Programme" (if applicable) in which the intermediate outcome for the programme is that the subject, or an organism being spread by the subject, that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place:</p> <p>(f) for pathway management plans, if none of the programmes in subclause (a) to (e) are applicable, the plan must contain a "Pathway Programme" in which the intermediate outcome for the programme is to reduce the spread of harmful organisms.</p>	
5(2)	The specific names for programmes as set out in sub clause 5(1)(a) to (f) must be used as appropriate in all pest management plans and pathway management plans.	The Proposal uses these specific names.

5(3)	The programme selected for a subject in a plan under sub clause (1) must be consistent with the pest management intermediate outcome stated for the subject in the plan under clause 4 of this national policy direction.	The programmes are consistent with the intermediate outcomes under clause (4) (see previous comment on clause 4 above).
6. DIRECTIONS ON ANALYSING BENEFITS AND COSTS		
6(1)	<p>When determining the appropriate level of analysis of the benefits and costs of the plan for each subject for the purposes of a proposal for a pest management plan or pathway management plan, a proposer must consider:</p> <p>(a) the level of uncertainty of the impacts of the subject, or an organism being spread by the subject, and of the effectiveness of measures; and</p> <p>(b) the likely significance of the subject, or an organism being spread by the subject, or of the proposed measures, in terms of stakeholder interest and contention, and total costs of the proposed plan; and</p> <p>(c) the likely costs of the programme relative to the likely benefits; and</p> <p>(d) the level of certainty and the quality of the available data.</p>	The criteria for determining the level of analysis have been applied and are documented in Section 2.3.1 of the CBA Report.
6(2)	<p>In the proposal for a pest management plan or pathway management plan, an analysis of the benefits and costs of the plan for each subject must:</p> <p>(a) identify, and quantify (if practicable), the impacts of the proposed subject or an organism being spread by the subject; and</p> <p>(b) identify two or more options for responding to the subject or an organism being spread by the subject (one option must be either</p>	<p>The cost benefit analysis for each pest complies with these steps. The details are documented within the CBA Report and are summarised in the Proposal.</p> <p>In relation to (g), (h) and (i) the risks and, where possible, mitigation measures are described. The benefits and costs have been adjusted to take account of these.</p>

	<p>taking no action or taking the actions that would be expected in the absence of a plan); and</p> <p>(c) identify, and quantify (if practicable), the benefits of each option; and</p> <p>(d) identify, and quantify (if practicable), the costs of each option; and</p> <p>(e) state the assumptions (if any) on which the impacts, benefits and costs are based; and</p> <p>(f) be at an appropriate level of detail as determined in accordance with sub clause (1); and</p> <p>(g) take into account any risks that each option will not achieve its objective; and</p> <p>(h) identify any realistic mitigation options for the risks identified in sub clause (2)(g); and</p> <p>(i) adjust the benefits and costs for each option as appropriate to take account of sub clause (2)(g) and (h); and</p> <p>(j) clearly identify which option is preferred.</p>	<p>The Proposal summarises the options considered and clearly identifies preferred option (Proposed Objective) and outlines the reason for selecting this option.</p>
6(3)	<p>When taking into account any risks that each option will not achieve its objective under sub clause (2)(g), a proposer must consider:</p> <p>(a) the technical and operational risks of the option; and</p> <p>(b) the extent to which the option will be implemented and complied with; and</p> <p>(c) the risk that compliance with other legislation will adversely affect implementation of the option; and</p>	<p>This has been done and is documented in the CBA Report for each pest programme.</p>

	<p>(d) the risk that public or political concerns will adversely affect implementation of the option; and</p> <p>(e) any other material risk.</p>	
6(4)	<p>When taking into account any risks that each option will not achieve its objective under sub clause (2)(g), a proposer must:</p> <p>(a) for analyses where the benefits are fully quantified, either:</p> <p>(i) estimate the residual risks as a probability of success and calculate the expected benefits of the option by multiplying the benefits by the probability of success; or</p> <p>(ii) state the residual risks to the programme and calculate what the probability of success would need to be to make the expected benefits equal the costs; and</p> <p>(b) for all other analyses (where the benefits are not fully quantified):</p> <p>(i) state the residual risks to the programme and, where practicable, give an indication of likelihood and impact; and</p> <p>(ii) specify which of the benefits are most likely to be affected if the risk eventuated.</p>	<p>The analysis was undertaken in accordance with 6(4)(b), which is detailed in the CBA report. Benefits and risks are generally not fully quantified and have been discussed in qualitative terms. The risks to the programme for each pest are documented and allocated a likelihood and impact. Benefits and costs are adjusted based on risks and discussed within the analyses of each programme.</p>
6(5)	<p>The proposer of a pest management plan or pathway management plan must document the assessments made in sub clauses (1), (3) and (4) and make them publicly available with the proposal for a pest or pathway management plan.</p>	<p>The assessments are contained within the CBA Report, which will be made available with the Proposal on Chatham Islands Council website.</p>
7. DIRECTIONS ON PROPOSED ALLOCATION OF COSTS FOR PEST AND PATHWAY MANAGEMENT PLANS		

7(1)	<p>If a proposer of a pest or pathway management plan is determining an appropriate grouping of subjects, or organisms being spread by the subject, for cost allocation analysis, the proposer must consider:</p> <p>(a) whether the subjects, or organisms being spread by the subject, have similar groups of beneficiaries and exacerbators; and</p> <p>(b) whether the exacerbators have similar existing legislative responsibilities and rights; and</p> <p>(c) if applicable, whether the organisms in a proposed pest management plan are at a similar stage of infestation and whether the proposer has similar management objectives for the organisms.</p>	<p>The CBA report describes groupings. Pests have been grouped together in their proposed programmes where it is reasonable to do so, as shown in Table 3. For example, the Exclusion pests are all absent on the Chatham Islands, all have the same objective – to exclude them from the Chatham Islands – and are all delivered by the same border control intervention. Therefore, it is reasonable to group these to conduct the assessment. Where pests differ in their proposed objective, scale, and/or level of assessment, they have been assessed separately.</p>
7(2)	<p>When determining the appropriate cost allocation to be proposed for a pest management plan or pathway management plan, a proposer must:</p> <p>(a) identify and estimate the direct costs of the plan and identify the indirect costs of the plan; and</p> <p>(b) where possible, identify the beneficiaries of the plan; and</p> <p>(c) where possible, identify the active and passive exacerbators; and</p> <p>(d) determine whether the best cost allocation method is to have beneficiaries or exacerbators or a mixture of both bearing the costs of the plan and determine the appropriate cost allocation by considering all of the following matters:</p> <p>(i) the legislative responsibilities and rights of beneficiaries and exacerbators;</p>	<p>(a) The direct and indirect costs are shown in the CBA Report for each pest.</p> <p>(b) and (c) The beneficiaries and exacerbators are identified and described in Section 9 of the Proposal and CBA Report for each pest.</p> <p>(d) All these matters are addressed for each pest in Section 9 of the Proposal and the CBA Report.</p>

<p>(ii) the management objectives of the plan and the stage of infestation;</p> <p>(iii) the most effective agents to undertake the control to meet the objectives of the plan;</p> <p>(iv) if proposing that beneficiaries bear any of the costs of the plan, how much each group of beneficiaries will benefit from the plan and whether each group of beneficiaries will benefit more than the amount of costs that it is proposed that it bear;</p> <p>(v) if proposing that exacerbators bear any of the costs of the plan, how much each group of exacerbators is contributing to the problem addressed by the plan;</p> <p>(vi) the degree of urgency to make the plan;</p> <p>(vii) efficiency and effectiveness of the cost allocation method and proposed cost allocation;</p> <p>(viii) practicality of the cost allocation method and proposed cost allocation;</p> <p>(ix) administrative efficiency of the cost allocation method and proposed cost allocation;</p> <p>(x) security of funding of the cost allocation method and proposed cost allocation;</p> <p>(xi) fairness of the cost allocation method and proposed cost allocation;</p> <p>(xii) whether the proposed cost allocation is reasonable; (xiii) the parties who will bear the indirect costs of the plan;</p>	
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	(xiv) the need for any transitional cost allocation arrangements; (xv) the mechanisms available to impose the cost allocation; and	
7(e)	consider what is the best mechanism(s) to impose the cost allocation, taking into account the cost allocation method chosen, the most effective control tools and agents to undertake the control to meet the objectives of the plan, practicality, administrative efficiency, security of funding and any statutory requirements; and	All the matters listed in 7(e) have been considered in choosing the cost allocation mechanism and an overall judgement made as to which is the best mechanism. This is reflected in various parts of the Proposal, including the choice of programme, objective, principal measures and alternatives considered (see Section 6 of the Proposal) and the matters contained in section 9 of the Proposal.
7(f)	document the steps and assessments carried out under sub clause (a) to (e) and the rationale for the proposed allocation of costs and make them publicly available with the proposal for a pest or pathway management plan.	Section 9 of the Proposal outlines the rationale for the proposed allocation of costs. This is supported by the detailed analysis in the CBA Report.
8. DIRECTIONS ON GOOD NEIGHBOUR RULES		
8(1)	Before a rule can be identified as a Good Neighbour Rule in a regional pest management plan, the regional council must be satisfied of the matters in sub clause (a), (c), and (d) and must comply with the requirements in sub clause (b) and (e):	<i>The statements for this section (below) reflect the test of whether the Council can be satisfied.</i>
	(a) In the absence of the rule, the pest would spread to land that is adjacent or nearby within the life of the plan and would cause unreasonable costs to an occupier of that land.	Yes. The Council can be satisfied as the Good Neighbour Rules apply only to pests whose characteristics and ability to spread are well known.
	(b) In determining whether the pest would spread as described in sub clause (a) the regional council must consider the proximity and characteristics of the adjacent or nearby land and the biological characteristics and behaviour of the particular pest.	Yes, as above. In addition, the rules for each pest reflect the distribution of the pest and distance and speed with which it can spread.

<p>(c) The occupier of the land that is adjacent or nearby, as described in sub clause (a), is taking reasonable measures to manage the pest or its impacts.</p>	<p>Yes. The rule only applies if the adjacent occupier is undertaking control actions. In implementing the rule, inspection will determine whether such control actions are being undertaken.</p>
<p>(d) The rule does not set a requirement on an occupier that is greater than that required to manage the spread of the pest to adjacent or nearby land as described in sub clause (a).</p>	<p>The rule does not set a requirement on an occupier that would be greater than that required to manage the spread of the pest to adjacent or nearby land. The Proposal includes a 15-metre boundary clearance rule for gorse.</p> <p>The buffer approach is an economically realistic option compared to a requirement to destroy these pests across the entire property. The 15m buffer distance is a practical distance for managing the spread arising from explosive seed dispersal, transport by farm machinery between farms or stock movement across boundaries and is related to the spread characteristics of the pest.</p>
<p>(e) In determining the rules to be set to manage the costs to an occupier of land that is adjacent or nearby, of the pest spreading, the regional council must consider:</p> <p>(i) the biological characteristics and behaviour of the particular pest; and</p> <p>(ii) whether the costs of compliance with the rule are reasonable relative to the costs that such an occupier would incur, from the pest spreading, in the absence of a rule.</p>	<p>Yes, for the reasons given in (a) to (d) above. Also see Section 5 of the CBA Report which specifically address 8(c)(ii).</p>