

14 December 2023

Peter Russell

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Tēnā koe Peter

Thank you for your request to the Department of Conservation, received on 19 November 2023, in which you asked for:

What biosecurity protocols are associated with all consented activities on DOC land including, but not limited to, mining, windfall harvesting, tourism, hunting, guiding, fishing, filming, as well as biosecurity protocols associated with access through DOC land for such activities?

When were they last updated?

When are they due for review?

What National Office position is responsible for overseeing biosecurity protocols associated with consented activities?

To what extent does the Department monitor compliance with biosecurity protocols associated with all consented activities?

What are the consequences of a breach of such biosecurity protocols?

What breaches of such biosecurity protocols has the Department identified since 2018?

What action has the Department taken in response to breaches of those protocols?

We have considered your request under the Official Information Act 1982 (OIA). Your questions and our responses are listed below:

1. *What biosecurity protocols are associated with all consented activities on DOC land including, but not limited to, mining, windfall harvesting, tourism, hunting, guiding, fishing, filming, as well as biosecurity protocols associated with access through DOC land for such activities?*

The Department manages over 4000 active concessions for activities occurring on public conservation land. When applications for concessions are processed, they are subject to an effects assessment. On some occasions an effects assessment may deem it necessary to include conditions to manage biosecurity.

To manage biosecurity risks, biosecurity conditions are included in concession documents that outline the procedures concessionaires must take to prevent the spread of weeds, didymo, other freshwater pests, kauri dieback, and myrtle rust.

These include:

- inspecting all equipment to ensure there are no weeds
- ensuring construction materials are from weed free sources
- Adhering to MPI's "Check, Clean, Dry" procedure
- Sterilising equipment with products such as SteriGENE

The full text of these conditions is attached as "Attachment 1". These conditions are standardised based on the activity type; for example, all guiding concessions should include a kauri dieback provision, if there are kauri present.

For access onto pest free islands, these biosecurity procedures are required prior to accessing the land, as well as further procedures to ensure that the vessel is also free of any pest species.

In situations where the effects assessment deems further biosecurity conditions are required to manage effects appropriately, there may be instances where bespoke conditions or procedures are required. As the Department manages 4000 concession documents, it is not possible to compile every instance where this may have occurred without substantial collation and research, and therefore this aspect of your request is refused under section 18(f) of the OIA.

2. *When were they last updated?*

The concession templates which include the biosecurity conditions were last reviewed in 2022. Any required changes were made at this time. We do not have a record of the date each condition was changed.

3. *When are they due for review?*

There is no set review period. The procedures are updated on an as-needed basis to manage the effects of the concession activity. This can be proactive, such as the response to myrtle rust arriving in Aotearoa New Zealand for example, or as industry standards or Crown direction warrants such changes.

4. *What National Office position is responsible for overseeing biosecurity protocols associated with consented activities?*

The Ministry for Primary Industries (MPI) leads New Zealand's national biosecurity response, and the Department works closely with MPI when we are alerted to a conservation biosecurity threat – whether it relates to consented activity or not.

The Department's management of biosecurity protocols and consented activity is not limited to one team or individual. Relevant teams include (but are not limited to):

- Regional operations teams that monitor public conservation land and waters, including areas where consented activity occurs;
- A threats team, that manages pest, biosecurity and other threats to conservation land and waters;
- Regulatory delivery teams that manage permission applications (including concessions) and associated conditions;

- A regulatory policy team which leads operational policy and training for regulatory best practice (including policy settings for permissions conditions); and
- A National Compliance Team that leads the Department's compliance function and investigates higher risk or complex offences, including breaches of concession conditions.

5. *To what extent does the Department monitor compliance with biosecurity protocols associated with all consented activities?*

The Department has a Concession Monitoring Standard Operating Procedure (SOP) that provides guidance to all DOC staff and contractors involved in concession monitoring. This SOP is intended to ensure that the required monitoring of both the effects of the concession activity and compliance in accordance with the conditions of the contract is performed in a consistent, thorough, and safe manner.

Proactive monitoring provides the requisite assurance that contractual obligations are being met and where a contract has a biodiversity condition this is monitored.

6. *What are the consequences of a breach of such biosecurity protocols?*

Any breach of a concession term could result in a warning, suspension, or termination of the concession. Should an offence against any legislation be identified the Department could investigate that and could conclude with a warning, infringement, or prosecution.

7. *What breaches of such biosecurity protocols has the Department identified since 2018?*

The Department does not specifically hold this information, as we do not record 'breaches of biosecurity protocols' as a specific compliance outcome. As such, responding to this point would require searching through a significant volume of information to determine whether information exists, to the extent that the information requested cannot be made available without substantial collation or research. Accordingly, this point is refused pursuant to section 18(f) of the OIA.

8. *What action has the Department taken in response to breaches of those protocols?*

The Department does not specifically hold this information, as we do not record 'breaches of biosecurity protocols' as a specific compliance outcome. As such, responding to this point would require searching through a significant volume of information to determine whether information exists, to the extent that the information requested cannot be made available without substantial collation or research. Accordingly, this point is refused pursuant to section 18(f) of the OIA.

I have borne in mind section 18B of the OIA but concluded that use of this provision would not assist in this case.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) may be published on the Department's website.

If you would like to discuss this response with us, please contact Graeme Scott, Principal Investigations Officer by email to grscott@doc.govt.nz

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'Rachael Jordan', with a long horizontal line extending to the right.

Rachael Jordan
Principal Advisor, Regulatory Services
Department of Conservation
Te Papa Atawhai

Attachment 1: Biosecurity conditions for concessions

Weeds

1. The Concessionaire must take all precautions to ensure weeds are not introduced to the Land; this includes ensuring that all tyres, footwear, gaiters and packs used by the Concessionaire, its staff and clients are clean before entering the Land.

Didymo / Freshwater Pests

2. The Concessionaire must comply and ensure its clients comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at - [Check, Clean, Dry: preventing didymo and other pests | NZ Government \(mpi.govt.nz\)](https://www.mpi.govt.nz/Check-Clean-Dry-preventing-didymo-and-other-pests). The Concessionaire must regularly check this website and update their precautions accordingly.

Kauri Dieback

3. The Concessionaire must comply and ensure its clients comply with all guidelines and notices issued by the Kauri Dieback Programme (lead by Ministry of Primary Industry) to prevent and avoid the spread of the pest organism *Phytophthora taxon Agathis* (PTA) Kauri Dieback Disease as specified by the website www.kauridieback.co.nz/. The Concessionaire and clients must comply with the general guidelines and for specific concession activities the relevant guidelines as specified on www.kauridieback.co.nz/publications. The Concessionaire must update itself on these websites on a regular basis.
4. The Concessionaire must ensure that all vehicles and equipment are thoroughly cleaned of all visible soil and that footwear once cleaned is sprayed with SteriGENE (formally known as Trigene) solution before entering and when moving between areas where there are kauri. This is to reduce the potential for spread of PTA. Contact details for suppliers of SteriGENE may be obtained through the Department of Conservation.

Myrtle Rust Protocols

5. The Concessionaire must know the plants that are affected by myrtle rust and what the rust symptoms look like. This serious fungal disease only affects plants in the Myrtle (Myrtaceae) Family which includes pohutukawa, manuka, kanuka, and ramarama. See <https://www.mpi.govt.nz/protection-and-response/responding/alerts/myrtle-rust/>.
6. If the Concessionaire encounters suspected symptoms of myrtle rust, the Concessionaire must not touch it and must take the following steps:
 - (a) Call the MPI Exotic Pest and Disease Hotline immediately on 0800 80 99 66;
 - (b) Take clear photos, including the whole plant, the whole affected leaf, and a close-up of the spores/affected areas of the plant;
 - (c) Don't touch or try to collect samples as this may increase the spread of the disease;
 - (d) If accidental contact with the affected plant or rust occurs, bag clothing and wash clothes, bags and shoes as soon as possible.

Construction Conditions (General)

7. The Concessionaire must ensure that all machinery, tools and equipment used in undertaking the Concession Activity is steamed cleaned and weed free prior to being taken onto the Land.
8. The Concessionaire must ensure that all gravel and other materials used in undertaking the Concession Activity are from a weed free source.