

AN ASSESSMENT OF THE PROPOSED HAWKE'S BAY REGIONAL PEST MANAGEMENT PLAN AGAINST THE REQUIREMENTS OF SECTIONS 70 AND 71 OF THE BIOSECURITY ACT 1993

Background and purpose

Hawke's Bay Regional Council has prepared a Proposed Regional Pest Management Plan (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. 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 a cost benefit analysis and a cost allocation report. This economic analysis was undertaken by Jon Sullivan at Lincoln University, Melissa Hutchison at Wildland Consultants and Mark Mitchell at Hawke's Bay Regional Council, and is outlined in their report "Proposed Regional Pest Management Plan 2018-2038 Cost Benefit Analysis and Cost Allocation Report". This report is referred to below as the "CBA Report".

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

It is concluded that the Proposal that was 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 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 Hawke’s Bay Regional 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 declared as pests in the Proposal) and Section 6 (pest descriptions and programmes)
70(2)(c)	For each subject -	
	(i) a description of its adverse effects:	Section 6 describes the adverse effects for each pest.
	(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 (purpose). These apply to all pests within the Proposal. Section 6 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.
	(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 accordance with section 71 of the Act as set out in the NPD analysis table below.</i>	Section 6 outlines the objectives of the Proposal, that would be in the plan.
(iv) the principal measures that would be in the plan to achieve the		The principal measures to be used in the plan are outlined in section 5.3 of

	objectives:	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 landowners 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
	(viii) the extent to which any persons, or persons of a class or description, are likely to benefit from the plan:	Section 9.3 refers to the CBA Report, which 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 various places, particularly in Section 6 (which describes the effects of each pest) and within the CBA Report.
	(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 9.4 of the Proposal and the CBA Report outlines the cost allocation and funding rationale.
	(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 section100L 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 9.4 and 9.5 outline the process for collecting costs pertaining to the plan. No unusual administrative problems or costs are expected.
70(2)(d)	Any other organism intended to be controlled:	Section 4.2 addresses this, including reference to Organisms of Interest that do not currently exist in the Hawke's Bay region.
70(2)(e)	The effects that, in the opinion of the person making the proposal, implementation of the plan would have on –	
	(i) economic well-being, the environment, human health, enjoyment of the natural environment, and the relationship between Maori, their culture, and their traditions and their ancestral lands, waters, sites, wahi tapu, and taonga:	Section 2.5 covers relationship with Maori. Section 9.2 refers to the CBA Report which contains data on these impacts.
	(ii) the marketing overseas of New Zealand products:	Section 9.2 refers to the CBA Report which contains data on 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 2.3 discusses this. Neighbouring regions have some pests in their plans or strategies which are not covered in the Proposal. This reflects the nature of each region and is not regarded as an inconsistency. These neighbouring regional pest management plans are also under review. If anything becomes apparent it can be considered through submissions.

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 rules that are intended to be good neighbour rules are 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 that the Hawke's Bay Regional Council is proposed to 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 the Hawke's Bay Regional Council, as proposed to be the management agency, will use the measures described in the Proposal, in conjunction with its Biosecurity Operational Plan, to implement the Plan. This includes the monitoring and funding actions. Sections 3.3.3 and 3.3.4 refer to the requirement for territorial authorities to control pests on land they occupy and the control of pests in road reserves, respectively.
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	Section 3.2 states that should net proceeds arise, a disbursement will be paid

	the course of implementing the plan:	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 3.3.4 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 9.5 outlines the cost of implementing the Plan.
70(2)(r)	How it is proposed that the costs be funded:	Section 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 will be in force for 20 years or 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 2.6 outlines consultation to date in preparing the Proposal. The Proposal itself was prepared for public consultation and submissions.
70(2)(u)	Any matter that the national policy direction requires to be specified in a plan:	Refer to Table 3 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 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 -	

<p>(i) the national policy direction; or <i>The NPD contains the following relevant directions:</i> <i>Clause 4 – Directions on setting objectives</i></p> <p><i>Clause 5 – Directions on programme description</i> <i>Clause 6 – directions on analysing benefits and costs</i></p> <p><i>Clause 7 – Directions on proposed allocation of costs for pest management plans</i></p> <p><i>Clause 8 – Directions on Good Neighbour Rules</i></p>	<p>Yes. Section 2.4 addresses this, along with the analysis of compliance with the NPD is outlined in Table 3.</p>	
<p>(ii) any other pest management plan on the same organism; or</p>	<p>Yes, see Section 2.3 of the Proposal and commentary on s70(2)(f) in the Table 1.</p>	
<p>(iii) any pathway management plan; or</p>	<p>NA. There are no applicable pathway management plans.</p>	
<p>(iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or</p>	<p>Yes, Section 2.2.2 discusses the relationship with RMA plans and policy statements.</p>	
<p>(v) any regulations; and</p>	<p>Yes. Section 2.2 of the Proposal discusses this.</p>	
<p>71(b)</p>	<p>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</p>	<p>Yes, refer to NPD analysis of compliance outlined in Table 3.</p>

71(c)	<p>That the proposal has merit as a means of eradicating or effectively managing the subject of the proposal, which means -</p> <p>(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</p> <p>(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</p>	<p>Yes, the proposal has merit as a means of eradicating or effectively managing the pests in the proposal. The CBA Report is a strong component of this test. Preparation of the Proposal included input and review from pest management experts within and outside the Council. This included discussions with stakeholders, Crown agencies and neighbouring regional councils. Many of the pests within the Proposal are already managed and reported on within the existing Hawke's Bay Regional Pest Management Strategy.</p>
71(d)	<p>That each subject is capable of causing at some time an adverse effect on 1 or more of the following in the region:</p> <p>(i) economic wellbeing;</p> <p>(ii) the viability of threatened species of organisms;</p> <p>(iii) the survival and distribution of indigenous plants or animals;</p> <p>(iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity;</p> <p>(v) soil resources;</p> <p>(vi) water quality;</p> <p>(vii) human health;</p> <p>(viii) social and cultural wellbeing;</p> <p>(ix) the enjoyment of recreational value of the natural environment;</p> <p>(x) the relationship between Maori, their culture, and their traditions and their ancestral lands, waters, sites, wahi tapu, and taonga;</p> <p>(xi) animal welfare; and</p>	<p>Yes, the adverse effects of each subject pest is outlined in Section 6 and the CBA Report.</p>
71(e)	<p>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</p>	<p>Yes, a detailed assessment of these matters is contained with the CBA Report.</p>

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 - (i) would accrue, as a group, benefits outweighing the cost; or (ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and	Yes. A review of the beneficiaries and exacerbators is undertaken in the CBA Report, together with Section 9 which outlines 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 costs of implementing the Proposal are outlined in section 9.5 along with proposed funding sources in section 9.4. The Council, as the proposed 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 is effective 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 Hawke's Bay and many other areas of New Zealand. There has also been targeted consultation with key parties and public consultation has provided additional opportunities for any affected party to submit on this or other matters prior to the final approval.
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 the council is satisfied that the proposal is not inconsistent with the national policy direction.

Section of the NPD	Requirement	How does this meet the ss70 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 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 which seek to achieve either exclusion, eradication, progressive containment, sustained control or protecting values in places (site-led) outcomes. 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 the entire Hawke's Bay region or a specified area shown through the use of maps.</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, if not stated specifically in the Proposal, is generally the duration of the plan. 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- (i) one of the following:</p> <p>(A) the geographic area to which the outcome applies (if practicable); or</p> <p>(B) (B) a description of a place to which the outcome applies; or</p> <p>(C) the criteria for defining the place to which the outcome applies; and</p>	<p>The criteria for defining the place to which the outcome applies is outlined for the site-led programme.</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	The Proposal states that the criteria for defining areas of ecological importance are planning instruments such as the Reserves Act, QEII covenants, Hawke's Bay Biodiversity Strategy and Ecosystem Prioritisation Model.
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).	Section 7.1 outlines anticipated result. Where necessary, 10-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 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</p>	All pests are included within one of these programmes. There are no other programmes proposed.

	<p>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 (l)(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> <ul style="list-style-type: none"> (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 (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 (c) the likely costs of the programme relative to the likely benefits; and (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 the CBA Report.</p>
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> <ul style="list-style-type: none"> (a) identify, and quantify (if practicable), the impacts of the proposed subject or an organism being spread by the subject; and (b) identify two or more options for responding to the subject or an organism being spread by the subject (one option must be either taking no action or taking the actions that would be expected in the absence of a plan); and (c) identify, and quantify (if practicable), the benefits of each option; and (d) identify, and quantify (if practicable), the costs of each option; and (e) state the assumptions (if any) on which the impacts, benefits and costs are based; and (f) be at an appropriate level of detail as determined in accordance with sub clause (1); and (g) take into account any risks that each option will not achieve its objective; 	<p>The cost benefit analysis for each pest complies with these steps. The details are documented within the CBA Report.</p>

	<p>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>(d) the risk that public or political concerns will adversely affect implementation of the option; and</p> <p>(e) any other material risk.</p>	<p>Risks to success have been clearly documented in the CBA Report for each pest.</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</p>	<p>This analysis is included in the CBA Report. Pest species, where possible, were put through a medium level analysis even when the vast majority of pest programmes only triggered a low level analysis. This goes beyond what is required in the NPD.</p>

	<p>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>	
6(5)	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.	The assessments are contained within the CBA Report which must be made available with the Proposal to comply with 6(5).
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>	The phytosanitary pests were grouped together in the CBA Report and meets requirements (a) to (c). For the remaining pests the cost allocation has been analysed for each pest individually, rather than grouping subject pests. Refer to CBA Report for details on each pest.
7(2)	When determining the appropriate cost allocation to be proposed for a pest management plan or pathway management plan, a proposer must:	These matters are addressed for each pest within the CBA Report.

<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>(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</p>	
--	--

	<p>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> <p>(xiv) the need for any transitional cost allocation arrangements;</p> <p>(xv) the mechanisms available to impose the cost allocation; and</p>	
7(e)	<p>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</p>	<p>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.</p>
7(f)	<p>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.</p>	<p>Section 9 of the Proposal and the CBA Report outlines the rationale for the proposed allocation of costs.</p>
8. DIRECTIONS ON GOOD NEIGHBOUR RULES		
8(1)	<p>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):</p>	<p><i>The statements for this section (below) reflect the test of whether the Council can be satisfied.</i></p>
	<p>(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.</p>	<p>Yes. The Council can be satisfied as the good neighbour rules apply only to pests whose characteristics and ability to spread are well known.</p>

<p>(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.</p>	<p>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>
<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>Yes. The control methods are well known and able to be applied cost effectively. The Proposal also provides for occupiers to apply for an exemption.</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 please refer to the CBA Report.</p>