

NATIONAL

PEST

PLANT

ACCORD

AUGUST 2001

1. DEFINITIONS

- 1.1 The terms in this document have the same meaning as in the Biosecurity Act 1993 unless an express definition is provided or the context indicates otherwise, and:

'Accord' means this document (the National Pest Plant Accord).

'Accord list' means the list of plants that are unwanted organisms for the time being contained in the First Schedule to the accord. The accord list is a subset of the wider unwanted organisms register.

'Biosecurity department' means a department of state recognised by the responsible Minister as having responsibilities for natural and physical resources or human health for the purposes of the Biosecurity Act 1993.

'Council' means a regional council as defined in the Biosecurity Act 1993.

'MAF Biosecurity Authority' means the Ministry of Agriculture and Forestry, Biosecurity Authority.

'Pest plant' means a plant that is a risk to natural and/or physical resources or human health and may include plant species, sub-species, variants, cultivars and genetically modified variants.

'The Act' means the Biosecurity Act 1993.

'Unwanted organisms register' means the list of all unwanted organisms, including those not contained in the accord list, as maintained by MAF Biosecurity Authority.

2. PARTIES

- 2.1 The parties to the accord are those councils and biosecurity departments that have indicated, in writing to MAF Biosecurity Authority, their intention to be bound by the accord.
- 2.2 Clause 8.1 of the accord will apply to any councils or biosecurity departments seeking to become a party after 1 November 2001.

3. SCOPE

- 3.1 This accord has been developed to complement both existing and future pest management initiatives. The focus of the accord is to prevent sale, distribution, or propagation of specified pest plants. It is not intended as a wider strategy for pest management.

- 3.2 The accord list in no way reflects a difference in legal status between the accord list and other organisms on the unwanted organisms register, of which it is only a subset. Offences or prohibitions that arise in respect of unwanted organisms apply equally to all unwanted organisms, regardless of whether they are included in the accord list for the purposes of this accord.
- 3.3 Nothing in the accord will serve to limit the exercise of any powers of discretion conferred upon a chief technical officer under the Act or detract from a council or biosecurity department's authority to otherwise manage listed or non-listed plants under the Act or by any other lawful means.

4. PURPOSE

- 4.1 The purpose of the accord is to prevent the sale, distribution, or propagation, within New Zealand, of specified pest plants. It is intended as a way of building upon the initiative previously provided by the National Surveillance Pest Plant List, under which councils provided surveillance for a list of plants based on a mutual agreement to include them as pests in their respective regional pest management strategies.
- 4.2 The focus of the accord is the accord list, a list of pest plants that have been determined as unwanted organisms under the Act. This will ensure that sections 52 and 53 of the Act apply to the plants nation-wide, as opposed to applying only to certain regions dependent upon their inclusion as a pest within a regional pest management strategy. Furthermore, it removes the need for councils to analyse these plants against the criteria in sections 72 and 77 of the Act. Accordingly, there is no requirement that the plants on the accord list be included in a council's regional pest management strategy to enable enforcement of sections 52 and 53.
- 4.3 The accord clarifies the roles and obligations agreed to by the parties in relation to the plants included in the accord list.
- 4.4 The accord provides for the establishment of a technical working group to provide advice to the accord parties on amending and updating the accord list. It also provides some guidelines on how that group may operate (refer section 7 and Appendices I and II). It is anticipated that the technical working group will provide a forum for discussion on issues directly impacting upon implementation of the accord and may act as a model for further co-operation between the parties on pest management issues.
- 4.5 The accord is intended to carry the same effect as a memorandum of understanding, and is not a binding contract.

5. COSTS

- 5.1 The accord has been developed around the principle of partnership where the parties derive joint benefits. Accordingly, unless otherwise indicated or with

the consent of all parties, any costs associated with the operation of the accord lie where they fall.

6. ROLES

6.1 The following outlines the key roles to be fulfilled by the respective parties to the accord.

Councils

6.2 Councils will undertake a surveillance programme and enforce restrictions, within their regions, against the sale and/or propagation of plants contained in the accord list. As parties to the accord, councils also have a role in determining the composition of the accord list. Particular activities will include:

- a) Routine surveillance and inspection of plant nurseries and other commercial outlets where listed plants may be found (e.g., pet stores selling aquatic plants). Although the nature and frequency of inspections will be decided by individual councils, consideration must be given to ensuring that programmes are conducted in a manner that gives effect to the accord.
- b) Active enforcement of sections 52 and 53 of the Act in relation to the plants contained in the accord list.
- c) The provision of sufficient authorised persons to carry out the surveillance, inspection and enforcement programmes. Councils will, as necessary, submit recommendations for the appointment of authorised persons for the purposes of the accord to MAF Biosecurity Authority. Such applications must confirm that the applicant meets the criteria specified in the relevant competency standard and be signed by that council's principal officer.
- d) The provision of advice and information to members of the public and/or commercial interests in relation to the accord and associated surveillance, inspection and enforcement activities.
- e) Submission to MAF Biosecurity Authority no later than 30 September each year of a questionnaire on activities undertaken in relation to the accord for the previous year ending 30 June.
- f) Active participation in the technical working group, related consultation and other accord processes.
- g) Contribution to the development of identification and information packages in support of the accord.
- h) Consideration of the recommendations of the technical working group that particular unwanted organisms be included in the accord list. The process for amending the accord list is outlined in Appendix I.

Biosecurity Departments

- 6.3 Biosecurity departments and chief technical officers will maintain arrangements for the timely determination of plants as unwanted organisms (refer Appendix II). Biosecurity departments may also elect to undertake a surveillance and enforcement role where necessary to ensure an adequate level of national coverage. As parties to the accord, biosecurity departments also have a role in determining the composition of the accord list. Particular functions to be undertaken by biosecurity departments and chief technical officers include:
- a) Considering determination of certain plants as unwanted organisms.
 - b) Implementation of a system to co-ordinate any necessary appointments of authorised persons for the purposes of the accord. Appointments may be made by the responsible chief technical officer/s upon request of councils, at the chief technical officer's discretion.
 - c) The provision of advice to councils in relation to their surveillance and enforcement activities.
 - d) The discretionary provision of surveillance, enforcement, advisory and information services in regions where the relevant council is not a party to this accord.
 - e) Contribution to the development of identification and information packages in support of the accord.
 - f) Active participation in the technical working group, related consultation and other accord processes.
 - g) Considering the recommendations of the technical working group that particular unwanted organisms be included in the accord list. The process for amending the accord list is outlined in Appendix I.
- 6.4 In addition to the roles it undertakes by virtue of being part of a biosecurity department, MAF Biosecurity Authority will:
- a) Provide administrative and advisory support in establishing and operating the technical working group (including periodically providing a list of plants recently determined as unwanted organisms), and assisting with arranging and co-ordinating wider consultation.
 - b) Maintain the accord list (in conjunction with the wider unwanted organisms register) and distribute amendments to all parties to the accord.
 - c) Manage the development, collection and collation of annual questionnaires for evaluating the effectiveness of the accord. It will also distribute the questionnaires to councils by 30 June each year.

- d) Co-ordinate the development of identification and information packages in support of the accord. This will involve the creation of a plant identification booklet relating to the accord list, and information on the use of relevant provisions of the Act.
- e) Appoint authorised persons under the Act, as necessary, for the purposes of the accord (refer clause 6.2(c)).

7. WORKING GROUPS

7.1 A technical working group of between 6 and 10 people will be formed for the purposes of the accord. The group will consist of a mix of technical and policy representatives of councils, biosecurity departments, and other interested groups, such as environmental or industry groups. The technical working group will meet at least annually. The time and place for such meetings will be decided by mutual agreement of the group's members.

7.2 The roles of the technical working group will include:

- a) Providing advice and recommendations to the accord parties on amending and updating the accord list (the process for amending the accord list is outlined in Appendix I). In particular, the technical working group will:
 - i) Consider whether pest plants should be determined as unwanted organisms and entered on the accord list;
 - ii) Consider whether pest plants that are determined as unwanted organisms independently of the accord should be entered on the accord list;
 - iii) Review and develop advice on proposals from other sources for plants to be added to or removed from the accord list.
- b) Making applications, through MAF Biosecurity Authority, for plants to be determined unwanted organisms.
- c) Seeking technical advice (where necessary) and consulting with a wider consultative group (refer clauses 7.3 and 7.4) in the preparation of its advice and recommendations.

7.3 A consultative group will also be established and will consist of a representative of each council and biosecurity department, and other interested groups. Work conducted by the consultative group will be via long-distance communication as opposed to convening physical meetings.

- 7.4 The roles of the members of the consultative group will include:
- a) Individual members of the group may introduce proposals to the technical working group for plants to be added to or removed from the accord list. The member/s issuing the proposal must provide the technical working group with adequate supporting information (refer CTO criteria in Appendix II). However, the technical working group is free to examine information other than that presented by the consultative group in making its decisions.
 - b) Providing the technical working group with comments on draft advice referred to the consultative group for input.
- 7.5 Membership of both the technical working group and the consultative group will be determined by MAF Biosecurity Authority in a transparent manner and in consultation with the accord parties, based on nominations tendered by those parties.

8. AMENDMENT OF THE ACCORD

- 8.1 In the event that any council or biosecurity department is not party to the accord at its inception (refer clauses 2.1 and 2.2), it may, at any time during the life of the accord, seek to become a party by indicating its intention to do so to MAF Biosecurity Authority in writing.

Acceptance of new parties is subject to such conditions (if any) as agreed by the accord parties as at the time that the new party indicates its intention to become a signatory to the accord.

- 8.2 The accord list contained in the First Schedule will be updated by MAF Biosecurity Authority from time to time with the consent of the parties. The process for amending the accord list is outlined in Appendix I.
- 8.3 Subject to the exceptions in clauses 8.1, 8.2, 9.1(a) and 10.2, the content of this accord may be amended only with the written consent of all parties.

9. COMMENCEMENT AND TERMINATION

- 9.1 This accord will take effect from 1 October 2001 and will continue until 30 June 2006 unless:
- a) Sufficient parties to maintain the accord agree in writing to extend the term of the accord for any specified period; or
 - b) All parties agree in writing that the accord should be terminated, such termination being effective from the time that written notification of all

respective parties' intent to terminate is received by MAF Biosecurity Authority.

- 9.2 Any extension of the life of the accord under clause 9.1(a) will only apply in respect of those parties that agree to the extension.

10. REVIEW

- 10.1 A review of this accord will be coordinated by MAF Biosecurity Authority before 31 December 2005.
- 10.2 If, on the basis of such a review conducted in good faith, MAF Biosecurity Authority considers that the accord is unsustainable in light of its objectives, MAF Biosecurity Authority may terminate the accord at its discretion. In exercising this discretion, MAF Biosecurity Authority must consult with all parties to the accord as at the time of the commencement of the review.

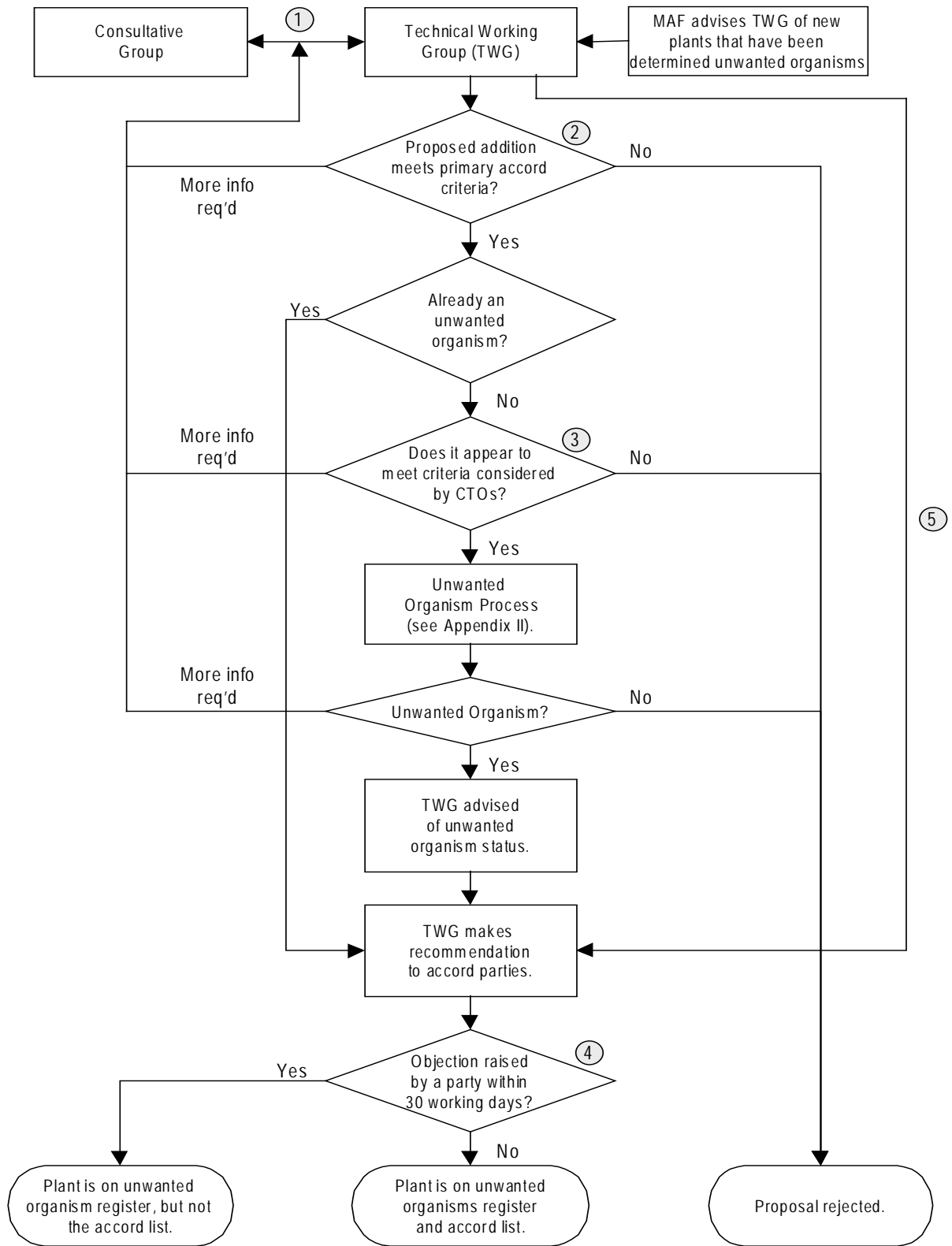
FIRST SCHEDULE

The Accord List

Scientific Name	Common Name/s
<i>Acmena smithii</i>	monkey apple
<i>Alternanthera philoxeroides</i>	alligator weed
<i>Anredera cordifolia</i>	madeira vine; mignonette vine
<i>Araujia sericifera</i>	moth plant
<i>Asparagus asparagoides</i>	smilax; bridal veil creeper
<i>Asparagus scandens</i>	climbing asparagus; ferny asparagus
<i>Bartlettina sordida</i>	bartlettina
<i>Berberis darwinii</i>	Darwin's barberry
<i>Bryonia dioica</i>	white bryony
<i>Caesalpinia decapetala</i>	Mysore thorn
<i>Calluna vulgaris</i>	heather
<i>Cardiospermum grandiflorum</i>	balloon vine
<i>Cardiospermum halicacatum</i>	small balloon vine
<i>Caulerpa taxifolia</i>	Caulerpa taxifolia
<i>Celastrus orbiculatus Thunb.</i>	climbing spindleberry; oriental bittersweet
<i>Ceratophyllum demersum</i>	hornwort
<i>Cestrum parqui</i>	green cestrum
<i>Chrysanthemoides monilifera</i> spp. <i>Monilifera</i>	bone seed
<i>Clematis vitalba</i>	old man's beard
<i>Cobaea scandens</i>	cathedral bells
<i>Cortaderia jubata</i>	purple pampas
<i>Cortaderia selloana</i>	pampas
<i>Dipogon lignosus</i>	mile-a-minute
<i>Egeria densa</i>	egeria; oxygen weed
<i>Ehrharta villosa</i>	pyp grass
<i>Eichhornia crassipes</i>	water hyacinth
<i>Equisetum arvense</i>	horsetail
<i>Equisetum hyemale</i>	rough horsetail
<i>Eragrostis curvula</i>	African love grass
<i>Erigeron karvinskianus</i>	Mexican daisy
<i>Gunnera tinctoria</i>	Chilean rhubarb
<i>Gymnocoronis spilanthoides</i>	Senegal tea
<i>Hedychium flavescens</i>	yellow ginger
<i>Hedychium gardnerianum</i>	kahili ginger
<i>Homeria collina</i>	Cape tulip
<i>Houttuynia cordata</i>	chameleon plant
<i>Hydrilla verticillata</i>	hydrilla
<i>Hydrocleys nymphoides</i>	water poppy
<i>Ipomoea indica</i>	blue morning glory
<i>Iris pseudacorus</i>	yellow flag iris
<i>Lagarosiphon major</i>	oxygen weed
<i>Lantana camara</i> var. <i>aculeata</i>	lantana
<i>Ligustrum lucidum</i>	tree privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Ludwigia peploides</i>	primrose willow
<i>Ludwigia peruviana</i>	water primrose
<i>Lythrum salicaria</i>	purple loosetrife

Scientific Name	Common Name/s
<i>Menyanthes trifoliata</i>	bog bean
<i>Myrica faya</i>	fire tree, candle-berry myrtle
<i>Myriophyllum aquaticum</i>	parrot's feather
<i>Myriophyllum spicatum</i>	Eurasian watermilfoil
<i>Najas guadalupensis</i>	southern naiad
<i>Najas marina</i>	sawtooth
<i>Nassella tenuissima</i>	Mexican feather grass
<i>Nuphar lutea</i>	yellow waterlily
<i>Nymphoides geminata</i>	entire marshwort
<i>Nymphoides peltata</i>	fringed waterlily
<i>Osmunda regalis</i>	royal fern
<i>Passiflora mixta</i>	nthn banana passionfruit; banana passionfruit
<i>Passiflora mollissima</i>	banana passionfruit
<i>Pennisetum alopecuroides</i>	Chinese pennisetum
<i>Pennisetum macrourum</i>	African feather grass
<i>Pennisetum purpureum</i>	elephant grass; Napier grass
<i>Pennisetum setaceum</i>	African fountain grass
<i>Phragmites australis</i>	phragmites
<i>Pinus contorta</i>	lodgepole pine
<i>Pistia stratiotes</i>	water lettuce
<i>Plectranthus ciliatus</i>	plectranthus
<i>Polygonum perfoliatum</i>	devil's tail tearthumb
<i>Potamogeton perfoliatus</i>	clasped pondweed
<i>Rhamnus alaternus</i>	evergreen buckthorn
<i>Sagittaria montevidensis</i>	arrowhead
<i>Sagittaria platyphylla</i>	sagittaria; delta arrowhead
<i>Sagittaria sagittifolia</i>	arrowhead; Hawaii arrowhead
<i>Salix cinerea</i>	grey willow
<i>Salvinia molesta</i>	salvinia, kariba weed
<i>Schinus terebinthifolius</i>	christmas berry
<i>Selaginella kraussiana</i>	selaginella
<i>Solanum carolinense</i>	horse nettle
<i>Solanum marginatum</i>	white-edged nightshade
<i>Sorghum halepense</i>	Johnson grass
<i>Sparganium erectum</i>	bur reed
<i>Stratiotes aloides</i>	water soldier
<i>Tradescantia fluminensis</i>	wandering jew; tradescantia
<i>Trapa natans</i>	water chestnut
<i>Tropaeolum speciosum</i>	Chilean flame creeper
<i>Tussilago farfara</i>	coltsfoot
<i>Typha domingensis</i>	southern cattail
<i>Typha latifolia</i>	great reedmace
<i>Utricularia gibba</i>	bladderwort
<i>Vallisneria gigantea</i>	eelgrass
<i>Zizania latifolia</i>	Manchurian wild rice

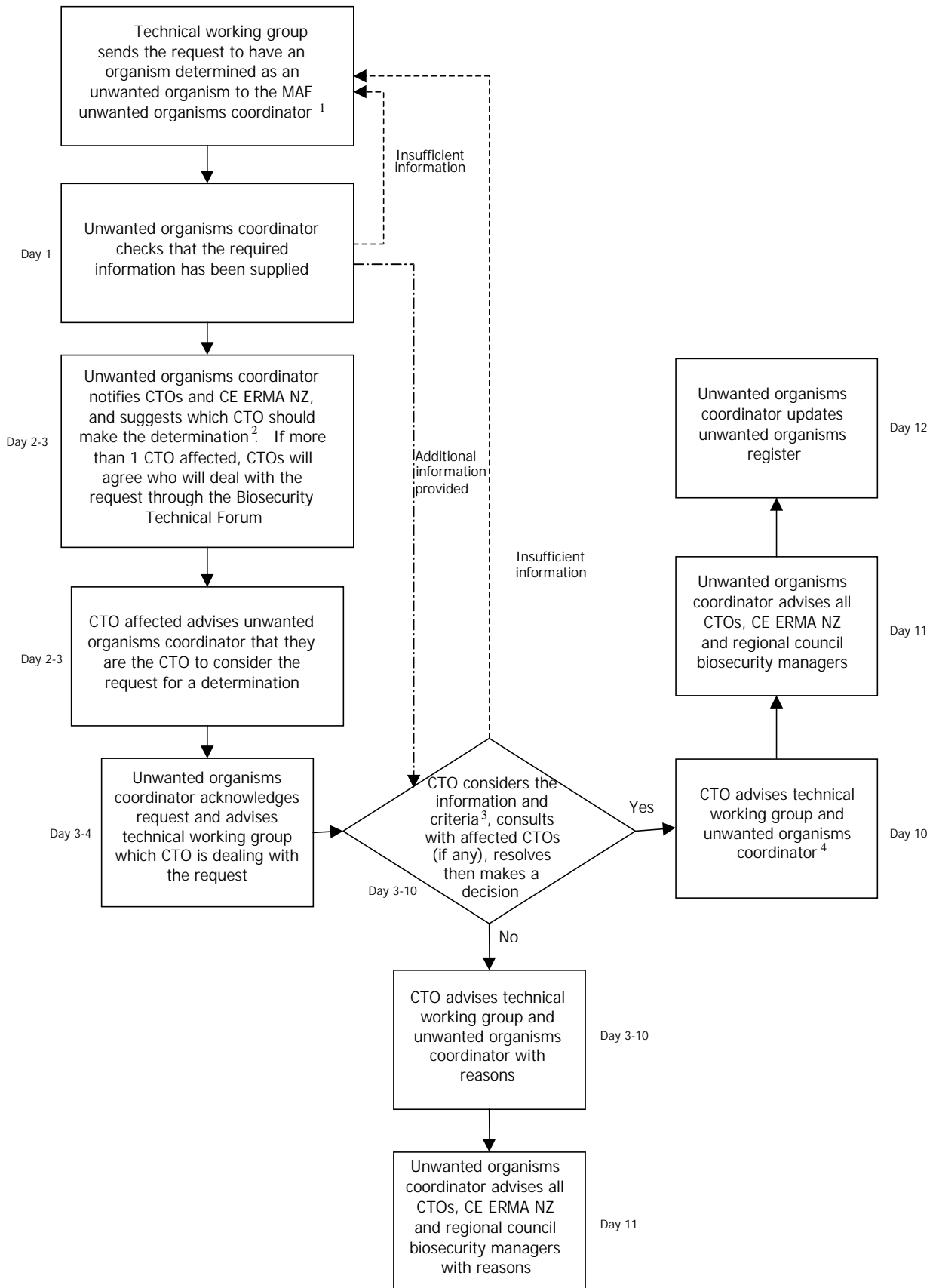
APPENDIX I: PROCESS FOR AMENDING THE ACCORD LIST



Key

1. The technical working group (TWG) will refer proposals to the consultative group for comment and may, at its discretion, seek assistance or advice from other experts. Individual members of the consultative group may make proposals to the TWG for amendments to the accord list.
2. The primary accord criteria will be whether:
 - a) The pest plant is an environmental, agricultural or human health risk; **and**
 - b) The pest plant has potential for sale, propagation or distribution; **and**
 - c) The inclusion of the pest plant in the accord list will aid in preventing the spread or introduction of that pest plant.
3. The criteria to be considered by the relevant chief technical officer (CTO) are outlined in Appendix II.
4. Parties to the accord must indicate their objection to a plant being entered on the accord list within 30 working days of the TWG recommendation (exclusive of the date of the recommendation). Objections must be made in writing to MAF Biosecurity Authority. If no objections are raised within that period, MAF Biosecurity Authority will amend the accord list in accordance with the TWG recommendation.
5. Proposals to remove plants from the accord list would proceed along this path, **however**, the primary accord criteria outlined in Note 2 (above) must be considered by the TWG in making such a recommendation.

APPENDIX II: UNWANTED ORGANISM PROCESS



Notes for above diagram

1. Suzanne Main
Unwanted Organisms Coordinator
MAF Biosecurity Authority
PO Box 2526
Wellington
Ph: 04 498 9930
Fax: 04 470 2730
email: mains@maf.govt.nz

A template for submitting requests is available on the MAF website at <http://www.maf.govt.nz/UO/request.htm>. Although designed for use by regional councils, it could also be used by the technical working group.

2. Criteria for unwanted organisms coordinator to decide which chief technical officer (CTO) should consider the request is below.
3. Criteria for CTO to make decision (ie. what the CTO needs to consider) is below.
4. The unwanted organisms coordinator acts on behalf of the Director-General of MAF. Determinations of unwanted organisms should be sent to the unwanted organisms coordinator.
 - Day=working day
 - Timeframe is indicative
 - Time count does not stop when CTOs are being consulted

Criteria for Determining Which CTO is Responsible

The CTO responsible for considering the request is the one whose area of responsibility is most affected.

What could the organism primarily harm?	CTO responsible
Animals or animal health	Director Animal Biosecurity MAF Biosecurity Authority
Plants or plant health	Director Plants Biosecurity MAF Biosecurity Authority
Forestry or forest health	Director Forest Biosecurity MAF Biosecurity Authority
Natural habitats and indigenous biodiversity	CTO-Conservation Department of Conservation
Marine environment	CTO-Fisheries Ministry of Fisheries
Human health	Director of Public Health Ministry of Health

The unwanted organisms coordinator will notify all CTOs and the Chief Executive of ERMA New Zealand that a request has been received from the regional council, and

will suggest which CTO should make the determination. CTOs will comment back to the unwanted organisms coordinator if they are concerned about the possible determination of the organism or that the incorrect CTO has been suggested.

The unwanted organisms coordinator will indicate the timeframe for providing comment and in which the request is to be considered.

What a CTO needs to Consider

1. Biosecurity Council Policy Statement on Unwanted Organisms for the Purposes of the Biosecurity Act 1993.
2. The department's policy on unwanted organisms.
3. Is the harm caused unwanted throughout New Zealand?
4. The effect of restrictions under sections 52 and 53 of the Biosecurity Act if the organism is determined to be unwanted. Restrictions on the sale, distribution, release, multiplication, propagation and breeding occur throughout New Zealand when the organism is determined unwanted. CTOs need to consider whether these restrictions apply to the organism itself, or also to host organisms.
5. Are there any permissions required under sections 52 or 53 of the Biosecurity Act to allow activities that would otherwise be prohibited (e.g., research)?
6. Does determining the organism unwanted have any affect on other control programmes?
7. Is the unwanted organism determination necessary given other statutory control options available may be more appropriate? (e.g., Wild Animal Control Act 1977, Hazardous Substances and New Organisms Act 1996)
8. Are there any authorisations needed under other statutes to enable the organism to be controlled? (e.g., Wildlife Act 1953)