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Committee Rural Services and Wairarapa
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Exemption Requests - Regional Pest Management Strategy 2002-2022

1. Purpose

To update the Committee on requests received seeking exemptions to Rules contained in the Regional Pest Management Strategy 2002-2022. Exemptions are permitted under Section 80D of the Biosecurity Act 1993.

2. Background

In recent months, staff have been investigating two exemption requests from Companies involved in the commercial aquarium trade. The Council, as the Management Agency for the Regional Pest Management Strategy 2002-22 (RPMS), have the power to grant exemptions to strategy Rules if they believe the strategy objectives will not be 'significantly prejudiced'.

In this case, the affected Rule concerns the Eradication Pest Plant, Eelgrass or *Vallisneria* spp. The strategy objectives for Eelgrass are to –

“Reduce the density of plants of Eelgrass by 80% at all known sites by 2006, and to eradicate Eelgrass from all known sites by 2011.”

The Rule for Eelgrass states –

“Occupiers in the region are required to notify Greater Wellington of the presence of Eelgrass plants, excepted twisted leaf varieties, in water bodies on land they occupy. A breach of this Rule will create an offence under Section 154(r) of the Act.”

The Council relies on sections 52 and 53 of the Biosecurity Act 1993 to prevent the sale, propagation and distribution of Eelgrass in the Region. Section 53(2)(a) of the Act also prohibits exhibition of pests such as that occurring when 'live' pests are used for commercial displays.

3. Exemption Powers

Discussions with MAF Policy staff have clarified the exemption powers of regional councils. The Council is restricted to approving exemptions, subject to being satisfied that conditions are met, on Rules contained within the Strategy.

The Council cannot exempt a party from complying with sections of the Biosecurity Act. This power is limited to the appropriate Chief Technical Officer. In the case of Eelgrass, it would likely be the Chief Plants Officer in MAF.

4. The Next Step

Council staff will communicate with the two companies involved to explain the situation. Both companies will need to contact MAF directly to apply for an exemption under the Act. The writer will also contact the Chief Technical Officer (Plants) in MAF to provide supporting information for the applications.

Following a thorough investigation of their trading activities, Council staff do not believe that the activities of the companies present a risk to the Region. Both companies have introduced Standard Operating Procedures covering the handling, transportation and disposal of Eelgrass.

5. Future Threats

The main threat to this Region concerns the ability of the public to gain free access to Eelgrass growing at Lake Wiritoa, south of Wanganui. The plant can also be sourced from the Meola Stream in Auckland. The Manawatu-Wanganui Regional Council does not have Eelgrass (*Vallisneria spiralis*) listed as a pest plant in its RPMS. Auckland Regional Council has Eelgrass listed as a Surveillance pest plant, thus prohibiting sale, propagation and distribution.

Whilst we can monitor commercial users, we have no means of restricting private use of Eelgrass for aquariums. Our biggest concern is the inappropriate disposal of Eelgrass by private users. The recent infestation controlled in the Kuripuni Stream, Masterton is thought to have commenced following the dumping of aquarium material.

6. Communication

No specific publicity is required. However, education, advice, and distribution of supporting material will continue to be key components in raising public awareness of the risks associated with Eelgrass use.

7. Recommendation

That the report be received.

Report prepared by:

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