

Desired outcome

To reduce the risk that Psa-V is spread through movement of risk items, in order to achieve objectives of the NPMP, including taking into account commercial growing, packing and cooling interests.

Background

Moving risk items (items that could harbour or contain Psa-V) between orchards or between regions can spread Psa-V with serious consequences for Growers.

Current evidence suggests that people can spread Psa-V through movement of the following risk items:

- kiwifruit budwood;
- kiwifruit rootstock, plants and any part of a kiwifruit plant used in plant propagation;
- kiwifruit flowers, flower parts and pollen;
- other kiwifruit plant material (excluding above, and including compost containing kiwifruit plant material and vine material cut out from orchards);
- kiwifruit fruit that may be contaminated with plant material (other than fruit that has been processed and packaged, whether for domestic consumption or for export);
- kiwifruit orchard infrastructure and equipment; and
- beehives.

Movement controls are required to reduce risk associated with movement of these items between orchards and between regions, consistent with the NPMP objectives. Movement controls are likely to differ across the different risk items (e.g., depending upon the nature and level of risk they pose and our ability to manage that risk) and between regions. For example, movement controls for:

- 'Exclusion regions' will focus primarily on 'in-bound' movements of risk items to keep Psa-V out of the region, and 'internal' movements in the event of an incursion to contain the situation during a response;
- 'Containment regions' will focus on controlling all movements of risk items ('in-bound', 'internal' and 'outward' movements) to limit further spread of Psa-V into and within the region, and to support any on-going disease management;
- 'Recovery regions' will focus primarily on controlling movements of risk items out of the region, primarily to prevent the spread of Psa-V to other ('Exclusion' or 'Containment') regions.

Movement controls may also change over time as new evidence becomes available, for example, where this changes our understanding of risk or provides new tools for management of risks.

NPMP and other requirements

Movement controls are one of the 'principal measures' identified in the NPMP as follows:

imposing movement controls on risk items that are, or may be, capable of contributing to the spread of Psa-V (refer to sub-clause (8)(e) of the Biosecurity (NPMP) Order 2013).

There are no rules in the NPMP relating to movement controls. Instead the NPMP states that movement controls will be managed through use of administrative powers, and specifically:

- Declaration of 'controlled areas' by exercising section 131 of the Act.
- Declaration of 'restricted places' by exercising section 130 of the Act

Controlled areas can be established by KVH to put in place movement controls that apply to geographic areas that:

- enable the limitation of the spread of any pest or unwanted organism; or

- minimise the damage caused by any pest or unwanted organism; or
- protect any area from the incursion of pests or unwanted organisms; or
- facilitate the access of New Zealand products to overseas markets; or
- monitor risks associated with the movement of organisms from parts of New Zealand the pest status of which is unknown.

When declaring a controlled area, the controlled area notice can identify movements that are ‘restricted’, ‘regulated’ or ‘prohibited’¹. KVH is able to issue permissions (either a generic permission, or a permission that applies to a specific person or persons) that allow ‘restricted’ or ‘regulated’ movements subject to any conditions that KVH determines.

The Ministry for Primary Industries chief technical officer will continue to be responsible for issuing permissions relating to ‘known use or movement of Psa-V for research purposes (including such use in both laboratories and in field trials), as well as its permitting and official assurance roles in relation to imports and exports.

Restricted places can be put in place by an authorised person to establish very targeted restrictions that apply to a specific place (for example, in the event of an incursion, such that specific requirements can be applied to a particular property or group of properties without imposing those same requirements on other orchards within the wider buffer (controlled area), and/or where there is an extreme case of non-compliance).

Where an authorised person has declared a restricted place, tight restrictions apply to movement of any materials or goods that could spread Psa-V (as specified in the notice) either into or from the place, without permission of an authorised person.

The Act specifies notification requirements that must be met by KVH or by an authorised person when declaring a controlled area or restricted place respectively, and these requirements are covered below.

Deciding on movement controls

Movement controls will be designed to achieve the NPMP objectives, including achieving the right balance between ‘preventing the spread of Psa-V’ and ‘minimising the impacts of Psa-V on kiwifruit production’. The latter includes both ‘productivity’ impacts (i.e. impact of Psa-V on orchard gate returns) and ‘control’ impacts (i.e. compliance costs associated with movement controls and other plan measures). KVH and authorised persons will need to apply sound judgement when deciding on movement controls to get this balance right.

Key considerations that KVH or an authorised person will take account of when deciding on movement controls include:

- potential to spread, or further spread, Psa-V through movements of risk items (i.e. are the movements to an area of lower infection status, and is there potential to create new infection or make the disease situation significantly worse);
- level of risk associated with the risk item (e.g., the risk associated with movement of plant material is higher than the risk associated with movement of beehives);
- availability of effective methods /tools that can be applied to reduce risk to acceptable levels;
- compliance history, and how likely it is that persons moving the risk item(s) would apply the effective methods/ tools (if the compliance history is poor, the tendency should be to apply tighter movement controls);
- practicality, including whether it is feasible and practical to implement a movement control on-orchard, in the pack-house operation, in the nursery operation etc;

¹ Prohibited, restricted and regulated are defined as:

Prohibited: Forbidden under any circumstances.

Restricted: Excluding or unavailable to certain groups.

Regulated: Controlled through a law or regulation (e.g. requiring KVH authorisation)

- vi. the need to minimise compliance costs (including impact on commercial growing, packing and cooling interests) to the extent necessary to achieve the NPMP objectives;
- vii. level of uncertainty (i.e. the level of scientific evidence or lack thereof) and the need to exercise appropriate precaution.

Low risk movements will generally be allowed, subject to being carried out in compliance with established protocols. Medium risk activities will generally be restricted or regulated, such that they may only be carried out with permission from KVH or an authorised person. High risk activities will generally be prohibited, but in extreme circumstances (e.g., where commercial impacts are high and no other reasonable options are available) may be carried out with permission from KVH or an authorised person, and strict conditions will apply.

Implementation approach for movement controls

Establishing controls

General movement controls that apply to regions, or that apply in the event of an incursion, will be established by KVH through declaring 'controlled areas', and implemented, as follows:

- Issuing a Notice of Declaration of Controlled Areas under Section 132 (2) of the Act, which will specify the areas to be declared as movement control areas, the risk items on which controls will be placed and also the specific type of region: Recovery, Containment or Exclusion;
- Issuing 'Controlled Area Notices' issued under section 131 (3) of the Act, which will specify movements that are 'restricted', 'regulated' or 'prohibited' for each of the risk items (or groupings of similar risk items where appropriate);
- Above notices will be notified by KVH in the KVH Bulletin, and otherwise as KVH considers effective and appropriate (e.g., in other industry publications or by public notice);
- KVH will provide guidance to those who need to comply with any controlled area notice by way of supporting 'movement control protocols', which will be made available on the KVH website;
- KVH will consult with those affected before making any significant changes to its movement control policies;
- Permission applications to KVH will be processed by KVH at their office in Tauranga within five working days wherever possible, (noting KVH reserves the right to extend this timeframe for complex applications or when dealing with other urgent and high priorities e.g. Response). Information on when and how to apply for a permission (including access to permission application forms, and information on when a KVH permission is required as opposed to a MPI permission) will be maintained on the KVH website (www.kvh.org.nz).

In exceptional circumstances, an authorised person may put in place targeted, site-specific restrictions by establishing a 'Restricted Place', and implement these, by:

- issuing a 'Restricted Place Notice' under section 130 (1), which will specify the boundaries of the place, and restrictions on any movement of any organism, organic material, or risk items either onto or from that place. The notice must be in a form approved by the Chief Executive of KVH;
- either serving a copy on the occupier of the place or, if an occupier cannot be found by publically by posting the notice in a visible place on the site or by public notice in the newspaper;
- permitting any movements (as above) on or off the restricted place;
- issuing specific directions for treatment or disposal of risk items, where required, through a Notice of Direction under the Act.

Restricted place notices will likely be reserved for emergency provisions, or where serious non-compliance has occurred or is likely in the view of the authorised person.

A summary of movement controls is provided in Appendix 2, and information on all current movement controls (including movement control notices) will be maintained on the KVH website at www.kvh.org.nz/movement_controls.